

TITLE 18 ZONING

Chapters:	Page
18.02 Title.....	3
18.04 General Provisions	3
18.06 Definitions.....	4
18.08 Districts Established - Map	37
18.09 Land Uses Allowed by District	38
18.10 Low Density Residential	39
18.12 Medium Density Residential	40
18.14 High Density Residential.....	42
18.16 Mixed Use Office	44
18.18 Office	46
18.20 Residential Commercial Center	47
18.22 Neighborhood Commercial Center	48
18.24 Regional Commercial	50
18.26 Regional Commercial Mixed Use	52
18.28 Tukwila Urban Center (TUC) District	53
18.30 Commercial/Light Industrial	85
18.32 Light Industrial	86
18.34 Heavy Industrial.....	87
18.36 Manufacturing Industrial Center/Light.....	88
18.38 Manufacturing Industrial Center/Heavy	89
18.40 Tukwila Valley South	90
18.41 Tukwila South Overlay District.....	91
18.42 Public Recreation Overlay	94
18.43 Urban Renewal Overlay District.....	95
18.44 Shoreline Overlay	98
18.45 Environmentally Sensitive Areas	133
18.46 PRD - Planned Residential Development.....	153
18.50 Supplemental Development Standards	156
18.52 Landscape, Recreation, Recycling/ Solid Waste Space Requirements	161
18.54 Tree Regulations	166
18.56 Off-street Parking and Loading Regulations.....	171
18.58 Wireless Communication Facilities	176
18.60 Board of Architectural Review	187
18.64 Conditional Use Permits	193
18.66 Unclassified Use Permits.....	195
18.70 Nonconforming Lots, Structures and Uses	198
18.72 Variances.....	202

18.80 Amendments to the Comprehensive Plan and Development Regulations	203
18.84 Requests for Changes in Zoning	205
18.86 Development Agreements	206
18.88 Application Fees	208
18.90 Appeals.....	208
18.96 Administration and Enforcement.....	209
18.100 Standards for approval of permits.....	210
18.104 Permit Application Types and Procedures.....	212
18.108 Decision Processes	220
18.112 Public Hearing Processes.....	221
18.116 Appeal Processes.....	223
18.120 Housing Options Program.....	224

TITLE 18 FIGURES AND TABLES (LOCATED AT THE END OF THIS SECTION):

Figure 1 Shoreline Use Matrix
Figure 2 Sample Residential Sensitive Area Site Plan Submittal
Figure 3 Building Height Exception Areas
Figure 4 Location and Measurement, Yards on Lots
Figure 5 Multi-Family Design Guideline
Figure 6 Off-Street Parking Area Dimensions
Figure 7 Required Number of Parking Spaces for Automobiles and Bicycles
Figure 8 Parking for the Handicapped
Figure 9 Commercial Redevelopment Areas in the Tukwila International Boulevard Corridor
Figure 10 City of Tukwila Zoning Map
Figure 11 Eligible Parcels for Location of Secure Community Transition Facility
Figure 12 MIC/H Parcels Ineligible for Stand-alone Office Uses
Figure 13 Housing Options Program Standards
Figure 14 Tukwila Neighborhoods
Figure 15 Tukwila International Blvd. Urban Renewal Overlay District
FIGURES 18-16 THROUGH 18-58 AND TABLES 18-1 THROUGH 18-5 ARE ASSOCIATED WITH TMC CHAPTER 18.28, TUKWILA URBAN CENTER (TUC) DISTRICT
Figure 16 Map of Districts
Figure 17 Block Face Length

- Figure 18 Corridor Definition of Terms
- Figure 19 Corridor Type Map
- Figure 20 Walkable Corridor Standards
- Figure 21 Pedestrian Walkway Corridor Standards
- Figure 22 Tukwila Pond Esplanade Standards
- Figure 23 Neighborhood Corridor Standards
- Figure 24 Urban Corridor Standards
- Figure 25 Commercial Corridor Standards
- Figure 26 Freeway Frontage Corridor Standards
- Figure 27 Workplace Corridor Standards
- Figure 28 Examples of Public Frontages
- Figure 29 Example of Building Oriented to the Street
- Figure 30 Example of Features on a Building Oriented to Street
- Figure 31 Examples of Building Orientation to Streets/Open Space Treatments
- Figure 32 Frontage Building Coverage
- Figure 33 Example of Exceeding Maximum Building Setbacks to Provide Pedestrian Space
- Figure 34 Surface Parking - Front
- Figure 35 Street Front Parking Examples
- Figure 36 Surface Parking - Side
- Figure 37 Surface Parking - Rear
- Figure 38 Example of Vertical Modulation and Horizontal Modulation
- Figure 39 Façade Articulation Example for a Mixed-Use Building
- Figure 40 Example of Articulating the Façade of a Residential Building
- Figure 41 Major Vertical Modulation Example
- Figure 42 Ground Level Transparency Requirements
- Figure 43 Examples of Percentage of Transparency Between 2-10' Along the Length of a Building Façade
- Figure 44 Display Window Example
- Figure 45 Encroachment Provisions for Building Overhangs or Weather Protection Features
- Figure 46 Illustration of the Various Side and Rear Yard Treatment Standards and Options
- Figure 47 Example of a Single Tree Planted with No Other Materials and Little Room for Viability.

- Figure 48 Using Evergreen Landscaping to Screen Utilities
- Figure 49 Examples of Landscaped Tree Wells
- Figure 50 Examples of Pedestrian Spaces
- Figure 51 Examples of Pedestrian Passages
- Figure 52 Common Open Space Examples
- Figure 53 Rooftop Garden
- Figure 54 Examples of Driveway Level with the Height of the Sidewalk
- Figure 55 Example of Not Enough Room on Site to Exit Loading Area, Resulting in Disruption of Traffic Movements
- Figure 56 Parking Lot Walkway Standards and Example
- Figure 57 Example of Good Internal Pedestrian Circulation
- Figure 58 Internal Walkway Standards and an Example Along Retail or Mixed-Use Buildings

TABLES:

- Table 1 Summary of Applicable Review Process and Standards/Guidelines
- Table 2 Tukwila Urban Center - Land Uses Allowed by District
- Table 3 District Standards
- Table 4 Provision of Open Space
- Table 5 Provision of Parking

TABLE 18-6 IS ASSOCIATED WITH TMC CHAPTER 18.09, LAND USES ALLOWED BY DISTRICT

- Table 6 Land Uses Allowed by District

CHAPTER 18.02

TITLE

CHAPTER 18.04

GENERAL PROVISIONS

Sections:

18.02.010 Short title

Sections:

18.04.010 Application of Provisions

18.04.020 Change in Existing Structure, Use or Proposed Use

18.02.010 Short Title

This title shall be known and may be cited as “The Tukwila Zoning Code.”

(Ord. 1758 §1 (part), 1995)

18.04.010 Application of Provisions

In the interpretation and application of the provisions of this title, such provisions shall be held to be the minimum requirements adopted for the promotion of the health, safety, morals, or the general welfare of the community. It is not intended by this title to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted pursuant to law, relating to the use of buildings or land, nor is it intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this title imposes a greater restriction upon the use, erection, alteration or extension of buildings, or use of land, or upon the number of square feet of lot area per family, or where the yard or building line requirements are more restrictive than the requirements imposed by such existing provision of law or ordinance, or by such rules or regulations or by such covenants or agreements, the provision of this title shall control.

(Ord. 1758 §1 (part), 1995)

18.04.020 Change in Existing Structure, Use or Proposed Use

Nothing contained in this title shall require any change in any existing building or structure or in the plan, construction or designated use of a proposed building or structure which would conform with the zoning regulations then in effect, and for which a building permit shall have been issued, and plans for which are on file in the Department of Community Development prior to the effective date of the ordinance codified in this title, and the construction of which building or structure shall have been started within twelve months of the date of such building permit and diligently prosecuted to its completion.

(Ord. 1758 §1 (part), 1995)

CHAPTER 18.06

DEFINITIONS

Sections:

18.06.005	General Definitions	18.06.140	Certified Arborist
18.06.010	Abandoned Mine Areas	18.06.142	Charging Levels
18.06.015	Access Road	18.06.143	Channel Migration Zone
18.06.017	Adaptive Management	18.06.145	Clearing
18.06.018	Adjacent	18.06.150	Clinic, Outpatient Medical
18.06.020	Adult Day Care	18.06.152	Closed Record Appeal
18.06.025	Adult Entertainment Establishments	18.06.155	Club
18.06.035	Alley	18.06.165	Comprehensive Plan
18.06.037	Amusement Device	18.06.170	Continuing Care Retirement Community
18.06.039	Ancillary Wireless Communication Facilities	18.06.173	Convalescent/Nursing Home
18.06.040	Ancillary Wireless Communication Facility	18.06.175	Cooperative Parking Facility
18.06.041	Antenna(s)	18.06.178	Correctional Institution
18.06.042	Antenna(s) Array	18.06.180	Coverage
18.06.043	Antenna(s), Flush Mounted	18.06.183	Cul-de-Sac
18.06.045	Applicant	18.06.185	Curb-Cut
18.06.048	Appurtenance	18.06.190	Dangerous Waste
18.06.050	Area, Site	18.06.195	Day Care Center
18.06.055	Areas of Potential Geologic Instability	18.06.196	Daylighting
18.06.056	Armoring	18.06.198	Dedication
18.06.058	Assisted Living Facility	18.06.200	Density Transfer
18.06.059	Bank	18.06.202	Department
18.06.060	Basement	18.06.203	Design Criteria
18.06.061	Battery Charging Station	18.06.204	Design Guidelines
18.06.062	Battery Exchange Station	18.06.205	Designated Facility Zone
18.06.063	Bed-and-Breakfast Lodging	18.06.208	Detached Zero-Lot-Line Units
18.06.064	Best Available Science	18.06.210	Development
18.06.065	Best Management Practices	18.06.215	Development Area
18.06.066	Binding Site Improvement Plan	18.06.217	Development, Shoreline
18.06.070	Bioengineering	18.06.220	Diameter/Diameter-Breast-Height (D.B.H.)
18.06.072	Block	18.06.222	Dike
18.06.073	Boarding House	18.06.225	Director
18.06.074	Brew Pub	18.06.230	District
18.06.075	Buffer	18.06.232	District, Overlay
18.06.080	Building	18.06.234	Diversion Facility
18.06.085	Building, Accessory	18.06.235	Diversion Interim Services Facility
18.06.090	Building Area	18.06.237	Dormitory
18.06.095	Building, Detached	18.06.240	Driveway
18.06.097	Building Footprint	18.06.245	Dwelling, Manufactured or Mobile Home
18.06.100	Building Height	18.06.246	Dwelling, Mobile Home
18.06.105	Building Line	18.06.247	Dwelling, Multi-Family
18.06.110	Building, Nonconforming	18.06.248	Dwelling, Single-Family
18.06.115	Building Permit	18.06.249	Dwelling Unit
18.06.118	Bulk Retail	18.06.250	Ecological/Ecosystem Functions (or Shoreline Functions)
18.06.119	Bulkhead	18.06.252	Ecosystem-Wide Processes
18.06.120	Bus Station	18.06.258	Electric Vehicle
18.06.125	Caliper	18.06.259	Electric Vehicle Charging Station
18.06.130	Canopy	18.06.260	Electric Vehicle Charging Station-Restricted
18.06.135	Canopy Cover	18.06.261	Electric Vehicle Charging Station-Public
18.06.137	Cargo Container	18.06.262	Electric Vehicle Infrastructure
		18.06.263	Electric Vehicle Parking Space
		18.06.264	Engineer, Geotechnical
		18.06.266	Engineer, Professional
		18.06.268	Engineering, Geotechnical

18.06.269	Environment Designation	18.06.495	Loading Space
18.06.270	Essential Public Facility	18.06.500	Lot
18.06.275	Essential Root Zone	18.06.505	Lot Area
18.06.280	Essential Use	18.06.510	Lot, Corner
18.06.285	Essential Street, Road, Right-of-Way or Utility	18.06.515	Lot Coverage
18.06.287	Extended-Stay Hotel or Motel	18.06.520	Lot Depth
18.06.290	Extremely Hazardous Waste	18.06.525	Lot Frontage
18.06.300	Family Child Care Home	18.06.530	Lot Lines
18.06.305	Feasible	18.06.535	Lot, Interior
18.06.310	Fence	18.06.538	Lot, Parent
18.06.315	Filling	18.06.540	Lot, Through
18.06.318	Final Plat	18.06.543	Lot, Unit
18.06.320	Fire Lane	18.06.545	Lot Width
18.06.325	Floor Area	18.06.550	Low-Impact Environment
18.06.330	Flood Plain	18.06.551	Marijuana
18.06.335	Flood Hazard Reduction	18.06.552	Marijuana Processor
18.06.338	Floodway	18.06.553	Marijuana Producer
18.06.340	Fraternal Organization	18.06.554	Marijuana Retailer
18.06.345	Garage, Private	18.06.555	Major Adjustment
18.06.353	General Retail	18.06.556	Marijuana-infused Products
18.06.355	Geologist	18.06.557	Marijuana Concentrates
18.06.365	Grade	18.06.560	Mall
18.06.370	Grading	18.06.565	Manufactured/Mobile Home Park
18.06.380	Groundcover	18.06.567	Manufacturing
18.06.385	Hazardous Substance	18.06.568	Mass Transit Facilities
18.06.390	Hazardous Substance Processing or Handling	18.06.570	Mean High Water Mark
18.06.395	Hazardous Tree	18.06.571	Mean Higher High Water (MHHW)
18.06.400	Hazardous Waste	18.06.575	Mining and Quarrying
18.06.405	Hazardous Waste Storage	18.06.580	Minor Adjustment
18.06.410	Hazardous Waste Treatment	18.06.581	Mitigation
18.06.415	Hazardous Waste Treatment and Storage Facility, Off-Site	18.06.583	Modular Home
18.06.420	Hazardous Waste Treatment and Storage Facility, On-Site	18.06.585	Motel
18.06.425	High-Impact Environment	18.06.586	Native Vegetation
18.06.430	Home Occupation	18.06.587	New Manufactured Home
18.06.435	Hospital	18.06.588	No Net Loss
18.06.440	Hotel	18.06.589	Nonconforming Use, Shoreline
18.06.445	Impervious Surface	18.06.590	Nonconforming Use
18.06.450	Infrastructure	18.06.591	Non-Water-Oriented Uses
18.06.453	Integrated Site	18.06.592	Office
18.06.454	Internet Data/Telecommunication Center	18.06.593	Open Record Appeal
18.06.460	Junk Yard	18.06.594	Open Record Hearing
18.06.465	Kennel	18.06.595	Open Space
18.06.470	Laboratory, Medical and Dental	18.06.600	Open Space Tract
18.06.472	Large Woody Debris (LWD)	18.06.605	Ordinary High Water Mark
18.06.473	Land Surveyor	18.06.607	Overwater Structure
18.06.475	Land-Altering Activity	18.06.610	Parcel
18.06.480	Land-Altering Permit	18.06.611	Park and Ride
18.06.485	Landscape Architect	18.06.613	Parking, Commercial
18.06.490	Landscaping or Landscaped Areas	18.06.615	Parking Space
18.06.492	Lease	18.06.617	Pawnbroker
18.06.493	Levee	18.06.618	Performance Bond or Guarantee
18.06.494	Levee, Minimum Profile	18.06.620	Performance Standards
		18.06.625	Person
		18.06.630	Plan

TUKWILA MUNICIPAL CODE

18.06.632	Planned Residential Development (PRD)	18.06.760	Shoreline Restoration or Ecological Restoration
18.06.633	Planning Commission	18.06.761	Shoreline Stabilization
18.06.635	Plat	18.06.767	Short Plat
18.06.636	Preliminary Plat	18.06.768	Short Subdivision
18.06.637	Principal Building	18.06.769	Short Subdivision Committee
18.06.638	Private Access Road	18.06.770	Sign
18.06.640	Property Owner	18.06.773	Significant Gap in Service, Wireless Communications
18.06.645	Protected Tree/Protected Vegetation	18.06.775	Significant Tree
18.06.650	Protection Measure	18.06.776	Significant Tree, Shoreline
18.06.651	Protective Fencing	18.06.777	Significant Vegetation Removal
18.06.655	Public Access	18.06.780	Site
18.06.656	Public Entity	18.06.785	Solid Planting
18.06.657	Public Meeting	18.06.790	Story
18.06.658	Public Right-of-Way	18.06.795	Street
18.06.659	Public Safety Communications Equipment	18.06.800	Structure
18.06.660	Rapid Charging Station	18.06.805	Structural Alteration
18.06.662	Reach	18.06.810	Studios
18.06.665	Recreation Space	18.06.813	Subdivision
18.06.670	Recreation Space, Covered	18.06.815	Substantial Construction
18.06.675	Recreation Space, Uncovered	18.06.817	Substantial Development
18.06.676	Regional Detention Facility	18.06.820	Surveyor
18.06.677	Revetment	18.06.821	Theater
18.06.680	Research and Development Facility	18.06.822	Tow Truck Operations
18.06.682	Religious Facility	18.06.823	Tower, Electrical Transmission
18.06.685	Residence	18.06.824	Tower, Guy
18.06.687	Restaurant	18.06.825	Tower, Lattice
18.06.688	Restaurant, Fast Food	18.06.826	Tower, Monopole
18.06.689	Right-of-Way	18.06.827	Tower, Wireless Communication Facility
18.06.690	Riparian	18.06.828	Tower-Mounted Facilities
18.06.691	River Channel	18.06.829	Townhouse
18.06.695	River Environment	18.06.830	Tract
18.06.696	Riverbank Analysis and Report	18.06.833	Trailer Court or Park
18.06.697	Roadway	18.06.835	Trailer, Travel
18.06.705	Screening	18.06.840	Transit Center
18.06.706	Secure Community Transitional Facility	18.06.843	Transit-Oriented Development (TOD) Housing
18.06.707	Self Storage Facility	18.06.845	Tree
18.06.708	Senior Citizen Housing	18.06.850	Tree Clearing Permit
18.06.710	Sensitive Area Buffer	18.06.855	Turbidity
18.06.715	Sensitive Area Regulated Activities	18.06.860	Understory Vegetation
18.06.720	Sensitive Areas	18.06.863	Usable Floor Area
18.06.725	Sensitive Areas Ordinance	18.06.864	Useable Marijuana
18.06.730	Sensitive Area Tract or Easement	18.06.865	Use
18.06.735	Service Station	18.06.870	Use, Accessory
18.06.740	Setbacks	18.06.875	Use, Conditional
18.06.743	Shelter	18.06.880	Use, Permitted
18.06.745	Shelter Station	18.06.885	Use, Primary or Principal
18.06.750	Shopping Center, Planned	18.06.890	Use, Unclassified
18.06.755	Shoreline	18.06.895	Unlisted Use
18.06.756	Shorelands or Shoreland Areas	18.06.900	Utilities
18.06.757	Shoreline Areas	18.06.902	Utility Pole
18.06.758	Shoreline Jurisdiction	18.06.905	Variance
18.06.759	Shoreline Modifications		

- 18.06.910 Vegetation
 - 18.06.915 Vehicles
 - 18.06.916 Warehouse
 - 18.06.917 Water Dependent
 - 18.06.918 Water Enjoyment
 - 18.06.919 Water Oriented
 - 18.06.920 Watercourse
 - 18.06.921 Water Related
 - 18.06.922 Wetland
 - 18.06.924 Wetland Edge
 - 18.06.926 Wetland or Watercourses, Constructed
 - 18.06.928 Wetland, Emergent
 - 18.06.930 Wetland, Forested
 - 18.06.934 Wetland, Scrub-Shrub
 - 18.06.936 Wireless Communication Facility
 - 18.06.937 Wireless Communication Facility,
Building-Mounted
 - 18.06.938 Wireless Communication Facility, Concealed
Facility
 - 18.06.939 Wireless Communication Facility Equipment
Enclosure
 - 18.06.940 Wireless Communication Facility Equipment
Compound
 - 18.06.941 Wireless Communication Facility, Feed Lines
or Coaxial Cables
 - 18.06.943 Wireless Telecommunication Carrier
 - 18.06.944 WRIA
 - 18.06.945 Yard
 - 18.06.950 Yard, Front
 - 18.06.955 Yard, Rear
 - 18.06.960 Yard, Second Front
 - 18.06.965 Yard, Side
-

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 in the present tense include the future, and the plural includes the singular; the word "he" or "his" shall also refer to "she" or "her," the word "shall" is always mandatory, the word "may" denotes a use of discretion in making a decision; the words "used" or "occupied" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

(Ord. 1758 §1 (part), 1995)

18.06.010 Abandoned Mine Areas

"Abandoned mine areas" means those areas directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts.

(Ord. 1758 §1 (part), 1995)

18.06.015 Access Road

"Access road" means that portion of a driveway which provides access to one or more parking lot or area, provides access to more than one property or lot, or may provide internal access from one street to another. This shall not include that portion of driveways 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)

18.06.017 Adaptive Management

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

(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

b. Any person is excluded by virtue of age from all or any part of the premises generally held open to the public where such prerecorded video tapes, disks or similar material are displayed or sold.

B. "Specified anatomical areas" means:

1. Less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state even if completely or opaquely covered.

C. "Specified sexual activities" means:

1. Acts of human masturbation, sexual intercourse or sodomy; or
2. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or
3. Human genitals in a state of sexual stimulation or arousal.

D. "Stock-in-trade" means:

1. The dollar value of all products, equipment, books, magazines, posters, pictures, periodicals, prerecorded video tapes, discs, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or
2. The number of titles of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, discs, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

(Ord. 1758 §1 (part), 1995)

18.06.035 Alley

"Alley" means a public thoroughfare or way usually having a width of not more than 20 feet which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

(Ord. 1834 §1, 1998; Ord. 1758 §1 (part), 1995)

18.06.037 Amusement Device

"Amusement device" means a structure such as a ferris wheel, roller coaster or climbing wall.

(Ord. 1815 §1, 1997)

18.06.039 Ancillary Wireless Communication Facilities

"Ancillary Wireless Communication Facilities" means any facilities, component, part, equipment, mounting hardware, feed lines, or appurtenance associated with, attached to, or a part of a tower, antenna, ancillary structures, or equipment enclosures, facilities equipment compound, and located within, above, or below the facilities equipment compound.

(Ord. 2135 §2 (part), 2006)

18.06.040 Ancillary Wireless Communication Facility

"Ancillary Wireless Communication Facility" means any form of development associated with a wireless communications facility, including but not limited to foundations, concrete slabs on grade, guy anchors, and transmission cable supports; however, specifically excluding equipment enclosures.

(Ord. 2135 §2 (part), 2006)

18.06.041 Antenna(s)

"Antenna(s)" means any exterior system of electromagnetically-tuned wires, poles, rods, reflecting disks, or similar devices used to transmit or receive electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals between terrestrial and/or orbital based points, including without limitation: directional antennas (also known as "panel" antennas) which transmit and receive radio frequency signals in a specific directional pattern of less than 360 degrees; omnidirectional antennas (also known as "whip" antennas) which transmit and receive radio frequency signals in a 360-degree radial pattern, but do not include antennas utilized specifically for television reception; and parabolic antennas (also known as "dish" antennas) which are bowl-shaped devices for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

(Ord. 2135 §2 (part), 2006)

18.06.042 Antenna(s) Array

"Antenna(s) Array" means one or more antennas and their associated ancillary facilities, which share a common attachment device, such as a mounting frame or mounting support.

(Ord. 2135 §2 (part), 2006)

18.06.043 Antennas, Flush Mounted

"Antennas, Flush Mounted" are antennas or antenna array attached directly to the face of the tower or building, such that no portion of the antenna extends above the height of the tower or building.

(Ord. 2135 §2 (part), 2006)

18.06.045 Applicant

"Applicant" means a property owner or a public agency or public or private utility which owns a right-of-way or other easement, or has been adjudicated the right to an easement pursuant to RCW 8.12.090, or any person or entity designated in writing by the property or easement owner to be the applicant for a project permit, and who requests approval for a project permit.

(Ord. 1768 §1 (part), 1996; Ord. 1758 §1 (part), 1995)

18.06.048 Appurtenance

"Appurtenance" means a structure that is necessarily connected to the use and enjoyment of a single family residence, including a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field and grading that does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark (WAC 173-27-040 (2) (g)).

(Ord. 2347 §1, 2011)

18.06.050 Area, Site

"Site area" means the total two-dimensional horizontal area within the property lines excluding external streets.

(Ord. 1758 §1 (part), 1995)

18.06.055 Areas of Potential Geologic Instability

“Areas of potential geologic instability” means those areas subject to potential landslides and/or potential seismic instabilities.

(Ord. 1758 §1 (part), 1995)

18.06.056 Armoring

“Armoring” means the control of shoreline erosion with hardened structures, such as bulkheads, sea walls, and riprap.

(Ord. 2347 §2, 2011)

18.06.058 Assisted Living Facility

“Assisted Living Facility” means a facility that is licensed by the Department of Social and Health Services pursuant to Chapter 18.20 RCW as currently defined or as may be thereafter amended. This definition does not include “diversion facility” or “diversion interim services facility.”

(Ord. 2500 §1, 2016)

18.06.059 Bank

“Bank” means the rising ground bordering a water body and forming an edge or slope.

(Ord. 2347 §3, 2011)

18.06.060 Basement

“Basement” means that portion of a building between floor and ceiling which is all or partly below grade. If the finished floor level directly above a basement is more than two feet above grade for more than 20% of the total perimeter or is twelve feet above grade as defined at any point, such basement shall be considered as a story.

(Ord. 1758 §1 (part), 1995)

18.06.061 Battery Charging Station

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles 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 §1, 2011)

18.06.062 Battery Exchange Station

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swap-able battery to enter a drive lane and exchange the depleted battery for a fully charged battery through a fully automated process that meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and is consistent with rules adopted under RCW 19.27.540.

(Ord. 2324 §2, 2011)

18.06.063 Bed-and-Breakfast Lodging

“Bed-and-breakfast” means an owner-occupied dwelling unit that contains guest rooms where lodging is provided for compensation.

(Ord. 1976 §3, 2001; Ord. 1758 §1 (part), 1995)

18.06.064 Best Available Science

“Best Available Science” means that scientific information applicable to the sensitive area prepared by appropriate local, State or Federal agencies, a qualified scientist or team of qualified scientists, which will be consistent with the criteria established in WAC 365-195-900 through WAC 365-195-925. Characteristics of a valid scientific process will be considered to determine whether information received during the permit review process is reliable scientific information. A valid scientific process includes some or all of the following characteristics:

1. Peer reviewed research or background information.
2. Study methods clearly stated.
3. Conclusions based on logical assumptions.
4. Quantitative analysis.
5. Proper context is established.
6. References are included that cite relevant, credible literature and other pertinent information.

(Ord. 2075 §1 (part), 2004)

18.06.065 Best Management Practices

“Best management practices (BMPs)” means conservation practices and management measures which serve to protect trees, including the following practices:

1. Avoiding physical damage to tree trunk, branches, foliage and roots;
2. Restricting the movement, operation, and location of construction materials and equipment to avoid the area under a tree canopy;
3. Minimizing adverse changes in drainage conditions around tree roots;
4. Minimizing adverse changes to the chemical, physical, structural, and organic characteristics of soil around tree roots;
5. Those conservation practices defined by the State of Washington Department of Agriculture, Washington State Department of Ecology, and International Society of Arborists as intended to protect trees.

(Ord. 1758 §1 (part), 1995)

18.06.066 Binding Site Improvement Plan

“Binding Site Improvement Plan” means an improvement plan processed in accordance with Chapter 17.16, which is legally binding on the land owner, his heirs, successors and assigns.

(Ord. 1834 §2 (part), 1998)

18.06.070 Bioengineering

"Bioengineering" means integrating living woody and herbaceous materials with organic (plants, wood, jute mats, coir logs, etc) and inorganic materials (rocks, soils) to increase the strength and structure of the soil along a riverbank, accomplished by a dense matrix of roots that hold the soil together. The above-ground vegetation increases the resistance to flow and reduces flow velocities by dissipating energy.

(Ord. 2347 §4, 2011)

18.06.072 Block

"Block" means a group of lots, tracts or parcels, which have been subdivided, and are entirely surrounded by highways or streets or in part by a well-defined or fixed boundary.

(Ord. 1834 §2 (part), 1998)

18.06.073 Boarding House

"Boarding house" means a residential building or use which provides housing on a short term commercial basis for tenants. The following uses are excluded: Bed and breakfast facilities, hotels and motels, extended-stay hotels or motels, shelters, and facilities which provide short- or long-term care for tenants suffering from physical, mental or other disabilities.

(Ord. 2251 §3, 2009; Ord. 1976 §12, 2001)

18.06.074 Brew Pub

"Brew pub" means a restaurant-type establishment that meets the following criteria:

1. Sells beer for consumption on site and sale in sealed containers;
2. Restaurant portion can be no larger than 8,000 square feet;
3. Produces beer in batch sizes not less than seven U.S. barrels (thirty one gallons);
4. Produces no more than 2,000 barrels of beer per year;
5. The brew house is enclosed with an air treatment system;
6. Revenue from food sales must comprise at least 60% of total business revenues

(Ord. 1814 §1, 1997)

18.06.075 Buffer

"Buffer" means an area separating two different types of uses or environments for the purpose of reducing incompatibilities between them, or reducing the potential adverse impacts of one use or environment upon the other.

(Ord. 1758 §1 (part), 1995)

18.06.080 Building

"Building" means a structure as defined in this definitions chapter. When a total structure is separated by division walls without openings, each portion so separate shall be considered a separate building.

(Ord. 1758 §1 (part), 1995)

18.06.085 Building, Accessory

"Accessory building" means a subordinate building, the use of which is incident to the use of the main building on the same lot.

(Ord. 1758 §1 (part), 1995)

18.06.090 Building Area

"Building area" means the total ground coverage of a building or structure which provides shelter, measured from the outside of its external walls or supporting members or from a point four feet in from the outside edge of a cantilevered roof.

(Ord. 1758 §1 (part), 1995)

18.06.095 Building, Detached

"Detached building" means a building surrounded on all sides by open space.

(Ord. 1758 §1 (part), 1995)

18.06.097 Building Footprint

"Building footprint" means the square footage contained within the foundation perimeter of all structures located on a lot, plus overhangs projecting in excess of 18 inches, but excluding decks less than 18 inches above grade.

(Ord. 1971 §1, 2001)

18.06.100 Building Height

"Building height" means the height of a building as calculated by the method in the Washington State Building Code.

(Ord. 1971 §2, 2001; Ord. 1758 §1 (part), 1995)

18.06.105 Building Line

"Building line" means the line of face or corner of part of a building nearest the property line.

(Ord. 1758 §1 (part), 1995)

18.06.110 Building, Nonconforming

"Nonconforming building" means a building or structure which does not conform in its construction, area, yard requirements or height to the regulations of the district in which it is located.

(Ord. 1758 §1 (part), 1995)

18.06.115 Building Permit

"Building permit" means a permit for construction in accordance with specific approved plans that are on file with the DCD.

(Ord. 1758 §1 (part), 1995)

18.06.118 Bulk Retail

"Bulk retail" is a business or store that specializes in the sale of large goods, requiring large on-site storage. Bulk retail is further distinguished by a lower trip generation rate than other retail stores, as evidenced by a traffic study or other appropriate analysis. Examples include furniture stores, appliance stores and other uses as approved by the Director.

(Ord. 1795 §1 (part), 1997)

18.06.119 Bulkhead

“Bulkhead” means vertical structures erected parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from erosion from the action of waves or currents.

(Ord. 2347 §5, 2011)

18.06.120 Bus Station

“Bus station” means a facility providing connections between buses serving different inter-city routes.

(Ord. 1758 §1 (part), 1995)

18.06.125 Caliper

“Caliper” means the American Association of Nurserymen standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be taken 6 inches above the ground.

(Ord. 1758 §1 (part), 1995)

18.06.130 Canopy

“Canopy” means an area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outer limit of a tree’s branch tips down to the ground.

(Ord. 1758 §1 (part), 1995)

18.06.135 Canopy Cover

“Canopy cover” means the cumulative areal extent of the canopy of all trees on the site.

(Ord. 1758 §1 (part), 1995)

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

“Certified arborist” means an arborist certified by the International Society of Arboriculture or National Arborist Association.

(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)

18.06.178 Correctional Institution

"Correctional institution" means public and private facilities providing for:

1. the confinement of adult offenders; or
2. the incarceration, confinement or detention of individuals arrested for or convicted of crimes whose freedom is partially or completely restricted other than a jail owned and operated by the City of Tukwila; or
3. the confinement of persons undergoing treatment for drug or alcohol addictions whose freedom is partially or completely restricted; or
4. transitional housing, such as halfway houses, for offenders who are required to live in such facilities as a condition of sentence or release from a correctional facility, except secure community transitional facilities as defined under RCW 71.09.020.

(Ord. 1991 §1, 2002; Ord. 1976 §14, 2001)

18.06.180 Coverage

"Coverage" means the percentage of the area of a lot which is built upon or used for business or commercial purposes.

(Ord. 1758 §1 (part), 1995)

18.06.183 Cul-de-Sac

"Cul-de-sac" means a street having one end open to traffic and being terminated at the other end by a circular vehicular turn-around.

(Ord. 1834 §2 (part), 1998)

18.06.185 Curb-Cut

"Curb-cut" means a depression in the roadside curb for driveway purposes which provides access to a parking space on private premises from a public street.

(Ord. 1758 §1 (part), 1995)

18.06.190 Dangerous Waste

"Dangerous waste" means those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous waste.

(Ord. 1758 §1 (part), 1995)

18.06.195 Day Care Center

"Day care center" means a state licensed agency which regularly provides care for a group of children during part of the 24-hour day.

(Ord. 1758 §1 (part), 1995)

18.06.196 Daylighting

"Daylighting" means removing piped sections of a watercourse to create open channels for watercourse conveyance.

(Ord. 2075 §1 (part), 2004)

18.06.198 Dedication

"Dedication" means a deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

(Ord. 1834 §2 (part), 1998)

18.06.200 Density Transfer

"Density transfer" means a percentage number which represents a credit for housing units which are not allowed to be built in wetlands, watercourses or their buffers. The density transfer is used in a formula for determining the number of residential units allowed on the buildable portion of a lot containing wetlands, watercourses and their buffers.

(Ord. 1758 §1 (part), 1995)

18.06.202 Department

"Department" means the Department of Community Development.

(Ord. 1768 §1 (part), 1996)

18.06.203 Design Criteria

“Design criteria” explains mandatory design requirements for development proposals subject to design review. They are the decision criteria by which the Board of Architectural Review or DCD Director decides whether to approve, condition or deny a project.

(Ord. 2235 §3 (part), 2009; Ord. 1865 §1, 1999)

18.06.204 Design Guidelines

“Design guidelines” consist of advisory or recommended descriptions and illustrations that augment each design criteria, and provide guidance to the project applicant developing the project, to City staff in reviewing a project proposal, and to the Board of Architectural Review or DCD Director in determining whether the project meets the design criteria.

(Ord. 2235 §4 (part), 2009; Ord. 1865 §2, 1999)

18.06.205 Designated Facility Zone

“Designated facility zone” means a zoning district in which hazardous waste treatment and storage facilities are allowed uses, subject to the State siting criteria designated in RCW 70.105.

(Ord. 1758 §1 (part), 1995)

18.06.208 Detached Zero-Lot-Line Units

“Detached zero-lot-line units” means a development pattern of detached dwelling units constructed immediately adjacent to one side lot line (i.e., no side yard setback), coupled with an easement on the adjacent lot in order to maintain separation between structures. The easement will provide access rights for maintenance purposes, and help preserve privacy and usable yard space.

(Ord. 2199 §5, 2008)

18.06.210 Development

“Development” means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure that requires a building permit.

(Ord. 1758 §1 (part), 1995)

18.06.215 Development Area

“Development area” means the impervious surface area less the following surfaces: the footprint of an exclusive recreational facility; a proportion of a recreational facility footprint when contained within a general use building as follows: the portion of the footprint area occupied by a recreational facility divided by the number of floors in that portion of the building; vehicle circulation aisles between separate parking areas; sidewalks; paths; and other pedestrian/recreation facilities clearly designed to enhance the pedestrian environment.

(Ord. 1758 §1 (part), 1995)

18.06.217 Development, Shoreline

“Development, shoreline” means, when conducted within the Shoreline Jurisdiction on shorelands or shoreland areas as

defined herein, a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; construction of bulkheads; driving of piling; placing of obstructions; or any project of a permanent or temporary nature that interferes with the normal public use of the waters overlying lands subject to the Shoreline Management Act at any stage of water level.

(Ord. 2347 §8, 2011)

18.06.220 Diameter/Diameter-Breast-Height (d.b.h.)

“Diameter/diameter-breast-height” (d.b.h.) means the diameter of any tree trunk, measured at 4.5 feet above average grade.

(Ord. 1758 §1 (part), 1995)

18.06.222 Dike

“Dike” means an embankment or structure built in the river channel to contain or redirect flow within the channel and prevent shoreline destabilization.

(Ord. 2347 §7, 2011)

18.06.225 Director

“Director” means the Director of the Department of Community Development.

(Ord. 1758 §1 (part), 1995)

18.06.230 District

“District” means an area or district accurately defined as to boundaries and location on the official zoning map (*Figure 18-10*) and within which district only certain types of land uses are permitted.

(Ord. 1758 §1 (part), 1995)

18.06.232 District, Overlay

“District, overlay” means a set of zoning requirements that is described in the title text, mapped, and is imposed in addition to those of the underlying district

(Ord. 1758 §1 (part), 1995)

18.06.234 Diversion Facility

“Diversion facility” is a facility that provides community crisis services, which diverts people from jails, hospitals or other treatment options due to mental illness or chemical dependency, including those facilities that are considered “Triage facilities” under RCW 71.05.020 (43) and those facilities licensed as crisis stabilization units by the State of Washington.

(Ord. 2353 §2, 2011; Ord. 2287 §1, 2010)

18.06.235 Diversion Interim Services Facility

"Diversion interim services facility" is a facility that provides interim or respite services, such as temporary shelter, medical mental health treatment, case management or other support options such as transportation arrangements for patients who are referred to such a facility from a diversion facility.

(Ord. 2287 §2, 2010)

18.06.237 Dormitory

"Dormitory" means a residential building or use which provides housing for students attending an affiliated school or housing for members of a religious order. Dormitories may include kitchens, cafeterias, meeting rooms, laundry rooms and other accessory facilities to serve the residents of the facility.

(Ord. 1976 §15, 2001)

18.06.240 Driveway

"Driveway" means a private road giving access from a public way to a building or abutting grounds.

(Ord. 1758 §1 (part), 1995)

18.06.245 Dwelling, Manufactured Home or Mobile Home

"Manufactured home dwelling" means a single-family dwelling required to be built in accordance with the regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974

(Ord. 2097 §1, 2005; Ord. 1758 §1 (part), 1995)

18.06.246 Dwelling, Mobile Home

"Dwelling, mobile home" means a factory-built dwelling constructed before June 15, 1976, to standards other than the National Manufactured Housing Construction and Safety Standards Act of 1974 and acceptable under applicable State codes in effect at the time of construction or introduction of the home into this state.

(Ord. 2097 §1, 2005)

18.06.247 Dwelling, Multi-Family

"Multi-family dwelling" means a building designed to contain two or more dwelling units. Duration of tenancy in multi-family dwellings is not less than one month.

(Ord. 1976 §4, 2001; Ord. 1758 §1 (part), 1995)

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 one accessory dwelling unit.

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

18.06.249 Dwelling Unit

"Dwelling unit" means the whole of a building or a portion thereof providing complete housekeeping facilities for a group of individuals living together as a single residential community, with common cooking, eating and bathroom facilities, other than transitory housing or correctional facilities as defined in this code, which is physically separated from any other dwelling units which may be in the same structure.

(Ord. 1976 §7, 2001; Ord. 1758 §1 (part), 1995)

18.06.250 Ecological/Ecosystem Functions (or Shoreline Functions)

"Ecological/ecosystem functions (or shoreline functions)" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200 (2)(c).

(Ord. 2347 §9, 2011)

18.06.252 Ecosystem-Wide Processes

"Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

(Ord. 2347 §10, 2011)

18.06.258 Electric vehicle

"Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

(Ord. 2324 §4, 2011)

18.06.259 Electric Vehicle Charging Station

"Electric vehicle charging station" means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

(Ord. 2324 §5, 2011)

18.06.260 Electric Vehicle Charging Station-Restricted

"Electric vehicle charging station—restricted" means an electric vehicle charging station that is (1) privately owned and has restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

(Ord. 2324 §6, 2011)

18.06.261 Electric Vehicle Charging Station-Public

“Electric vehicle charging station—public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

(Ord. 2324 §7, 2011)

18.06.262 Electric Vehicle Infrastructure

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(Ord. 2324 §8, 2011)

18.06.263 Electric Vehicle Parking Space

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

(Ord. 2324 §9, 2011)

18.06.264 Engineer, Geotechnical

“Geotechnical engineer” means a professional engineer who can document at least four years of employment as a professional engineer in the field of geotechnical engineering.

(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.06.266 Engineer, Professional

“Professional engineer” means an engineer licensed in the State of Washington.

(Ord. 2075 §1 (part), 2004)

18.06.268 Engineering, Geotechnical

“Geotechnical engineering” means the application of civil engineering technology that combines the basic physical sciences, geology and pedology, with hydraulic, structural, transportation, construction, and mining engineering as each relates to the natural materials found at or near the earth’s surface (soils and rock). Geotechnical engineering includes:

1. Soils mechanics: kinematics, dynamics, fluid mechanics, and mechanics of material applied to soils in order to build with or on soils.

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)

18.06.275 Essential Root Zone

“Essential root zone” means the area located on the ground between the tree trunk and 10 feet beyond the canopy.

(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)

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

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

(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.

(Ord. 1758 §1 (part), 1995)

18.06.300 Family Child Care Home

"Family child care home" means a "family day-care provider" as defined in RCW 74.15.020: a state-licensed facility in the family residence of the licensee providing regularly scheduled care for 12 or fewer children, including children who reside at the home, within an age range of birth through 11 years, exclusively for periods less than 24 hours per day. An off-street parking space shall be made available for any non-resident employee.

(Ord. 1976 §10, 2001; Ord. 1758 §1 (part), 1995)

18.06.305 Feasible

"Feasible" means, for the purpose of the Shoreline Master Program, that an action such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar 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)

18.06.310 Fence

"Fence" means a wall or barrier for the purpose of enclosing space, separating parcels of land or acting as a screen or protective barrier.

(Ord. 1758 §1 (part), 1995)

18.06.315 Filling

"Filling" means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, natural vegetative covering of soil surface, or fill material (including temporary stockpiling of fill material).

(Ord. 1758 §1 (part), 1995)

18.06.318 Final Plat

"Final plat" means the final drawing of the subdivision and dedication prepared for filing for record with the Department of Records and Elections, and containing all elements and requirements set forth in the subdivision code.

(Ord. 1834 §2 (part), 1998)

18.06.320 Fire Lane

"Fire lane" means an aisle, lane or roadway on an improved site which is designed, constructed and required for emergency access of fire and aid unit vehicles.

(Ord. 1758 §1 (part), 1995)

18.06.325 Floor Area

"Floor area" means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior walls and from the centerline of divisions walls. Floor area includes basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of 7 feet 6 inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches, and malls. Floor area shall not include accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than 7 feet 6 inches, exterior steps or stairs, terraces, breezeways and open spaces.

(Ord. 1758 §1 (part), 1995)

18.06.330 Flood Plain

"Flood plain" means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year (synonymous with 100-year flood plain). The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Shoreline Management Act.

(Ord. 2347 §13, 2011)

18.06.335 Flood Hazard Reduction

“Flood hazard reduction” means actions taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures such as dikes and levees intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

(Ord. 2347 §14, 2011)

18.06.338 Floodway

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(Ord. 2347 §15, 2011)

18.06.340 Fraternal Organization

“Fraternal organization” means a group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

(Ord. 1758 §1 (part), 1995)

18.06.345 Garage, Private

“Private garage” means sheltered or enclosed space designed and used for the storage of motor vehicles or boats of the residents of the premises.

(Ord. 1758 §1 (part), 1995)

18.06.353 General Retail

“General retail” is a business or a store which engages in the sale of goods and/or services to the general public. Examples include department stores and personal service shops.

(Ord. 1795 §1 (part), 1997)

18.06.355 Geologist

“Geologist” means a person licensed to practice as a geologist in the State of Washington who has earned a degree in geology, engineering geology, hydrogeology or one of the related geological sciences from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.

(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.06.365 Grade

“Grade” (adjacent ground elevation) means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line, if it is less than five feet distant from said wall. In case walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

(Ord. 1758 §1 (part), 1995)

18.06.370 Grading

“Grading” means activity that results in change of the cover or topography of the earth, or any activity that may cause erosion, including clearing, excavation, filling and stockpiling.

(Ord. 2347 §16, 2011; Ord. 1758 §1 (part), 1995)

18.06.380 Groundcover

“Groundcover” means trees, shrubs and any other plants or natural vegetation which covers or shades in whole or in part the earth’s surface.

(Ord. 1758 §1 (part), 1995)

18.06.385 Hazardous Substance

“Hazardous substance” means any liquid, solid, gas or sludge, including any material, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as defined by WAC 173-303.

(Ord. 1758 §1 (part), 1995)

18.06.390 Hazardous Substance Processing or Handling

“Hazardous substance processing or handling” means the use, storage, manufacture, production, or other land use activity involving hazardous substances. Hazardous substances processing and handling activities do not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container.

(Ord. 1758 §1 (part), 1995)

18.06.395 Hazardous Tree

“Hazardous tree” means a tree with a structural defect or disease, or which impedes safe vision or traffic flow, or otherwise currently poses a threat to life or property.

(Ord. 1758 §1 (part), 1995)

18.06.400 Hazardous Waste

“Hazardous waste” means and includes all waste as defined in this definitions chapter and all extremely hazardous waste as defined in this definitions chapter.

(Ord. 1758 §1 (part), 1995)

18.06.405 Hazardous Waste Storage

“Hazardous waste storage” means the holding of hazardous waste for a temporary period. Accumulation of waste on the site of generation is not storage as long as the storage complies with applicable requirements of WAC 173-303.

(Ord. 1758 §1 (part), 1995)

18.06.410 Hazardous Waste Treatment

"Hazardous waste treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes non-dangerous or less dangerous, safer for transport, or amenable for energy or material resource recovery.

(Ord. 1758 §1 (part), 1995)

18.06.415 Hazardous Waste Treatment and Storage Facility, Off-Site

"Off-site hazardous waste treatment and storage facility" means the treatment and storage of hazardous wastes from generators on properties other than that on which the off-site facility is located.

(Ord. 1758 §1 (part), 1995)

18.06.420 Hazardous Waste Treatment and Storage Facility, On-Site

"On-site hazardous waste treatment and storage facility" means the treatment and storage of hazardous wastes generated on the same site.

(Ord. 1758 §1 (part), 1995)

18.06.425 High-Impact Environment

"High-impact environment" means the area between the low-impact environment and a point 200 feet landward from the mean high water mark.

(Ord. 1758 §1 (part), 1995)

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.

(Ord. 1974 §11, 2001; Ord. 1758 §1 (part), 1995)

18.06.435 Hospital

"Hospital" means a building requiring a license pursuant to Chapter 70.41 RCW and used for the medical and surgical diagnosis, treatment and housing of persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes, diversion facility/diversion interim services facility and outpatient medical clinics are not included.

(Ord. 2287 §5, 2010; Ord. 1758 §1 (part), 1995)

18.06.440 Hotel

"Hotel" means a building, or buildings or portion thereof, the units of which are used, rented or hired out as sleeping accommodations only for the purpose of transitory housing. Hotel rooms shall have their own private toilet facilities, and may or may not have their own kitchen facilities. Hotels shall not include dwelling units, as defined in this section, for permanent occupancy. A central kitchen, dining room and accessory shops and services catering to the general public can be provided. No room may be used by the same person or persons for a period exceeding thirty (30) calendar days per year. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

(Ord. 2251 §5, 2009; Ord. 1758 §1 (part), 1995)

18.06.445 Impervious Surface

"Impervious surface" means those hard surfaces which prevent or retard the entry of water into the soil in the manner that such water entered the soils under natural conditions prior to development; or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Such surfaces include, but are not limited to, rooftops, asphalt or concrete paving, compacted surfaces or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

(Ord. 1758 §1 (part), 1995)

18.06.450 Infrastructure

"Infrastructure" means the basic installations and facilities on which the continuance and growth of a community depend, such as roads, public buildings, schools, parks, transportation, water, sewer, surface water and communication systems.

(Ord. 1758 §1 (part), 1995)

18.06.453 Integrated Site

“Integrated site” means a commercial or industrial zoned property for which a Binding Site Improvement Plan is being or has been approved and recorded. The site typically contains within it multiple tracts of land under separate leasehold or ownership, but functions as a single center. Characteristics of an integrated site includes commonly shared access, parking, utilities, signage and landscaping; the site is not bisected by a public or private street; and zoning and sign regulations are applied to the entire site, as if there were no interior property lines.

(Ord. 1834 §2 (part), 1998)

18.06.454 Internet Data/Telecommunication Center

“Internet data/telecommunication center” means a secure, climate-controlled facility with emergency backup power that contains internet data transmission and switching equipment and/or telecommunication transmission and switching equipment. This equipment may include computer network routers, switches and servers for one or more companies.

(Ord. 1974 §1, 2001)

18.06.460 Junk Yard

“Junk yard” means a lot, land or structure, or part thereof, used for the collection, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging and sale of parts of machinery or vehicles not in running condition.

(Ord. 1758 §1 (part), 1995)

18.06.465 Kennel

“Kennel” means a place where four or more dogs or cats or any combination thereof are kept.

(Ord. 1758 §1 (part), 1995)

18.06.470 Laboratory, Medical and Dental

“Medical or dental laboratory” means premises devoted to sample testing or product development in any branch of medicine or dentistry, including the application of scientific principles in testing, analysis, or preparation of drugs, chemicals or other products or substances but specifically excluding the commercial manufacturing or storage and distribution operations in excess of 20,000 square feet of floor area.

(Ord. 1758 §1 (part), 1995)

18.06.472 Large Woody Debris (LWD)

“Large Woody Debris (LWD)” means whole trees with root wads and limbs attached, cut logs at least 4 inches in diameter along most of their length, root wads at least 6.5 feet long and 8 inches in diameter. Large woody debris is installed to address a deficiency of habitat and natural channel forming processes.

(Ord. 2347 §17, 2011)

18.06.473 Land Surveyor

“Land surveyor” means an individual registered in accordance with the provisions of RCW 18.43 and licensed to perform land surveys in the State of Washington.

(Ord. 1834 §2 (part), 1998)

18.06.475 Land-Altering Activity

“Land-altering activity” means any activity that results in change of the natural cover or topography, as defined in TMC Chapter 16.54, Land Altering.

(Ord. 1758 §1 (part), 1995)

18.06.480 Land-Altering Permit

“Land-altering permit” means a permit for land-altering activity issued by the City of Tukwila pursuant to TMC Chapter 16.54, Land Altering.

(Ord. 1758 §1 (part), 1995)

18.06.485 Landscape Architect

“Landscape architect” means a person licensed by the State of Washington to engage in the practice of landscape architecture as defined by RCW 18.96.030.

(Ord. 1758 §1 (part), 1995)

18.06.490 Landscaping or Landscaped Areas

“Landscaping or landscaped areas” means natural vegetation such as trees, shrubs, groundcover, and other landscape materials arranged in a manner to produce an aesthetic effect appropriate for the use to which the land is put.

(Ord. 1758 §1 (part), 1995)

18.06.492 Lease

“Lease” means a contract or agreement whereby one party grants to another party general or limited rights, title or interest in real property. This definition is intended to apply to those agreements which are ordinarily considered “ground leases”, and shall not apply to those which are ordinarily considered “space leases.”

(Ord. 1834 §2 (part), 1998)

18.06.493 Levee

“Levee” means a broad embankment of earth built parallel with the river channel to contain flow within the channel and prevent flooding from a designated design storm.

(Ord. 2347 §18, 2011)

18.06.494 Levee, Minimum Profile

“Levee, minimum profile” means the minimum levee profile for any new or reconstructed levees is the King County “Briscoe Levee” profile—2.5:1 overall slope with 15-foot mid-slope bench for maintenance access and native vegetation plantings.

(Ord. 2347 §19, 2011)

18.06.495 Loading Space

"Loading space" means a space which is on the same site with the principal use served and which provides for the temporary parking of a vehicle while loading or unloading merchandise, materials or passengers.

(Ord. 1758 §1 (part), 1995)

18.06.500 Lot

A. "Lot" means a physically separate and distinct parcel of property which:

1. was created by plat, short plat, or binding site plan;

or

2. was bought or sold as a separately-owned parcel of property prior to the requirement that lots be created by plat, short plat, or binding site plan; or

3. was created by a transaction which was exempt from the requirement that lots be created by plat, short plat or binding site plan.

B. "Lots" may be bought or sold as separate parcels of property, but the fact that a parcel of property is defined as a "lot" does not necessarily mean that it may be developed as a separate building site.

(Ord. 2097 §3, 2005; Ord. 1758 §1 (part), 1995)

18.06.505 Lot Area

"Lot area" means the total horizontal area within the boundary lines of a lot and exclusive of street right-of-way, street easement, fire access roads or private access roads except, where the private road serves four or fewer lots.

*(Ord. 2251 §6, 2009; Ord. 1834 §3, 1998;
Ord. 1758 §1 (part), 1995)*

18.06.510 Lot, Corner

"Corner lot" means a lot abutting two or more streets or parts of the same street forming an interior angle of less than 135 degrees within the lot lines.

(Ord. 1758 §1 (part), 1995)

18.06.515 Lot Coverage

"Lot coverage" means the surface of the subject property covered with impervious surface, other than outdoor pools.

(Ord. 1758 §1 (part), 1995)

18.06.520 Lot Depth

"Lot depth" means the mean dimension of the lot from the front street line to the rear line.

(Ord. 1758 §1 (part), 1995)

18.06.525 Lot Frontage

"Lot frontage" means that front portion of a lot nearest the street, except on a corner lot in which case the front yard shall be considered the narrowest part of the lot that abuts a street.

(Ord. 1758 §1 (part), 1995)

18.06.530 Lot Lines

"Lot lines" means the property lines bounding the lot; except that in MDR and HDR zones, lot lines shall also include the curblineline or edge or easement, whichever provides a greater width, of any adjacent 'access roads'.

(Ord. 1758 §1 (part), 1995)

18.06.535 Lot, Interior

"Interior lot" means a lot other than a corner lot with only one frontage on a street.

(Ord. 1758 §1 (part), 1995)

18.06.538 Lot, Parent

"Parent lot" means the initial lot from which unit lots are subdivided for the exclusive use of townhouses, cottage housing, compact single-family, zero-lot-line units, or any combination of the above types of residential development.

(Ord. 2199 §6, 2008)

18.06.540 Lot, Through

"Through lot" means a lot fronting on two streets that do not intersect on the parcel's lot lines.

(Ord. 1758 §1 (part), 1995)

18.06.543 Lot, Unit

"Unit lot" means one of the individual lots created from the subdivision of a parent lot for the exclusive use of townhouses, cottage housing, compact single-family, zero-lot-line units, or any combination of the above types of residential development.

(Ord. 2199 §7, 2008)

18.06.545 Lot Width

"Lot width" means the mean horizontal distance between lot side lines.

(Ord. 1758 §1 (part), 1995)

18.06.550 Low-Impact Environment

"Low-impact environment" means the area between the River Environment and a point 100 feet landward from the mean high water mark having environmentally protective land use regulations as established in the Shoreline Overlay District chapter of this title.

(Ord. 1758 §1 (part), 1995)

18.06.551 Marijuana

"Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(Ord. 2407 §2, 2013)

18.06.552 Marijuana Processor

"Marijuana processor" means a person licensed by the state Liquor and Cannabis Board to process marijuana, whether medical or recreational, into marijuana concentrates, useable marijuana and marijuana-infused products; package and label marijuana concentrates, useable marijuana and marijuana-infused products for sale in retail outlets; and sell marijuana concentrates, useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

(Ord. 2479 §3, 2015; Ord. 2407 §3, 2013)

18.06.553 Marijuana Producer

"Marijuana producer" means a person licensed by the state Liquor and Cannabis Board to produce and sell marijuana, whether medical or recreational, at wholesale to marijuana processors and other marijuana producers.

(Ord. 2479 §4, 2015; Ord. 2407 §4, 2013)

18.06.554 Marijuana Retailer

"Marijuana retailer" means a person licensed by the state Liquor and Cannabis Board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet, for either recreational or medical use.

(Ord. 2479 §5, 2015; Ord. 2407 §5, 2013)

18.06.555 Major Adjustment

"Major adjustment" means an adjustment determined by the Director as a major change in a final development plan which changes the basic design, density, open space or other substantive requirements or provisions.

(Ord. 1758 §1 (part), 1995)

18.06.556 Marijuana-infused Products

"Marijuana-infused products" means products that contain marijuana or marijuana extracts; are intended for human use, whether medical or recreational; and have a THC concentration within the limits set forth in RCW 69.50.101. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

(Ord. 2479 §6, 2015; Ord. 2407 §6, 2013)

18.06.557 Marijuana Concentrates

"Marijuana concentrates" is as defined under RCW 69.50.101.

(Ord. 2479 §2, 2015)

18.06.560 Mall

"Mall" means an enclosed public area, typically a concourse, designed as a pedestrian walkway along rows of shops and often set with landscaping and/or seating.

(Ord. 1758 §1 (part), 1995)

18.06.565 Manufactured/Mobile Home Park

"Manufactured/mobile home park" means a master planned development consisting of a grouping of manufactured or mobile home dwellings, and may include park management offices and accessory community facilities for the exclusive use of park residents, such as recreation, laundry or storage facilities.

(Ord. 1758 §1 (part), 1995)

18.06.567 Manufacturing

"Manufacturing" is a building or group of buildings which specializes in the manufacturing of products or in the research and testing of products. Examples include factories, testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops.

(Ord. 1795 §1 (part), 1997)

18.06.568 Mass Transit Facilities

"Mass transit facilities" shall include structures and infrastructure for public or private transportation systems having established routes and schedules such as transit centers, commuter and light rail facilities, both rail lines and stations, monorails, people movers and other similar mass transit facilities but not including incidental improvements such as bus stops.

(Ord. 1865 §3, 1999)

18.06.570 Mean High Water Mark

"Mean high water mark" means the elevation of the surface of Green River and Duwamish River waters when the discharge rate at the U. S. Geological Survey Stream Gauging Station, Green River near Auburn (121130), is 9,000 cfs and as determined by maps on file with the City Clerk.

(Ord. 1758 §1 (part), 1995)

18.06.571 Mean Higher High Water (MHHW)

"Mean Higher High Water (MHHW)" means the average of the higher high water height of each tidal day, and used in determining the ordinary high water mark for the tidally influenced portions of the river.

(Ord. 2347 §20, 2011)

18.06.575 Mining and Quarrying

"Mining and quarrying" means removal and processing of sand, gravel, rock, peat, black soil, and other natural deposits, greater than 50,000 cubic yards cumulative.

(Ord. 1758 §1 (part), 1995)

18.06.580 Minor Adjustment

"Minor adjustment" means any change which is not determined by the Director to be a major change.

(Ord. 1758 §1 (part), 1995)

18.06.581 Mitigation

"Mitigation" means replacing project-induced sensitive area and buffer losses or impacts, and includes but is not limited to the following:

1. *Restoration:* Actions performed to reestablish sensitive area and its buffer functional characteristics and processes which have been lost by alterations, activities or catastrophic events within an area which no longer meets the definition of a sensitive area;

2. *Creation:* Actions performed to intentionally establish a sensitive area and its buffer at a site where it did not formerly exist;

3. *Enhancement:* Actions performed to improve the condition of an existing degraded sensitive area or its buffer so that the functions it provides are of higher quality.

(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.06.583 Modular Home

"Modular home" means a factory-built residential structure, transportable in one or more sections, which meets the requirements of the Uniform Building Code.

(Ord. 1974 §6, 2001)

18.06.585 Motel

"Motel" means a building or buildings or portion thereof, the units of which are used, rented, or hired out as sleeping accommodations only for the purposes of transitory housing. A motel includes tourist cabins, tourist court, motor lodge, auto court, cabin court, motor inn and similar names but does not include accommodations for travel trailers or recreation vehicles. Motel rooms shall have their own private toilet facilities and may or may not have their own kitchen facilities. Motels are distinguished from hotels primarily by reason of providing adjoining parking and direct independent access to each rental unit. Motels shall not include dwelling units, as defined in this section, for permanent occupancy. No room may be used by the same person or persons for a period exceeding 30 calendar days per year. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

(Ord. 2251 §7, 2009; Ord. 1758 §1 (part), 1995)

18.06.586 Native Vegetation

"Native vegetation" means vegetation with a genetic origin of Western Washington, Northern Oregon and Southern British Columbia, not including cultivars.

(Ord. 2347 §21, 2011)

18.06.587 New Manufactured Home

"New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

(Ord. 2097 §4, 2005)

18.06.588 No Net Loss

"No net loss" means a standard intended to ensure that shoreline development or uses, whether permitted or exempt, are located and designed to avoid loss or degradation of shoreline ecological functions that are necessary to sustain shoreline natural resources.

(Ord. 2347 §22, 2011)

18.06.589 Nonconforming Use, Shoreline

"Nonconforming use, shoreline" means a use or development that was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Shoreline Master Program or amendments thereto, but which does not conform to present regulations or standards of the program.

(Ord. 2347 §23, 2011)

18.06.590 Nonconforming Use

"Nonconforming use" means the use of land which does not conform to the use regulations of the district in which the use exists.

(Ord. 1758 §1 (part), 1995)

18.06.591 Non-Water-Oriented Uses

"Non-water-oriented uses" means those uses that are not water-dependent, water-related, or water-enjoyment.

(Ord. 2347 §24, 2011)

18.06.592 Office

"Office" is a building or a group of buildings dedicated to non-manufacturing types of work that are for the use of employees but may or may not be for use by the general public. Examples include services such as accounting, advertising, architectural/engineering, consulting, information processing, legal, medical and/or dental.

(Ord. 1795 §1 (part), 1997)

18.06.593 Open Record Appeal

"Open 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 without an open record hearing. Testimony and submission of relevant evidence and information shall be permitted at the hearing on such an appeal.

(Ord. 1768 §1 (part), 1996)

18.06.594 Open Record Hearing

"Open record hearing" means a quasi-judicial hearing conducted by a hearing body which creates the official record regarding a permit application. Oral testimony and submission of relevant evidence and documents shall be permitted at such a hearing.

(Ord. 1768 §1 (part), 1996)

18.06.595 Open Space

"Open space" means that area of a site which is free and clear of building and structures and is open and unobstructed from the ground to the sky.

(Ord. 1758 §1 (part), 1995)

18.06.600 Open Space Tract

“Open space tract” means a tract that is established to preserve open space, and which is recorded on all documents of title of record for all affected lots and subsequent owners.

(Ord. 1758 §1 (part), 1995)

18.06.605 Ordinary High Water Mark

“Ordinary High Water Mark” means the mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters (all lakes, streams, and tidal water) are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology. In any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

(Ord. 2347 §25, 2011; Ord. 1758 §1 (part), 1995)

18.06.607 Overwater Structure

“Overwater structure” means any device or structure projecting over the ordinary high water mark, including, but not limited to bridges, boat lifts, wharves, piers, docks, ramps, floats or buoys.

(Ord. 2347 §26, 2011)

18.06.610 Parcel

“Parcel” means a tract or plat of land of any size which may or may not be subdivided or improved.

(Ord. 1758 §1 (part), 1995)

18.06.611 Park and Ride

“Park and Ride” means a facility for temporarily parking automobiles, the occupants of which transfer to public transit to continue their trips.

(Ord. 1986 §3, 2001)

18.06.613 Parking, Commercial

“Commercial parking” is a use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily or weekly fees are charged.

(Ord. 1986 §4, 2001)

18.06.615 Parking Space

“Parking space” means an off-street parking space which is maintained and used for the sole purpose of accommodating a temporarily parked motor vehicle and which has access to a street or alley.

(Ord. 1758 §1 (part), 1995)

18.06.617 Pawnbroker

“Pawnbroker” is an establishment engaged in the buying or selling of new or secondhand merchandise and offering loans in exchange for personal property.

(Ord. 1974 §2, 2001)

18.06.618 Performance Bond or Guarantee

“Performance bond or guarantee” means that security to ensure installation of certain required improvements which may be accepted to defer those improvements when such a deferment is warranted and acceptable to the City.

(Ord. 1834 §2 (part), 1998)

18.06.620 Performance Standards

“Performance standards” means specific criteria for fulfilling environmental goals, and for beginning remedial action, mitigation or contingency measures, which may include water quality standards or other hydrological, geological or ecological criteria.

(Ord. 1758 §1 (part), 1995)

18.06.625 Person

“Person” means any legal entity recognized by the State of Washington for the purpose of assigning legal responsibility, to include - but not limited to - individuals, partnerships, corporations, associations, commissions, boards, utilities, institutions, and estates.

(Ord. 1758 §1 (part), 1995)

18.06.630 Plan

“Plan” means a sketch, survey or other drawing, photograph or similar document which may be a part of the set of permit drawings or construction documents, sufficient for the Director to make a final permit decision.

(Ord. 1758 §1 (part), 1995)

18.06.632 Planned Residential Development (PRD)

“Planned residential development (PRD)” means a form of residential development characterized by a unified site design for a number of dwelling units, clustered buildings, common open space, and a mix of building types. The PRD is an overlay district which is superimposed over the underlying district as an exception to such district regulations, as processed through procedures specified in the Planned Residential Development District chapter of this title.

(Ord. 1758 §1 (part), 1995)

18.06.633 Planning Commission

“Planning Commission” means that body as defined under Title 2.36 of the Tukwila Municipal Code.

(Ord. 1834 §2 (part), 1998)

18.06.635 Plat

"Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

(Ord. 1834 §2 (part), 1998)

18.06.636 Preliminary Plat

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision or short plat, showing the general layout of streets and alleys, lots, blocks, utilities, and restrictive covenants to be applicable to the proposal, and other elements of a plat which shall furnish a basis for the approval or disapproval of the application.

(Ord. 1834 §2 (part), 1998)

18.06.637 Principal Building

"Principal building" means the principal structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

(Ord. 1834 §2 (part), 1998)

18.06.638 Private Access Road

"Private access road" means a minor, privately owned and maintained road which serves to provide access to lots as authorized pursuant to TMC 17.24.030 and 17.28.050.

(Ord. 1834 §2 (part), 1998)

18.06.640 Property Owner

"Property owner" means the owner of record for a site, or his or her authorized representative.

(Ord. 1758 §1 (part), 1995)

18.06.645 Protected Tree/Protected Vegetation

"Protected tree/protected vegetation" means tree or area of understory vegetation identified on an approved landscape plan to be retained and protected during construction.

(Ord. 1758 §1 (part), 1995)

18.06.650 Protection Measure

"Protection measure" means the practice or combination of practices (e.g. construction barriers, protective fencing, tree wells, etc.) used to control construction or development activity, where such activity may impact vegetation which is approved for retention in a Tree Clearing Permit.

(Ord. 1758 §1 (part), 1995)

18.06.651 Protective Fencing

"Protective fencing" means the temporary fence or other structural barrier installed to prevent permitted clearing or construction activity from adversely affecting vegetation which is approved for retention in a Tree Clearing Permit.

(Ord. 1758 §1 (part), 1995)

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.

(Ord. 2347 §27, 2011)

18.06.656 Public Entity

"Public entity" mean any Federal, State, or local government body or agency.

(Ord. 2135 §2 (part), 2006)

18.06.657 Public Meeting

"Public meeting" means an informal meeting or workshop to provide public information regarding a project permit application and to obtain comments about the application from the public. The information gathered at such a meeting does not constitute part of the official record regarding a project permit application.

(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)

18.06.659 Public Safety Communications Equipment

"Public safety communications equipment" means any radio or other communication equipment that is owned and exclusively used by public entities for emergency communication or communication between fire, police, and other rescue personnel.

(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)

18.06.680 Research and Development Facility

“Research and development facility” means a use in which research and experiments leading to the development of new products or technology are conducted. This definition includes, but is not limited to, facilities engaged in all aspects of bio-medical research and development. This use may be associated with, or accessory to, institutional and commercial uses such as business or administrative offices and medical facilities.

(Ord. 2235 §2 (part), 2009)

18.06.682 Religious Facility

“Religious facility” means a facility operated for worship, prayer, meditation or similar activity by an organization granted tax exempt status by the Federal Internal Revenue Service.

(Ord. 2251 §8, 2009)

18.06.685 Residence

“Residence” means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings.

(Ord. 1758 §1 (part), 1995)

18.06.687 Restaurant

“Restaurant” is an establishment whose principal business is the sale of foods to be eaten on the premises, including either indoor or outdoor seating, which may also include an area reserved for the sale of alcoholic beverages.

(Ord. 1795 §1 (part), 1997)

18.06.688 Restaurant, Fast Food

“Restaurant, fast food” means an establishment whose principal business is the sale of foods, frozen desserts, or beverages served in or on disposable containers for consumption while seated within the building or in a vehicle or incidentally within a designated outdoor area, or for takeout with consumption off the premises.

(Ord. 1795 §1 (part), 1997)

18.06.689 Right-of-Way

“Right-of-way” means a right belonging to a party to pass over land of another.

(Ord. 1834 §2 (part), 1998)

18.06.690 Riparian

“Riparian” means the land along the margins of rivers and streams.

(Ord. 2347 §30, 2011)

18.06.691 River Channel

“River channel” means that area of the river environment lying riverward of the mean high water mark.

(Ord. 1758 §1 (part), 1995)

18.06.695 River Environment

“River environment” means the area between the mean high water mark and a point 40 feet landward from the mean high water mark, having the most environmentally protective land use regulations as established in the Shoreline Overlay District chapter of this title.

(Ord. 1758 §1 (part), 1995)

18.06.696 Riverbank Analysis and Report

"Riverbank analysis and report" means a scientific study or evaluation conducted by qualified experts and the resulting report to evaluate the ground and/or surface hydrology and geology, the geomorphology and hydraulic characteristics of the river, the affected land form and its susceptibility to mass wasting, erosion, scouring and other geologic hazards or fluvial processes. The report shall include conclusions and recommendations regarding the effect of the proposed development on geologic and/or hydraulic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological, hydrological and hydraulic impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical/hydrological/hydraulic reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

(Ord. 2347 §31, 2011)

18.06.697 Roadway

"Roadway" means that improved portion of a street intended for the accommodation of vehicular traffic, generally within curb lines.

(Ord. 1834 §2 (part), 1998)

18.06.705 Screening

"Screening" means a continuous fence and/or evergreen landscaped planting that effectively conceals the property it encloses.

(Ord. 1758 §1 (part), 1995)

18.06.706 Secure Community Transitional Facility

"Secure community transitional facility" means a secure community transitional facility as defined under RCW 71.09.020, which defines it as "a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by the DSHS secretary or under contract with the secretary."

(Ord. 1991 §2, 2002; Ord. 1758 §1 (part), 1995)

18.06.707 Self-Storage Facility

"Self-Storage facility" means a building designed and used for the purpose of renting or leasing individual indoor storage space to customers who are to have access to the space for the purpose of storing or removing personal property on a self-service basis.

(Ord. 2021 §1, 2003)

18.06.708 Senior Citizen Housing

"Senior citizen housing" is housing in a building or group of buildings with two or more dwelling and/or sleeping units, restricted to occupancy by at least one senior citizen per unit, and may include Food Preparation and Dining activities, Group Activity areas, Medical Supervision or other similar activities. Such housing is further distinguished by the use of funding restrictions, covenants between the developer, tenants, operators and/or the City or other agreements that restrict the development to those individuals over 60 years of age. Senior Citizen Housing strategies may include provisions for units dedicated to persons under 60 years of age that have medical conditions consistent with definitions in the Americans with Disabilities Act; however, the percentage of such units may not exceed 20% of the total units. These facilities may not include populations requiring convalescent or chronic care, as defined under RCW 18.51.

(Ord. 2500 §2, 2016; Ord. 1795 §1 (part), 1997)

18.06.710 Sensitive Area Buffer

"Sensitive area buffer" means an area lying adjacent to but outside a sensitive area as defined by this Title, whose function is to protect sensitive areas from the potential adverse impacts of development, land use, or other activities. A wetland or watercourse sensitive area buffer also provides critical habitat value, bank stabilization, or water overflow area functions.

(Ord. 1758 §1 (part), 1995)

18.06.715 Sensitive Area Regulated Activities

"Sensitive area regulated activities" means any of the following activities that are directly undertaken or originate in a regulated wetland or watercourse or their buffers:

1. Removal, excavation, grading or dredging of soil, sand, gravel, minerals, organic matter or material of any kind;
2. Dumping, discharging or filling with any material;
3. Draining, flooding or disturbing the water level or water table;
4. Driving of pilings;
5. Placing of obstructions;
6. Construction, reconstruction, demolition or expansion of any structure;
7. Destruction or alteration of wetlands, watercourses or their buffers through clearing, harvesting, shading, intentional burning or planting of vegetation that would alter the character of a regulated wetland, watercourse or buffer, provided that these activities are not part of a forest practice governed under RCW 76.09 and its rules; or

8. Activities that result in a significant change to the water sources of wetlands or watercourses. These alterations include a significant change in water temperature; physical or chemical characteristics, including quantity; and the introduction of pollutants.

(Ord. 1758 §1 (part), 1995)

18.06.720 Sensitive Areas

“Sensitive areas” means wetlands, watercourses, areas of potential geologic instability (other than Class I areas), abandoned coal mine areas, and fish and wildlife habitat conservation areas.

(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.06.725 Sensitive Areas Ordinance

“Sensitive Areas Ordinance” means the Environmentally Sensitive Areas chapter of this title, or as amended hereafter, which establishes standards for land development on lots with sensitive areas (e.g. steep slopes, wetlands, watercourses, etc.).

(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.06.730 Sensitive Area Tract or Easement

“Sensitive area tract or easement” means a tract or portion of a parcel that is created to protect the sensitive area and its buffer, whose maintenance is assured, and which is recorded on all documents of title of record for all affected lots and subsequent owners.

(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.06.735 Service Station

“Service station” means any area of land, including structures thereon, that is used for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories which may or may not include washing, lubricating, tune-ups, and other minor servicing incidental to this use, but no painting or major repair operations.

(Ord. 1758 §1 (part), 1995)

18.06.740 Setbacks

“Setbacks” means the distances that buildings or uses must be removed from their lot lines except that roof eaves may intrude a maximum of 24 inches into this area. A maximum 24-inch overhang may also be allowed for portions of a building (such as a bay window) if approved as part of design review approval where the overhang provides modulation of the façade.

(Ord. 2251 §9, 2009; Ord. 1758 §1 (part), 1995)

18.06.743 Shelter

“Shelter” means a building or use providing residential housing on a short-term basis for victims of abuse and their dependents, or a residential facility for runaway minors (children under the age of 18).

(Ord. 1976 §16, 2001)

18.06.745 Shelter Station

“Shelter station” means a shelter for protection from the elements for the waiting customers of a public transportation system.

(Ord. 1758 §1 (part), 1995)

18.06.750 Shopping Center, Planned

“Planned shopping center” means a group of architecturally unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit related in its location, size, and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

(Ord. 1758 §1 (part), 1995)

18.06.755 Shoreline

“Shoreline” means the line at mean high water surrounding any body of water of 20 acres or larger or where the mean flow is 20 cubic feet per second or greater.

(Ord. 1758 §1 (part), 1995)

18.06.756 Shorelands or Shoreland Areas

“Shorelands or shoreland areas” means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to the provisions of the Shoreline Management Act.

(Ord. 2347 §32, 2011)

18.06.757 Shoreline Areas

“Shoreline areas” means all “shorelines of the state” and “shorelands” as defined in RCW 90.58.030.

(Ord. 2347 §33, 2011)

18.06.758 Shoreline Jurisdiction

“Shoreline jurisdiction” means the channel of the Green/Duwamish River, its banks, the upland area which extends from the ordinary high water mark landward for 200 horizontal feet on each side of the river, floodways and all associated wetlands within its 100-year flood plain. For the purpose of determining shoreline jurisdiction only, the floodway shall not include those lands that have historically been protected by flood control devices and therefore have not been subject to flooding with reasonable regularity.

(Ord. 2347 §34, 2011)

18.06.759 Shoreline Modifications

“Shoreline modifications” means those actions that modify the physical configuration or qualities of the shoreline area, through the construction or alteration of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. “Shoreline modifications” may also include other actions, such as clearing, grading, or application of chemicals.

(Ord. 2347 §35, 2011)

18.06.760 Shoreline Restoration or Ecological Restoration

“Shoreline restoration or ecological restoration” means the re-establishment or upgrading of impaired ecological shoreline processes, functions or habitats, including any project that is approved by the Federal, State, King County, or City government or the WRIA 9 Steering Committee, is intended to provide habitat restoration and where the future use of the site is restricted through a deed restriction to prohibit non-habitat uses. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

(Ord. 2347 §36, 2011)

18.06.761 Shoreline Stabilization

“Shoreline stabilization” means actions taken to protect riverbanks or adjacent uplands from erosion resulting from the action of waves or river currents. “Hard” structural stabilization includes levees, bulkheads and revetments. “Soft” shoreline stabilization includes use of bioengineering measures where vegetation, logs, and/or certain types of rock is used to address erosion control and/or slope stability.

(Ord. 2347 §37, 2011)

18.06.767 Short plat

“Short plat” means the map or representation of a short subdivision.

(Ord. 1834 §2 (part), 1998)

18.06.768 Short Subdivision

“Short subdivision” means the division of land into nine or less lots, unit lots, tracts, parcels, sites or divisions.

(Ord. 2199 §9, 2008; Ord. 1834 §2 (part), 1998)

18.06.769 Short Subdivision Committee

The Short Subdivision Committee (SSC) shall consist of the Director of the Department of Community Development who shall be the chair, the Public Works Director, and the Fire Chief, or their designated representatives.

(Ord. 1834 §2 (part), 1998)

18.06.770 Sign

“Sign” means any medium, including paint on walls, merchandise, or visual communication device, its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising or identification purposes. Bulletin boards and readerboards are considered to be signs.

(Ord. 1758 §1 (part), 1995)

18.06.773 Significant Gap in Service, Wireless Communications

“Significant Gap in Service, Wireless Communications” means a gap in coverage, capacity, frequency, or technology such that a substantial number of applicant’s remote user subscribers are unable to establish or maintain reliable wireless service from the applicant’s wireless network. A “dead spot” (defined as less than significant areas within a service area where the field strength is lower than the minimum level for reliable service) does not constitute a significant gap in service.

(Ord. 2498 §1, 2016; Ord. 2135 §2 (part), 2006)

18.06.775 Significant Tree

A “significant tree” means a tree (Cottonwood excluded) which is 4 inches or more in diameter as measured 4.5 feet above grade.

(Ord. 1775 §1, 1996; Ord. 1758 §1 (part), 1995)

18.06.776 Significant Tree, Shoreline

“Significant tree, shoreline” means a single-trunked tree that is 4 inches or more in diameter at a height of 4 feet above the ground or a multi-trunked tree with a diameter of 2 inches or more (such as willows or vine maple).

(Ord. 2347 §39, 2011)

18.06.777 Significant Vegetation Removal

“Significant vegetation removal” means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

(Ord. 2347 §40, 2011)

18.06.780 Site

“Site” means any lot or group of adjoining lots, as defined in TMC 18.06.500, which are proposed as the location for a development, as defined in TMC 18.06.210, or for some other activity which requires a permit or approval pursuant to TMC Titles 16, 17 or 18.

(Ord. 2097 §5, 2005; Ord. 1758 §1 (part), 1995)

18.06.785 Solid Planting

“Solid planting” means a planting of evergreen trees and/or shrubs which will prevent a through and unobscured penetration of sight or light.

(Ord. 1758 §1 (part), 1995)

18.06.790 Story

“Story” means story as defined in the Washington State Building Code.

(Ord. 1971 §3, 2001; Ord. 1758 §1 (part), 1995)

18.06.795 Street

“Street” means a public thoroughfare which affords the principal means of access to abutting properties. Limited access State routes such as I-5, I-405, or SR 518; subdivision tracts dedicated for access; private easements for access; and streets that provide no access to abutting properties shall be considered streets for the purposes of determining the type of lots such as corner or through lots and their setbacks and landscape requirements.

(Ord. 2251 §10, 2009; Ord. 1758 §1 (part), 1995)

18.06.800 Structure

“Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, but excluding all forms of vehicles even though immobilized. Not included are residential fences up to six feet in height, retaining walls or rockeries with up to four feet of exposed face, and similar improvements of minor character.

(Ord. 2176 §1, 2007; Ord. 1758 §1 (part), 1995)

18.06.805 Structural Alteration

“Structural alteration” means any change in load or stress of the loaded or stressed members of a building or structure.

(Ord. 1758 §1 (part), 1995)

18.06.810 Studios

“Studios” means a building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for dance instruction.

(Ord. 1758 §1 (part), 1995)

18.06.813 Subdivision

“Subdivision” means the division or redivision of land into ten or more lots, unit lots, tracts, parcels, sites or divisions.

(Ord. 2199 §10, 2008; Ord. 1834 §2 (part), 1998)

18.06.815 Substantial Construction

“Substantial construction” means completion of more than 50% of the cost of work described in specified and approved plans.

(Ord. 1758 §1 (part), 1995)

18.06.817 Substantial Development

“Substantial development” means any development of which the total cost or fair market value exceeds \$5,000.00 or any development that materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this definition must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the Consumer Price Index during that time period. “Consumer Price Index” means, for any calendar year, that year’s annual average Consumer Price Index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. The following shall not be considered substantial developments for the purpose of the Shoreline Management Act, but are not exempt from complying with the substantive requirements of this Shoreline Master Program:

1. Normal maintenance or repair of existing structures or developments, including repair of damage caused by accident, fire, or elements.

2. Emergency construction necessary to protect property from damage by the elements.

3. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, and alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

4. Construction or modification of navigational aids such as channel markers and anchor buoys.

5. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

6. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either:

(a) In salt waters, the fair market value of the dock does not exceed \$2,500; or

(b) in fresh waters, the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

7. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.

8. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

9. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

10. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

a. The activity does not interfere with the normal public use of the surface waters;

b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure the site is restored to preexisting conditions; and

e. The activity is not subject to the permit requirements of RCW 90.58.550 (Oil and Natural Gas exploration in marine waters).

11. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the department jointly with other state agencies under chapter 43.21C RCW.

12. Watershed restoration projects, which means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

a. A project that involves less than 10 miles of stream reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.

b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.

c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than 200 square feet in floor area and is located above the ordinary high water mark of the stream.

13. Watershed restoration plan, which means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area or watershed for which agency and public review has been conducted pursuant to the State Environmental Policy Act.

14. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

a. The project has been approved in writing by the Department of Fish and Wildlife;

b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 77.55 RCW; and

c. The local government has determined the project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

Additional criteria for determining eligibility of fish habitat projects are found in WAC 173-27-040 2 (p) and apply to this exemption.

(Ord. 2347 §41, 2011)

18.06.820 Surveyor

“Surveyor” means a person licensed by the State of Washington to engage in the practice of land surveying, as defined by RCW 18.43.020.

(Ord. 1758 §1 (part), 1995)

18.06.821 Theater

“Theater” is a building or part of a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances.

(Ord. 1795 §1 (part), 1997)

18.06.822 Tow Truck Operations

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

(Ord. 2368 §2, 2012)

18.06.823 Tower, Electrical Transmission

“Tower, Electrical Transmission” means any facility owned by Seattle City Light or Puget Sound Energy or any other electric utility that supports electrical lines which carry a voltage of at least 115kV.

(Ord. 2135 §2 (part), 2006)

18.06.824 Tower, Guy

“Tower, Guy” means a tower that is supported with cable and ground anchors to secure and steady the tower.

(Ord. 2135 §2 (part), 2006)

18.06.825 Tower, Lattice

“Tower, Lattice” means a tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas or similar antenna devices.

(Ord. 2135 §2 (part), 2006)

18.06.826 Tower, Monopole

“Tower, Monopole” means a freestanding tower that is composed of a single shaft, usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground.

(Ord. 2135 §2 (part), 2006)

18.06.827 Tower, Wireless Communication Facility

“Tower, Wireless Communication Facility” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopoles. The term includes, without limitation, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and alternative tower structures.

(Ord. 2135 §2 (part), 2006)

18.06.828 Tower-Mounted Facilities

“Tower-Mounted Facilities” means a wireless communication facility that is mounted to a tower

(Ord. 2135 §2 (part), 2006)

18.06.829 Townhouse

“Townhouse” means a form of ground-related housing in which individual dwelling units are attached along at least one common wall to at least one other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

(Ord. 2199 §8, 2008)

18.06.830 Tract

“Tract” means a parcel of land proposed for subdivision or a distinct parcel designated for a specific use.

(Ord. 1834 §4, 1998; Ord. 1758 §1 (part), 1995)

18.06.833 Trailer Court or Park

“Trailer court or park” means any area of land occupied or designed for the occupancy of two or more travel trailers or mobile homes.

(Ord. 1758 §1 (part), 1995)

18.06.835 Trailer, Travel

“Travel trailer” means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes.

(Ord. 1758 §1 (part), 1995)

18.06.840 Transit Center

“Transit center” means a location where groups of buses or other public transportation vehicles can be brought together at the same time, allowing patrons to transfer between the routes.

(Ord. 1758 §1 (part), 1995)

18.06.843 Transit-Oriented Development (TOD) Housing

“Transit-Oriented Development (TOD) Housing” means a multiple-unit housing or mixed-use project including multiple-unit housing that is located near transit services and thus encourages people to decrease their dependence on driving.

(Ord. 2084 §1, 2005)

18.06.845 Tree

"Tree" means any self-supporting woody plant, which at maturity is usually 20 feet or more in height and generally has one main trunk, with a potential diameter-breast-height of 2 inches or more.

(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.06.850 Tree Clearing Permit

"Tree clearing permit" means a permit issued by the Director authorizing tree clearing activities, pursuant to the general permit provisions of this title.

(Ord. 1758 §1 (part), 1995)

18.06.855 Turbidity

"Turbidity" means a cloudy condition in water due to the suspension of silt, finely divided organic matter, or other pollutants.

(Ord. 1758 §1 (part), 1995)

18.06.860 Understory Vegetation

"Understory vegetation" means small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of a significant tree, which affect and are affected by the soil and hydrology of the area surrounding the significant tree roots.

(Ord. 1758 §1 (part), 1995)

18.06.863 Usable Floor Area

"Usable Floor area" means that part of the floor area of any structure which is actually used from time to time for any commercial purposes, such as a sales area, display area, walkways or storage area. Parking calculation shall not include common corridors designed for the circulation of people at non-retail establishments, restrooms, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces and exterior covered loading docks.

(Ord. 1795 §1 (part), 1997)

18.06.864 Useable Marijuana

"Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

(Ord. 2407 §7, 2013)

18.06.865 Use

"Use" means the nature of the activities taking place on private property or within structures thereon.

(Ord. 2097 §6, 2005; Ord. 1758 §1 (part), 1995)

18.06.870 Use, Accessory

"Accessory use" means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.

(Ord. 1758 §1 (part), 1995)

18.06.875 Use, Conditional

"Conditional use" means an unusual and/or unique type of land use which, due to its nature, requires special consideration of its impacts on the neighborhood and land uses in the vicinity.

(Ord. 1758 §1 (part), 1995)

18.06.880 Use, Permitted

"Permitted use" means any use authorized or permitted alone or in conjunction with any other use in a specified district and subject to the limitation of the regulations of such use district.

(Ord. 1758 §1 (part), 1995)

18.06.885 Use, Primary or Principal

"Primary or principal permitted use" means the use for which a lot, structure or building, or the major portion thereof, is designed or actually employed.

(Ord. 1758 §1 (part), 1995)

18.06.890 Use, Unclassified

"Unclassified use" means an unusual, large-scale, unique and/or special type of land use which, due to its nature, requires special review of its impacts on the community and land uses in the vicinity.

(Ord. 1758 §1 (part), 1995)

18.06.895 Unlisted Use

"Unlisted use" means uses which are not specifically named as permitted in any use classification contained within this title.

(Ord. 1758 §1 (part), 1995)

18.06.900 Utilities

"Utilities" means all lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, or refuse, and includes facilities for the generation of electricity.

(Ord. 1758 §1 (part), 1995)

18.06.902 Utility Pole

"Utility pole" is any facility owned by Seattle City Light or Puget Sound Energy or any other electric utility that supports electrical lines which carry a voltage of less than 115kV, or any Qwest facility which carries telephone lines.

(Ord. 2135 §2 (part), 2006)

18.06.905 Variance

"Variance" means an adjustment in the specific regulation of this title regarding a particular piece of property as provided in the Variance chapter of this title.

(Ord. 1758 §1 (part), 1995)

18.06.910 Vegetation

“Vegetation” means living trees, shrubs or groundcover plants.

(Ord. 1758 §1 (part), 1995)

18.06.915 Vehicles

“Vehicles” means mechanical devices capable of movement by means of wheels, skids or runners of any kind, specifically including, but not limited to, all forms of trailers, recreational vehicles or mobile homes of any size whether capable of supplying their own motive power or not, without regard to whether the primary purpose of which device is or is not the conveyance of persons or objects, and specifically including all such automobiles, buses, trucks, cars, vans, recreational vehicles, trailers and mobile homes even though they may be at any time immobilized in any way and for any period of time of whatever duration.

(Ord. 1758 §1 (part), 1995)

18.06.916 Warehouse

“Warehouse” is a building or group of buildings that are primarily for the storage of goods.

(Ord. 1795 §1 (part), 1997)

18.06.917 Water Dependent

“Water dependent” means a use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses include ship cargo terminal loading areas, marinas, ship building and dry docking, float plane facilities, sewer outfalls, and shoreline ecological restoration projects.

(Ord. 2347 §42, 2011)

18.06.918 Water Enjoyment

“Water enjoyment” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use. The use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Examples of water-enjoyment uses include parks, piers, museums, restaurants, educational/scientific reserves, resorts and mixed use projects.

(Ord. 2347 §43, 2011)

18.06.919 Water Oriented

“Water oriented” means a use that is water-dependent, water-related or water-enjoyment or a combination of such uses.

18.06.920 Watercourse

“Watercourse” means a course or route formed by nature or modified by man, generally consisting of a channel with a bed and banks or sides substantially throughout its length along which surface water flows naturally, including the Green/Duwamish River. The channel or bed need not contain water year-round. Watercourses do not include irrigation ditches, stormwater runoff channels or devices, or other entirely artificial watercourses unless they are used by salmonids or to convey or pass through stream flows naturally occurring prior to construction of such devices.

(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.06.921 Water Related

“Water related” means a use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Examples of water-related uses are warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, and log storage or oil refineries where transport is by tanker.

(Ord. 2347 §45, 2011)

18.06.922 Wetland

“Wetland” means those areas that are inundated or saturated by groundwater or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include bogs, swamps, marshes, ponds, lakes and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, landscape amenities or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street or highway. However, those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands as permitted by the City shall be considered wetlands.

(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.06.924 Wetland Edge

“Wetland edge” means the boundary of a wetland as delineated based on the approved federal wetland delineation manual and applicable regional supplements.

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

18.06.926 Wetlands or Watercourses, Constructed

“Constructed wetlands” or “constructed watercourses” means those wetlands or watercourses which an applicant can demonstrate were intentionally created from non-wetland or non-watercourse sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities; and does not mean those wetlands and watercourses created through compensatory mitigation.

(Ord. 1758 §1 (part), 1995)

18.06.928 Wetland, Emergent

“Emergent wetland” means a regulated wetland with at least 30% of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative stratum.

(Ord. 1758 §1 (part), 1995)

18.06.930 Wetland, Forested

“Forested wetland” means a regulated wetland with at least 30% of the surface area covered by woody vegetation 20 feet or greater in height that is at least partially rooted within the wetland.

(Ord. 2075 §1 (part), 2004; Ord. 1758 §1 (part), 1995)

18.06.934 Wetland, Scrub-Shrub

“Scrub-shrub wetland” means a wetland with at least 30% of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

(Ord. 2075 §1 (part), 2004)

18.06.936 Wireless Communication Facility

“Wireless Communication Facility” means any tower, antenna, ancillary structure or facility, or related equipment or component thereof, which is used for the transmission of radio frequency signals through electromagnetic energy for the purpose of providing phone, internet, video, information services, specialized mobile radio, enhanced specialized mobile radio, paging, wireless digital data transmission, broadband, unlicensed spectrum services utilizing part 15 devices, and other similar services that currently exist or that may in the future be developed.

(Ord. 2135 §2 (part), 2006)

18.06.937 Wireless Communication Facility, Building Mounted

“Wireless Communication Facility, Building Mounted” means a wireless communication facility that is attached to an existing commercial, industrial, residential, or institutional building.

(Ord. 2135 §2 (part), 2006)

18.06.938 Wireless Communication Facility, Concealed Facility

“Wireless Communication Facility, Concealed Facility” means a wireless communication facility that is not readily identifiable as such, and is designed to be aesthetically and architecturally compatible with the existing building(s) on a site; or a wireless communications facility disguised, hidden or integrated with an existing structure that is not a monopole or tower; or a wireless communication facility that is placed within an existing or proposed structure or tower or mounted within trees, so as to be significantly screened from view or camouflaged to appear as a non-antenna structure or tower (i.e., tree, flagpole with flag, church steeple, etc.).

(Ord. 2135 §2 (part), 2006)

18.06.939 Wireless Communication Facility Equipment Enclosure

“Wireless Communication Facility Equipment Enclosure” means any structure, including without limitation cabinets, shelters, pedestals and other devices or structures, that is used exclusively to contain radio or other equipment necessary for the transmission and/or reception of wireless communication signals including, without limitation, air conditioning units and generators.

(Ord. 2135 §2 (part), 2006)

18.06.940 Wireless Communication Facility Equipment Compound

“Wireless Communication Facility Equipment Compound” means an outdoor fenced area occupied by all the towers, antennas, ancillary structure(s), ancillary facilities and equipment enclosures, but excluding parking and access ways.

(Ord. 2135 §2 (part), 2006)

18.06.941 Wireless Communication Facility, Feed Lines or Coaxial Cables

“Wireless Communication Facility, Feed Lines or Coaxial Cables” means cables used as the interconnection media between the transmission/ receiving base station and the antenna.

(Ord. 2135 §2 (part), 2006)

18.06.943 Wireless Telecommunication Carrier

“Wireless Telecommunication Carrier” means any person or entity that directly or indirectly owns, controls, operates or manages any plant, equipment, structures or property within the City for the purpose of offering wireless telecommunication service within the City.

(Ord. 2135 §2 (part), 2006)

18.06.944 WRIA

“WRIA” means Water Resource Inventory Area — river basin planning and management areas formalized under Washington Administrative Code (WAC) 173-500-04 and authorized under the Water Resources Act of 1971, Revised Code of Washington (RCW) 90.54. WRIA 9 refers to the Green/Duwamish River Basin within which Tukwila is located.

(Ord. 2347 §46, 2011)

18.06.945 Yard

“Yard” means a required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward.

(Ord. 1758 §1 (part), 1995)

18.06.950 Yard, Front

“Front yard” means a yard extending between side lot lines across the front of a lot. In MDR and HDR zones, this shall also include areas adjacent to ‘access roads’.

(Ord. 1758 §1 (part), 1995)

18.06.955 Yard, Rear

“Rear yard” means a yard extending across the rear of the lot between inner side yard lines.

(Ord. 1758 §1 (part), 1995)

18.06.960 Yard, Second Front

“Second front yard” means any yard adjacent to a public street that is not a front yard as defined in the Definitions chapter of this title. *(See also the Supplemental Development Regulations chapter of this title and Figure 18-4.)*

(Ord. 1758 §1 (part), 1995)

18.06.965 Yard, Side

“Side yard” means a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot-line involved with the public street.

(Ord. 1758 §1 (part), 1995)

CHAPTER 18.08

DISTRICTS ESTABLISHED - MAP

Sections:

- 18.08.010 Use Districts
- 18.08.020 Unclassified Areas
- 18.08.030 Official Zoning Map
- 18.08.040 Rules of Interpretation
- 18.08.050 Title Compliance

18.08.010 Use Districts

In order to classify, segregate and regulate the uses of land, buildings, and structures, the City is divided into the following use districts:

- LDR.....Low Density Residential
- MDR.....Medium Density Residential
- HDRHigh Density Residential
- MUO.....Mixed Use Office
- OOffice
- RCCResidential Commercial Center
- NCCNeighborhood Commercial Center
- RC.....Regional Commercial
- RCM.....Regional Commercial Mixed-use
- TUC.....Tukwila Urban Center
- C/LICommercial/Light Industrial
- LILight Industrial
- HIHeavy Industrial
- MIC/LManufacturing Industrial Center/Light
- MIC/H.....Manufacturing Industrial Center/Heavy
- TSO.....Tukwila South Overlay
- TVS.....Tukwila Valley South
- PROPublic Recreation Overlay
- SODShoreline Overlay
- SAOD.....Sensitive Areas Overlay
- URODUrban Renewal Overlay

*(Ord. 2257 §3, 2009; Ord. 2235 §5 (part), 2009;
Ord. 1758 §1 (part), 1995)*

18.08.020 Unclassified Areas

All lands not classified according to the classification in TMC 18.08.010 on the official zoning map, and all lands, if any, of the City not shown on the official zoning map, shall be considered unclassified and, pending future classification, shall be subject to the restrictions and regulation of the LDR District.

(Ord. 1758 §1 (part), 1995)

18.08.030 Official Zoning Map

A. The boundaries of the use districts as outlined in TMC 18.08.010 are shown on the official zoning map (*Figure 18-10*) which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this title. The regulations of this title governing the uses of land, buildings and structures, the height of buildings and structures, the sizes of yards about buildings and structures, and other matters set forth in this title are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said zoning map.

B. The boundaries of the use districts shall be determined and defined or redefined from time to time, by the adoption of district maps covering the City showing the geographical area and location of the districts. Each district map shall be, upon its final adoption, a part of this title, and the map and all notations, references and other information shown thereon, thereafter shall be made a part of this title as though all matters and information set forth on the map were fully described herein.

C. The official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk and shall bear the seal of the City of Tukwila. The original of the official zoning map shall be retained in the office of the City Clerk.

See Zoning Map, Figure 18-10.

(Ord. 1758 §1 (part), 1995)

18.08.040 Rules of Interpretation

When uncertainty exists as to the boundaries of any use district shown on the official zoning map, the following rules of interpretation shall apply:

1. Where district boundaries are indicated as approximately following the centerline of streets, alleys, highways, structure or railroad tracts, the actual centerline shall be construed to be the boundary;

2. Where district boundaries are indicated as running approximately parallel to the centerline of a street, the boundary line shall be construed to be parallel to the centerline of the street;

3. Where district boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot or tract lines shall be construed to be the boundary of such use district;

4. Where a district boundary on the official zoning map divides a tract in unsubdivided property, the location of the use district boundary, unless the same is indicated by dimensions thereon, shall be determined by use of the scale appearing on the official zoning map;

5. Unmapped shorelands shall be considered to be within the same land use district as the adjacent upland as shown on the official zoning map;

6. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion reverts shall apply to such vacated or abandoned street or alley;

7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this title, the Hearing Examiner may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot;

8. In case uncertainty exists which cannot be determined by application of the foregoing rules, the Hearing Examiner shall determine the location of such use district boundaries. Applications for such special exceptions shall be a Type 3 decision processed pursuant to TMC 18.108.030.

(Ord. 1796 §3 (part), 1997; Ord. 1770 §23, 1996; Ord. 1758 §1 (part), 1995)

18.08.050 Title Compliance

Except as provided in this title:

1. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this title as permitted in the use district in which such land, building, structure or premises is located.

2. No building or structure shall be erected, nor shall any existing building or structure be moved, reconstructed or structurally altered, to exceed in height the limit established by this title for the use district in which such building or structure is located.

3. No building or structure shall be erected, nor shall any building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site requirements and the area and yard regulations established by this title for the use district in which such building or structure is located.

4. No yard or other open spaces, provided about any building or structure for the purpose of complying with the regulations of this title, shall be considered as providing a yard or open space for any other building or structure.

(Ord. 1758 §1 (part), 1995)

CHAPTER 18.09

LAND USES ALLOWED BY DISTRICT

Sections:

18.09.010 Land Uses by Districts

18.09.010 Land Uses by Districts

Refer to Table 18-6, "Land Uses Allowed by District."

Refer to Table 18-2, "Tukwila Urban Center – Land Uses Allowed by District" for uses in the Tukwila Urban Center District

Refer to Figure 1, "Shoreline Use Matrix," for uses in the Shoreline Buffer and Zone.

(Ord. 2500 §3, 2016)

CHAPTER 18.10
LOW DENSITY RESIDENTIAL
(LDR) DISTRICT

(See TMC Chapter 18.60, Board of Architectural Review.)
 (Ord. 2368 §5, 2012; Ord. 2257 §5, 2009;
 Ord. 2251 §13, 2009; Ord. 1865 §7, 1999)

Sections:

- 18.10.010 Purpose
- 18.10.020 Land Uses Allowed
- 18.10.055 Design Review
- 18.10.057 Maximum Building Footprint
- 18.10.060 Basic Development Standards

18.10.010 Purpose

A. This district implements the Low-Density Residential Comprehensive Plan designation, which allows a maximum of 6.7 dwelling units per net acre. It is intended to provide low-density family residential areas together with a full range of urban infrastructure services in order to maintain stable residential neighborhoods, and to prevent intrusions by incompatible land uses. Certain LDR properties are identified as Commercial Redevelopment Areas (see *Figures 18-9 or 18-10*) 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 the adjacent residential neighborhoods.

B. Certain LDR 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 §4, 2009; Ord. 1865 §4, 1999;
 Ord. 1758 §1 (part), 1995)

18.10.020 Land Uses Allowed

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

(Ord. 2500 §4, 2016)

18.10.055 Design Review

Design review is required for all conditional uses, unclassified uses, or non-residential development within the shoreline jurisdiction that involve construction of a new building or exterior changes if the cost of the exterior work equals or exceeds 10% of the building's assessed valuation. Design review is required for developments in a Commercial Redevelopment Area that propose the uses and standards of an adjacent commercial zone as well as development in the Urban Overlay District.

18.10.057 Maximum Building Footprint

The maximum total footprint of all residential structures located on a lot in the Low-Density Residential District shall be limited to 35% of the lot area, provided:

1. The maximum footprint is reduced by 0.125% for each 100 square feet of lot area in excess of 6,500 square feet and less than 19,000 square feet;
2. The maximum footprint shall be 4,000 square feet for lots between 19,000 square feet and 32,670 square feet;
3. The maximum footprint shall be 5,000 square feet for lots between 32,760 square feet and 43,560 square feet;
4. The maximum footprint shall be 6,000 square feet for lots over 43,560 square feet; and
5. For lots less than 6,500 square feet in size, the maximum total footprint shall be the area defined by the application of the standard setback requirements set forth in the applicable Basic Development Standards, up to a maximum of 2,275 square feet.

(Ord. 1971 §6, 2001)

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
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 18.10.030
• Other uses	See TMC Chapter 18.56, Off-street Parking & Loading Regulations

(Ord. 1971 §4, 2001; Ord. 1758 §1 (part), 1995)

CHAPTER 18.12
MEDIUM DENSITY RESIDENTIAL
(MDR) DISTRICT

Sections:

- 18.12.010 Purpose
 - 18.12.020 Land Uses Allowed
 - 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)*

18.12.020 Land Uses Allowed

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

(Ord. 2500 §5, 2016)

18.12.060 Design Review

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

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

*(Ord. 2368 §7, 2012; Ord. 2251 §16, 2009;
Ord. 2005 §1 2002; Ord. 1865 §11, 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), min.	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- & 2-story buildings	10 feet
• 3-story buildings	20 feet
Height, maximum	30 feet
Landscape requirements (minimum): (Applied to parent lot for townhouse plats) See <i>Landscape, Recreation, Recycling/Solid Waste Space requirements</i> chapter for further requirements	
• Front(s)	15 feet
• Sides	10 feet
• Rear	10 feet
Development area coverage	50% maximum (75% for townhouses)
Recreation space	400 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Off-street parking:	

• Residential	See TMC Chapter 18.56, Off-street Parking & Loading Regulations.
• Accessory dwelling unit	See Accessory Use section of this chapter
• Other uses	See TMC Chapter 18.56, Off-street Parking & Loading Regulations

(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
 - 18.14.060 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 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 §7 (part), 2009; Ord. 1865 §12, 1999;
Ord. 1830 §1, 1998; Ord. 1758 §1 (part), 1995)*

18.14.020 Land Uses Allowed

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

(Ord. 2500 §6, 2016)

18.14.060 Design Review

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

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

*(Ord. 2368 §9, 2012; Ord. 2005, §2, 2002;
Ord. 1865 §15, 1999; Ord. 1758 §1 (part), 1995)*

18.14.070 Basic Development Standards

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

HDR BASIC DEVELOPMENT STANDARDS

Lot area, minimum	9,600 sq. ft. (Applied to parent lot for townhouse plats)
Lot area per unit (multi-family, except senior citizen housing)	2,000 sq. ft. (For townhouses the density shall be calculated based on one unit per 2000 sq. ft. of parent lot area. The "unit lot" area shall be allowed to include the common access easements).
Average lot width (min. 20 ft. street frontage width), minimum	60 feet (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)
• Front - 4th floor	45 feet (20 feet for townhouses)
• Second front - 1st floor	7.5 feet
• Second front - 2nd floor	10 feet
• Second front - 3rd floor	15 feet (10 feet for townhouses)
• Second front - 4th floor	22.5 feet (10 feet for townhouses)
• Sides - 1st floor	10 feet
• Sides - 2nd floor	20 feet (10 feet for townhouses unless adjacent to LDR)
• Sides - 3rd floor	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses unless adjacent to LDR)
• Sides - 4th floor	30 feet (20 feet for townhouses unless adjacent to LDR)
• Rear - 1st floor	10 feet
• Rear - 2nd floor	20 feet (10 feet for townhouses unless adjacent to LDR)
• Rear - 3rd floor	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses 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): (Applied to parent lot for townhouse plats) See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements	

• Front(s)	15 feet
• Sides	10 feet
• Rear	10 feet
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 Accessory Use section of this chapter
• 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. 2199 §14, 2008; Ord. 1976 §27, 2001; Ord. 1830 §3, 1998; Ord. 1758 §1 (part), 1995)

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.

(Ord. 1830 §4, 1998; Ord. 1758 §1 (part), 1995)

18.16.020 Land Uses Allowed

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

(Ord. 2500 §7, 2016)

18.16.060 On-Site Hazardous Substances

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)

18.16.070 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)*

18.16.080 Basic Development Standards

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

MUO BASIC DEVELOPMENT STANDARDS

Lot area per unit, multi-family (except senior citizen housing), minimum	3,000 sq. ft.
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>	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
• <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 30 feet
Height, maximum	4 stories or 45 feet
Landscape requirements (minimum): <i>See Landscape, Recreation, Recycling/ Solid Waste Space requirements chapter for further requirements</i>	
• <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 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>Accessory dwelling unit</i>	See TMC 18.16.030, Accessory Uses
• <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, 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. 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 Chapter 18.09, "Land Uses Allowed by District."

(Ord. 2500 §8, 2016)

18.18.060 On-Site Hazardous Substances

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)

18.18.070 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, min.:	
• <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>	
- <i>1st floor</i>	10 feet
- <i>2nd floor</i>	20 feet
- <i>3rd floor</i>	30 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- <i>1st floor</i>	10 feet
- <i>2nd floor</i>	20 feet
- <i>3rd floor</i>	30 feet
Height, maximum	3 stories or 35 feet
Landscape requirements (minimum): <i>See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements</i>	
• <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>	
• <i>Rear</i>	5 feet
• <i>Rear, if any portion of the yard is within 50 ft of LDR, MDR, HDR</i>	
Off-street parking:	
• <i>Residential</i>	See TMC Chapter 18.56, Off street Parking & Loading Regulations
• <i>Accessory dwelling unit</i>	See Accessory Use section of this chapter
• <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. 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, recreational and community facility uses.

(Ord. 1758 §1 (part), 1995)

18.20.020 Land Uses Allowed

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

(Ord. 2500 §9, 2016)

18.20.060 On-Site Hazardous Substances

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 multifamily 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 (min.):	
• <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): <i>All setback areas shall be landscaped. Required landscaping may include a mix of plant materials, 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>	
• <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>Accessory dwelling unit</i>	See Accessory Use section of this chapter
• <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. 1976 §39, 2001; Ord. 1872 §3, 1999; Ord. 1758 §1 (part), 1995)

CHAPTER 18.22

**NEIGHBORHOOD COMMERCIAL CENTER
(NCC) DISTRICT**

Sections:

- 18.22.010 Purpose
 - 18.22.020 Land Uses Allowed
 - 18.22.060 On-Site Hazardous Substances
 - 18.22.070 Design Review
 - 18.22.080 Basic Development Standards
-

18.22.010 Purpose

A. This district implements the Neighborhood Commercial Center Comprehensive Plan designation. Senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. It is intended to provide for pedestrian-friendly areas characterized and scaled to serve multiple residential areas, with a diverse mix of uses. Uses include residential uses at second story or above when mixed with certain retail, service, office, recreational and community facilities, generally along a transportation corridor.

B. Certain NCC 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 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 §8(part), 2009; Ord. 1865 §22, 1999;
Ord. 1830 §10, 1998; Ord. 1758 §1 (part), 1995)*

18.22.020 Land Uses Allowed

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

(Ord. 2500 §10, 2016)

18.22.060 On-Site Hazardous Substances

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)

18.22.070 Design Review

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

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

*(Ord. 2368 §17, 2012; Ord. 2005 §6, 2002;
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 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 space is provided. Landscaping and setback standards may not be waived on commercial property sides adjacent to residential districts.

See the Tukwila International Boulevard Design Manual for more detailed directions

NCC BASIC DEVELOPMENT STANDARDS

Lot area per unit for senior citizen housing, minimum	726 sq. ft. (senior housing)
Setbacks to yards, minimum:	
• <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 building height, setback 1 foot from property line) with a minimum of 10 feet and a maximum 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 ft. of bldg. ht., setback 1 ft. from property line) with a 10 foot min. and 20 foot max.
Height, maximum	3 stories or 35 feet (4 stories or 45 feet in the NCC of the Tukwila International Boulevard Corridor, if a mixed use with a residential and commercial component)
Landscape requirements (minimum): <i>See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements</i>	
• <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>Accessory dwelling unit</i>	See TMC 18.22.030, Accessory Uses
• <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 §42, 2001; Ord. 1872 §4, 1999; Ord. 1865 §25, 1999; Ord. 1830 §13, 1998; Ord. 1758 §1 (part), 1995)

CHAPTER 18.24
REGIONAL COMMERCIAL
(RC) DISTRICT

Sections:

- 18.24.010 Purpose
 - 18.24.020 Land Uses Allowed
 - 18.24.060 On-Site Hazardous Substances
 - 18.24.070 Design Review
 - 18.24.080 Basic Development Standards
-

18.24.010 Purpose

This district implements the Regional Commercial Comprehensive Plan designation. It is intended to provide for areas characterized by commercial services, offices, lodging, entertainment, and retail activities with associated warehousing, and accessory light industrial uses, along a transportation corridor and intended for high-intensity regional uses. Where the area and streetscape is more residential than commercial in character, residential or mixed use residential is also allowed in order to provide redevelopment options and additional households, which would support the surrounding commercial district. In areas where residential uses are permitted, senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. The zone's standards are intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas.

(Ord. 1865 §26, 1999; Ord. 1758 §1 (part), 1995)

18.24.020 Land Uses Allowed

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

(Ord. 2500 §11, 2016)

18.24.060 On-Site Hazardous Substances

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)

18.24.070 Design Review

Design review is required for all projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation, and all hotels and motels and for other commercial structures 1,500 square feet or larger outside the shoreline jurisdiction. Outside of the Tukwila International Boulevard corridor, commercial structures between 1,500 and 5,000 square feet and multi-family structures up to 1,500 square feet will be reviewed administratively. Within the Tukwila International Boulevard corridor (*see TMC Figure 18-9*), design review is required for all new development as well as certain exterior repairs, reconstructions, alterations or improvements. Commercial and multi-family structures up to 1,500 square feet will be reviewed administratively. (See *TMC Chapter 18.60, Board of Architectural Review.*)

(Ord. 2368 §21, 2012; Ord. 2005 §7, 2002; Ord. 1865 §30, 1999; 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.

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 ft 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)

CHAPTER 18.26

REGIONAL COMMERCIAL MIXED-USE (RCM) DISTRICT

Sections:

- 18.26.010 Purpose
- 18.26.020 Land Uses Allowed
- 18.26.060 On-Site Hazardous Substances
- 18.26.070 Design Review
- 18.26.080 Basic Development Standards

18.26.010 Purpose

This district implements the Regional Commercial Mixed Use 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 provide for areas characterized by commercial services, offices, lodging, entertainment, and retail activities with associated warehousing, and accessory light industrial uses, along a transportation corridor and intended for high-intensity regional uses. Residential uses mixed with certain commercial uses are allowed at second story or above. The zone's standards are intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas.

(Ord. 1830 §16, 1998; Ord. 1758 §1 (part), 1995)

18.26.020 Land Uses Allowed

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

(Ord. 2500 §12, 2016)

18.26.060 On-Site Hazardous Substances

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)

18.26.070 Design Review

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

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

(Ord. 2368 §24, 2012; Ord. 2005 §8, 2002; 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:	
• Front	20 feet
• Second front	10 feet
• Sides	10 feet
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
- 1st floor	10 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
• Rear	10 feet
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
- 1st floor	10 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
Height, maximum	3 stories or 35 feet
Landscape requirements (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	
• Rear	None
• Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
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.	

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

CHAPTER 18.28

TUKWILA URBAN CENTER (TUC) DISTRICT

Sections:

INTRODUCTION

- 18.28.010 Purpose and Orientation
- 18.28.020 How to Use the Development Code
- 18.28.030 Applicability and Design Review
Table 18-1: Summary of Applicable Review Process and Standards/Guidelines

District-Based Standards

- 18.28.040 Districts
- 18.28.050 District Land Uses
Table 18-2: Land Uses Allowed By District
- 18.28.060 District Standards
Table 18-3: District Standards
- 18.28.070 Structure Height
- 18.28.080 Maximum Block Face Length
- 18.28.090 Permitted Corridor Types for New Streets
- 18.28.100 Side and Rear Setbacks
- 18.28.110 Side and Rear Yard Landscaping Requirements

Corridor-Specific Standards

- 18.28.120 Corridors
- 18.28.130 Corridor Regulations
Figures 18-20 through 18-27 Corridor Standards
- 18.28.140 New Streets
- 18.28.150 Public Frontage Standards
- 18.28.160 Building Orientation to Street/Open Space
- 18.28.170 Frontage Building Coverage
- 18.28.180 Front Yard
- 18.28.190 On-Site Surface Parking Location
- 18.28.200 Architectural Design Standards
- 18.28.210 Front Yard Encroachments

Supplemental Development Standards

- 18.28.220 Special Corner Feature
- 18.28.230 Landscaping Types
- 18.28.240 General Landscaping
- 18.28.250 Open Space Regulations
Table 18-4: Provision of Open Space
- 18.28.260 General Parking Requirements
Table 18-5: Provision of Parking
- 18.28.270 General Parking Guidelines
- 18.28.280 Site Requirements

INTRODUCTION

18.28.010 Purpose and Orientation

The purpose of this chapter is to implement the goals and policies of the Tukwila Comprehensive Plan and Southcenter Subarea Plan. This chapter contains the primary development

code that will be used to evaluate development projects or improvement plans proposed on properties within the Tukwila Urban Center (TUC) zone area. The Code contains regulations governing Use, Height, Building Placement, Public and Private Frontage, Parking, Streets, Blocks, Open Space, Landscaping, Site Design, and Architecture. See the Tukwila Comprehensive Plan and *Southcenter Subarea Plan* for more detail about the long range vision for the Plan area and a discussion of City actions and investments that support implementation of the Southcenter vision.

(Ord. 2443 §2, 2014)

18.28.020 How to Use the Development Code

A. The Development Code is organized into four primary sections:

1. District-based standards,
2. Corridor-based standards,
3. Supplemental development regulations, and
4. A separate Southcenter Design Manual.

B. Following are instructions on how to locate and review the development regulations that apply to a specific property:

1. Locate the property on the District Map (*Figure 18-16*), and Corridor Map (*Figure 18-19*). Identify which District and Corridor Type(s) apply to the property.

2. Review the District Standards (*Tables 18-2 and 18-3*) and Corridor Standards (*Figures 18-20 through 18-27*) and identify the specific standards for the applicable District and Corridor Type. Note that the tables and figures are intended as a summary and do not encompass all mandatory requirements presented throughout the development regulations.

3. District-Based Standards (TMC Sections 18.28.040 through 18.28.110) govern:

- a. The use of a building or site; see Table 2, "Land Uses Allowed by District."
- b. The scale and configuration of the built environment; see Table 3, "District Standards."

4. Corridor-Based Standards (TMC Sections 18.28.120 through 18.28.200) govern:

- a. Thoroughfare configuration, public frontage conditions, building and parking placement, front yard landscaping, and architectural aspects of that portion of a building's façade within the first 185 feet of a parcel, measured from the curb line provided, however, that for Future Corridors mapped on *Figure 18-19* these Corridor Standards do not apply until the Corridor is activated by: (i) City acquiring the right-of-way and installing thoroughfare and public frontage improvements or lawfully requiring dedication and installation of the same in connection with a project proposal; or (ii) an applicant or owner elects to install the Corridor improvements and provide public access in connection with adjoining development. See the Corridor Standards (*Figures 18-20 through 18-27*).

b. More detailed information about the development regulations and guidelines that apply to each Corridor can be reviewed in the subsequent sections. These regulations are set forth to ensure that the configuration, location, orientation and design of new development match the envisioned character of all streets and open spaces in the Plan area.

5. **Supplemental Development Regulations** (TMC Sections 18.28.220 through 18.28.280): These sections contain regulatory definitions, requirements and guidelines that are common for all properties in Southcenter. They address front yard encroachments, special corner features, new streets configurations and guidelines, open space, landscaping, site components, and parking.

C. **Interpretation of the Development Code.** Most sections of the code feature the following elements:

1. **Purpose.** Purpose statements are overarching objectives.

2. **Standards.** Standards use words such as "shall", "must", or "is/are required", signifying required actions.

3. **Guidelines.** Guidelines use words such as "should" or "is/are recommended", signifying voluntary measures.

4. **Alternatives.** Some standards within the code allow applicants to propose alternative methods of meeting the particular standards. In such cases, the applicant shall demonstrate how the proposal meets the purpose of the standard and the overall objectives of the Plan.

D. See the Applicability and Design Review section (TMC Section 18.28.030) to determine how the provisions in this chapter apply to properties in the TUC zone and which other Tukwila codes may apply to a specific property.

(Ord. 2443 §3, 2014)

18.28.030 Applicability and Design Review

A. Relationship to Other Tukwila Codes.

1. The provisions of this chapter apply to properties within the Southcenter Plan Area, shown on the District Map (*Figure 18-16*).

2. The provisions of this chapter shall modify the regulations and other provisions in TMC Title 18, "Zoning," provided that the regulations and provisions of the entire Tukwila Municipal Code shall apply when not specifically covered by this chapter; and, further, provided that where Title 18 and the goals of the Southcenter Plan and this chapter are found to be in conflict, the provisions of this chapter shall apply unless otherwise noted.

3. Areas within 200 feet of the Ordinary High Water Mark (OHWM) of the Green River are subject to the regulations in TMC Chapter 18.44, "Shoreline Overlay," which supersede this chapter when in conflict.

4. Areas meeting the definition of sensitive areas or sensitive area buffers are subject to the regulations of TMC Chapter 18.45, "Environmentally Sensitive Areas," and TMC Chapter 18.54, "Tree Regulations."

5. Alterations to non-conforming structures, uses, landscape areas or parking lots shall be made in accordance with the standards in TMC Chapter 18.70, "Non-Conforming Lots, Structures and Uses," except that existing structures greater than the applicable district's maximum building height at the time of adoption of Ordinance No. 2443 (effective June 10, 2014) shall not be considered non-conforming as to height provisions.

6. Tukwila has adopted local amendments to the International Building and Fire Codes, which should be reviewed early in the development process; see TMC Title 16, "Buildings and Construction."

7. Boundary line adjustments, lot consolidations, short plats, subdivisions and binding site improvement plans shall be subject to the requirements of TMC Title 17, "Subdivisions and Plats."

8. Signs shall be regulated according to Title 19, "Sign and Visual Communication Code."

9. Public and private infrastructure must be designed and built in compliance with the standards contained in the current edition of the Tukwila Public Works Department Infrastructure Design and Construction Standards.

B. **Intensification of Use.** Maximum block face length (TMC Section 18.28.080) and public frontage improvements (TMC Section 18.28.150) are required when an individualized assessment by the Director determines that the improvements are reasonably necessary as a direct result of the transportation impacts of a proposed development.

C. Pad Development, Expansions or Complete Redevelopment.

1. Construction of a new pad building on a site with existing development shall meet all requirements for the new structure, and any alterations to non-conforming landscape areas or parking lots shall be made in accordance with the standards in TMC Chapter 18.70, "Non-Conforming Lots, Structures and Uses."

2. Expansions of existing buildings shall meet all requirements for the new portions of the structure, and any alterations to non-conforming landscape areas or parking lots shall be made in accordance with the standards in TMC Chapter 18.70, "Non-Conforming Lots, Structures and Uses."

3. Development of a vacant site or complete redevelopment of a site shall require compliance with all of the standards and guidelines in this chapter.

D. Design Review. (Table 18-1)

1. Design review for projects located in the Regional Center (TUC-RC), Transit Oriented Development Neighborhood (TUC-TOD), Pond (TUC-P), or Commercial Corridor (TUC-CC) Districts:

a. Projects meeting the thresholds for design review set forth in subparagraph 18.28.030.D.1.b. and c. shall be evaluated using applicable regulations in this chapter and the guidelines set forth in the Southcenter Design Manual. Work performed within the interior of a structure does not trigger design review or application of District or Corridor Standards.

b. *Major remodels and small-scale projects.*

Projects meeting any one of the following criteria shall be reviewed administratively as a Type 2 decision (see TMC Chapter 18.60):

- (1) New non-residential structures between 1,500 and 25,000 square feet in size (total on premises).
- (2) New residential or mixed-use buildings providing up to 50 dwelling units (total on premises).
- (3) Any exterior repair, reconstruction, cosmetic alterations or improvements, when the cost of that work exceeds 10% of the building's current assessed valuation (the cost of repairs to or reconstruction of roofs screened by parapet walls is exempt). Compliance with corridor-based architectural design standards and building orientation is required for existing buildings only if they are destroyed by any means to an extent of more than 50% of their replacement cost at the time of destruction, in the judgment of the City's Building Official.
- (4) Exterior expansions between 1,500 and 25,000 square feet in size (total on premises).

c. *Large scale projects.* Projects meeting the following criteria shall be reviewed by the Board of Architectural Review (BAR) as a Type 4 decision (see TMC Chapter 18.60):

- (1) New non-residential structures greater than 25,000 square feet in size (total on premises).
- (2) New residential or mixed-use buildings with more than 50 dwelling units (total on premises).
- (3) Exterior expansions greater than 25,000 square feet in size (total on premises).

d. *Minor remodels and very small scale projects.* Projects NOT meeting the design thresholds set forth in subparagraph 18.28.030.D.1.b. or c. are not subject to design review and shall be evaluated using applicable regulations in this chapter EXCEPT for the corridor-based architectural design standards.

2. **Design Review for Projects located in the Workplace District.**

a. Buildings containing any dwelling units that meet the following thresholds for design review shall be evaluated using applicable regulations in this chapter and the guidelines set forth in the Southcenter Design Manual. Work performed within the interior of a structure does not trigger design review or application of District or Corridor Standards.

Type of Review.

- (1) New small scale residential or mixed-use buildings providing up to 50 dwelling units (total on premises) shall be reviewed administratively as a Type 2 decision (see TMC Chapter 18.60).
- (2) *Major remodels.* Any exterior repair, reconstruction, cosmetic alterations or improvements to buildings over 10,000 square feet, when the cost of that work exceeds 10% of the building's current assessed valuation (the cost of repairs to or reconstruction of roofs screened by parapet walls is exempt) shall be reviewed administratively as a Type 2 decision (see TMC Chapter 18.60).

(3) New large scale residential or mixed-use building projects with more than 50 dwelling units (total on premises) will be reviewed by the Board of Architectural Review (BAR) as a Type 4 decision (see TMC Chapter 18.60).

b. All other projects meeting the following thresholds for design review shall be evaluated using the applicable regulations in this chapter and the design review criteria in TMC Section 18.60.050.

Type of Review:

(1) Small scale new construction or exterior expansions between 1,500 and 25,000 square feet shall be reviewed administratively as a Type 2 decision (see TMC Chapter 18.60).

(2) *Major remodels.* Any exterior repair, reconstruction, cosmetic alterations or improvements to buildings over 10,000 square feet, when the cost of that work exceeds 10% of the building's current assessed valuation (the cost of repairs to or reconstruction of roofs screened by parapet walls is exempt) shall be reviewed administratively as a Type 2 decision (see TMC Chapter 18.60). Compliance with corridor-based building orientation/placement and architectural design standards is required for existing buildings only if they are destroyed by any means to an extent of more than 50% of their replacement cost at the time of destruction, in the judgment of the City's Building Official.

(3) Large-scale new construction or exterior expansions greater than 25,000 square feet shall be reviewed by the Board of Architectural Review as a Type 4 decision (see TMC Chapter 18.60).

c. *Minor remodels and very small scale projects.* Projects NOT meeting the design thresholds set forth in subparagraph 18.28.030.D.2.a. or b. shall be evaluated using applicable regulations in this chapter EXCEPT for the corridor-based architectural design standards.

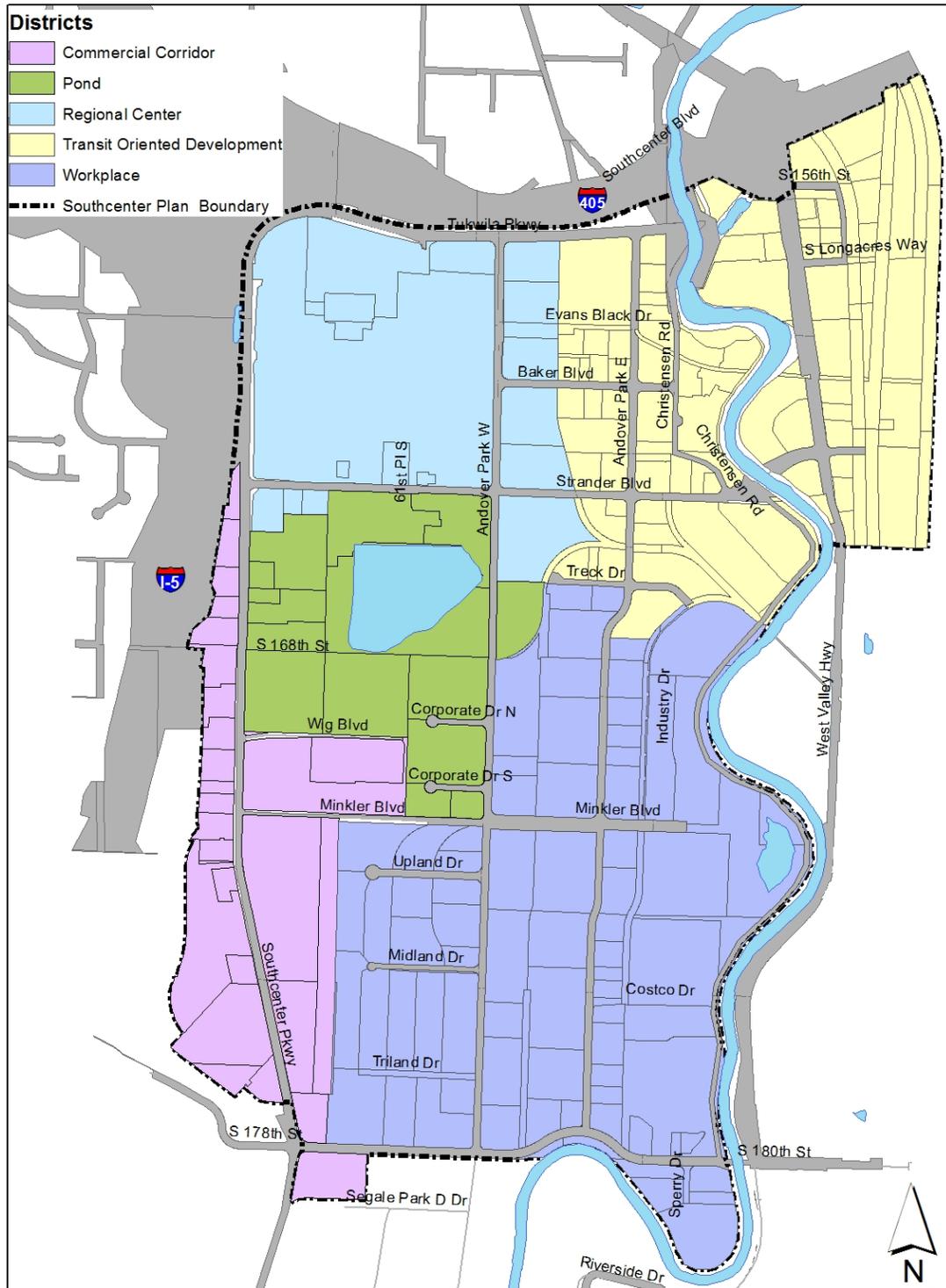
(Ord. 2500 §14, 2016; Ord. 2443 §4, 2014)

DISTRICT-BASED STANDARDS

18.28.040 Districts

A. Five Districts are hereby established within the Tukwila Urban Center in the specific locations and with the specific names indicated in the District Map (Figure 18-16).

Figure 18-16: District Map



B. Districts – Purpose.

1. **TUC-RC, Regional Center.** The area in the vicinity of Westfield Southcenter Mall, with easy access to the bus Transit Center, is intended to provide an area that will continue to infill and intensify with more retail, services, and entertainment uses southward toward Strander Boulevard and eastward across Andover Park West. Over the long term, infill development on the high-value property of the Mall may continue the transition from surface parking to structured parking, and may be increasingly characterized by mid-rise or high-rise building components built over the retail base.

2. **TUC-TOD, Transit Oriented Development (TOD) Neighborhood.** The area extending from the bus transit center on Andover Park West eastward towards the Sounder commuter rail/Amtrak station is intended to provide a more compact and vibrant mix of housing, office, lodging and supportive retail and service uses. Parking will be accommodated by a combination of off- and on-street parking spaces/lots. The overall structure of the TOD Neighborhood will be characterized by moderate development intensities and building heights. A fine-grained network of streets with pedestrian amenities will increase the walkability of the area.

3. **TUC-P, Pond District.** The northern edge of the Pond District is intended to provide an area of higher-density mixed-use development over retail, restaurants and services, oriented towards the Pond and a paved waterfront esplanade. Maximum building heights will be lower than in the adjacent Regional Center District, to provide sunlight to and views of the Pond. The eastern, western, and southern edges of the Pond will be characterized by a more natural park environment. Buildings will be separated from the Pond by streets on the eastern and southern edges, and stepped down in height toward the water to preserve views. Ground floors on these edges will range from office to support services and retail uses, with more private uses like residential above.

4. **TUC-CC, Commercial Corridor District.** Southcenter Parkway will continue to feature auto-oriented retail and services in a manner similar to the existing patterns of development in that area.

5. **TUC-WP, Workplace District.** The large southern portion of the plan area will continue to provide a wide range of distribution, warehousing, light industrial, “big box” retail, and furniture outlets, with incremental infill by office and other complementary commercial uses. Residential uses may front the Green River.

C. The scale and pattern of all development shall be governed by the standards and regulations for the applicable District.

(Ord. 2443 §5, 2014)

18.28.050 District Land Uses

For permitted uses of a building or site, see *Table 18-2*, “Land Uses Allowed by District.”

1. All Districts appear in the top row of the table.

2. The uses are organized by category and if allowed in a District are listed as either Permitted (P), Accessory (A), Conditional (C), or Unclassified Use Permit (UUP).

3. All permitted uses for a single district are allowed either alone or in combination with any other permitted uses within a parcel.

4. Other uses not specifically listed in this title are permitted should the Director determine them to be similar in nature to and compatible with other uses permitted outright within a District, consistent with the stated purpose of the District, and consistent with the policies of the Southcenter Plan.

(Ord. 2443 §6, 2014)

18.28.060 District Standards

For the scale and configuration of the built environment, see *Table 18-3*, “District Standards.”

1. All Districts appear in the top row of the table.
2. The primary regulations are listed in the left-most column of the table in the order that they appear in the text.
3. The development standards that apply to each District can be reviewed by cross referencing a regulation with a District.

4. More detailed information about the regulations and guidelines that apply to each District can be reviewed in the Tukwila Municipal Code section referenced in the row sub-headings. These regulations are set forth to ensure that the height and setbacks of new buildings and the scale of new blocks and streets are consistent with the purpose of each Southcenter District.

(Ord. 2443 §7, 2014)

18.28.070 Structure Height

A. The minimum and maximum height of a structure shall be as specified by District or modified by a special height overlay. See *Table 3*, “District Standards.”

1. Structures oriented to Baker Boulevard shall have an average height at least as high as the minimum listed in *Table 18-3*, “District Standards.”

B. Pond Edge Height Limit.

1. Development located within 150 feet of the edge of Tukwila Pond is not eligible for incentive height increases.

2. The maximum height in this location shall be as specified by District.

C. Public Frontage Improvement Height Incentive.

1. As an incentive to provide public frontage improvements and/or new streets that are not otherwise required under this code, allowable structure heights may be increased to the limits as specified for each District as shown in *Table 18-3*, “District Standards,” when:

- a. Developers construct public frontage improvements along their parcel frontages on existing streets, constructed to the standards of this code; or

b. Developers construct new 20 foot wide half streets with one side of public frontage improvements, constructed to the standards of this code; or

c. The existing sidewalk width and configuration along a parcel's frontage meets or exceeds the public frontage standard and, when averaged, the landscape width and street tree spacing meet the required public frontage standard. Additional sidewalk width may substitute for an equal area of landscaping.

d. In order to take advantage of this incentive, the public frontage improvements must start and stop at property boundaries, intersections or traffic signals and transition safely to neighboring conditions.

2. The public frontage height incentive will be applied proportionally to parcels with more than one frontage based on the following:

a. Each frontage will be evaluated separately based on its Corridor Type's public frontage standards.

b. The height bonus will be applied to a percentage of the total building footprint(s) on site based on the percentage of the parcel's total public frontage that, when averaged, meets the public frontage standard. For example, when averaged, if one of a parcel's two similar length frontages meets the corridor's public frontage standard, then 50% of the total building footprint on site is eligible for the height incentive.

D. Multi-Family Height Incentive.

1. As an incentive to construct residential dwelling units, allowable structure heights may be increased to the limits specified in **Table 18-3**, "District Standards."

2. Structures may be completely residential or mixed use, with residential uses comprising at least half of the occupied floor area of the building.

E. Structures qualify for increased height as set forth in **Table 18-3**, "District Standards," when integrating any of the following combination of height incentives:

1. In the TUC-TOD District, allowable structure heights may be increased to 115 feet for developments that meet both the frontal improvement and multi-family height incentive requirements.

2. In the TUC-TOD District, allowable structure heights may be increased to 115 feet for developments that achieve a LEED certification of silver or higher and meet either the frontal improvement or multi-family height incentive requirements.

3. In the TUC-TOD District, allowable structure heights may be increased to 115 feet for developments that meet the multi-family height incentive requirements and make at least 20% of the residential units affordable per the standards in WAC 365-196-870. For rental units, affordability is set at 50% of the county median family income, adjusted for family size. For owner-occupied units, affordability is set at 80% of the county median family income, adjusted for family size.

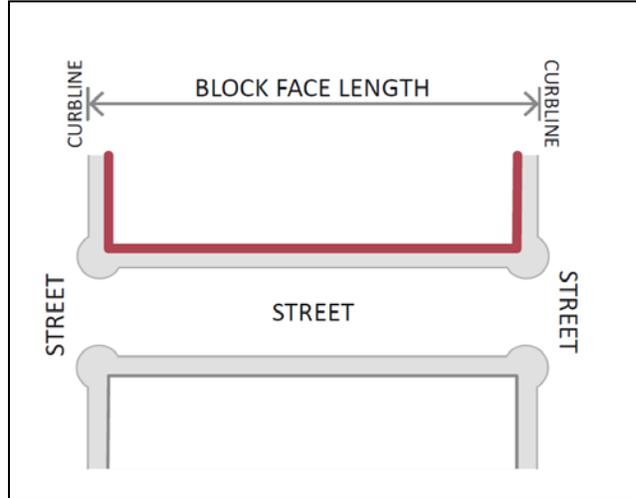
(Ord. 2443 §8, 2014)

18.28.080 Maximum Block Face Length

A. **Definition.** Block face length is a measure of a length of a block, in feet, from curb face to curb face of two intersecting and publicly accessible streets (public or private).

See **Figure 18-17 (below)**.

Figure 18-17: Block face length



B. Regulation.

1. When required per TMC Section 18.28.030.B, development sites (properties or assemblages of contiguous properties) with a block face that exceeds the specified maximum block face length standard must construct new publicly accessible streets in locations that result in the creation of city blocks that do not exceed the maximum block face length for that District.

2. For the purposes of determining block face length, alleys are considered as part of the interior of a block. For development sites bounded by rivers or ponds, property lines along the adjacent water body and pedestrian ways providing waterfront access may qualify as defining the edge of a block. In no other case shall pedestrian ways qualify as defining the edge of a block.

3. New streets must be designed, configured, and located in accordance with TMC Section 18.28.140, "New Streets."

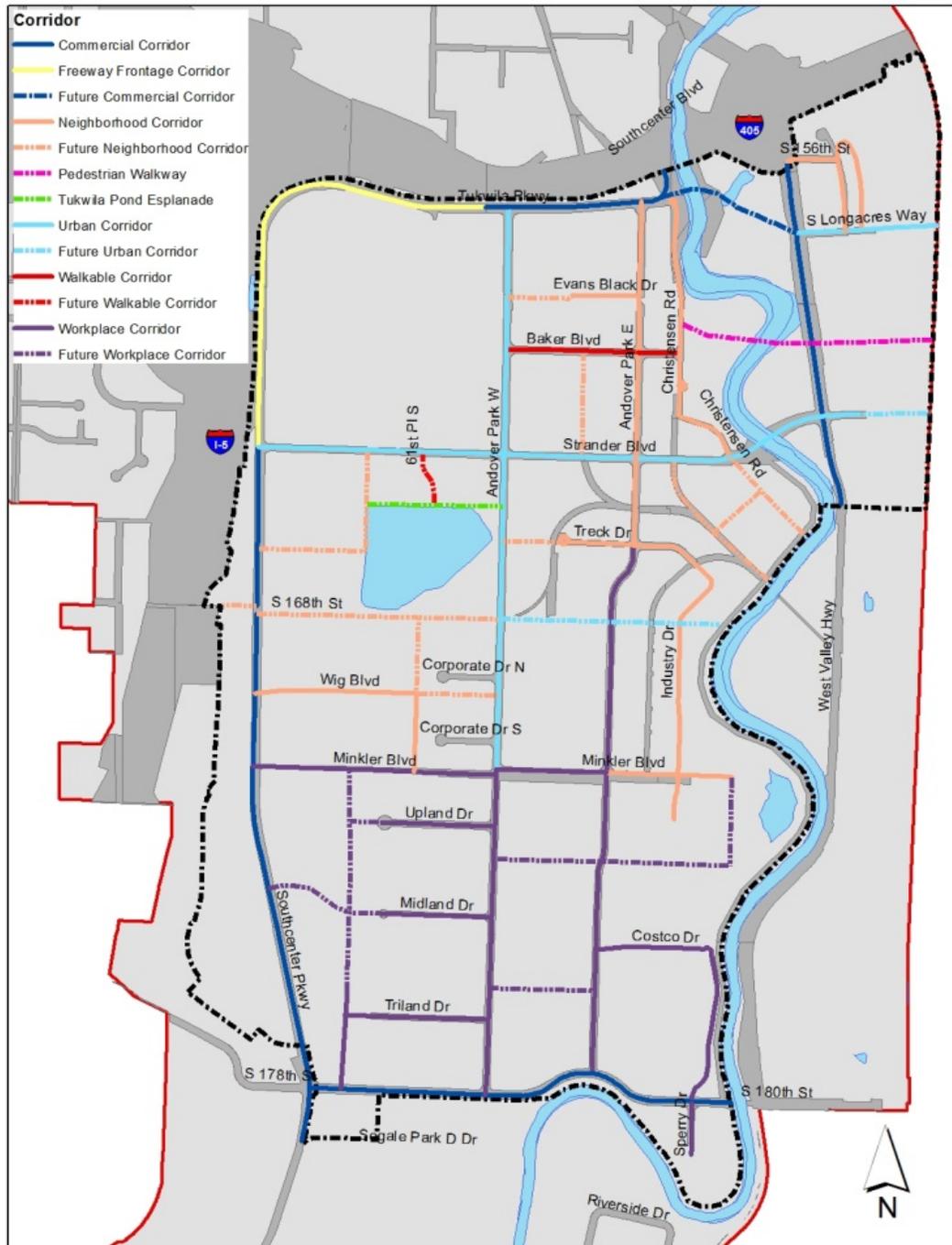
(Ord. 2443 §9, 2014)

18.28.090 Permitted Corridor Types for New Streets

New streets built to satisfy maximum block face requirements or built voluntarily by a developer that are not shown on the Corridor Type Map (*Figure 18-19*) shall be built as one of the Corridor Types permitted in *Table 18-3*, "District Standards." See TMC Section 18.28.140, "New Streets," for more details.

(Ord. 2443 §10, 2014)

Figure 18-19: Corridor Type Map



18.28.100 Side and Rear Setbacks

A. The width of side and rear setbacks shall be as specified by *Table 18-3, "District Standards."*

B. Front yard setbacks are specified by the Corridor Standards (*Figures 18-20 through 18-27*).

(Ord. 2443 §11, 2014)

18.28.110 Side and Rear Yard Landscaping Requirements

A. The width of side and rear yard landscaping shall be as specified by Table 3, "District Standards."

B. Side and rear yard landscaping shall be designed, planted and maintained as specified in TMC Section 18.28.230.B, "Side and Rear Yard Landscape Types," and TMC Section 18.28.240, "General Landscaping."

(Ord. 2443 §12, 2014)

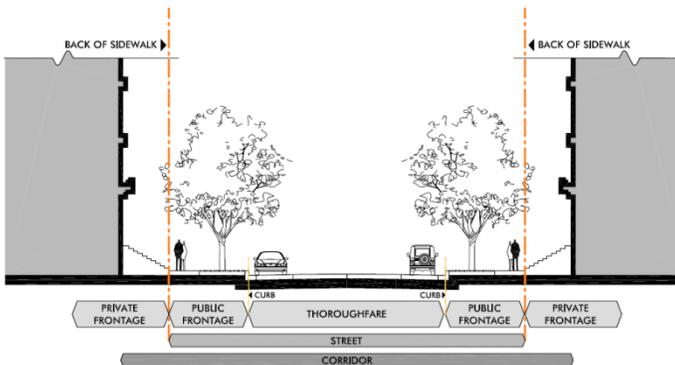
CORRIDOR-SPECIFIC STANDARDS

18.28.120 Corridors

A. **Purpose.** To provide standards specific to a hierarchy of corridors and to implement the vision for Southcenter as set forth in the Subarea Plan.

B. A Corridor consists of the following elements (*see figure 18-18 below*):

Figure 18-18: Corridor Definition of Terms



1. **Street:** Comprised of the thoroughfare and public frontage.

a. **Thoroughfare** – Includes the moving and parking lanes from curb face to curb face.

b. **Public Frontage** – The portion of a property between the curb face and back of sidewalk, including the sidewalk and any sidewalk landscaped areas. Public frontage is also associated with pedestrian walkways and open spaces, such as Tukwila Pond or the Green River.

2. **Private Frontage.** The portion of a property between the back of sidewalk and the primary building façade along the street, pedestrian walkway or open space, and portions of all primary building façades up to the top of the first or second

floor, including building entrances, located along and oriented toward the street, pedestrian walkway or open space.

C. Eight Corridor Types are hereby established in the specific locations and with the specific names indicated in *Figure 18-19, "Corridor Type Map."*

1. **Walkable Corridors.** To provide and support a high-quality pedestrian realm for shopping and strolling along active retail, eating and entertainment uses, with buildings pulled up to the street and parking located to the side or rear, on Southcenter's primary streets connecting the Mall, Tukwila Pond, the Transit Center, and the Sounder Commuter Rail/Amtrak Station. Sidewalks associated with these Corridors should be wide and unobstructed to provide ample room for pedestrians to walk, and, where appropriate, to encourage activities including outdoor dining and locations for kiosks, food carts, and flower stalls.

2. **Pedestrian Walkways.** The design and location of this corridor is intended to supplement the existing and future street network with non-motorized pathways; to support and foster an alternative mode of travel to motorized vehicles within the area; and to provide a safe, pleasant, and direct route for pedestrians between significant activity areas (such as the Sounder Commuter Rail/Amtrak Station and Baker Boulevard, and the Mall and Tukwila Transit Center with Tukwila Pond Park). Pedestrian walkways should be wide with amenities such as trees, planters, benches and other street furniture. Buildings should be pulled up to the edge of the corridor and designed to be pedestrian-friendly. Where appropriate, uses such as kiosks, viewing areas, food carts and flower stalls shall be encouraged along this corridor. Walkways will be well-lit to create a safe night-time environment.

3. **Tukwila Pond Esplanade.** To provide a public esplanade environment along the northern edge of Tukwila Pond Park that functions as a focal point and central gathering spot for the urban center, suitable for shopping or strolling. The esplanade is intended to be integrated with adjoining retail and restaurant activities, providing an active waterside promenade to augment the shopping, eating and other uses in the vicinity.

4. **Neighborhood Corridors.** To provide an intimately-scaled pedestrian environment within northern Southcenter's higher density mixed-use neighborhoods, in a "complete streets" setting with on-street parking and bicycles sharing the roadway with vehicles.

5. **Urban Corridors.** To provide an attractive streetscape along the crossroads in the urban center, which provide greater capacity for transit and auto traffic, with modest improvements for pedestrian safety.

6. **Commercial Corridors.** To provide greater capacity for vehicles, and attractive streetscapes along heavily travelled roadways serving auto-oriented commercial uses, with modest improvements for pedestrian safety.

7. **Freeway Frontage Corridors.** To provide heavily travelled parkways oriented towards both the area's freeways and Westfield Southcenter Mall, with modest improvements for pedestrian safety.

8. **Workplace Corridors.** To provide streets serving truck loading and parking access for primarily warehouse/distribution uses in the southern part of the Southcenter area, with modest improvements for pedestrian safety.

(Ord. 2443 §13, 2014)

18.28.130 Corridor Regulations

A. This section contains regulations and guidelines for the provision, design, and configuration of new and existing streets and adjacent public and private frontage to ensure that these components of a Corridor support the type of development desired within each district, enhance the connectivity of the street network, create safe and attractive streetscape environments, encourage walking, and provide sufficient capacity and proper accessibility and circulation as the area intensifies.

B. The form of all development along a street, primary open space, or water body shall be governed by the standards and regulations of the applicable Corridor Type. Corridor Type establishes the following:

1. **For existing streets:** A specific configuration of the public frontage.

2. **For new streets:** A specific configuration for the thoroughfare and public frontage.

3. **For existing and new streets:** Specific private frontage requirements.

4. **For projects that trigger design review:** Architectural Design Standards.

C. **Modifications.** An applicant may propose modifications to the Corridor standards. Modifications must be approved by the Director as a Type 2 decision (TMC Chapter 18.104). The applicant must show that the modified Corridor design:

1. Satisfies the urban design goals as stated in each Corridor Type's purpose, requirements, and description;

2. Is designed to transition safely to the existing conditions at either end; and

3. Enhances the streetscape of the site and adjacent development.

D. **Summary of Standards.** *Figures 18-20 through 18-27* summarize the corridor regulations. TMC Sections 18.28.140 through 18.28.200 provide supporting details.

(Ord. 2443 §14, 2014)

18.28.140 New Streets

A. **Purpose.** New street regulations ensure the creation of an appropriate sized network of blocks, streets and pedestrian paths that will support the envisioned future development.

B. Regulations.

1. New streets shall be required when an individualized assessment by the Director determines that the improvements are reasonably necessary as a direct result of the proposed development. New streets may also be provided voluntarily by a developer, or constructed by the City.

2. All New Streets:

a. New streets shall be designed based on their Corridor Type.

b. New street locations must meet safety and spacing requirements, as approved by the Public Works Director.

c. New streets may be publicly or privately owned and maintained, as approved by the Public Works Director.

d. New streets shall connect with existing streets and be configured to allow for future extension whenever possible.

e. Permanent dead ends shall not be permitted, unless the new street dead ends at a public access point to the Green River.

f. In order to maintain the accessibility provided by the block structure of the urban center, existing public streets or alleys may not be closed permanently unless the closure is part of the provision of a network of new streets that satisfies all street regulations.

g. New alleys and passageways do not satisfy street provision requirements.

h. New streets are encouraged to be located along side property lines. These new streets may require coordination with neighboring property owners in order to maximize the continuity of the new street network.

i. As part of new street construction or sidewalk improvements, landscaped areas within the street right-of-way should be designed to be functional stormwater treatment facilities where appropriate.

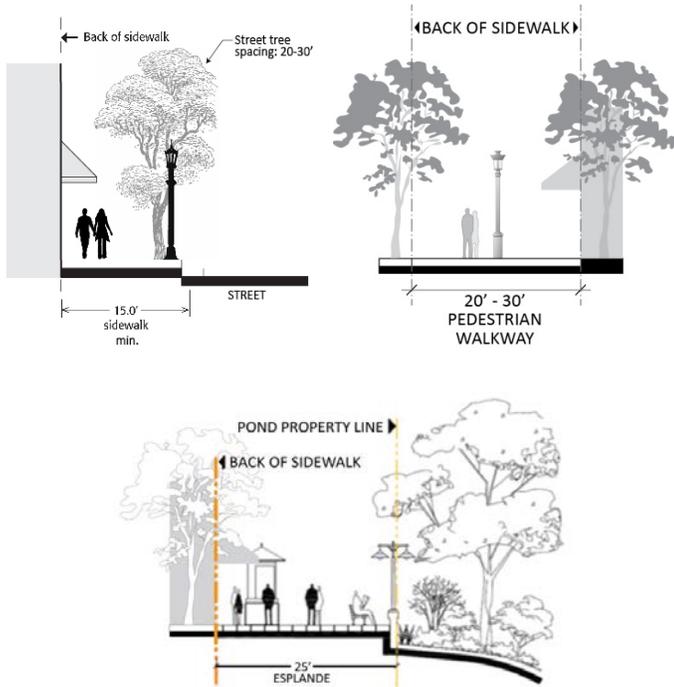
(Ord. 2443 §15, 2014)

18.28.150 Public Frontage Standards

A. Regulations.

1. Public frontage standards establish a specific configuration of improvements that match the configuration and design of new and existing thoroughfares. See *Figure 18-28* for an example of public frontage.

Figure 18-28: Three examples of public frontages



2. Installation of new public frontage improvements, if required by TMC Section 18.28.030.B or constructed voluntarily, shall be as specified by the Corridor Type's public frontage standards (see *Figures 18-20 through 18-27*) along all parcel frontages, except where the public frontage area already contains the required features.

3. In instances where existing public frontage areas already contain features that are sufficiently similar to those required in the Plan, all or part of the required public frontage requirements may be waived by the Director.

4. In instances where new streets are required or constructed voluntarily—that is, in instances where there are no existing public frontage conditions—the public frontage shall be configured as specified by the Corridor Type's public frontage standards. See *Figures 18-20 through 18-27*.

5. The exact location of the new back of sidewalk may or may not coincide with the front property line. As a result, newly installed public frontage improvements may be partially located on private property.

6. Along Tukwila Pond, all public frontage improvements are measured from the pond property line.

7. Each block shall have no more than 40% of the same species of large, open-habit deciduous trees. To provide optimum canopy cover for the streetscape, each block shall be

planted with deciduous trees at intervals set forth in the Corridor Standards (*Figures 18-20 through 18-27*). Spacing shall be a function of mature crown spread, and may vary widely between species or cultivars. The trees shall have a minimum branching width of 8 feet within 5 years and when mature shall be large broad canopy species selected from the City's recommended street tree list established for each corridor.

8. Pedestrian-scale decorative street lighting shall be installed with a maximum spacing consistent with recommendations of the Illuminating Engineering Society of America (IES). The light source shall be located 12 to 14 feet above finished grade. Where vehicular lights are needed, vehicular lighting height and location should be consistent with IES recommendations.

9. Where appropriate, special paving patterns should be used to emphasize the pedestrian realm within the public frontage. The sidewalk shall include a 1 foot wide paved auto passenger landing located along the curb where on-street parking is present.

10. Street furnishings such as benches and trash receptacles shall be provided where appropriate.

B. Exceptions.

1. In instances where installation of required public frontage improvements as part of on-site construction are found to be impractical—for example in instances where the private frontage is particularly narrow or fragmented—the property owner may pay an in-lieu fee covering the construction cost to install the required public frontage improvements when they can be combined with those on adjacent properties or as part of a City-sponsored street improvement program with the approval of the Director.

2. When public frontage improvements are triggered by development on a portion of a larger site and the cost of the public frontage improvements is disproportionate to the triggering work, the Director will determine the degree of compliance.

(Ord. 2443 §16, 2014)

18.28.160 Building Orientation to Street/Open Space

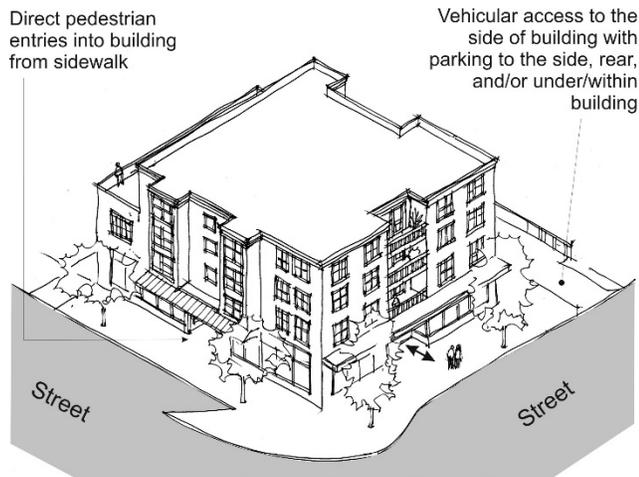
A. **Intent.** The building orientation to street provisions are intended to implement the vision for Southcenter by creating a network of “complete streets” and corridors that provide pedestrian comfort, bicycle safety, and automobile movement according to their location and necessary function in the overall area. The provisions herein include a hierarchy of street or “corridor” types ranging from vibrant and activated shopping and dining frontages (Walkable Corridors) to the Workplace Corridors, which accommodate significant truck traffic and support warehouse/distribution uses. The design provisions intend to physically enclose the street or pedestrian corridor to create the sense of an outdoor room with connections across the street to the extent appropriate for the particular street or corridor type. This is accomplished by locating buildings close to the street and containing visible pedestrian entries directly accessible from the street, with parking areas predominately located to the side or rear of buildings along most corridors.

B. Regulation.

1. Building orientation is required or not required, as specified by Corridor Type (see *Figures 18-20 through 18-27*).

2. A building is oriented to a street or open space (*Figure 29*) if the building has a primary public entrance that opens directly on to or facing new or existing streets or open space, excluding alleys. See Section 7 of the Southcenter Design Manual for additional standards and guidelines for entrances.

Figure 18-29: Example of a building oriented to the street



3. Where building orientation to streets/open spaces is required for the applicable Corridor Type, weather protection at least 6 feet in width along at least 75 percent of the façade must be provided (see *Figures 18-30 and 18-31*). See Section 14 of the Southcenter Design Manual for additional standards and guidelines for weather protection.

Figure 18-30: Example of features on a building oriented to street

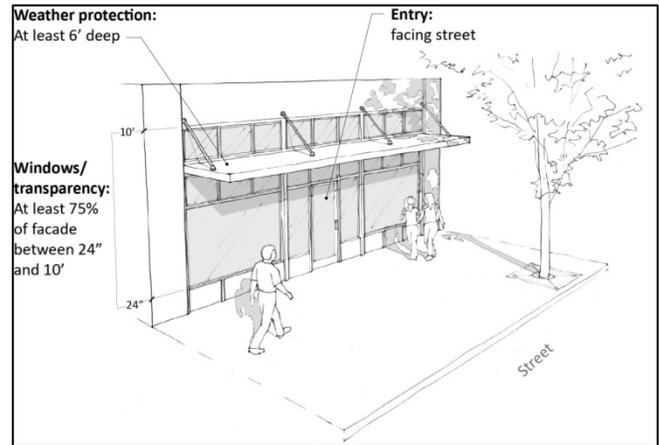


Figure 18-31: Examples of building orientation to streets / open space treatments



4. Parking structures, garages, and accessory buildings are permitted and encouraged to be located along alleys in lieu of streets or open spaces. Those portions of parking structures, garages, and accessory buildings that are within 185 feet of the street are subject to applicable Corridor Standards (see *Figures 18-20 through 18-27*).

C. **Corner Parcels.** New buildings located at the intersection of two or more Corridors where building orientation is required shall have an entrance(s) oriented towards at least one Corridor to be determined by the developer.

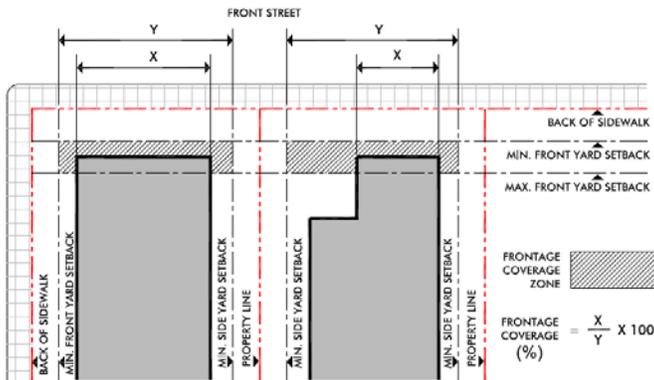
(Ord. 2443 §17, 2014)

18.28.170 Frontage Building Coverage

A. Regulations.

1. Frontage building coverage is the percentage of the length of the street frontage that is occupied by a primary building façade(s) excluding any side yard setbacks (Figure 18-32).

Figure 18-32: Frontage Building Coverage



2. Minimum building frontage coverage percentages are required by the Walkable Corridor and Tukwila Pond Esplanade Corridor Types (see frontage building coverage minimum in *Figures 18-20 and 18-22*).

3. Where required, all new development shall include buildings sited such that minimum frontage building coverage requirements are met.

B. Exceptions.

1. In order to provide vehicular access to parking areas in the interior or at the rear of a parcel if no other access is available, vehicular breezeways may count toward frontage coverage requirements.

a. A vehicular breezeway is a covered driveway penetrating the building.

b. The width of a vehicular breezeway shall not exceed the width of the curb cut plus the width of an adjacent pedestrian sidewalk.

c. In order to connect the public sidewalk with active open spaces, courtyards, parking areas, and alleys in the interior or at the rear of a parcel, pedestrian passages designed to the standards in the Open Space Regulations, TMC Section 18.28.250.E.2.j, may count toward frontage coverage requirements.

(Ord. 2443 §18, 2014)

18.28.180 Front Yard

A. Setback.

1. The minimum and/or maximum required front yard setback shall be as specified in the applicable Corridor Standards. See *Figures 18-20 through 18-27*.

2. Setbacks for the Walkable Corridor may be increased to allow for additional pedestrian space (see *Figure 18-33*) between the sidewalk and the building.

Figure 18-33: Example of exceeding maximum building setbacks to provide pedestrian space



B. Landscaping.

1. The minimum required landscaping shall be as specified in the applicable Corridor Standards. See *Figures 18-20 through 18-27*.

2. Front yard landscaping shall be designed, planted and maintained as specified in TMC Section 18.28.230.A, "Front Yard Landscape Types," and TMC Section 18.28.240, "General Landscaping."

3. Front yard landscaping requirements shall be waived if the public frontage improvements are built to the required standard. Exceptions: perimeter parking lot landscaping (see TMC Section 18.28.240.B.6) and blank wall screening standards (see Section 15 of the Southcenter Design Manual) still apply, where applicable.

(Ord. 2443 §19, 2014)

18.28.190 On-Site Surface Parking Location

A. **Permitted Locations.** The permitted on-site surface parking locations on a parcel shall be as specified in the applicable Corridor Standards (*Figures 18-20 through 18-27*). See TMC Sections 18.28.260 and 18.28.270 for additional parking regulations and guidelines.

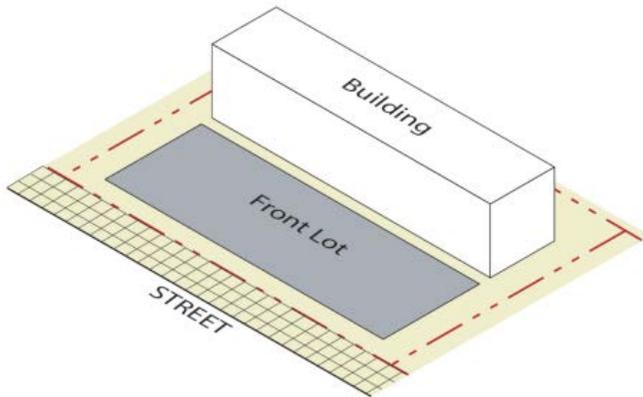
B. **On Site Parking Types.**

1. Parking areas shall be designed as one of the parking types defined in this section. A property's permitted parking types shall be as specified by Corridor Type. For all parking types, parking shall be connected with the street by a driveway as stated in TMC Section 18.28.260.C., "Vehicular Access."

2. **Surface Parking Lot – Front.**

a. **Definition:** A parking lot that is located between a building and the primary street fronting a development (*Figure 18-34*).

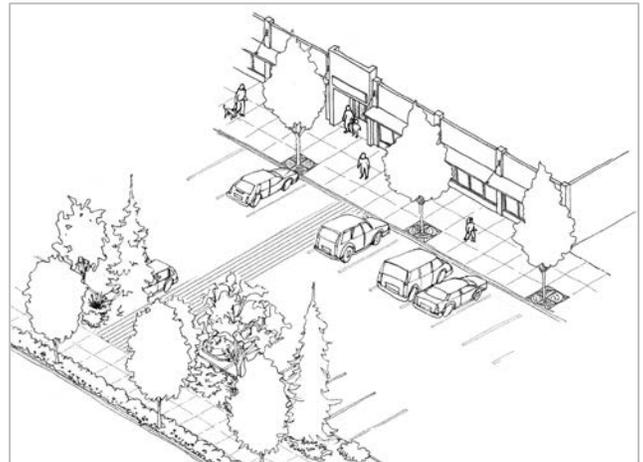
Figure 18-34: Surface Parking - Front



3. **Street Front Parking:**

a. This regulates the width of a front parking area allowed between a building and the closest street (*Figure 18-35*).

Figure 18-35: Examples of Street Front Parking



b. For new construction the maximum width of street front parking is regulated by Corridor Type. (*See Figures 18-20 through 18-27.*)

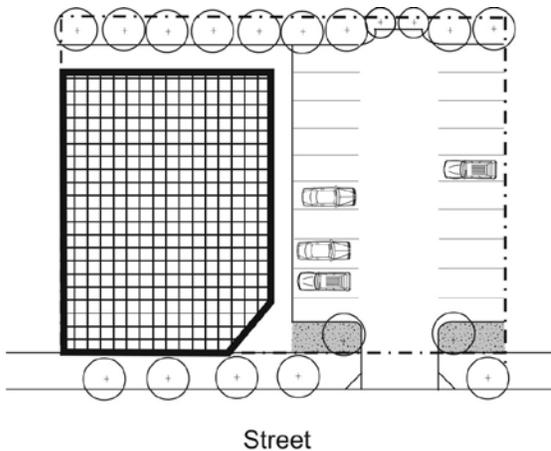
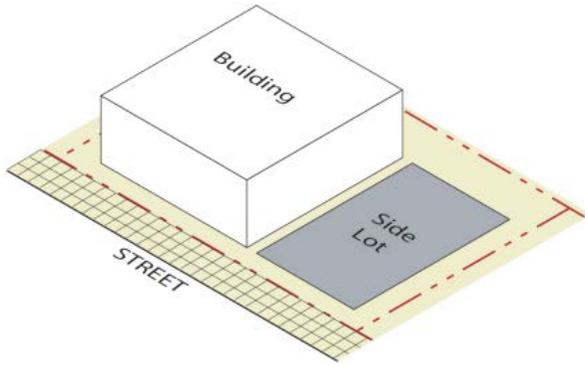
c. This standard does not apply when adding on to an existing building, constructing a parking garage or where there is an existing structure at least as wide as the proposed structure between the new construction and the closest street.

d. For buildings with complex shapes, the section of the building meeting the criteria must be at least 80 percent of the overall width of the building, measured parallel to the primary street.

4. Surface Parking Lot – Side.

a. **Definition:** A parking lot that is located in part or entirely along the side of a building, in a side yard, and fully or partially extends toward, but does not encroach into, the front yard setback area. Parking located between a building and a side property line that is directly visible from a street. (Figure 18-36).

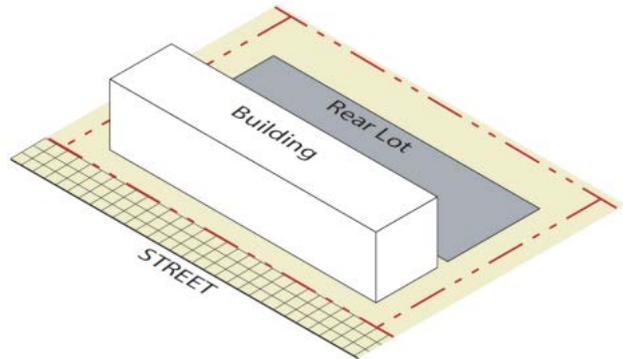
Figure 18-36: Examples of Surface Parking – Side



5. Surface Parking Lot – Rear.

a. **Definition:** A parking lot where a building(s) is located between the entire parking lot and the street so that it is not directly visible from a street. A rear parking lot does not extend beyond the rear wall of the primary building into any side yard setback, except where driveway access is provided. (Figure 18-37).

Figure 18-37: Surface Parking – Rear



6. Parking Structure.

- a. Parking structures may stand alone or be integrated into a building.
- b. Parking structures are permitted in all Districts.
- c. Those portions of parking structures that are within 185 feet of the street are subject to applicable Corridor Type standards.

(Ord. 2443 §20, 2014)

18.28.200 Architectural Design Standards

A. Applicability and definitions (see Figure 18-38).

Figure 18-38: Example of vertical modulation and horizontal modulation

Horizontal modulation (upper level stepback)



1. Architectural design regulations control the minimum required façade articulation and transparency, and are determined by Corridor Type as shown in the Corridor Standards. *See Figures 18-20 through 18-27.*

2. **Street Façade.** The architectural design regulations apply to the plane of a façade that fronts upon a street, extending from the ground up to the street façade eave line.

3. **Articulation.** The giving of emphasis to architectural elements that create a complementary pattern of rhythm, dividing large buildings into smaller identifiable pieces.

4. **Modulation.** The stepping back or projecting forward of portions of a building face, as a means of the building function and/or breaking up the apparent bulk of a structure's continuous exterior walls.

B. Façade Articulation Regulations.

1. **Intent.** The objective of this section is to ensure that the length of new or renovated building façades maintain the desired human scale and urban character appropriate for the Southcenter area.

2. Façade Articulation Increment – Requirements.

The maximum increment shall be as specified by Corridor Type and ground level use. When a notch or pilaster/pier is used for the massing element, measurement of the vertical increment shall be from centerline to centerline of elements (*see Figures 18-39 and 18-40*). See the Southcenter Design Manual, Section 10, "Building Massing," A. and B., Façade Articulation, for techniques to achieve this standard.

Figure 18-39: Façade articulation example for a mixed-use building

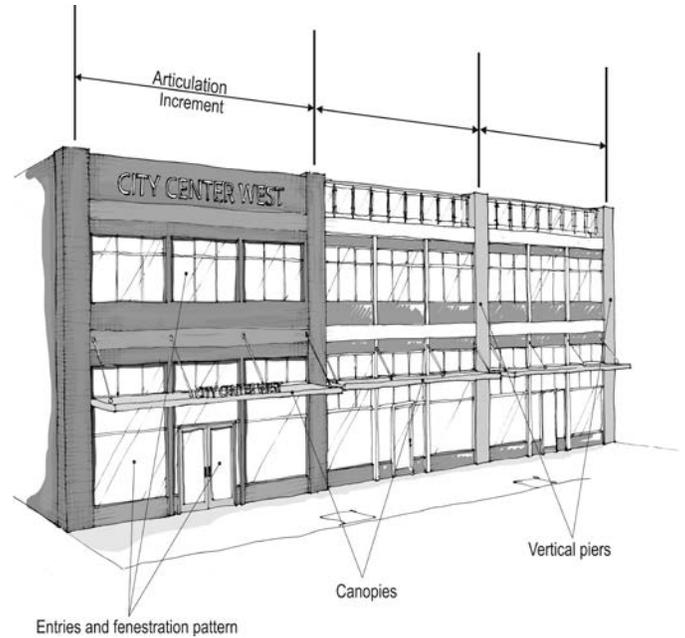


Figure 18-40: Example of articulating façade of a residential building



3. **Major Vertical Modulation Increment** – Requirements. The maximum increment shall be as specified by Corridor Type. See *Figure 18-41* for an example, and the Southcenter Design Manual, Section 10, “Building Massing,” C., Major Vertical Modulation Increment, for techniques to achieve this standard.

Figure 18-41: Major Vertical Modulation Example

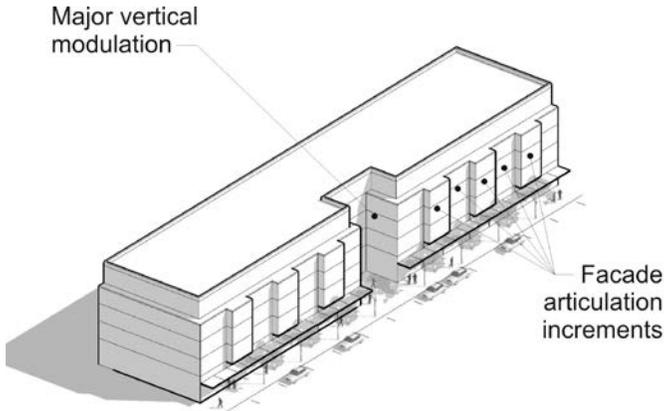


Figure 18-42: Ground level transparency requirements apply to the transparency percentage for the area between the height of 2 and 10 feet along the length of a building façade

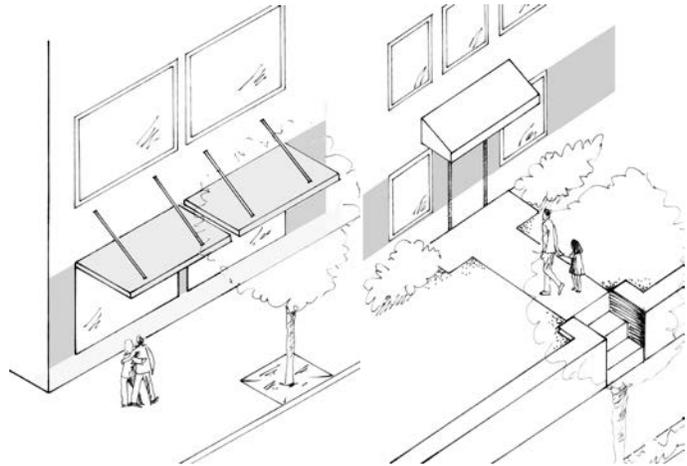


Figure 18-43: Examples of percentage of transparency between 2 and 10 feet along the length of a building façade

4. **Side and rear façades.** While there are no specific requirements for side or rear façades they should continue the design vocabulary used on the other sides of the building.

C. Ground Level Transparency Regulations.

1. **Intent.** The objective is to promote a hierarchy of vibrant and activated streets in the Southcenter area. Transparent windows and doors add visual interest to the street for pedestrians, help to promote commercial uses within the building, and enhance the safety of streets by allowing visibility towards the street by building users.

2. A minimum transparency percentage for the area between the height of 2 and 10 feet along the length of a building façade (*Figures 18-42 and 18-43*) that faces the applicable Corridor is listed in *Figures 18-20 through 18-27*.



75% Transparency



50% Transparency

3. A minimum 3 foot zone behind the window glazing must provide an unobstructed view of the establishment's goods or services. Display areas separated from the interior of the space may be used to meet this requirement if they have a depth of at least 3 feet and contain displays that are regularly updated (see Figure 18-44).

Figure 18-44: Display window example

This example meets the display window criteria:



This example does not meet the display window criteria:



4. Darkly tinted glass, mirrored glass, and glass covered by screening sheets, white, or UV protection film shall not meet transparency requirements.

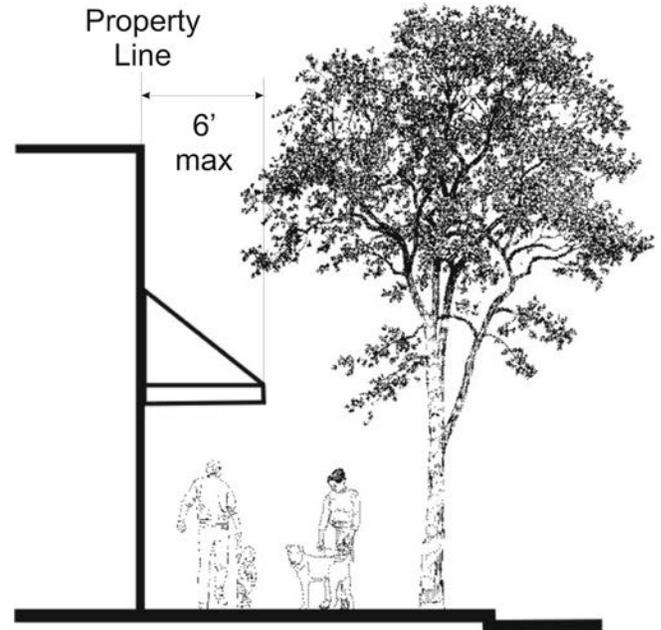
5. On sites where all sides of a building are subject to Corridor Standards per TMC Section 18.28.020.B.4.a., ground level transparency may be waived for the facade facing the least travelled Corridor.

(Ord. 2443 §21, 2014)

18.28.210 Front Yard Encroachments

Building overhangs such as trellises, canopies, awnings and freestanding covered walkways may extend horizontally into the public frontage up to a maximum of 6 feet and no closer than 8 feet from the back of curb. These overhangs must provide a minimum of 8 feet clear height above sidewalk grade and not interfere with street trees (see Figure 18-45).

Figure 18-45: Encroachment provisions for building overhangs or weather protection features



(Ord. 2443 §22, 2014)

SUPPLEMENTAL DEVELOPMENT STANDARDS

18.28.220 Special Corner Feature

A. Special corner features are permitted by District as shown in Table 18-3, "District Standards."

B. A special corner feature is a distinctive building element used to emphasize the corner of a building at an important intersection. See the Southcenter Design Manual, Section 9, "Corner Treatments," for additional guidance.

C. Special corner feature masses may encroach up to 2 feet into the required setback areas but may not encroach into the public right-of-way. See TMC Section 18.28.210, "Front Yard Encroachments."

D. Special corner features may exceed the permitted height limit by 20 feet, up to a maximum of 115 feet.

(Ord. 2443 §23, 2014)

18.28.230 Landscaping Types

A. Front Yard Landscaping Types.

1. Frontage Improvements per Corridor Type.

a. When public frontage is constructed to meet the Corridor standard, any other front yard landscaping requirement shall be waived. Exceptions: perimeter parking lot landscaping (see TMC Section 18.28.240.B.6) and blank wall screening standards (see Section 15 of the Southcenter Design Manual) still apply, where applicable. To qualify for the waiver, public frontage improvements must be made along the entire street fronting the parcel. Public frontage improvements may continue into a courtyard or plaza.

b. For Corridor Types that contain a planting strip (Urban, Commercial, Freeway Frontage and Workplace), minimum plantings shall consist of:

(1) Trees at the spacing listed per Corridor Type.

(2) 1 shrub per 4 linear feet of frontage, excluding curb cuts, or a planted berm at least 24 inches high.

(3) Sufficient live groundcovers of varying heights, colors and textures to cover, within 3 years, 100% of the landscape area not needed for trees and shrubs. Groundcover must be planted with a minimum spacing of 12 inches on center for 4-inch pots and 18 inches on center for 1-gallon pots. If grass is being used as the groundcover, a 3-foot diameter ring of bark mulch is required around each tree.

2. Paved / Sidewalk Extension.

a. Provide paved pedestrian areas along the back of sidewalk, such as plazas or courtyards that enhance/enlarge the public frontage.

b. Only permitted on parcels where the public frontage improvements meet the Corridor Standards in this code.

c. Must meet applicable pedestrian space design requirements (see TMC Section 18.28.250.E.).

3. Streetscape.

a. Cover front yards with landscaped, pervious surfaces that visually soften and enhance the built environment.

b. Provide pathways connecting the public sidewalk to the front door through parking areas.

c. 1 tree per 500 square feet of landscaped setback area or 1 tree per 20 to 30 linear feet of frontage (depending on tree species and location of underground or at-ground utilities and excluding curb cuts), whichever results in more trees.

d. Where there are existing street trees, the additional trees required by this section shall be planted behind the sidewalk in an informal pattern and consist of a mix of deciduous and evergreens.

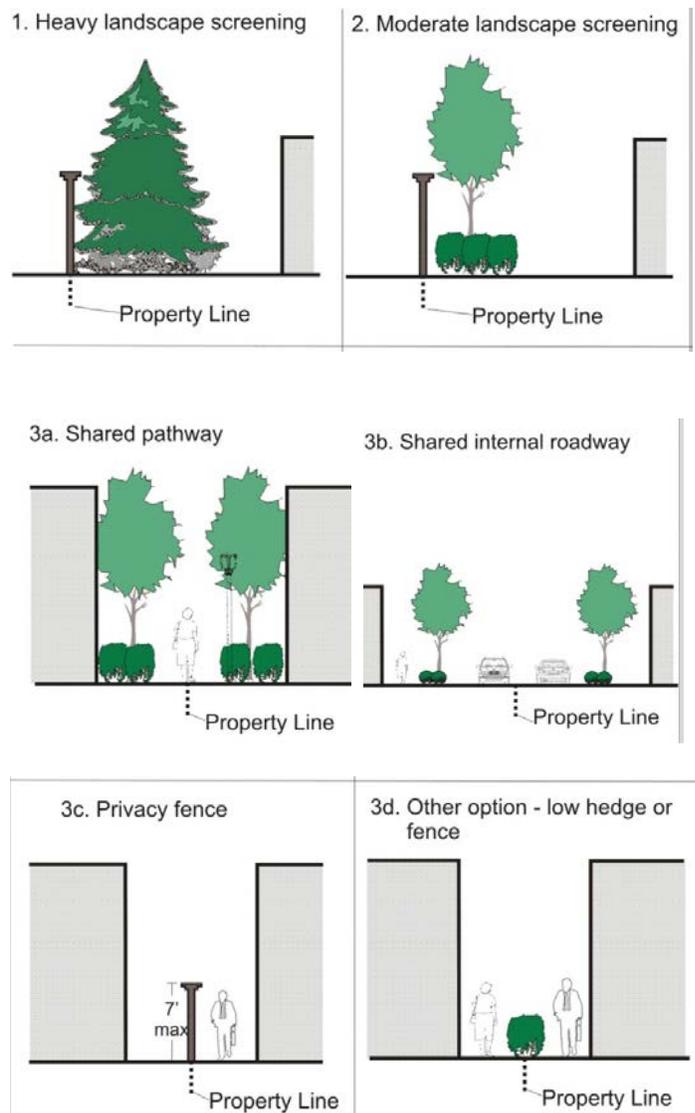
e. Minimum 1 shrub per 4 linear feet of frontage, excluding curb cuts, or a planted berm at least 24 inches high.

f. Sufficient live groundcovers of varying heights, colors and textures to cover, within 3 years, 100% of the landscape area not needed for trees and shrubs. Groundcover shall be planted with a minimum spacing of 12 inches on center for 4-inch pots and 18 inches on center for 1-gallon pots. If grass is being used as the groundcover, a 3-foot diameter ring of bark mulch is required around each tree.

4. When there is an existing sidewalk that does not meet the Corridor standard for public frontage and the sidewalk remains in place, the required front yard landscaping width shall be measured from the back of sidewalk or edge of right-of-way, whichever is further from the road centerline.

B. Side and Rear Yard Landscape Types (see Figure 18-46).

Figure 18-46: Illustrating the various side and rear yard treatment standards and options



1. **Groundcover.**

a. This is appropriate where the adjacent uses are compatible and no screening is necessary.

b. Cover side and rear yards with landscaped, pervious surfaces. Landscaping treatment at a minimum shall consist of sufficient live groundcovers of varying heights, colors and textures to cover, within 3 years, 100% of the landscape area not needed for trees and shrubs. Groundcover must be planted with a minimum spacing of 12 inches on center for 4-inch pots and 18 inches on center for 1-gallon pots. If grass is being used as the groundcover, a 3-foot diameter ring of bark mulch is required around each tree.

2. Shared pathway along or adjacent to the property line with landscaping. This is a desirable configuration that can enhance pedestrian circulation and provides an efficient use of space. This treatment requires a recorded agreement with applicable adjacent property owner(s).

3. Shared internal drive along or adjacent to the property line. This is a desirable configuration for non-residential uses that can enhance circulation and provides an efficient use of space.

4. **Moderate Screening.**

a. Provide light visual separation along property lines between somewhat incompatible development.

b. Landscaping designed to screen parking/service areas and blank side and rear building façades.

c. Landscaping that maintains views to building entrances and signage.

d. 1 tree per 20 linear feet of property line (excluding curb cuts) spaced regularly (except where there are conflicts with utilities) and consisting of a mix of deciduous and evergreen trees along the applicable property line.

e. 1 shrub per 4 linear feet of property line, excluding curb cuts.

f. Sufficient live groundcovers of varying heights, colors and textures to cover, within 3 years, 100% of the yard area not needed for trees and shrubs. Groundcover must be planted with a minimum spacing of 12 inches on center for 4-inch pots and 18 inches on center for 1-gallon pots. If grass is being used as the groundcover, a 3-foot diameter ring of bark mulch is required around each tree.

5. **Heavy Screening.**

a. Provide heavy visual separation along property lines between highly incompatible development, such as warehousing and residential uses.

b. Landscaping designed to screen parking/service areas and blank side and rear building façades.

c. 1 tree per 20 linear feet of property line (excluding curb cuts) spaced regularly (except where there are conflicts with utilities) and consisting of at least 50% conifers along the applicable property line (75% along property line adjacent to residential uses).

d. Privacy screening utilizing evergreen shrubs, screening walls or fences (up to 7 feet tall) is allowed.

e. Sufficient live groundcovers of varying heights, colors and textures to cover, within 3 years, 100% of the yard area not needed for trees and shrubs. Groundcover must be planted with a minimum spacing of 12 inches on center for 4-inch pots and 18 inches on center for 1-gallon pots. If grass is being used as the groundcover, a 3-foot diameter ring of bark mulch is required around each tree.

(Ord. 2443 §24, 2014)

18.28.240 General Landscaping

A. The provisions herein are applicable to setbacks, public frontage areas, open space, and other areas on-premises. These regulations address plant materials and design, visibility, irrigation, landscape plans, utility and service areas.

B. **General Landscaping Requirements.**

1. **Plant Materials.**

a. A mix of evergreen trees and evergreen shrubs shall be used to screen blank walls.

b. All plant material shall meet the most recent American Standards for Nursery Plant Stock (ANSI Z60.1).

c. Evergreen trees shall be a minimum of 6 feet in height at time of planting.

d. Deciduous trees shall be a minimum 2.5 inch caliper six inches off the ground when installed.

e. Shrubs shall be at least 18 inches in height at time of planting.

f. Existing vegetation may be used to meet the perimeter landscaping requirements. All significant trees located within any required perimeter landscape area that are not dead, dying, or diseased and that do not pose a safety hazard as determined by the City or a qualified arborist shall be retained and protected during construction with temporary fencing or other enclosure, as appropriate to the site. The area designated for protection will vary based on the tree's diameter, species, age, and the characteristics of the planted area. Property owners may be required to furnish a report by an International Society of Arborist (ISA) certified arborist to document a tree's condition. The Director may require that an ISA certified arborist be retained to supervise tree protection during construction. Grade changes around existing trees are to be avoided whenever possible.

g. New plant materials shall include native species or non-native species that are drought tolerant and have adapted to the climatic conditions of the Puget Sound Region. There must be a diversity of tree and shrub genus and species in the site landscaping, taking into account species in existing development around the site.

h. No species that are listed on the State or King County noxious weed lists may be planted.

i. Plant materials shall be selected that reinforce the landscape design concept, and are appropriate to their location in terms of hardiness, tolerance to urban conditions, maintenance needs and growth characteristics. Large and medium canopy tree species are required, except where there is insufficient planting area (due to proximity to a building, street light, above ground or underground utility line, etc.).

2. Visibility.

a. Design of new landscaping and maintenance of existing landscaping shall consider Crime Prevention Through Environmental Design (CPTED) principals and visibility for safety and views. Appropriate plant species shall be specified to avoid the need for excessive maintenance pruning. Trees along the street frontages, as they mature, shall be limbed up to a minimum height of 6 feet (8 feet where they extend over sidewalks) to allow adequate visibility and clearance for vehicles. Trees may be pruned to improve views of signage and entryways by using such techniques as windowing, thinning, and limbing-up. However, no more than 1/4 of the canopy may be removed within any 2-year period, and the crown should be maintained to at least 2/3 the height of the tree. All pruning shall be done in accordance with ANSI Standard A-300 specifications. Trees may not be topped for any reason. Trees may only be pruned to lower their height to prevent interference with an overhead utility or electrical line, with prior approval by the Director.

b. Landscaping shall not obstruct views from or into the driveway, sidewalk or street. Landscape design shall allow for surveillance from streets and buildings and avoid creating areas that might harbor criminal activity.

c. Landscaping at crosswalks and other locations where vehicles and pedestrians intersect must not block pedestrians' and drivers' views.

d. Evergreen shrubs and trees shall be used for screening along rear property lines, around solid waste/recycling areas and mechanical equipment, and to obscure grillwork and fencing associated with subsurface parking garages.

3. Soil Preparation and Planting.

a. For trees planted in sidewalks and parking lots, Cornell University CU-Structural Soils must be used to a preferred depth of 36 inches, to promote tree root growth and provide structural support to the paved area. Minimum soil volumes for tree roots shall be 750 square feet per tree (see specifications and sample plans for CU-Structural Soils). Trees and other landscape materials shall be directly planted into a planting mix, approved by the Director, that is installed on top of the structural soils.

b. For all other plantings, soils must be prepared for planting in accordance with BMP T5.13, "Post Construction Soil Quality and Depth," from the Washington Department of Ecology Stormwater Management Manual for Western Washington (or as amended), regardless of whether a stormwater permit is required by the City.

c. The applicant will be required to schedule an inspection by the City of the planting areas prior to planting to ensure soils are properly prepared.

d. Installation of landscape plants must comply with best management practices including:

(1) Planting holes that are the same depth as the size of the root ball and 2 times wider than the size of the root ball.

(2) Root balls of potted and balled and burlapped (B&B) plants must be loosened and pruned as necessary to ensure there are no encircling roots prior to planting. At least the top 2/3 of burlap and all straps or wire baskets are to be removed from B&B plants prior to planting.

(3) The top of the root flare, where the roots and the trunk begin, should be about one inch from the surrounding soil. The root ball shall not extend above the soil surface.

(4) If using mulch around trees and shrubs, maintain at least a 3-inch mulch-free ring around the base of the plant trunks and woody stems of shrubs. If using mulch around groundcovers until they become established, mulch shall not be placed over the crowns of perennial plants.

4. Irrigation.

a. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering.

b. All required plantings must be served by a permanent automatic irrigation system.

(1) Irrigation shall be designed to conserve water by using the best practical management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to insure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the landscape.

(2) Exceptions to the irrigation requirement may be approved by the Director, such as xeriscaping (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or landscapes where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation until established.

5. Landscape Plan Requirements.

a. A Washington State licensed landscape architect shall prepare and stamp the landscape plans in accordance with the standards herein. Detailed plans for landscaping and screening shall be submitted with plans for building and site improvements. Included in the plans shall be type, quantity, spacing and location of plants and materials; typical planting details; and the location of irrigation systems. Underground and at-ground utilities shall be shown on the plans so that planting conflicts are avoided.

b. Installation of the landscaping and screening shall be completed and a Landscaping Declaration submitted by the owner or owner's agent prior to issuance of the Certificate of Occupancy. If necessary due to weather conditions or construction scheduling, the installation may be postponed to the next planting season if approved by the Director and stated on the building permit. A performance assurance device equal to 150% of the cost of the labor and materials must be provided to the City before the deferral is approved.

6. Parking Lots.

a. Setback and Perimeter Landscaping:

(1) Surface parking lots shall set back a minimum of five feet from any open space, building façade, or Corridor back of sidewalk. The setback shall be designed and planted with:

(a) 1 evergreen shrub per 4 linear feet of property line, excluding curb cuts.

(b) Sufficient live groundcovers of varying heights, colors and textures to cover, within 3 years, 100% of the yard area not needed for trees and shrubs. Groundcover must be planted with a minimum spacing of 12 inches on center for 4-inch pots and 18 inches on center for 1-gallon pots. If turf grass is being used as the groundcover, a 3-foot diameter ring of bark mulch is required around any tree.

(2) Surface parking lots shall be buffered from adjacent residential development with heavy screening in the side and rear setback areas.

b. Interior Parking Lot Landscaping:

(1) For surface parking lots adjacent to public or private streets, a minimum of 20 square feet of interior parking lot landscaping is required for each parking stall. In the Workplace District, a minimum of 15 square feet per stall is required for warehouse and light industrial uses.

(2) For surface parking lots located behind buildings or otherwise screened from public or private streets or public spaces, a minimum of 10 square feet of interior parking lot landscaping is required for each parking stall.

(3) Flexibility is allowed for the layout of parking lots and landscaped areas, but the goal is to provide shade from trees that are evenly distributed throughout the parking lot. Planting trees in continuous, landscaped planting strips between rows of parking is encouraged. This approach may also be combined with surface water management design. For parking lots adjacent to public or private streets, if landscape islands are designed into the parking lot layout to divide continuous rows of parking stalls, they must be placed at minimum spacing of every 10 parking spaces. For parking areas located behind buildings or otherwise screened from public or private streets or public spaces, if landscape islands are used, they shall be placed at a minimum of one island every 15 parking stalls.

(4) Landscape islands must be a minimum of 6 feet wide and a minimum of 100 square feet in area. All landscaped areas must be protected from damage by vehicles (curbs, tire stops, other techniques).

(5) Landscape islands shall be placed at the ends of each row of parking to protect parked vehicles from turning movements of other vehicles.

(6) A minimum of one large-canopy evergreen or deciduous tree or two medium-canopy trees are required for every 100 square feet of landscaped island, with the remaining area to contain a combination of shrubs, living groundcover, and mulch (see Figure 18-47).

Figure 18-47: A single tree planted with no other materials and little room for viability is not acceptable.



7. Utility and Service Areas. Utility easements and other similar areas between property lines and curbing shall be landscaped and/or treated with dust and erosion control planting or surfacing. Trees proposed under overhead transmission lines shall be approved by the City on a case-by-case basis.

8. Street Trees in the Public Frontage.

a. Street tree spacing in the public frontage shall be as specified in the applicable Corridor Standards. For smaller stature trees (those with canopies at maturity of less than 20 feet), spacing should be every 20 feet. For larger canopy trees, spacing should be wider as appropriate to the mature spread of the tree. Spacing will also need to consider sight vision distance at intersections, driveway locations, and utility conflicts.

b. Street trees in the public frontage shall be planted to at least the following spacing standards:

- (1) At least 3.5 feet back from the face of the curb and with an approved root barrier installed on the curb side.
- (2) At least 5 feet from underground utility lines.
- (3) At least 10 feet from power poles.
- (4) At least 7.5 feet from driveways.
- (5) At least 3 feet from pad-mounted transformers (except 10 feet in front for access).

(6) At least 4 feet from fire hydrants and connections.

c. When used, tree grates and landscaped tree wells shall be a minimum 36 square feet in size (6' x 6'). Tree grates are not encouraged, but when used grates must have easily removable rings so that sections of grate can be removed incrementally as the tree matures. Tree well size may be adjusted to comply with ADA standards on narrower sidewalks. Root barriers must be installed at curb face. See TMC Section 18.28.240.B.3, "Soil Preparation and Planting," for structural soil requirements.

d. Planting and lighting plans shall be coordinated so that trees are not planted in locations where they would obstruct existing or planned street or site lighting, while maintaining appropriate spacing and allowing for their size and spread at maturity.

9. Maintenance and Pruning.

a. Any landscaping required by this chapter shall be retained and maintained by the property owner for the life of the project in conformance with the intent of the approved landscape plan and this chapter. Maintenance shall include keeping all planting areas free of weeds and trash and replacing any unhealthy or dead plant materials.

b. Pruning of trees is only allowed for the health of the tree, to maintain sight distances or sight lines into commercial areas, or if interfering with overhead utilities. All pruning must be done in accordance with American National Standards Institute (ANSI) A-300 specifications. No tree planted by a property owner or the City to fulfill landscape requirements, or any existing tree, may be topped or removed without prior approval from the City. If a tree is topped or removed without approval, it shall be replaced with a new tree that meets the intent of this chapter within 120 days or the property owner will be subject to code enforcement action per TMC Chapter 8.45. Options at the Director's discretion are to require replacement of the tree with a new tree of similar species that will achieve a similar canopy size at maturity, replace the tree with multiple smaller diameter trees of an appropriate species (only if there are limitations on space or conflicts with utility infrastructure), and/or require an in-lieu fee for off-site tree replacement.

C. General Landscaping Considerations.

1. Plant Materials.

a. Drought resistant species are encouraged in order to minimize irrigation requirements, except where site conditions within the required landscape areas ensure adequate moisture for growth.

b. The mature size of selected tree species should be suitable to lot size, the scale of adjacent structures, and the proximity to utility lines.

c. In general, deciduous trees with open branching structures are recommended to ensure visibility to retail establishments. More substantial shade trees are recommended in front of private residences.

d. All trees should be selected and located so they will not obstruct views to showroom windows and building signage as they mature.

e. Evergreen landscaping (*Figure 18-48*) is appropriate for screening utility vaults, loading docks and some storage areas. (Also see TMC Section 18.52.040 for screening outdoor storage areas.)

Figure 18-48: Using evergreen landscaping to screen utilities



f. Species selection is very important in grouped plantings (*Figure 18-49*). Drought tolerant species are strongly recommended and monoculture plantings are discouraged. Low maintenance cost and low replacement costs are two advantages of planting drought tolerant species in grouped configurations. Low (24-30 inches) shrubs, perennial or groundcover plantings that provide a superior degree of separation between the sidewalk and street at reduced maintenance costs may be used.

Figure 18-49: Examples of landscaped tree wells



2. Design.

a. Shade trees should be planted to shade buildings' east and west-facing windows to provide a balance between summer cooling and winter heating through solar gain.

b. All landscaped areas should be designed to allow aquifer filtration and minimize stormwater run-off utilizing bio-swales, filtration strips, and bio-retention ponds where appropriate.

(Ord. 2443 §25, 2014)

18.28.250 Open Space Regulations

A. **Purpose.** This section contains regulations and guidelines for the provision, design, and configuration of new open spaces that may be publicly accessible. Open space regulations are set forth to ensure that the provision, design, and configuration of new open spaces contribute to the character of and support the type of development desired within each District. Open space for residential uses is also intended to promote the health of residents by providing on-site open space for recreational activities, physical exercise, and/or food production. Open spaces may consist of pedestrian spaces for commercial uses, and common and private open space for residential uses.

B. All new open spaces, whether or not they are required by open space regulations, shall be designed and configured according to the following regulations.

C. The following requirements for the provision and design of pedestrian, common and private open spaces are organized by Use Type. These regulations are established to ensure a wide range of public spaces that complement the primary public streets and open spaces in each District as the Southcenter area intensifies.

D. **General Open Space Regulations.**

1. Open space requirements for commercial and residential uses are as specified in *Table 18-4*, "Provision of Open Space."

2. Compliance with the open space square footage ratio listed in *Table 18-4* is required for new construction, the area of expansion of existing buildings and changes in use from one category in *Table 18-4* to another.

3. Open space for new or expanded commercial and residential uses shall be built within the development by developers at the time development occurs.

4. **Options for provision of open space.**

a. The square footage of all streets built per TMC Section 18.28.140, "New Streets," may be counted toward meeting the provision of open space requirements for pedestrian space. They may not be used to satisfy common and/or private open space requirements for residential uses.

b. The Director shall give credit for existing on-site open space amenities that meet the requirements of this section toward the open space square footage triggered by the new construction or change of use.

c. At the discretion of the Director, required pedestrian space for commercial uses or residential common open space may be constructed off-premises and/or as part of a larger open space being provided by the City or other private developments within that District or within 1,000 feet of the project premises.

d. If strict compliance with these regulations would create substantial practical difficulties for a site and none of the above approaches would provide relief, the property owner may apply for a Special Permission Modification and propose an alternate solution that meets the intent of the regulations.

(1) Special Permission Modification shall be a Type 2 decision. An applicant shall submit evidence of the above (subparagraph 18.28.250.D.4.d) to the Director, which could take the form of a brief report and site plan that addresses the difficulties of meeting the regulations, the proposed alternative solution, and how the proposed solution meets the intent of the applicable open space regulations.

(2) Applicants may request that up to 75 percent of their required pedestrian open space be provided indoors.

E. Pedestrian Space for Commercial Uses.

1. Pedestrian spaces for commercial uses are publicly accessible, outdoor, landscaped spaces used primarily for active or passive community recreation and civic purposes. These may include a linear green, square, plaza, courtyard, or pedestrian passage. Play areas for children may be provided indoors or outdoors. These spaces shall be privately owned and maintained, including keeping the space free of trash and graffiti. Amenities provided within the space, such as benches, planters, art and water features, shall be maintained for the life of the project.

2. Pedestrian Space Design Requirements.

a. Ground level pedestrian spaces shall be connected to public sidewalks and abut public rights-of-way on at least one side.

b. Ground level pedestrian spaces shall be located where they are visible and easily accessible to the public from adjacent sidewalks and avoid masses of shrubs around edges. The space shall not be more than 2 feet above or below the adjacent sidewalk.

c. Pedestrian spaces shall be comprised of a greater proportion of hardscape (paved areas, fountains, plants in pots), than softscape (grass or other landscape material). *See Figure 18-50.*

Figure 18-50: Examples of pedestrian spaces



d. Pedestrian spaces shall be publicly accessible during the hours of operation of the use. Pedestrian spaces, except for passages, shall be a minimum of 500 square feet or the required amount of open space (whichever is less) in size, contain seating areas, and open on to pedestrian generators such as entrances to offices, stores, or restaurants.

e. Pedestrian spaces shall be located to take advantage of sunlight to the greatest extent possible. South-facing plazas are generally preferred, unless particular lot configurations prevent such orientation.

f. At least 3 feet of seating area (bench, ledge, etc.) or one individual seat per 60 square feet of plaza area or open space shall be provided. This provision may be relaxed or waived where there are provisions for movable seating that meet the purpose of the standard. See Section 4 of the Southcenter Design Manual for guidelines on designing walls for seating.

g. Site design features that create entrapment areas in locations with pedestrian activity shall be avoided.

h. Development shall incorporate Crime Prevention Through Environmental Design (CPTED) principles into open space site design.

i. Pedestrian spaces shall not be located adjacent to dumpster enclosures, loading/service areas, or other incompatible uses unless fully screened with an architecturally consistent wall or solid fence (no chain link) and landscaping.

j. Pedestrian passage design requirements:

(1) A passage shall serve as a pedestrian connector passing between buildings to provide shortcuts through long blocks and access to rear parking areas or courtyards. (See Figure 18-51.)

Figure18-51: Examples of pedestrian passages



(2) Passages shall be paved and landscaped, and specifically reserved for pedestrian travel.

(3) Passages shall be a minimum of 10 feet and a maximum of 30 feet wide.

(4) The design of the passage shall encourage pedestrian circulation. This can be accomplished by:

(a) Having the walkway meet the public sidewalk in an engaging and identifiable manner.

(b) Providing pedestrian amenities such as alternative paving methods, seating, and planters.

(c) Designing the passage using CPTED principles.

(5) Incorporate design treatments to mitigate impacts of any blank walls along the passageways (see Section 15 of the Southcenter Design Manual).

(6) For properties adjacent to fixed rail transit or bus facilities, a passage may include transit station or bus stop access.

(7) For properties adjacent to the Green River, a passage may include a pedestrian connection between the Green River Trail and a publicly accessible street/sidewalk. The passage should be established in an easement allowing for public access through private property.

F. Common Open Space for Residential Uses.

1. Purpose:

a. To provide accessible, safe, convenient, and usable common open space for residential uses;

b. To promote the health of residents by providing access to common open space for recreational activities, physical exercise, and/or food production; and

c. To create common open spaces that enhance the residential setting.

2. Common open spaces are privately owned and maintained interior common spaces, such as pools or exercise rooms, and/or outdoor landscaped spaces, such as rooftop decks, ground level open spaces, children's play areas, or other multipurpose green spaces associated with multi-family developments that provide for the recreational needs of the residents of the development and are not publicly accessible.

3. Common open space design requirements (see *Figure 18-52*, and Section 5 of the Southcenter Design Manual, for additional guidance).

Figure 18-52: Common open space examples



a. Required building setback areas shall not be counted towards common open space.

b. No more than 50 percent of the required common space may be indoor or covered space.

c. Common open spaces shall be easily visible and readily accessible to multi-family residents.

d. The common open spaces for a site shall provide at least one of the following amenities for every 200 square feet of common open space up to a maximum requirement of three amenities to accommodate a variety of ages and activities:

- (1) Site furnishings (tables, benches)
- (2) Picnic and/or barbecue areas
- (3) Patios, plazas, courtyards, or rooftop terraces
- (4) Active play areas for children
- (5) Urban (private/individual) garden plots
- (6) Pool and/or hot tub
- (7) Multi-purpose room with cooking facilities
- (8) Exercise facility

e. Common open spaces shall not be less than 20 feet wide.

f. Courtyards shall be a minimum of 30 feet along the east-west axis and 20 feet along the north-south axis.

g. Adequate fencing, plant screening or other buffer shall separate the common open space area from parking areas, driveways, utility areas, mechanical equipment or public streets. Rooftop utilities shall be adequately screened and separated from rooftop common open spaces.

h. Common open spaces shall be located to take advantage of sunlight to the greatest extent possible.

i. Site design features that create entrapment areas in locations with pedestrian activity shall be avoided.

j. Development shall incorporate Crime Prevention Through Environmental Design (CPTED) principles into open space site design.

k. Common open spaces shall not be located adjacent to dumpster enclosures, loading/service areas, or other incompatible uses, unless fully screened with an architecturally consistent wall or solid fence (no chain link) and landscaping.

l. Interior located common space must be:

(1) Located in visible areas, such as near an entrance lobby and near high traffic corridors.

(2) Designed to provide visibility from interior pedestrian corridors and to the outside. Windows should generally occupy at least one-half of the perimeter of the space to make the space inviting and encourage use.

(3) Designed to specifically serve interior recreational functions and not merely leftover space used to meet the common space requirement.

m. Common open spaces shall be maintained by the property owner, including keeping the space free of trash and graffiti. Amenities provided within the space, such as benches, planters, art and water features, shall be maintained for the life of the project.

G. Private Open Space for Residential Uses.

1. Private open spaces are privately owned and maintained and include outdoor balconies, decks, patios, yards, courtyards, rooftop decks or gardens (*Figure 18-53*), or landscaped areas used for recreation by inhabitants of a single dwelling unit.

Figure 18-53: Rooftop Garden



2. Private open space design requirements.

a. Required setback areas shall not be counted towards private open space provision requirements, unless configured as a private yard and accessed by secondary unit entrance(s).

b. Private open spaces shall have primary access from the dwelling unit served.

c. Private yard landscaping shall be consistent with "Side and Rear Yard Landscape Types" (TMC Section 18.28.230.B).

d. Access to a balcony or patio shall be limited to the dwelling served.

(Ord. 2443 §26, 2014)

18.28.260 General Parking Requirements

A. This section contains regulations and guidelines for the provision, locations, and design of parking. Parking regulations are set forth to ensure that the provision of parking, and the design and configuration of parking areas, contribute to the character of and support the type of development desired within each District in the urban center.

B. Number of Parking Spaces.

1. The minimum parking provision for vehicles required by all new development and changes in use shall be as specified in *Table 18-5, "Provision of Parking."* In the case of

a use not specifically mentioned in this table, the requirements for the number of off-street parking spaces shall be determined by the Director as a Type 2 Special Permission Decision. Such determination shall be based on the requirements for the most comparable use specified in this section or a parking study.

2. Any off-street parking area already in use or established hereafter shall not be reduced below the ratios required in *Table 18-5*. Any change of use must meet the parking requirements of the new use.

3. A maximum of 30% of the total off-street parking stalls may be designed and designated for compact cars.

4. Electric vehicle charging stations and parking spaces shall be governed by TMC Section 18.56.135.

5. Parking Reductions.

a. New on-street parking spaces provided along adjacent new streets may be counted toward the minimum parking requirement for commercial development on that property.

b. Parking requirements for commercial development within 600 feet of the Sounder transit station or the Tukwila bus Transit Center, or residential development within 1,320 feet of either station may be reduced or modified by the Director as a Type 2 Special Permission Decision. This distance will be the walking distance measured from the lot line of the development to the lot line of the station.

c. A reduction in minimum parking requirements may be requested per TMC Section 18.56.140, "Administrative Variance from Parking Standards."

d. **Shared Parking:** When two or more property owners agree to enter into a shared parking agreement, the setbacks and landscaping requirements on their common property line(s) may be waived with that land used for parking, driveway and/or building. The total number of spaces may be reduced if it is demonstrated through a parking study that complementary uses, internal trip capture or uses with different peak parking needs justify the reduction in number.

e. All or part of a development's parking requirement may be satisfied through payment of in-lieu fees based on the current real cost of constructing a parking space in an exposed above-ground parking structure, when approved by the Director.

C. Vehicular Access.

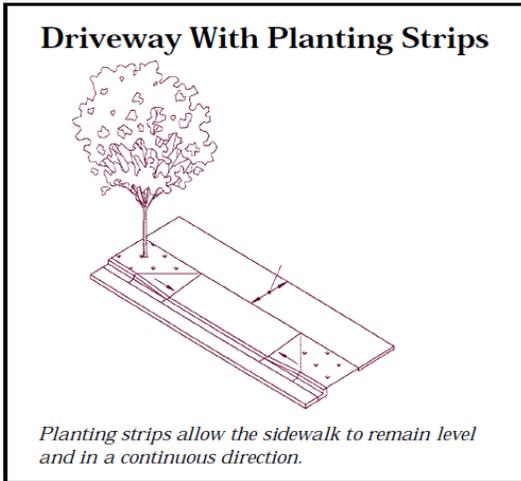
1. Curb Cuts and Driveways.

a. When access to parking facilities and loading areas is provided from front or side streets, the maximum number of curb cuts associated with a single development shall be one two-lane curb cut or two one-lane curb cuts for each 500 linear feet of street frontage. Shared driveways and new public or private streets do not count against this total.

b. The maximum width of driveways/curb cuts is 15 feet for a one-lane and 30 feet for a two-lane driveway. In the Workplace District, the maximum width of driveways/curb cuts is 35 feet.

c. On Walkable and Neighborhood Corridors, the curb cut design for driveways or private streets shall match the height of the sidewalk to ensure that the sidewalk stays at a consistent grade for pedestrians, with the apron dipping down to meet the street level starting at the planting strip or tree wells (see *Figure 18-54*).

Figure 18-54: Example of driveway level with the height of the sidewalk



d. The total width of parking access openings on the ground level of structured parking may not exceed 30 feet when fronting on a public or private street.

e. Driveways shall be set back a minimum of five feet from adjoining properties (unless the driveway is shared with adjacent premises), and a minimum of three feet from adjacent buildings.

f. If two adjoining properties combine their side yards for the purposes of having a shared driveway, side yard landscaping requirements along that property line will be waived.

g. Driveways may not be signalized. In order to be considered for installation of a traffic signal, a new public or private street must be constructed per the standards in TMC Section 18.28.140.

h. These standards may be varied by the Director when there is a demonstrated conflict with truck maneuvering or fire access that cannot be addressed otherwise.

D. Parking Lots.

1. **Dimensions.** Minimum parking area dimensions for surface parking shall be as provided in TMC Chapter 18.56, *Figure 18-6*, "Off-street Parking Area Dimensions."

2. **Maneuverability.**

a. Adequate ingress to and egress from each parking space shall be provided without moving another vehicle and without backing more than 50 feet.

b. Tandem parking spaces (where one car is parked directly behind another) are allowed for residential units with two or more bedrooms and both spaces must be assigned for the exclusive use of that unit. All tandem parking spaces must

be designed for full size rather than compact size vehicles based on the dimensions in TMC Chapter 18.56, *Figure 18-6*.

c. Turning and maneuvering space shall be located entirely on private property (*Figure 18-55*) unless specifically approved by the Public Works Director.

Figure 18-55. Not enough room on-site to exit loading area, resulting in disruption of traffic movements



d. The slope of off-street parking spaces shall not exceed 5%. The slope of entrance and exit driveways providing access for off-street parking areas and internal driveway aisles without parking stalls shall not exceed 15%.

3. **Surface.**

a. The surface of any required off-street parking or loading facility shall be paved with asphalt, concrete or other similar approved material(s) and shall be graded and drained as to dispose of all surface water, but not across sidewalks.

b. All traffic-control devices, such as parking stripes designating car stalls, directional arrows or signs, curbs and other developments shall be installed and completed as shown on the approved plans.

c. Paved parking areas shall use paint or similar devices to delineate car stalls and direction of traffic.

d. Wheel stops shall be required on the periphery of parking lots so cars will not protrude into the public right-of-way, walkways, off the parking lot or strike buildings. Wheel stops shall be two feet from the end of the stall of head-in parking.

4. **Setbacks, Perimeter, and Interior Landscaping.**

a. Surface parking lots shall set back a minimum of five feet from any back of sidewalk, open space, or building façade. The setback shall be designed and planted as specified in TMC Section 18.28.240.B.6.a.

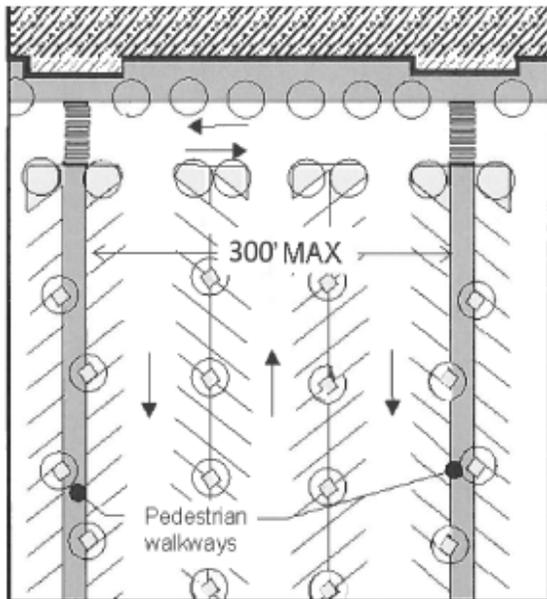
b. See TMC Section 18.28.240.B.6.b for interior parking lot landscaping requirements.

5. **Parking Lot Walkways.**

a. A hard-surfaced walkway a minimum of 6 feet in unobstructed width shall be provided for safe walking areas through surface parking lots between main building entrances and sidewalks adjacent to streets. Front surface parking lots shall provide such routes at a maximum spacing of every 300 feet or to each major building entrance, whichever is closer.

b. Walkways through parking areas (see *Figure 18-56*) shall be separated from vehicular parking and travel lanes by use of contrasting paving material, curbing, or landscaping and may be raised above the vehicular pavement. Trees and pedestrian-scaled lighting (maximum 15 feet in height) shall be used to clearly define pedestrian walkways or other pedestrian areas within the parking area.

Figure 18-56: Parking lot walkway standards and example



c. Pedestrian crossings are required when a walkway crosses a paved area accessible to vehicles. Applicants must continue the sidewalk pattern and material across internal driveways.

6. **Lighting and Safety.** Parking and loading areas shall include lighting capable of providing adequate illumination for security and safety, provide clear views both to and within the site, and be in scale with the height and use of the associated structure. See also TMC Section 18.28.280.B, "Lighting."

E. **Drive-Through Facilities.**

1. Stacking lanes shall be located to the rear or least visible portion of a building.

2. Stacking lanes shall be designed to accommodate expected queuing.

F. **Parking Structures.**

1. Parking structures shall be located and designed to minimize their impact on public streets and public spaces. Consider using residential dwelling units, retail storefronts or office space to line the ground level façades of parking structures adjacent to a pedestrian-oriented street or open space.

2. Parking structures shall be buffered from adjacent residential development with heavy screening (see TMC Section 18.28.230.B.5, "Heavy Screening").

3. See the Southcenter Design Manual (Section 16, "Parking Structures") and the City of Tukwila's "Parking Structure Design Guidelines" (2001) for additional requirements and guidelines regulating parking structures, parking podiums, and garages.

(Ord. 2443 §27, 2014)

18.28.270 General Parking Guidelines

A. Parking Lot Landscaping.

Note: See TMC Section 18.28.240.B.6 for standards for perimeter and interior parking lot landscaping.

1. Trees in parking areas, when mature, should be large and have a high-branching, broad-headed form to create maximum shade.

2. Landscaping in parking lot interiors and at entries should not obstruct a driver's clear sight lines to oncoming traffic.

3. Rooftop Parking Landscape Alternatives.

a. Landscape Planters.

(1) For a parking area on the top level of a parking structure, one planter that is 30 inches deep and 5 feet square should be provided for every 10 parking stalls on the top level of the structure.

(2) Each planter should contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds.

(3) The planter should be clustered with other planters near driving ramps or stairways to maximize visual effect.

(4) Only non-flammable mulch such as gravel should be used.

b. **Rooftop Garden or Green Roof.** An on-site rooftop area, equal in size to a minimum of 5 square feet of landscaping per each top level parking stall, may be covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane.

c. **Terraced Planters.** Upper levels of parking structures can be stepped back and incorporate irrigated terraced planters, equal in size to a minimum of 5 square feet of landscaping per each top level parking stall.

d. **Green Wall.** The façade of the parking structure may be trellised and planted with vines or have an irrigated green wall system installed to provide a minimum of 5 square feet of landscaping per each top level parking stall.

B. **Loading Zones.** Loading zones should be separated from customer and occupant pedestrian areas.

C. Bicycle Parking.

1. General Standards.

a. Racks should be oriented to maximize their efficiency and aligned to keep obstructions away from pedestrian thoroughfares.

b. Clustered arrangements of racks should be set back from walls or street furniture to allow bikes to be parked at both ends or from either side.

c. Where more than one rack is installed, the minimum separation between aisles should be 48 inches (the aisle is measured from tip to tip of bike tires across the space between racks). This provides enough space for one person to walk one bike. In high traffic areas where many users park or retrieve bikes at the same time, the recommended minimum aisle width is 72 inches.

d. Multiple buildings should be served by many small racks in convenient locations rather than a combined, distant rack area.

2. Short Term Parking.

a. Bicycle racks should be easy to find and located no more than 50 feet from the entrance of destinations. If bicycle parking is not easily visible from the street, a sign must be posted indicating its location.

b. Racks should be located within sight of gathering places or in busy pedestrian areas that provide constant, informal surveillance of bikes and accessories.

c. Building overhangs, canopies or other features should be used to provide weather protection.

3. Parking at the Workplace.

a. Secure bicycle storage areas should be used to park bikes for a full working day.

b. Bike storage areas should be located in high visibility areas close to elevators, stairs and entrances.

c. Bicycle parking should always be protected from the elements either indoors, covered by building elements, or in a separate shelter.

d. Bicycle storage areas should be located as close or closer to elevators or entrances than the closest car parking space, and no more than 200 feet from access points.

(Ord. 2443 §28, 2014)

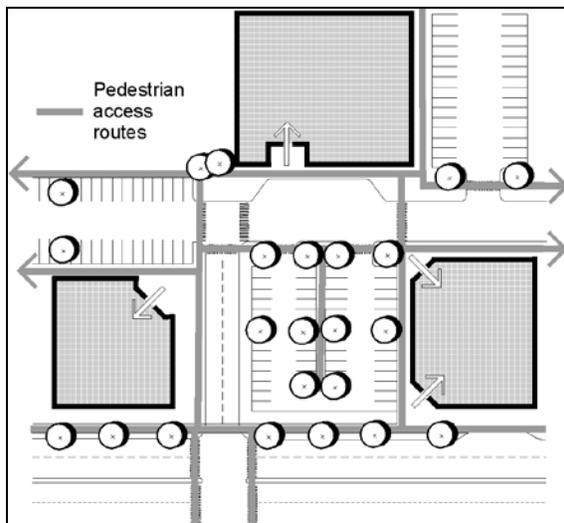
18.28.280 Site Requirements

A. Pedestrian Circulation.

Note: For walkways through parking lots, see TMC Section 18.28.260.D.5.

1. Redevelopment of a superblock site shall strive to create a pedestrian-friendly environment within the internal layout (see Figure 18-57). In addition to providing any required new streets, this can be accomplished by defining a network of pedestrian walkways that serve as a “grid”, connecting these walkways to uses with the site and to the larger street network, and creating smaller parking areas in place of one large parking lot.

Figure 18-57: Example of good internal pedestrian circulation. Note connections from the street, between buildings and through parking lots.



2. Pedestrian access points shall be provided along property edges at pedestrian arrival points and coordinated with crosswalks, transit stops, trails and paths, and existing and planned adjacent development.

3. Pedestrian paths must be provided across landscape areas, where needed, to allow convenient pedestrian circulation and prevent plants from being trampled and their roots compacted.

4. Walkways shall be provided along any building featuring a customer or residential entrance, and along any façade abutting a parking area (see Figure 18-58).

Figure 18-58: Internal walkway standards and an example along retail or mixed-use buildings



5. In the Regional Center, TOD, and Pond Districts, where a walkway crosses a driveway or a paved area accessible to vehicles, the crosswalk shall be distinguished by the use of durable low maintenance surface materials, such as pavers, bricks, or scored concrete, to enhance pedestrian safety and comfort, as well as the attractiveness of development. Pedestrian refuge islands and “speed tables” may also be used to minimize curb cuts and ramps (speed tables maintain the level of the adjacent sidewalk at identified pedestrian crossings, reversing the situation where a pedestrian must enter the zone of moving vehicles to cross the street). These pedestrian features shall be designed to accommodate fire lanes and emergency vehicle access routes.

6. The pedestrian marking style used shall be consistent throughout the development.

B. Lighting (also see Section 3 of the Southcenter Design Manual).

1. Safety.

a. Pedestrian-oriented areas, including building entrances, walkways and paths, plazas, parking lots, and parking structures shall be illuminated to increase safety and provide clear views both to and within the site.

b. Pedestrian walkways where stairs, curbs, ramps, and crosswalks occur shall be lit for nighttime safety.

2. Glare Prevention.

a. Where appropriate, exterior lighting practices must follow the recommendations of the Illuminating Engineering Society of North America (IES).

b. New lighting fixtures shall be “dark sky” compliant, i.e. emitted light should be directed downward from the horizontal plane of the light source to preserve a dark sky and prevent unnecessary light pollution. Exceptions may be made for uplit trees and plants and exterior architectural lighting operated on timers to shut off after midnight nightly.

c. Where feasible, new fixtures shall use a reflector and/or a refractor system for efficient distribution of light and reduction of glare.

d. House-side shields and internal reflector caps shall be used to block light from illuminating residential windows.

3. Height.

a. The maximum mounting height for building-mounted lights is 20 feet above finished grade in Workplace and Corridor Commercial Districts and 14 feet above finished grade in all other Districts.

b. The maximum height for pole-mounted lighting at parking lots is 20 feet from grade to light source; lower heights should be used wherever possible.

c. The maximum height for pole-mounted lighting at pedestrian plazas, walkways, and entry areas is 12 to 14 feet in height from grade to light source.

C. **Walls and Fences** (also see Section 4 of the Southcenter Design Manual).

1. All fences shall be placed on the interior side of any required perimeter landscaping.

2. Overall height of fences and walls located in the front yard shall not exceed 3 feet.

3. Barbed-wire, razor-wire, and corrugated metal fencing shall not be permitted. Chain link fencing is permitted only within the Workplace District.

4. Screening walls shall not exceed a height of 7 feet.

D. **Utility and Service Areas** (also see Section 2 of the Southcenter Design Manual).

1. Service areas shall be appropriately screened. Garbage and recycling dumpsters visible from the public realm shall be screened from view using durable materials that complement the building, and incorporate landscaping integrated with other on-premises and adjacent landscaping. The opening to the service area shall be located away from the public sidewalk.

2. Utility and equipment cabinets shall be placed in less visible areas and screened, or located inside of a building.

3. Service equipment, including satellite receiving dishes, transformers, and backflow devices, shall be located away from streets and enclosed or screened from view by landscaping, fencing or other architectural means.

4. Screening of on-site mechanical equipment shall be integrated as part of a project’s site and building design and shall incorporate architectural styles, colors and other elements from the roof and façade composition to carefully integrate screening features. Picket fencing, chain-link fencing and exposed sheet metal boxes are not permitted outside of the Workplace District.

(Ord. 2443 §29, 2014)

**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 Substances

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)

18.30.070 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:	
• <i>Front</i>	25 feet
• <i>Second front</i>	12.5 feet
• <i>Second front, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	15 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- <i>1st floor</i>	15 feet
- <i>2nd floor</i>	20 feet
- <i>3rd floor</i>	30 feet
• <i>Rear</i>	5 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- <i>1st floor</i>	15 feet
- <i>2nd floor</i>	20 feet
- <i>3rd floor</i>	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>Fronts, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	15 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	15 feet
• <i>Rear</i>	None
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	15 feet
Off street parking	
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area min.
• <i>Office</i>	3 per 1000 sq. ft. usable floor area min.
• <i>Retail</i>	2.5 per 1000 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 §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 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)

18.32.070 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>	
- <i>1st floor</i>	10 feet
- <i>2nd floor</i>	20 feet
- <i>3rd floor</i>	30 feet
• <i>Rear</i>	5 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- <i>1st floor</i>	10 feet
- <i>2nd floor</i>	20 feet
- <i>3rd floor</i>	30 feet
Height, maximum	4 stories or 45 feet
Landscape requirements (minimum): <i>See Landscape, Recreation, Recycling/ Solid Waste Space requirements chapter for further requirements</i>	
• <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
<i>Off street parking</i>	
• <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 18.34
HEAVY INDUSTRIAL
(HI) DISTRICT**

Sections:

- 18.34.010 Purpose
- 18.34.020 Land Uses Allowed
- 18.34.060 On-Site Hazardous Substances
- 18.34.070 Design Review
- 18.34.080 Basic Development Standards

18.34.010 Purpose

This district implements the Heavy Industrial Comprehensive Plan designation. It is intended to provide areas characterized by heavy or bulk manufacturing uses and distributive and light manufacturing uses, with supportive commercial and office uses. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

(Ord. 1758 §1 (part), 1995)

18.34.020 Land Uses Allowed

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

(Ord. 2500 §17, 2016)

18.34.060 On-Site Hazardous Substances

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)

18.34.070 Design Review

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

(Ord. 2368 §36, 2012; Ord. 2005 §12, 2002; Ord. 1793 §1, 1997; Ord. 1758 §1 (part), 1995)

18.34.080 Basic Development Standards

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

HI BASIC DEVELOPMENT STANDARDS

Setbacks to yards, minimum:	
• Front	25 feet
• Second front	12.5 feet
• Sides	5 feet
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
- 1st floor	10 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	10 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
Height, maximum	115 feet
Landscape requirements (minimum): See Landscape, Recreation, Recycling/ Solid Waste Space requirements chapter for further requirements	
• Fronts	12.5 feet
• Sides	None
• 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
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.
• Retail	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 §10, 1999; Ord. 1793 §2, 1997; 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."

(Ord. 2500 §18, 2016)

18.36.060 On-Site Hazardous Substances

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)

18.36.070 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:	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Second front, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	15 feet
• <i>Sides</i>	None
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- <i>1st floor</i>	15 feet
- <i>2nd floor</i>	20 feet
- <i>3rd floor</i>	30 feet
• <i>Rear</i>	None
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- <i>1st floor</i>	15 feet
- <i>2nd floor</i>	20 feet
- <i>3rd floor</i>	30 feet
Height, maximum	4 stories or 45 feet
Landscape requirements (minimum): <i>See Landscape, Recreation, Recycling/ Solid Waste Space requirements chapter for further requirements</i>	
• <i>Fronts</i>	5 feet
• <i>Fronts, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	15 feet
• <i>Sides</i>	None
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	15 feet
• <i>Rear</i>	None
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	15 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>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 §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."

(Ord. 2500 §19, 2016)

18.38.060 On-Site Hazardous Substances

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)

18.38.070 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): <i>See Landscape, Recreation, Recycling/ Solid Waste Space requirements chapter for further requirements</i>	
• 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)

**CHAPTER 18.40
TUKWILA VALLEY SOUTH
(TVS) DISTRICT**

Sections:

- 18.40.010 Purpose
- 18.40.020 Land Uses Allowed
- 18.40.060 On-Site Hazardous Substances
- 18.40.070 Design Review
- 18.40.080 Basic Development Standards

18.40.010 Purpose

This district implements the Tukwila Valley South Comprehensive Plan designation. It is intended to provide an area of high-intensity regional uses that include commercial services, offices, light industry, warehousing and retail uses, with heavy industrial uses subject to a Conditional Use Permit.

(Ord. 1758 §1 (part), 1995)

18.40.020 Land Uses Allowed

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

(Ord. 2500 §20, 2016)

18.40.060 On-Site Hazardous Substances

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 21.08.)

(Ord. 1758 §1 (part), 1995)

18.40.070 Design Review

Design review is required for new development within 300 feet of residential districts, 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 developments larger than 1,500 square feet and for all multi-family developments outside the shoreline jurisdiction. Commercial structures between 1,500 and 10,000 square feet and multi-family structures up to 1,500 square feet will be reviewed administratively.

*(Ord. 2368 §44, 2012; Ord. 2005 §15, 2002;
Ord. 1758 §1 (part), 1995)*

18.40.080 Basic Development Standards

Development within the Tukwila Valley South District shall conform to the following listed and referenced standards:

TVS BASIC DEVELOPMENT STANDARDS

Lot area per unit (multi-family, except senior citizen housing), minimum	2,000 sq. ft.
Setbacks to yards, minimum:	
• Front	25 feet
• Second front	12.5 feet
• Sides	5 feet
• Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR	
- 1st floor	10 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	10 feet
- 2nd floor	20 feet
- 3rd floor	30 feet
Height, maximum	115 feet
Landscape requirements (minimum): <i>See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements</i>	
• Fronts	15 feet Required landscaping may include a mix of plant materials, pedestrian amenities and features, outdoor cafe-type seating and similar features, subject to approval as a Type 2 special permission decision.
• Sides	None
• 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 min.
• Retail	4 per 1,000 sq. ft. usable floor area min.
• Manufacturing	1 per 1,000 sq. ft. usable floor area min.
• Warehousing	1 per 2,000 sq. ft. usable floor area min.
• 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. 1976 §60, 2001; Ord. 1872 §13, 1999;
Ord. 1830 §27, 1998; Ord. 1758 §1 (part), 1995)*

CHAPTER 18.41**TUKWILA SOUTH OVERLAY (TSO) DISTRICT****Sections:**

- 18.41.010 Purpose
- 18.41.020 Land Uses Allowed
- 18.41.070 On-Site Hazardous Substances
- 18.41.080 Design Review
- 18.41.090 Basic Development Standards
- 18.41.100 Modifications to Development Standards through Design Review
- 18.41.110 Final Site Plan
- 18.41.120 Performance Guarantee

18.41.010 Purpose

A. This district implements the Tukwila South Master Plan designation and related policies and provisions of the Tukwila Comprehensive Plan. As an overlay district, the Tukwila South Overlay (TSO) district may be applied by the City Council to any property lying within the Comprehensive Plan's Tukwila South Master Plan Area. Within the Tukwila South Overlay, the provisions of this chapter shall supersede the provisions of the underlying zoning district.

B. The Tukwila South Overlay district is intended to create a multi-use regional employment center containing high technology, office, commercial, and residential uses. National and international employers specializing in emerging technologies (bio-tech/life sciences) are featured in campus settings. Retail activities range from individual large-scale national retailers to gateway and village retail and shopping centers that support office and high-tech campuses and residential neighborhoods. A mix of single-family and multi-family dwellings at low, medium, and high densities provide a variety of housing opportunities. Tukwila South will create a memorable and regionally identifiable place by building upon the Northwest tradition of quality outdoor environments and quality building materials, combined with traditional Puget Sound building elements.

(Ord. 2235 §1 (part), 2009)

18.41.020 Land Uses Allowed

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

(Ord. 2500 §21, 2016)

18.41.070 On-Site Hazardous Substances

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. 2235 §10 (part), 2009)

18.41.080 Design Review

A. The Director shall require that all development within the Tukwila South Overlay district is consistent with the policies of the Tukwila Comprehensive Land Use Plan and the Tukwila South Master Plan, and conforms to the requirements of this title and any applicable development agreement.

B. Design review is required for all non-exempt development within the Tukwila South Overlay district. The applicant may submit a site plan for review for all or a portion of the area covered by the Tukwila South Master Plan. Application requirements are provided by TMC Section 18.104.060. All applications for design review within the TSO shall be processed as Type 2 decisions per TMC Chapter 18.60. Prospective applicants are encouraged to schedule a pre-application conference as provided by TMC Section 18.104.050 prior to submitting a design review application.

C. The following development activities are exempt from design review:

1. Interior remodeling of existing buildings or structures.
2. Underground utility projects.
3. Detached single-family subdivisions subject to TMC Title 17 – Subdivisions and Plats.
4. Exterior repair, reconstruction, cosmetic alterations or improvements if the cost of that work is less than 10% of the building's assessed valuation.
5. Development that is categorically exempt under the State Environmental Policy Act (SEPA) (RCW 43.21C).

D. Design review includes an examination of the following elements: placement and scale of structures, design, height, form, parking, access, signage, vehicular and pedestrian connections and circulation, environmental considerations, open space, landscaping, and infrastructure needs as described in the Tukwila South Master Plan or any applicable development agreement. The purposes of the review process include:

1. Allowing City staff to review the detailed arrangement of the proposed development to ensure it is consistent with the intent and scope of the Tukwila South Master Plan, as well as any applicable development regulations, zoning district provisions, design review standards, and any approved development agreement provisions.
2. Assure the proposed development is compatible with both the physical characteristics of the site, and the existing and potential uses of the surrounding area as described in an approved Master Plan.
3. Ensure compliance with the requirements of the State Environmental Policy Act (SEPA - RCW 43.21C) and other applicable regulations and standards.

E. All design review applications for development within the Tukwila South Overlay district shall be reviewed in accordance with the following criteria. When two or more of the criteria listed below conflict, the Director shall evaluate the applicability and importance of each based on the intent of the Tukwila South Master Plan and reasonably balance any conflicting criteria in reaching a design review decision.

1. Substantial conformance with the Tukwila South Master Plan, including but not limited to, fostering the vision and guiding principles of the Master Plan.

2. Compliance with the applicable district standards in this title, and other applicable City regulations. Modifications to the development standards may be requested as part of design review per TMC Section 18.41.100.

3. Substantial consistency with Tukwila Comprehensive Land Use Plan goals and policies.

4. Substantial conformance with the provisions of any applicable development agreement.

5. Substantial conformance with all applicable mitigation measures identified in the associated EIS or other SEPA documents.

6. Adequate public services and facilities necessary to accommodate the proposed use and density are or will be made available.

7. The site is physically suitable for the type of development and for the intensity of development proposed.

8. Approval of the application will not be significantly detrimental to the public health, safety or welfare, or be injurious to the property or improvements of adjacent properties and public facilities.

9. Substantial conformance with the criteria contained in the Tukwila South Design Manual.

10. Substantial conformance with the Master Open Space and Trails Plan, if applicable.

F. Upon completion of the City's review, the Director shall approve, approve with conditions or deny the application, as follows:

1. If the Director finds the application meets the applicable criteria and is consistent with the approved Master Plan for that area of the Tukwila South Overlay district, the Director shall approve the proposal.

2. Approve with Conditions: If the Director finds the application does not adequately address one or more of the applicable criteria, but is consistent with the approved Master Plan for the Tukwila South Overlay district, and there is a reasonable basis for conditions, the Director may approve the application with conditions. The intent of such conditions is that they mitigate an impact consistent with the intent of the applicable criterion. Conditions of approval may include, but are not necessarily limited to, the relocation or modification of the proposed structures, additional landscaping, buffering, screening, relocation of access, or other measures necessary to mitigate any impact or reduce hazards. The Director shall specify when the conditions shall be met.

3. Denial: If the Director finds the application does not meet applicable criteria and reasonable conditions cannot be found to mitigate the impact or reduce hazards, the Director shall deny the application as proposed. The Director's decision must specify the reasons for the denial based upon the review criteria.

(Ord. 2235 §10 (part), 2009)

18.41.090 Basic Development Standards

A. Standards for residential uses will be developed at a later date.

B. Non-residential Uses:

Lot	N/A
Setbacks:	
Front – adjacent to a public street	15 feet*
Second Front – adjacent to a public street	15 feet*
Sides	None*; increased to 10 feet if adjacent to residential use or non-TSO Zoned property
Rear	None*; increased to 10 feet if adjacent to residential use or non-TSO zoned property
Height	125 feet
Landscaping:	
Fronts – adjacent to a public street	15 feet
Side	None; increased to 10 feet if adjacent to residential use or non-TSO zoned property
Rear	None; increased to 10 feet if adjacent to residential use or non-TSO zoned property
Landscape requirements (minimum): See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for requirements	
Off-street parking:	See TMC Chapter 18.56
*Subject to modification to meet Fire Department Access Requirements	

(Ord. 2235 §10 (part), 2009)

18.41.100 Modifications to Development Standards through Design Review

A. An applicant may request a modification to the Basic Development Standards established by TMC Section 18.41.090 as part of a design review application. The applicant shall submit a written description of the proposed modification and address the decision criteria stated below in subsection B; the Director may condition the approval of a modification request when such conditions are necessary to achieve conformity with these decision criteria.

B. The Director may grant modifications for individual cases provided the Director shall find that:

1. The modification is required due to unique circumstances related to the subject property that create significant practical difficulties for development and use otherwise allowed by this code;

2. The modification conforms to the intent and purpose of the Tukwila South Master Plan, any applicable development agreements, and this code;

3. The modification will not be injurious to other property(s) in the vicinity;

4. The modification will not compromise the current or reasonably anticipated provision of circulation, access, utility service or any other public service; and

5. An approved modification shall be the minimum necessary to ameliorate the identified practical difficulties giving rise to the request.

(Ord. 2235 §10 (part), 2009)

18.41.110 Final Site Plan

A. Within 90 days of the approval by the Director, final plans shall be prepared and filed with the City. These plans shall include all required modifications and applicable conditions contained in the Director's Notice of Decision.

B. The final plans are not required to be recorded unless there is an associated land division application, such as a binding site plan or subdivision.

(Ord. 2235 §10 (part), 2009)

18.41.120 Performance Guarantee

The Building Official may not issue a Certificate of Occupancy until all improvements included in the approved plans have been installed and approved, with the following exceptions:

1. A performance guarantee has been posted for the improvements not yet completed.

2. The phasing of improvements has been accounted for in an associated Binding Site Plan, infrastructure phasing agreement, a condition of approval, or a development agreement.

(Ord. 2235 §10 (part), 2009)

CHAPTER 18.42

PUBLIC RECREATION OVERLAY DISTRICT

Sections:

- 18.42.010 Purpose
 - 18.42.020 Land Uses Allowed
 - 18.42.030 Basic Development Standards
-

18.42.010 Purpose

This district implements the Public Recreation Comprehensive Plan designation, which is intended to reserve certain areas owned or controlled by a public or quasi-public agency for either passive or active public recreation use. As an overlay district, the PRO District may be combined with any other district established by this Title, and the provisions of this chapter shall be in addition to the provision for the underlying district.

(Ord. 1758 §1 (part), 1995)

18.42.020 Land Uses Allowed

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

(Ord. 2500 §2, 2016; Ord. 1758 §1 (part), 1995)

18.42.030 Basic Development Standards

Development standards for the PRO District shall be as specified by TMC Title 18 for the underlying district. However, when the underlying district is the LDR (Low-Density Residential) District, structures may be granted a height bonus of one additional foot of height for every four feet of excess setback (i.e., setback over and above the LDR minimum standard), up to a maximum height of 50 feet. Ancillary facilities customarily installed in conjunction with a permitted recreational use, including light standards and safety netting, shall not be subject to the height restrictions of the underlying district. Structures for which a height bonus is requested and any ancillary facilities taller than the underlying height restrictions shall be subject to Board of Architectural Review approval under the "Commercial and Light Industrial Design Review Criteria" provisions of TMC Chapter 18.60.

(Ord. 2020 §1, 2003; Ord. 1758 §1 (part), 1995)

CHAPTER 18.43**URBAN RENEWAL OVERLAY DISTRICT****Sections:**

- 18.43.010 Purpose
- 18.43.020 Principally Permitted Uses
- 18.43.030 Accessory Uses
- 18.43.040 Height, Yard and Area Regulations
- 18.43.050 Parking Regulations
- 18.43.060 Application Regulations
- 18.43.070 Specific Urban Renewal Overlay Development Standards and Criteria
- 18.43.080 Basic Development Standards

18.43.010 Purpose

This chapter implements the Urban Renewal Overlay District, which applies the adopted Tukwila International Boulevard Revitalization and Urban Renewal Plan. The intent is to promote community redevelopment and revitalization, and to encourage investment that supports well-designed, compact, transit-oriented and pedestrian-friendly residential and business developments to activate the community along Tukwila International Boulevard. Urban Renewal Overlay District Boundaries are shown in *(Figure 18-15.)* This overlay may be applied in combination with the Commercial Redevelopment Areas procedures as described in TMC Section 18.60.060.

(Ord. 2257 §9 (part), 2009)

18.43.020 Principally Permitted Uses

The Urban Renewal Overlay District is an overlay zone which allows the uses permitted in the underlying zoning district, while being consistent with all additional requirements of this chapter. In addition, larger scale multi-family buildings are permitted in the LDR and MDR districts within the Urban Renewal Overlay District.

(Ord. 2257 §9 (part), 2009)

18.43.030 Accessory Uses

The Urban Renewal Overlay District is an overlay zone which allows the accessory uses permitted in the underlying zone district, while being consistent with all additional requirements of this chapter.

(Ord. 2257 §9 (part), 2009)

18.43.040 Height, Yard and Area Regulations

All setbacks shall be as provided in the underlying zoning district, except as may otherwise be specified in this chapter.

(Ord. 2257 §9 (part), 2009)

18.43.050 Parking Regulations

Parking shall be required as specified in Chapter 18.56, except as may otherwise be specified by this chapter.

(Ord. 2257 §9 (part), 2009)

18.43.060 Application Regulations

Property located within the Urban Renewal Overlay District is identified on the official Zoning Map, as well as in TMC 18, Figure 18.15, and is subject both to its zone classification regulations and to additional requirements imposed for the overlay district. The overlay district provisions shall apply in any case where the provisions of the overlay district conflict with the provisions of the underlying zone.

(Ord. 2257 §9 (part), 2009)

18.43.070 Specific Urban Renewal Overlay Development Standards and Criteria

A. The Urban Renewal Overlay District's supplemental development standards are as follows, provided certain criteria are met:

1. Building heights shall be permitted up to 65 feet;
2. Existing Neighborhood Commercial Center (NCC) setback standards shall be followed per TMC 18.22.080 as amended. *(See Urban Renewal Basic Development Standards.)*
3. Multi-family parking standards shall be one parking space per each dwelling unit that contains up to one bedroom, plus 0.5 spaces for every bedroom in excess of one bedroom in a dwelling unit.
4. The maximum number of dwelling units shall be determined by the building envelope, rather than a numeric density. The developer shall determine the unit mix with the limitation that studio units contain an average size of at least 500 square feet of interior floor space with no units smaller than 450 square feet and allow no more than 40% of the dwelling units to be studios.
5. Allow live/work space on the ground floor to meet the NCC requirement for ground floor retail or office space if the live/work space is built to commercial building code standards with a typical retail storefront appearance.
6. Allow ground floor residential uses in the NCC zone in buildings or portions of buildings that do not front on an arterial.

B. The Urban Renewal Overlay District's development standards apply if the owner/developer requests, and if all the following criteria are met:

1. At least 100 feet of the development parcel's perimeter fronts on Tukwila International Boulevard.
2. 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.
3. The ground floor along Tukwila International Boulevard must contain active uses (except for the width of the garage access) when site conditions allow. Active uses comprise uses such as retail, restaurant, office, live-work or other uses of a similar nature that encourage pedestrian activity, and feature a combination of design and amenities to create a sense in interest with features such as doors, windows, clear glass display windows, wide sidewalks, etc.

4. Development must provide amenities such as some of the following to enable a high-quality pedestrian experience, including retail windows, pedestrian scale design along sidewalks, wide sidewalks, pedestrian access through site, benches, art, landscaping and lighting, quality of materials, and street furniture.

5. The property owner/manager shall prepare a Transportation Management Plan to encourage alternatives to automobile use, and that provides each residential and commercial tenant with materials that may range from offering information about transit and bicycle options to providing transit tickets and passes.

6. Residential development shall provide opportunities for tenants to use a car-sharing program and make one space available at no charge to a car-sharing program (if available) for every 50 to 200 residential units on site. An additional space shall be provided for developments with over 200 units. 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.

7. One secure, covered, ground-level bicycle parking space shall be provided for every four residential units in a mixed-use or multi-family development.

(Ord. 2257 §9 (part), 2009)

18.43.080 Basic Development Standards

A. If requested by the developer and if the specific requirements and criteria of TMC 18.43.070a and 18.43.070b are met, development within the Urban Renewal Overlay District shall conform to the following listed and referenced standards.

B. 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 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.)

Urban Renewal Overlay Basic Development Standards

<i>Unit density</i>	The maximum number of dwelling units to be determined by the building envelope as in the NCC zone, rather than a numeric density.
<i>Unit size and maximum percentage for studio dwellings</i>	The developer shall determine the unit mix with the limitation that the studio units contain an average size of at least 500 square feet of interior floor space with no units smaller than 450 square feet and allow no more than 40% of the dwelling units to be studios.
Setbacks to yards, minimum (unless noted)	
<i>Front</i>	6 feet (12 feet if located along Tukwila International Boulevard South)
<i>Front if any portion of the yard is adjacent to, or across the street from, LDR zoning that is developed with a single-family dwelling and that is outside of the Urban Renewal Overlay District</i>	1 st floor - 10 ft. min/max 2 nd floor - 10 ft. to 30 ft. 3 rd floor and higher - 30 ft. Note: Buildings over two floors must have at least one tier. To achieve tiers, setbacks will be both minimum and maximum
<i>Second front, if any portion of the yard is within 50 feet of MDR, HDR</i>	1 st floor - 10 feet 2 nd floor and above 20 feet
<i>Second front</i>	5 feet
<i>Front Second front, if any portion of the yard is adjacent to, or across the street from, LDR zoning that is developed with a single-family dwelling and that is outside of the Urban Renewal Overlay District</i>	1 st floor - 10 ft. min/max 2 nd floor - 10 ft. to 30 ft. 3 rd floor and higher - 30 ft. Note: Buildings over two floors must have at least one tier. To achieve tiers, setbacks will be both minimum and maximum
<i>Second front, if any portion of the yard is within 50 feet of MDR, HDR</i>	1 st floor - 10 feet 2 nd floor and above 20 feet
<i>Sides</i>	10 feet
<i>Sides, if any portion of the yard is adjacent to, or across the street from, LDR zoning that is developed with a single-family dwelling and that is outside of the Urban Renewal Overlay District</i>	1 st floor - 10 ft. min/max 2 nd floor - 10 ft. to 30 ft. 3 rd floor and higher - 30 ft. Note: Buildings over two floors must have at least one tier. To achieve tiers, setbacks will be both minimum and maximum
<i>Sides, if any portion of the yard is within 50 feet of MDR, HDR</i>	1 st floor - 10 feet 2 nd floor - 20 feet 3 rd floor and higher - 20 feet
<i>Rear, if any portion of the yard is adjacent to, or across the street from, LDR zoning that is developed with a single-family dwelling and that is outside of the Urban Renewal Overlay District</i>	1 st floor - 10 feet min/max 2 nd floor - 10 to 30 feet 3 rd floor and higher - 30 feet Note: Buildings over two floors must have at least one tier. To achieve tiers, setbacks will be both minimum and maximum

<i>Rear, if any portion of the yard is within 50 feet of, MDR, HDR</i>	1 st floor - 10 feet 2 nd floor and above - 20 feet
Height, maximum – 65 feet (if all criteria are met)	
Landscape requirements (minimum): See Landscape requirements of specific underlying zone. Also see Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements	
<i>Front(s)</i>	All building setback areas must be landscaped or developed with pedestrian improvements per the width of the setback, rather than the landscape standards of the underlying zone.
<i>Front if any portion of the yard is adjacent to, or across the street from, LDR zoning that is developed with a single-family dwelling and that is outside of the Urban Renewal Overlay District</i>	All building setback areas must be landscaped or developed with pedestrian improvements per the width of the setback, rather than the landscape standards of the underlying zone.
<i>Front(s), if any portion of the yard is within 50 feet of MDR, HDR</i>	All building setback areas shall be landscaped or developed with pedestrian improvements per the width of the setback, rather than the landscape standards of the underlying zone.
<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 MDR, HDR</i>	10 feet
<i>Recreation space</i>	See underlying zoning
<i>Recreation space, senior citizen housing</i>	See underlying zoning
Off-street parking:	

Residential (except senior citizen housing)	<p>One automobile parking space per each dwelling unit that contains up to one bedroom plus 0.5 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.</p> <p>One automobile space at no charge to a car sharing program (if available) for every 50 to 200 residential units on site. An additional space shall be provided for developments with over 200 units. 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>
<i>Other uses, including senior citizen housing</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
<p>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 43.21.C shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.</p>	

(Ord. 2257 §9 (part), 2009)

CHAPTER 18.44
SHORELINE OVERLAY DISTRICT

Sections:

- 18.44.020 Shoreline Environment Designations
- 18.44.030 Principally Permitted Uses and Shoreline Use Matrix
- 18.44.040 Shoreline Residential Environment — Uses
- 18.44.050 Urban Conservancy Environment - Uses
- 18.44.060 High Intensity Environment - Uses
- 18.44.065 Aquatic Environment - Uses
- 18.44.070 Development Standards
- 18.44.080 Vegetation Protection and Landscaping
- 18.44.090 Environmentally Sensitive Areas within the Shoreline Jurisdiction
- 18.44.100 Public Access to the Shoreline
- 18.44.110 Shoreline Design Guidelines
- 18.44.120 Shoreline Restoration
- 18.44.130 Administration
- 18.44.140 Appeals
- 18.44.150 Enforcement and Penalties
- 18.44.160 Liability

Applicability of Amended Zoning Code. After the effective date of this ordinance, Chapter 18.44 of the Zoning Code, as hereby amended, shall apply to all properties subject to the shoreline overlay, provided that nothing contained herein shall be deemed to override any vested rights or require any alteration of a non-conforming use or non-conforming structure, except as specifically provided in Chapter 18.44 of the Zoning Code, as amended.

(Ord. 2346 §17, 2011)

18.44.020 Shoreline Environment Designations

All shoreline within the City is designated "urban" and further identified as follows:

1. **Shoreline Residential Environment.** All lands zoned for residential use as measured 200 feet landward from the Ordinary High Water Mark (OHWM).
2. **Urban Conservancy Environment.** All lands not zoned for residential use upstream from the Turning Basin as measured 200 feet landward from the OHWM.
3. **High Intensity Environment.** All lands downstream from the Turning Basin as measured 200 feet landward from the OHWM.
4. **Aquatic Environment.** All water bodies within the City limits and its potential annexation areas under the jurisdiction of the Shoreline Management Act waterward of the Ordinary High Water Mark. The Aquatic Environment includes the water surface together with the underlying lands and the water column.

(Ord. 2346 §1, 2011)

18.44.030 Principally Permitted Uses and Shoreline Use Matrix

A. TMC Section 18.44.030(A), including the Use Matrix (*Figure 18-1*), specifies the uses that are permitted outright, permitted as a Conditional Use or prohibited altogether for each Shoreline Environment. Also included are special conditions and general requirements controlling specific uses. These regulations are intended to implement the purpose of each Shoreline Environment designation.

B. In the matrix, shoreline environments are listed at the top of each column and the specific uses are listed along the left-hand side of each horizontal row. The cell at the intersection of a column and a row indicates whether a use may be allowed in a specific shoreline environment and whether additional use criteria apply. The matrix shall be interpreted as follows:

1. If the letter "P" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment if the underlying zoning also allows the use. Shoreline (SDP, CUP and Variance) permits may be required.
2. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review and approval procedures specified in TMC Section 18.44.130 C.
3. If the letter "X" appears in the box at the intersection of the column and the row, the use is prohibited in that shoreline environment.

C. In addition to the matrix the following general use requirements also apply to all development within the shoreline jurisdiction. Additional requirements controlling specific uses are set forth for each Shoreline Environment designation, to implement the purpose of the respective Shoreline Environment designations.

1. The first priority for City-owned property within the shoreline jurisdiction shall be reserved for water-dependent uses including but not limited to habitat restoration, followed by water-enjoyment uses, public access, passive recreation, passive open space uses, or public educational purposes.
2. No hazardous waste handling, processing or storage is allowed within the SMA shoreline jurisdiction, unless incidental to a use allowed in the designated shoreline environment and adequate controls are in place to prevent any releases to the shoreline/river.
3. Overwater structures, shall not cause a net loss of ecological function, interfere with navigation or flood management, or present potential hazards to downstream properties or facilities. They shall comply with the standards in the Overwater Structures Section of TMC Section 18.44.070(K).

4. Parking as a primary use is not permitted, except for existing Park and Ride lots, where adequate stormwater collection and treatment is in place to protect water quality. Parking is permitted only as an accessory to a permitted or conditional use in the shoreline jurisdiction.

5. All development, activities or uses, unless it is an approved overwater, flood management structure or shoreline restoration project, shall be prohibited waterward of the OHWM.

(Ord. 2346 §2, 2011)

18.44.040 Shoreline Residential Environment — Uses

A. Shoreline Residential Buffer — Delineated Uses.

The Shoreline Residential River Buffer shall consist of the area needed to achieve a 2.5:1 slope of the river bank, measured from the toe of the bank to the top of the bank, plus 20 linear feet measured from the top of the bank landward; provided, that in no case shall the Shoreline Residential Buffer be less than 50 feet landward of the OHWM.

1. **Permitted Uses.** No uses or structures are permitted in the Shoreline Residential Buffer except for the following:

a. Shoreline restoration projects.

b. Over-water structures subject to the standards in the Over-water Structures Section associated with water-dependent uses, public access, recreation, flood control or channel management. Private, single residence piers for the sole use of the property owner shall not be considered an outright use on the shoreline. A dock may be allowed when the applicant has demonstrated a need for moorage and that the following alternatives have been investigated and are not available or feasible:

(1) commercial or marina moorage;

(2) floating moorage buoys;

(3) joint use moorage pier/dock.

c. Public parks, recreation and open space.

d. Public pedestrian bridges.

e. Public and/or private promenades, footpaths or trails.

f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height or 25 square feet in area or block views to the shoreline from adjacent properties.

g. Signs conforming to the development standards of this chapter.

h. Construction, maintenance or re-development of levees for flood control purposes, provided that any new or redeveloped levee shall meet the applicable levee requirements of this chapter.

i. Vehicle bridges, only if connecting public rights-of-way.

j. Utility towers and utilities, except the provision, distribution, collection, transmission or disposal of refuse.

k. Fire lanes when co-located with levee maintenance roads.

l. New shoreline stabilization utilizing the development standards in TMC Section 18.44.070(F).

m. Water dependent uses and their structures, as long as there is no net loss of shoreline ecological function.

n. Fences, provided the maximum height of a fence along the shoreline is four feet and the fence does not extend waterward beyond the top of the bank. Chain-link fences must be vinyl coated.

o. Existing essential streets, roads and rights-of-way may be maintained or improved.

p. Outdoor storage, only in conjunction with a water-dependent use.

q. Water-oriented essential public facilities, both above and below ground.

r. Non-water-oriented essential public facilities, both above and below ground, provided it has been documented that no feasible location is available outside of the buffer.

s. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.

t. Patios or decks not exceeding 18 inches in height, limited to a maximum 200 square feet and 50% of the width of the river frontage. Decks or patios must be located landward of the top of the bank and be constructed to be pervious and of environmentally-friendly materials. If a deck or patio will have an environmental impact in the shoreline buffer, then commensurate mitigation shall be required.

u. Support facilities for above or below ground utilities or pollution control, such as outfall facilities or other facilities that must have a physical connection to the shoreline to provide their support function, provided they are located at or below grade and as far from the OHWM as technically feasible.

2. **Conditional Uses.** Only the following may be allowed as a Conditional Use in the Shoreline Residential River Buffer subject to the requirements, procedures and conditions established by TMC Chapter 18.64 and shall be reviewed through a Shoreline Conditional Use Permit:

a. Dredging activities when in compliance with all federal and state regulations, when necessary for navigation or remediation of contaminated sediments.

b. Dredging for navigational purposes is permitted where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width. Dredging of bottom materials for the purpose of obtaining fill material is prohibited.

c. New private vehicle bridges.

d. Fill minimally necessary to support water-dependent uses, public access, or for the alteration or expansion of a transportation facility of statewide significance currently located on the shoreline when it is demonstrated that alternatives to fill are not feasible.

e. Bridges, approved above ground utility structures, and water-dependent uses and their structures greater than 35 feet in height.

B. Shoreline Residential Environment Outside of Buffer — Permitted Uses. The following uses are permitted within the Shoreline Residential Environment outside of the Shoreline Residential River Buffer. Uses shall meet the purposes and criteria of the Shoreline Environment Designation section.

1. **Permitted Uses.** The Shoreline Residential Environment shall contain residential, recreational and limited commercial uses and accessory uses as allowed in the underlying zoning district. In addition, the Shoreline Residential Environment shall allow the following uses:

a. All uses permitted in the Shoreline Residential River Buffer.

b. For non-residential uses, parking/loading and storage facilities located to the most upland portion of the property and adequately screened and/or landscaped in accordance with the Vegetation Protection and Landscaping section.

c. Railroad tracks.

d. Public or private roads.

2. **Conditional Uses.** All uses listed as Conditional Uses in the underlying zone may be allowed subject to the requirements, procedures and conditions established by TMC Chapter 18.64. A Shoreline Conditional Use Permit is required.

(Ord. 2346 §3, 2011)

18.44.050 Urban Conservancy Environment - Uses

A. Urban Conservancy Environment Buffer — Delineated. The Urban Conservancy Environment Buffer shall consist of that area measured 100 feet landward of the OHWM for non-leveed portions of the river, and that area measured 125 feet landward from the OHWM for leveed portions of the river.

B. Urban Conservancy Environment Buffer — Uses.

1. **Permitted Uses.** The following uses are permitted in the Urban Conservancy River Buffer:

a. Shoreline restoration projects.

b. Over-water structures subject to the standards established in the Over-water Structures Section, TMC Section 18.44.070(K), that are associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration.

c. Public parks, recreation and open space.

d. Public and/or private promenades, footpaths or trails.

e. Public pedestrian bridges.

f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height and 25 square feet in area and views of the shoreline are not blocked from adjacent properties.

g. Signs conforming to the development standards of this chapter.

h. Construction, maintenance or re-development of levees for flood control purposes, provided that any new or re-developed levee shall meet the applicable levee requirements of this chapter.

i. New vehicle bridges: permitted only if connecting public rights-of-way; existing public or private vehicle bridges may be maintained or replaced.

j. Utility towers and utilities, except the provision, distribution, collection, transmission or disposal of refuse.

k. Levee maintenance roads.

l. Plaza connectors between buildings and levees, not exceeding the height of the levee, are permitted for the purpose of providing and enhancing pedestrian access along the river and for landscaping purposes.

m. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization Section, TMC Section 18.44.070(F).

n. Existing essential streets, roads and rights-of-way may be maintained or improved.

o. Water-dependent commercial and industrial development, if permitted by the underlying zoning district.

p. Support facilities for above or below ground utilities or pollution control, such as outfall facilities or other facilities that must have a physical connection to the shoreline to provide their support function, provided they are located at or below grade and as far from the OHWM as technically feasible.

q. Outdoor storage, only in conjunction with a water-dependent use.

r. Water-oriented essential public facilities, both above and below ground.

s. Non-water-oriented essential public facilities, both above and below ground, provided it has been documented that no feasible location is available outside of the buffer.

t. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.

u. Regional detention facilities that meet the City's Infrastructure Design and Construction Standards along with their supporting elements such as ponds, piping, filter systems and outfalls vested as of the effective date of this program or if no feasible alternative location exists. Any regional detention facility located in the buffer shall be designed such that a fence is not required, planted with native vegetation, designed to blend with the surrounding environment, and provide design features that serve both public and private use, such as an access road that can also serve as a trail. The facility shall be designed to locate access roads and other impervious surfaces as far from the river as practical.

2. **Conditional Uses.** Only the following may be allowed as a Conditional Use in the Shoreline Urban Conservancy Environment Buffer, subject to the requirements, procedures and conditions established by TMC Chapter 18.64 and shall be reviewed through a Shoreline Conditional Use Permit:

a. Dredging activities where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.

b. Dredging for remediation of contaminated sediments when mitigation is provided. Dredging of bottom materials for the purpose of obtaining fill material is prohibited. Dredging activities must comply with all federal and state regulations.

c. New private vehicle bridges.

d. Fill minimally necessary to support water-dependent uses, public access, or for the alteration or expansion of a transportation facility of statewide significance currently located on the shoreline when it is demonstrated that alternatives to fill are not feasible.

C. **Urban Conservancy Environment Outside of Buffer — Uses.** The following uses are permitted in the Urban Conservancy Environment, outside of the Urban Conservancy Environment Buffer. Uses shall meet the purposes and criteria of the Urban Conservancy Environment as established in the Shoreline Environment Designation section.

1. **Permitted Uses.** All uses permitted in the Urban Conservancy Environment Buffer and/or the Shoreline Use Matrix may be allowed.

2. **Conditional Uses.** All uses listed as Conditional Uses in the underlying zone may be allowed subject to the requirements, procedures and conditions established by TMC Chapter 18.64. A Shoreline Conditional Use Permit shall be required.

D. **Urban Conservancy Buffer Width Reduction.** The Director may reduce the Urban Conservancy Environment Buffer as follows:

1. For property located within the 100-foot buffer in non-levee portions of the river, the Urban Conservancy Environment Buffer may be reduced to that area occupied by the river bank plus 20 feet measured landward from the top of the bank; provided however, that the applicant must first re-slope the river bank to 2.5:1, provide a 20-foot setback from the top of the new slope and vegetate both the river bank and the 20-foot setback area in accordance with the standards in TMC Section 18.44.080, and provided that the Director determines that any buffer reduction will not result in direct, indirect or long-term adverse impacts to shoreline ecosystem functions. Further, a buffer enhancement plan, including removal of invasive plants and plantings using a variety of native vegetation that improves the functional attributes of the buffer and provides additional protection for the watercourse functions, must be approved by

the Director and implemented by the applicant as a condition of the reduction. In no case shall the reduced buffer be less than 50 feet.

2. For property located within the 125-foot buffer along leveed portions of the river, the Urban Conservancy Environment Buffer may be reduced to that area occupied by levee or river bank improvements meeting the minimum levee profile or other levee standards provided in this chapter, plus 10 feet measured landward from the landward toe of the levee or (if permitted by this chapter) floodwall. In the event that the owner provides the City with a 10-foot levee maintenance easement, measured landward from the landward toe of the levee or levee wall and prohibiting the construction of any structures and allows the City to access the area to inspect the levee, then the buffer shall be reduced to the landward toe of the levee, or landward edge of the levee floodwall, as the case may be.

3. If fill is placed along the back slope of a new levee, the Urban Conservancy Environment Buffer may be reduced to the point where the ground plane intersects the back slope of the levee; provided, that the property owner must grant the City a levee maintenance easement measured 10 feet landward from the landward toe of the levee or levee wall, and which easement prohibits the construction of any structures and allows the City to access the area to inspect the levee and/or wall and make any necessary repairs.

(Ord. 2346 §4, 2011)

18.44.060 High Intensity Environment — Uses

A. **High Intensity Environment Buffer — Delineated.** The High Intensity Environment Buffer shall consist of an area measured 100 feet landward from the OHWM. The remaining area of shoreline jurisdiction is non-buffer area.

B. High Intensity Environment Buffer — Uses.

1. **Permitted Uses.** The following uses are permitted in the High Intensity River Buffer:

- a. Shoreline restoration projects.
- b. Over-water structures subject to the standards established in the Over-water Structures Section that are associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration.
- c. Public parks, recreation and open space.
- d. Public and/or private promenades, footpaths or trails.
- e. Public pedestrian bridges.
- f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height and 25 square feet in area and no views of the shoreline are blocked from adjacent properties.
- g. Signs conforming to the development standards of this chapter.
- h. Construction, maintenance or re-development of levees for flood control purposes, provided that any new or re-developed levee shall meet the applicable levee requirements of this chapter.

i. New vehicle bridges: permitted only if connecting public rights-of-way; existing public or private vehicle bridges may be maintained or replaced.

j. Utility towers and utilities, except the provision, distribution, collection, transmission or disposal of refuse.

k. Levee maintenance roads.

l. Plaza connectors between buildings and levees, not exceeding the height of the levee, are permitted for the purpose of providing and enhancing pedestrian access along the river and for landscaping purposes.

m. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization Section, TMC Section 18.44.070(F).

n. Existing essential streets, roads and rights-of-way may be maintained or improved.

o. Water-dependent commercial and industrial development, if permitted by the underlying zoning district.

p. Support facilities for above or below ground utilities or pollution control, such as outfall facilities or other facilities that must have a physical connection to the shoreline to provide their support function, provided they are located at or below grade and as far from the OHWM as technically feasible.

q. Outdoor storage, only in conjunction with a water-dependent use.

r. Water-oriented essential public facilities, both above and below ground.

s. Non-water-oriented essential public facilities, both above and below ground, provided it has been documented that no feasible location is available outside of the buffer.

t. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.

u. Regional detention facilities that meet the City's Infrastructure Design and Construction Standards along with their supporting elements such as ponds, piping, filter systems and outfalls vested as of the effective date of this program or if no feasible alternative location exists. Any regional detention facility located in the buffer shall be designed such that a fence is not required, planted with native vegetation, designed to blend with the surrounding environment, and provide design features that serve both public and private use, such as an access road that can also serve as a trail. The facility shall be designed to locate access roads and other impervious surfaces as far from the river as practical.

2. **Conditional Uses.** Only the following may be allowed as a Conditional Use in the Shoreline High Intensity Environment Buffer subject to the requirements, procedures and conditions established by TMC Chapter 18.64. A Shoreline Conditional Use Permit shall be required.

a. Dredging activities where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.

b. Dredging for remediation of contaminated sediments when mitigation is provided. Dredging of bottom

materials for the purpose of obtaining fill material is prohibited. Dredging activities must comply with all federal and state regulations.

c. New private vehicle bridges.

d. Fill minimally necessary to support water-dependent uses, public access, or for the alteration or expansion of a transportation facility of statewide significance currently located on the shoreline when it is demonstrated that alternatives to fill are not feasible.

C. Shoreline Urban High Intensity Environment — Uses. The Shoreline High Intensity Environment shall consist of the remaining area within the 200 foot Shoreline Jurisdiction that is not within the Shoreline High Intensity Environment Buffer area. Uses shall meet the purposes and criteria of the Shoreline Environment Designations section.

1. **Permitted Uses.** All uses permitted in the High Intensity Environment Buffer and/or the Shoreline Use Matrix may be allowed.

2. **Conditional Uses.** All uses listed as Conditional Uses in the underlying zone may be allowed subject to the requirements, procedures and conditions established by TMC Chapter 18.64. A Shoreline Conditional Use Permit shall be required.

D. Shoreline High Intensity Environment Buffer Reduction. The Director may reduce the High Intensity Environment Buffer where the applicant re-slopes the river bank to be no steeper than 3:1 above the OHWM, provides a 20-foot setback from the top of the new slope, vegetates both the river bank and the 20-foot setback area in accordance with the standards in the Vegetation Protection and Landscaping Section, and the Director determines there will be no net loss of shoreline ecological functions. In no case shall the reduced buffer be less than 50 feet. On properties where the bank slope currently is no steeper than 3:1 or where the property owner has already re-sloped the river bank, provided a 20-foot setback and vegetated the bank and setback as provided in this chapter, the buffer width will be the distance measured from the OHWM to the top of the bank, plus 20 feet.

(Ord. 2346 §5, 2011)

18.44.065 Aquatic Environment — Uses

A. Aquatic Environment — Delineated. The Aquatic Environment consists of all water bodies within the City limits and its potential annexation areas under the jurisdiction of the Shoreline Management Act waterward of the Ordinary High Water Mark. The Aquatic Environment includes the water surface together with the underlying lands and the water column.

B. Permitted Uses. The following uses are permitted in the Aquatic Environment. Uses and activities within the Aquatic Environment must be compatible with the adjoining shoreline environment:

1. Shoreline restoration projects.

2. Over-water structures subject to the standards established in the Over-water Structures Section that are

associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration.

3. Maintenance or redevelopment of levees for flood control purposes, provided that any redevelopment of a levee shall meet the applicable levee regulations of this chapter.

4. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization Section.

5. Water-dependent commercial and industrial development, if permitted by the underlying zoning district.

6. Boats moored at a dock or marina. No boats may be moored on tidelands or in the river channel.

7. Fill for ecological restoration.

C. **Conditional Uses.** Only the following may be allowed as a Conditional Use in the Shoreline Aquatic Environment Buffer subject to the requirements, procedures and conditions established by this program:

1. Dredging activities where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided.

2. Dredging for remediation of contaminated sediments when mitigation is provided. Dredging of bottom materials for the purpose of obtaining fill material is prohibited. Dredging activities must comply with all federal and state regulations.

3. Fill minimally necessary to support water-dependent uses, public access, or for the alteration or expansion of a transportation facility of statewide significance currently located on the shoreline when it is demonstrated that alternatives to fill are not feasible.

(Ord. 2346 §6, 2011)

18.44.070 Development Standards

A. **Applicability.** The development standards of this chapter apply to work that meets the definition of substantial development except for vegetation removal per TMC Section 18.44.080, which applies to all shoreline development. The term "substantial development" applies to non-conforming, new or re-development. Non-conforming uses, structures, parking lots and landscape areas, will be governed by the standards in TMC Section 18.44.130(E), "Non-Conforming Development."

B. **Shoreline Residential Development Standards.** A shoreline substantial development permit is not required for construction within the Shoreline Residential Environment by an owner, lessee or contract purchaser of a single family residence for his/her own use or for the use of a family member. Such construction and all normal appurtenant structures must otherwise conform to this chapter. Short subdivisions and subdivisions are not exempt from obtaining a Shoreline Substantial Development Permit.

1. **Shoreline Residential Environment Standards.** The following standards apply to the Shoreline Residential Environment:

a. The development standards of the applicable underlying zoning district (Title 18, Tukwila Municipal Code) shall apply.

b. New development and uses must be sited so as to allow natural bank inclination of 2.5:1 slope with a 20-foot setback from the top of the bank. The Director may require a riverbank analysis as part of any development proposal.

c. Utilities such as pumps, pipes, etc., shall be suitably screened with native vegetation per the standards in the Vegetation Protection and Landscaping Section.

d. New shoreline stabilization, repair of existing stabilization or modifications to the river bank must comply with the standards in the Shoreline Stabilization Section, TMC Section 18.44.070(F).

e. Short plats of five to nine lots or formal subdivisions must be designed to provide public access to the river in accordance with the Public Access Section, TMC Section 18.44.100. Signage is required to identify the public access point(s).

f. Parking facilities associated with single family residential development or public recreational facilities are subject to the specific performance standards set forth in the Off-Street Parking Section, TMC Section 18.44.070(I).

g. Fences, freestanding walls or other structures normally accessory to residences must not block views of the river from adjacent residences or extend waterward beyond the top of the bank. Chain link fencing must be vinyl coated.

h. Recreational structures permitted in the buffer must provide buffer mitigation.

i. The outside edge of surface transportation facilities, such as railroad tracks, streets, or public transit shall be located no closer than 50 feet from the OHWM, except where the surface transportation facility is bridging the river.

j. Except for bridges, approved above ground utility structures, and water-dependent uses and their structures, the maximum height for structures shall be 30 feet. For bridges, approved above ground utility structures, and water-dependent uses and their structures, the height limit shall be as demonstrated necessary to accomplish the structure's primary purpose. Bridges, approved above ground utility structures, and water-dependent uses and their structures greater than 35 feet in height require approval of a Shoreline Conditional Use Permit.

2. **Design Review.** Design review is required for non-residential development in the Shoreline Residential Environment.

C. **High Intensity, Urban Conservancy and Aquatic Environment Development Standards.**

1. **Standards.** The following standards apply in the High Intensity, Urban Conservancy and Aquatic Environments.

a. The development standards for the applicable underlying zoning district (Title 18, Tukwila Municipal Code) shall apply.

b. All new development performed by public agencies, or new multi-family, commercial, or industrial

development shall provide public access in accordance with the standards in the Public Access Section.

c. Development or re-development of properties in areas of the shoreline armored with revetments or other hard armoring other than levees, or with non-armored river banks, must comply with the Vegetation Protection and Landscaping Section, TMC Section 18.44.080.

d. Any new shoreline stabilization or repairs to existing stabilization must comply with Shoreline Stabilization Section, TMC Section 18.44.070(F).

e. Over-water structures shall be allowed only for water-dependent uses and the size limited to the minimum necessary to support the structure's intended use and shall result in no net loss to shoreline ecological function. Over-water structures must comply with the standards in the Over-water Structures Section, TMC Section 18.44.070(K).

2. Setbacks and Site Configuration.

a. The yard setback adjacent to the river is the buffer width established for the applicable shoreline environment.

b. A fishing pier, viewing platform or other outdoor feature that provides access to the shoreline is not required to meet a setback from the OHWM.

3. **Height Restrictions.** Except for bridges, approved above ground utility structures, and water-dependent uses and their structures, to preserve visual access to the shoreline and avoid massing of tall buildings within the shoreline jurisdiction, the maximum height for structures shall be as follows:

- a. 15 feet where located within the River Buffer;
- b. 45 feet between the outside landward edge of the River Buffer and 200 feet of the OHWM.

c. Provided, no permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the State that will obstruct the view of a substantial number of residences on areas adjoining such shorelines. For any building that is proposed to be greater than 35 feet in height in the shoreline jurisdiction, the development proponent must demonstrate the proposed building will not block the views of a substantial number of residences. The Director may approve a 15% increase in height if the project proponent provides additional restoration and/or enhancement of the shoreline buffer, beyond what may otherwise be required in accordance with the standards of TMC Section 18.44.080, "Vegetation Protection and Landscaping." If the required buffer has already been restored, the project proponent may provide a 20% wider buffer, and/or enhanced in order to obtain the 15% increase in height in accordance with TMC Section 18.44.080, "Vegetation Protection and Landscaping."

4. **Lighting.** In addition to the lighting standards in TMC Chapter 18.60, "Board of Architectural Review," lighting for the site or development shall be designed and located so that:

- a. The minimum light levels in parking areas and paths between the building and street shall be one-foot candle.
- b. Lighting shall be designed to prevent light spillover and glare on adjacent properties and on the river

channel, be directed downward so as to illuminate only the immediate area, and be shielded to eliminate direct off-site illumination.

c. The general grounds need not be lighted.

d. The lighting is incorporated into a unified landscape and/or site plan.

D. Surface Water and Water Quality. The following standards apply to all shoreline development.

1. New surface water systems may not discharge directly into the river or streams tributary to the river without pre-treatment to reduce pollutants and meet State water quality standards.

2. Such pre-treatment may consist of biofiltration, oil/water separators, or other methods approved by the City of Tukwila Public Works Department.

3. Shoreline development, uses and activities shall not cause any increase in surface runoff, and shall have adequate provisions for storm water detention/infiltration.

4. Stormwater outfalls must be designed so as to cause no net loss of shoreline ecological functions or adverse impacts where functions are impaired. New stormwater outfalls or maintenance of existing outfalls must include shoreline restoration as part of the project.

5. Shoreline development and activities shall have adequate provisions for sanitary sewer.

6. Solid and liquid wastes and untreated effluents shall not be allowed to enter any bodies of water or to be discharged onto shorelands.

7. The use of low impact development techniques is required, unless such techniques conflict with other provisions of the SMP or are shown to not be feasible due to site conditions.

E. Flood Hazard Reduction. The following standards apply to all shoreline development.

1. New structural flood hazard reduction structures shall be allowed only when it can be demonstrated by a Riverbank Analysis that:

- a. They are necessary to protect existing development;
- b. Non-structural measures are not feasible; and
- c. Impacts to ecological functions and priority species and habitats can be successfully mitigated so as to assure no net loss.

2. Flood hazard structures must incorporate appropriate vegetation restoration and conservation actions consistent with the standards of the Vegetation Protection and Landscaping Section.

3. Levees, berms and similar flood control structures, whether new or redeveloped, shall be designed to meet the minimum levee profile, except as provided in Section 18.44.070.E.10 below.

4. Publicly-funded structural measures to reduce flood hazards shall improve public access or dedicate and provide public access unless public access improvements would cause

unavoidable health or safety hazards to the public, inherent and unavoidable security problems, or significant ecological impacts that cannot be mitigated.

5. Rehabilitation or replacement of existing flood control structures, such as levees, with a primary purpose of containing the 1% annual chance flood event, shall be allowed where it can be demonstrated by an engineering analysis that the existing structure:

a. Does not provide an appropriate level of protection for surrounding lands; or

b. Does not meet the minimum levee profile or other appropriate engineering design standards for stability (e.g., over-steepened side slopes for existing soil and/or flow conditions); and

c. Repair of the existing structure will not cause or increase significant adverse ecological impacts to the shoreline.

6. Rehabilitated or replaced flood hazard reduction structures shall not extend the toe of slope any further waterward of the OHWM than the existing structure.

7. New structural flood hazard reduction measures, such as levees, berms and similar flood control structures shall be placed landward of the floodway as determined by the best information available.

8. New, redeveloped or replaced structural flood hazard reduction measures shall be placed landward of associated wetlands, and designated fish and wildlife habitat conservation areas.

9. No commercial, industrial, office or residential development shall be located within a floodplain without a Flood Control Zone Permit issued by the City. No development shall be located within a floodway except as otherwise permitted.

10. New, redeveloped or replaced flood hazard reduction structures may deviate from the minimum levee profile only as follows. A floodwall may be substituted for all or a portion of a levee back slope only where necessary to avoid encroachment or damage to a structure legally constructed prior to the date of adoption of this subsection, and which structure has not lost its nonconforming status. The floodwall shall be designed to be the minimum necessary to provide 10 feet of clearance between the levee and the building, or the minimum necessary to preserve access needed for building functionality while meeting all engineering safety standards. A floodwall may also be used where necessary to prevent the levee from encroaching upon a railroad easement recorded prior to the date of adoption of this subsection. If a floodwall is permitted under this subsection the levee slope must be 2.5H:1V unless it is not physically possible to achieve such a slope; in that instance, the levee slope must be as close to 2.5H:1V as physically possible.

F. **Shoreline Stabilization.** The provisions of this section apply to those structures or actions intended to minimize or prevent erosion of adjacent uplands and/or failure of riverbanks resulting from waves, tidal fluctuations or river currents. Shoreline stabilization or armoring involves the placement of erosion resistant materials (e.g., large rocks and boulders,

cement, pilings and/or large woody debris (LWD)) or the use of bioengineering techniques to reduce or eliminate erosion of shorelines and risk to human infrastructure. This form of shoreline stabilization is distinct from flood control structures and flood hazard reduction measures (such as levees). The terms "shoreline stabilization," "shoreline protection" and "shoreline armoring" are used interchangeably.

1. Shoreline protection shall not be considered an outright permitted use and shall be permitted only when it has been demonstrated through a riverbank analysis and report that shoreline protection is necessary for the protection of existing legally established structures and public improvements.

2. New development and re-development shall be designed and configured on the lot to avoid the need for new shoreline stabilization. Removal of failing shoreline stabilization shall be incorporated into re-development design proposals wherever feasible.

3. Replacement of lawfully established, existing bulkheads or revetments are subject to the following priority system:

a. The first priority for replacement of bulkheads or revetments shall be landward of the existing bulkhead.

b. The second priority for replacement of existing bulkheads or revetments shall be to replace in place (at the bulkhead's existing location).

4. When evaluating a proposal against the above priority system, at a minimum the following criteria shall be considered:

a. Existing topography;

b. Existing development;

c. Location of abutting bulkheads;

d. Impact to shoreline ecological functions; and,

e. Impact to river hydraulics, potential changes in geomorphology, and to other areas of the shoreline.

5. Proponents of new or replacement hard shoreline stabilization (e.g. bulkheads or revetments) must demonstrate through a documented river bank analysis that bioengineered shoreline protection measures or bioengineering erosion control designs will not provide adequate upland protection of existing structures or would pose a threat or risk to adjacent property. The study must also demonstrate that the proposed hard shoreline stabilization will not adversely affect other infrastructure or adjacent shorelines.

6. Where allowed, shoreline armoring shall be designed, constructed and maintained in a manner that does not result in a net loss of shoreline ecological functions, including fish habitat, and shall conform to the requirements of the 2004 Washington State Department of Fish and Wildlife (or as amended) criteria and guidelines for integrated stream bank protection (Washington State Department of Fish and Wildlife, Washington Department of Ecology and U.S. Fish and Wildlife Service, Olympia, Washington), U. S. Army Corps of Engineers and other regulatory requirements. The hard shoreline stabilization must be designed and approved by an engineer licensed in the State of Washington and qualified to design shoreline stabilization structures.

7. Shoreline armoring shall be designed to the minimum size, height, bulk and extent necessary to remedy the identified hazard.

8. An applicant must demonstrate the following in order to qualify for the RCW 90.58.030(30(e)(iii)(ii) exemption from the requirement to obtain a shoreline substantial development permit for a proposed single family bulkhead and to insure that the bulkhead will be consistent with the SMP:

a. Erosion from currents or waves is imminently threatening a legally established single family detached dwelling unit or one or more appurtenant structures; and

b. The proposed bulkhead is more consistent with the City's Master Program in protecting the site and adjoining shorelines and that non-structural alternatives such as slope drainage systems, bioengineering or vegetative growth stabilization, are not feasible or will not adequately protect a legally established residence or appurtenant structure; and

c. The proposed bulkhead is located landward of the OHWM or it connects to adjacent, legally established bulkheads; and

d. The maximum height of the proposed bulkhead is no more than one foot above the elevation of extreme high water on tidal waters as determined by the National Ocean Survey published by the National Oceanic and Atmospheric Administration.

9. Bulkheads or revetments shall be constructed of suitable materials that will serve to accomplish the desired end with maximum preservation of natural characteristics. Materials with the potential for water quality degradation shall not be used. Design and construction methods shall consider aesthetics and habitat protection. Automobile bodies, tires or other junk or waste material that may release undesirable chemicals or other material shall not be used for shoreline protection.

10. The builder of any bulkhead or revetment shall be financially responsible for determining the nature and the extent of probable adverse effects on fish and wildlife or on the property of others caused by his/her construction and shall propose and implement solutions approved by the City to minimize such effects.

11. When shoreline stabilization is required at a public access site, provision for safe access to the water shall be incorporated in the design whenever possible.

12. Placement of bank protection material shall occur from the top of the bank and shall be supervised by the property owner or contractor to ensure material is not dumped directly onto the bank face.

13. Bank protection material shall be clean and shall be of a sufficient size to prevent its being washed away by high water flows.

14. When riprap is washed out and presents a hazard to the safety of recreational users of the river, it shall be removed by the owner of such material.

15. Bank protection associated with bridge construction and maintenance may be permitted subject to the provisions of the SMP and shall conform to provisions of the State Hydraulics Code (RCW 77.55) and U.S. Army Corps of Engineer regulations.

G. Archaeological, Cultural and Historical Resources. In addition to the requirements of TMC 18.50.110, Archaeological/Paleontological Information Preservation Requirements, the following regulations apply.

1. All land use permits for projects within the shoreline jurisdiction shall be coordinated with affected tribes.

2. If the City determines that a site has significant archaeological, natural scientific or historical value, a substantial development that would pose a threat to the resources of the site shall not be approved.

3. Permits issued in areas documented to contain archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes. The City may require that development be postponed in such areas to allow investigation of public acquisition potential, retrieval and preservation of significant artifacts and/or development of a mitigation plan. Areas of known or suspected archaeological middens shall not be disturbed and shall be fenced and identified during construction projects on the site.

4. Developers and property owners shall immediately stop work and notify the City of Tukwila, the Washington Department of Archaeology and Historic Preservation and affected Indian tribes if archaeological resources are uncovered during excavation.

5. In the event that unforeseen factors constituting an emergency, as defined in RCW 90.58.030, necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from any shoreline permit requirements. The City shall notify the Washington State Department of Ecology, the State Attorney General's Office and the State Department of Archaeology and Historic Preservation Office of such an exemption in a timely manner.

6. Archaeological excavations may be permitted subject to the provision of this chapter.

7. On sites where historical or archaeological resources have been identified and will be preserved in situ, public access to such areas shall be designed and managed so as to give maximum protection to the resource and surrounding environment.

8. Interpretive signs of historical and archaeological features shall be provided subject to the requirements of the Public Access Section when such signage does not compromise the protection of these features from tampering, damage and/or destruction.

H. Environmental Impact Mitigation.

1. All shoreline development and uses shall occur in a manner that results in no net loss of shoreline ecological functions through the careful location and design of all allowed development and uses. In cases where impacts to shoreline ecological functions from allowed development and uses are unavoidable, those impacts shall be mitigated according to the provisions of this section; in that event, the "no net loss" standard is met.

2. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), chapter 43.21C RCW, is applicable, the analysis of environmental impacts from proposed shoreline uses or developments shall be conducted consistent with the rules implementing SEPA (TMC Chapter 21.04 and WAC 197-11).

3. For all development, mitigation sequencing shall be applied in the following order of priority:

a. Avoiding the impact altogether by not taking a certain action or parts of an action.

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

d. Reducing or eliminating the impact over time by preservation and maintenance operations.

e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

4. In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined by the City to be infeasible or inapplicable.

5. When mitigation measures are appropriate pursuant to the priority of mitigation sequencing above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, if mitigation in the immediate vicinity is not scientifically feasible due to problems with hydrology, soils, waves or other factors, then off-site mitigation within the Shoreline Jurisdiction may be allowed if consistent with the Shoreline Restoration Plan. Mitigation for projects in the Transition Zone must take place in the Transition Zone. In the event a site is not available in the Transition Zone to carry out required mitigation, the project proponent may contribute funds equivalent to the value of the required mitigation to an existing or future restoration project identified in the CIP to be carried out by a public agency in the Transition Zone.

I. **Off Street Parking and Loading Requirements.** In addition to the parking requirements in TMC 18.56, the following requirements apply to all development in the shoreline jurisdiction.

1. Any parking, loading, or storage facilities located between the river and any building must incorporate additional landscaping in accordance with the Vegetation Protection and Landscaping Section, or berming or other site planning or design techniques to reduce visual and/or environmental impacts from the parking areas utilizing the following screening techniques:

a. A solid evergreen screen of trees and shrubs a minimum of six feet high; or

b. Decorative fence a maximum of six feet high with landscaping. Chain link fence, where allowed, shall be vinyl coated and landscaped with native trailing vine or an approved non-native vine other than ivy, except where a security or safety hazard may exist; or

c. Earth berms at a minimum of four feet high, planted with native plants in accordance with the Vegetation Protection and Landscaping Section.

2. Where a parking area is located in the shoreline jurisdiction and adjacent to a public access feature, the parking area shall be screened by a vegetative screen or a built structure that runs the entire length of the parking area adjacent to the amenity. The landscape screening shall comply with the Vegetation Protection and Landscaping Section.

3. Where public access to or along the shoreline exists or is proposed, parking areas shall provide pedestrian access from the parking area to the shoreline.

4. Parking facilities, loading areas and paved areas shall incorporate low impact development techniques wherever feasible, adequate storm water retention areas, oil/water separators and biofiltration swales, or other treatment techniques and shall comply with the standards and practices formally adopted by the City of Tukwila Public Works Department.

J. **Land Altering Activities.** All land altering activities in the shoreline jurisdiction shall be in conjunction with an underlying land development permit, except for shoreline restoration projects. All activities shall meet the following standards:

1. **Clearing, Grading and Landfill.**

a. Land altering shall be permitted only where it meets the following criteria:

(1) The work is the minimum necessary to accomplish an allowed shoreline use;

(2) Impacts to the natural environment are minimized and mitigated;

(3) Water quality, river flows and/or fish habitat are not adversely affected;

(4) Public access and river navigation are not diminished;

(5) The project complies with all federal and state requirements;

(6) The project complies with the vegetation protection criteria of the Vegetation Protection and Landscaping Section;

(7) The project will achieve no net loss of shoreline ecological functions or processes. In cases where impacts to shoreline ecological functions from an otherwise allowed land altering project are unavoidable, those impacts shall be mitigated according to the provisions of this section. In that event, the "no net loss" standard is met; and

(8) Documentation is provided to demonstrate that the fill comes from a clean source.

b. Clearing, grading and landfill activities, where allowed, shall include erosion control mechanisms, and any reasonable restriction on equipment, methods or timing necessary to minimize the introduction of suspended solids or leaching of contaminants into the river, or the disturbance of wildlife or fish habitats in accordance with the standards in TMC Chapter 16.54, "Grading."

2. **Dredging.**

a. Dredging activities must comply with all federal and state regulations. Maintenance dredging of established navigation channels and basins must be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

b. Where allowed, dredging operations must be designed and scheduled so as to ensure no net loss to shoreline ecological functions or processes. In cases where impacts to shoreline ecological functions from allowed dredging are unavoidable, those impacts shall be mitigated according to the provisions of this section; in that event, the "no net loss" standard is met.

K. **Marinas, Boat Yards, Dry Docks, Boat Launches, Piers, Docks and Other Over-water Structures.**

1. **General Requirements.**

a. Prior to issuance of a Shoreline Substantial Development Permit for construction of piers, docks, wharves or other over-water structures, the applicant shall present approvals from State or Federal agencies, as applicable.

b. Structures must be designed by a qualified engineer and must demonstrate the project will result in no net loss of shoreline ecological function and will be stable against the forces of flowing water, wave action and the wakes of passing vessels.

c. In-water structures shall be designed and located to minimize shading of native aquatic vegetation and fish passage areas. Removal of shoreline, riparian and aquatic vegetation shall be limited to the minimum extent necessary to construct the project. All areas disturbed by construction shall be replanted with native vegetation as part of the project.

d. New or replacement in-water structures shall be designed and located such that natural hydraulic and geologic processes, such as erosion, wave action or floods will not necessitate the following:

(1) reinforcement of the shoreline or stream bank with new bulkheads or similar artificial structures to protect the in-water structure; or

(2) dredging.

e. No structures are allowed on top of over-water structures except for properties located north of the Turning Basin.

f. Pilings or other associated structures in direct contact with water shall not be treated with preservatives unless the applicant can demonstrate that no feasible alternative to protect the materials exists and that non-wood alternatives are not economically feasible. In that case, only compounds approved for marine use may be used and must be applied by the manufacturer per current best management practices of the Western Wood Preservers Institute. The applicant must present verification that the best management practices were followed. The preservatives must also be approved by the Washington Department of Fish and Wildlife.

g. All over-water structures shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe over-water structures shall be removed or repaired promptly by the owner. Accumulated debris shall be regularly removed and disposed of properly so as not to jeopardize the integrity of the structure. Replacement of in-water structures shall include proper removal of abandoned or other man-made structures and debris.

h. Boat owners who store motorized boats on-site are encouraged to use best management practices to avoid fuel and other fluid spills.

2. **Marinas, Boat Yards and Dry Docks.**

a. All uses under this category shall be designed to achieve no net loss of shoreline ecological functions. In cases where impacts to shoreline ecological functions from uses allowed under this category are unavoidable, those impacts shall be mitigated according to the provisions of this chapter; in that event, the “no net loss” standard is met.

b. Commercial/industrial marinas and dry docks shall be located no further upriver than Turning Basin #3.

c. Marinas shall be located, designed, constructed and operated to avoid or minimize adverse impacts on fish, wildlife, water quality, native shoreline vegetation, navigation, public access, existing in-water recreational activities and adjacent water uses.

d. Marinas shall submit a fuel spill prevention and contingency plan to the City for approval. Haul-out and boat maintenance facilities must meet the City's stormwater management requirements and not allow the release of chemicals, petroleum or suspended solids to the river.

e. Marinas, boat yards and dry docks must be located a minimum of 100 feet from fish and wildlife habitat areas (see “Sensitive Areas in the Shoreline” Map 5).

f. New marinas, launch ramps and accessory uses must be located where water depths are adequate to avoid the need for dredging.

3. **Boat Launches and Boat Lifts.**

a. Boat launch ramps and vehicle access to the ramps shall be designed to not cause erosion; the use of pervious paving materials, such as grasscrete, are encouraged.

b. Boat launch ramps shall be designed to minimize areas of landfill or the need for shoreline protective structures.

c. Access to the boat ramp and parking for the ramp shall be located a sufficient distance from any frontage road to provide safe maneuvering of boats and trailers.

d. Launching rails shall be adequately anchored to the ground.

e. Launch ramps and boat lifts shall extend waterward past the OHWM only as far as necessary to achieve their purpose.

f. Boat lifts and canopies must meet the standards of the U.S. Army Corps of Engineers Regional General Permit Number 1 for Watercraft Lifts in Fresh and Marine/Estuarine Waters within the State of Washington.

4. **Over-water Structures.** Where allowed, over-water structures such as piers, wharves and docks shall meet the following standards:

a. The size of new over-water structures shall be limited to the minimum necessary to support the structure's intended use and to provide stability in the case of floating docks. Structures must be compatible with any existing channel control or flood management structures.

b. Over-water structures shall not extend waterward of the OHWM any more than necessary to permit launching of watercraft, while also ensuring that watercraft do not rest on tidal substrate at any time.

c. Adverse impacts of over-water structures on water quality, river flows, fish habitat, shoreline vegetation, and public access shall be minimized and mitigated. Mitigation measures may include joint use of existing structures, open decking or piers, replacement of non-native vegetation, installation of in-water habitat features or restoration of shallow water habitat.

d. Any proposals for in-water or over-water structures shall provide a pre-construction habitat evaluation, including an evaluation of salmonid and bull trout habitat and shoreline ecological functions, and demonstrate how the project achieves no net loss of shoreline ecological functions.

e. Over-water structures shall obtain all necessary state and federal permits prior to construction or repair.

f. All over-water structures must be designed by a qualified engineer to ensure they are adequately anchored to the bank in a manner so as not to cause future downstream hazards or significant modifications to the river geomorphology and are able to withstand high flows.

g. Over-water structures shall not obstruct normal public use of the river for navigation or recreational purposes.

h. Shading impacts to fish shall be minimized by using grating on at least 30% of the surface area of the over-water structure on residential areas and at least 50% of the over-water structure on all other properties. The use of skirting is not permitted.

i. If floats are used, the flotation shall be fully enclosed and contained in a shell (such as polystyrene) that prevents breakup or loss of the flotation material into the water, damage from ultraviolet radiation, and damage from rubbing against pilings or waterborne debris.

j. Floats may not rest on the tidal substrate at any time and stoppers on the piling anchoring the floats must be installed to ensure at least 1 foot of clearance above the substrate. Anchor lines may not rest on the substrate at any time.

k. The number of pilings to support over-water structures, including floats, shall be limited to the minimum necessary. Pilings shall conform to the pilings standards contained in the US Army Corps of Engineers Regional General Permit No. 6.

l. No over-water structure shall be located closer than five feet from the side property line extended, except that such structures may abut property lines for the common use of adjacent property owners when mutually agreed upon by the property owners in an easement recorded with King County. A copy of this agreement shall be submitted to the Department of Community Development and accompany an application for a development permit and/or Shoreline Permit.

5. **Live-Aboards.** New over-water residences are prohibited. Live-abouts may be allowed provided that:

- a. They are for single-family use only.
- b. They are located in a marina that provides shower and toilet facilities on land and there are no sewage discharges to the water.
- c. Live-abouts do not exceed 10 percent of the total slips in the marina.
- d. They are owner-occupied vessels.
- e. There are on-shore support services in proximity to the live-abouts.

L. Signs in Shoreline Jurisdiction.

1. Signage within the shoreline buffer is limited to the following:

- a. Interpretative signs.
- b. Signs for water-related uses.
- c. Signs installed by a government agency for public safety along any public trail or at any public park.
- d. Signs installed within the rights of way of any public right-of-way or bridge within the shoreline buffer. All signs shall meet the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways, current edition, published by the U.S. Department of Transportation.
- e. Signs installed on utilities and wireless communication facilities denoting danger or other safety information, including emergency contact information.

2. Billboards and other off-premise signs are strictly forbidden in the shoreline buffer.

(Ord. 2346 §7, 2011)

18.44.080 Vegetation Protection and Landscaping

A. Purpose, Objectives and Applicability.

- 1. The purpose of this section is to:
 - a. Regulate the protection of existing trees and native vegetation in the shoreline jurisdiction;
 - b. Establish requirements for removal of invasive plants at the time of development or re-development of sites;
 - c. Establish requirements for landscaping for new development or re-development;

d. Establish requirements for the long-term maintenance of native vegetation to prevent establishment of invasive species and promote shoreline ecosystem processes.

2. The City's goal is to:

a. Preserve as many existing trees as possible and increase the number of native trees, shrubs and other vegetation in the shoreline because of their importance to shoreline ecosystem functions as listed below:

- (1) Overhead tree canopy to provide shade for water temperature control;
- (2) Habitat for birds, insects and small mammals;
- (3) Vegetation that overhangs the river to provide places for fish to shelter;
- (4) Source of insects for fish;
- (5) Filtering of pollutants and slowing of stormwater prior to its entering the river; and
- (6) A long-term source of woody debris for the river.

b. In addition, trees and other native vegetation are important for aesthetics. It is the City's goal that unsightly invasive vegetation, such as blackberries, be removed from the shoreline and be replaced with native vegetation to promote greater enjoyment of and access to the river.

c. The City will provide information and technical assistance to property owners for improving vegetation in the shoreline jurisdiction and will work collaboratively with local citizen groups to assist property owners in the removal of invasive vegetation and planting of native vegetation, particularly for residential areas.

3. With the exception of residential development/re-development of 4 or fewer residential units, all activities and developments within the shoreline environment must comply with the landscaping and maintenance requirements of this section, whether or not a shoreline substantial development permit is required. Single family residential projects are not exempt if implementing a shoreline stabilization project or overwater structure.

4. The tree protection and retention requirements and the vegetation management requirements apply to existing uses as well as new or re-development.

B. Tree Protection, Retention and Replacement.

1. As many significant trees and as much native vegetation as possible are to be retained on a site proposed for development or re-development, taking into account the condition and age of the trees. As part of design review, the Director of Community Development or the Board of Architectural Review may require alterations in the arrangement of buildings, parking or other elements of proposed development in order to retain significant non-invasive trees, particularly those that provide shading to the river. Trees located on properties not undergoing development or re-development may not be removed except those that interfere with access and passage on public trails or that present an imminent hazard to existing structures or the public. If the hazard is not readily apparent, the City may require an evaluation by an International Society of Arborists (ISA)-certified arborist.

2. To protect the ecological functions that trees and native vegetation provide to the shoreline, removal of any significant tree or native vegetation in the Shoreline Jurisdiction requires a Shoreline Tree Removal and Vegetation Clearing Permit and is generally only allowed on sites undergoing development or re-development. Only trees that interfere with access and passage on public trails or trees that present an imminent hazard to existing structures or the public may be removed from sites without an issued building permit or Federal approval. Factors that will be considered in approving tree removal include, but are not limited to: tree condition and health, age, risks to structures, and potential for root or canopy interference with utilities.

3. Prior to any tree removal or site clearing, a Type 2 Shoreline Tree Removal and Vegetation Clearing Permit application must be submitted to the Department of Community Development (DCD) containing the following information:

- a. A vegetation survey on a site plan that shows the diameter, species and location of all significant trees and all existing native vegetation.
- b. A site plan that shows trees and native vegetation to be retained and trees to be removed and provides a table showing the number of significant trees to be removed and the number of replacement trees required.
- c. Tree protection zones and other measures to protect any trees or native vegetation that are to be retained for sites undergoing development or re-development.
- d. Location of the OHWM, river buffer, Shoreline Jurisdiction boundary and any sensitive areas with their buffers.
- e. A landscape plan that shows diameter, species name, spacing and planting location for any required replacement trees and other proposed vegetation.
- f. An arborist evaluation justifying the removal of hazardous trees if required by DCD.
- g. An application fee per the current Land Use Permit Fee resolution.

4. Where permitted, significant trees that are removed from the shoreline shall be replaced pursuant to the tree

replacement requirements shown below, up to a density of 100 trees per acre (including existing trees). The Director or Planning Commission may require additional trees or shrubs to be installed to mitigate any potential impact from the loss of this vegetation as a result of new development.

Tree Replacement Requirements

Diameter* of Tree Removed (*measured at height of 4.5 feet from the ground)	Number of Replacement Trees Required
4 - 6 inches (single trunk); 2 inches (any trunk of a multi-trunk tree)	3
Over 6 - 8 inches	4
Over 8 - 20 inches	6
Over 20 inches	8

5. The property owner is required to ensure the viability and long-term health of trees planted for replacement through proper care and maintenance for the life of the project. Replaced trees that do not survive must be replanted in the next appropriate season for planting.

6. If all required replacement trees cannot be reasonably accommodated on the site, off-site tree replacement within the shoreline jurisdiction may be allowed at a site approved by the City. Priority for off-site tree planting will be at locations within the Transition Zone. If no suitable off-site location is available, the applicant shall pay into a tree replacement fund. The fee shall be based on the value of the replacement trees and their delivery, labor for site preparation and plant installation, soil amendments, mulch, and staking supplies.

7. When a tree suitable for use as LWD is permitted to be removed from the shoreline buffer, the tree trunk and root ball (where possible) will be saved for use in a restoration project elsewhere in the shoreline jurisdiction. The applicant will be responsible for the cost of moving the removed tree(s) to a location designated by the City. If no restoration project or storage location is available at the time, the Director may waive this requirement. Trees removed in the shoreline jurisdiction outside the buffer shall be placed as LWD in the buffer (not on the bank), if feasible. Priority for LWD placement projects will be in the Transition Zone.

8. Dead or dying trees located within the buffer or undeveloped upland portion of the Shoreline Jurisdiction shall be left in place as wildlife snags, unless they present a hazard to structures, facilities or the public.

9. Topping of trees is prohibited unless absolutely necessary to protect overhead utility lines. Topping of trees will be regulated as removal and tree replacement will be required.

10. For new development or re-development where trees are proposed for retention, tree protection zones shall be indicated on site plans and shall be established in the field prior to commencement of any construction or site clearing activity. A minimum 4 feet high construction barrier shall be installed around significant trees and stands of native trees or vegetation to be retained. Minimum distances from the trunk for the construction barriers shall be based on the approximate age of the tree (height and canopy) as follows:

- a. Young trees (have reached less than 20% of life expectancy): 0.75 feet per inch of trunk diameter.
- b. Mature trees (have reached 20–80% of life expectancy): 1 foot per inch of trunk diameter.
- c. Over mature trees (have reached greater than 80% of life expectancy): 1.5 feet per inch of trunk diameter.

C. **Landscaping.** This section presents landscaping standards for the Shoreline Jurisdiction and is divided into a general section and separate sections for the River Buffer and for the remaining part of the Shoreline Jurisdiction for each environment designation.

1. **General Requirements.** For any new development or redevelopment in the Shoreline Jurisdiction, except single family residential development of 4 or fewer lots, invasive vegetation must be removed and native vegetation planted and maintained in the River Buffer, including the river bank.

a. The landscaping requirements of this subsection apply for any new development or redevelopment in the Shoreline Jurisdiction, except: single family residential development of 4 or fewer lots. The extent of landscaping required will depend on the size of the proposed project. New development or full redevelopment of a site will require landscaping of the entire site. For smaller projects, the Director will review the intent of this section and the scope of the project to determine a reasonable amount of landscaping to be carried out. Trees and other vegetation shading the river shall be retained or replanted when riprap is placed per the approved tree permit, if required.

b. Invasive vegetation must be removed as part of site preparation and native vegetation planted, including the river bank.

c. On properties located behind publicly maintained levees, an applicant is not required to remove invasive vegetation or plant native vegetation within the buffer.

d. Removal of invasive species shall be done by hand or with hand-held power tools. Where not feasible and mechanized equipment is needed, the applicant must obtain a Shoreline Tree Removal and Vegetation Clearing Permit and show how the slope stability of the bank will be maintained and a plan must be submitted indicating how the work will be done and what erosion control and tree protection features will be utilized. Federal and State permits may be required for vegetation removal with mechanized equipment.

e. Trees and other vegetation shading the river shall be retained or replanted when riprap is placed, as specified in the approved tree permit if a permit is required.

f. Removal of invasive vegetation may be phased over several years prior to planting, if such phasing is provided for by a plan approved by the Director to allow for alternative approaches, such as sheet mulching and goat grazing. The method selected shall not destabilize the bank or cause erosion.

g. A combination of native trees, shrubs and groundcovers (including grasses, sedges, rushes and vines) shall be planted. The plants listed in the Riparian Restoration and Management Table of the 2004 Washington Stream Habitat Restoration Guidelines (Washington Department of Fish and Wildlife, Washington Department of Ecology, and U.S. Fish and Wildlife Service, Olympia, Washington, as amended) shall provide the basis for plant selection. Site conditions, such as topography, exposure, and hydrology shall be taken into account for plant selection. Other species may be approved if there is adequate justification.

h. Non-native trees may be used as street trees in cases where conditions are not appropriate for native trees (for example where there are space or height limitations or conflicts with utilities).

i. Plants shall meet the current American Standard for Nursery Stock (American Nursery and Landscape Association – ANLA).

j. Plant sizes in the non-buffer areas of all Shoreline Environments shall meet the following minimum size standards:

Deciduous trees	2-inch caliper
Conifers	6 – 8 foot height
Shrubs	24-inch height
Groundcover/grasses	4-inch or 1 gallon container

k. Smaller plant sizes (generally one gallon, bareroot, plugs, or stakes, depending on plant species) are preferred for buffer plantings. Willow stakes must be at least 1/2-inch in diameter.

l. Site preparation and planting of vegetation shall be in accordance with best management practices for ensuring the vegetation's long-term health and survival.

m. Plants may be selected and placed to allow for public and private view corridors and/or access to the water's edge.

n. Native vegetation in the shoreline installed in accordance with the preceding standards shall be maintained by the property owner to promote healthy growth and prevent establishment of invasive species. Invasive plants (such as blackberry, ivy, knotweed, bindweed) shall be removed on a regular basis, according to the approved maintenance plan.

o. Areas disturbed by removal of invasive plants shall be replanted with native vegetation where necessary to maintain the density shown in TMC Section 18.44.080.B.4. and must be replanted in a timely manner, except where a long term removal and re-vegetation plan, as approved by the City, is being implemented.

p. The following standards apply to utilities and loading docks located in the shoreline jurisdiction.

(1) Utilities such as pumps, pipes, etc. shall be suitably screened with native vegetation;

(2) Utility easements shall be landscaped with native groundcover, grasses or other low-growing plants as appropriate to the shoreline environment and site conditions;

(3) Allowed loading docks and service areas located waterward of the development shall have landscaping that provides extensive visual separation from the river.

2. **River Buffer Landscaping Requirements in all Shoreline Environments.** The River Buffer in all shoreline environments shall function, in part, as a vegetation management area to filter sediment, capture contaminants in surface water run-off, reduce the velocity of water run-off, and provide fish and wildlife habitat.

a. A planting plan prepared by a licensed landscape architect or an approved biologist shall be submitted to the City for approval that shows plant species, size, number and spacing. The requirement for a landscape architect or biologist may be waived by the Director for single family property owners (when planting is being required as mitigation for construction of overwater structures or shoreline stabilization), if the property owner accepts technical assistance from City staff.

b. Plants shall be installed from the OHWM to the upland edge of the River Buffer unless site conditions would make planting unsafe.

c. Plantings close to and on the bank shall include native willows, red osier dogwood and other native vegetation that will extend out over the water, to provide shade and habitat functions when mature. Species selected must be able to withstand seasonal water level fluctuations.

d. Minimum plant spacing in the buffer shall follow the River Buffer Vegetation Planting Densities Table shown in TMC Section 18.44.080.C.2. Existing non-invasive plants may be included in the density calculations.

e. Irrigation for buffer plantings is required for at least two dry seasons or until plants are established. An irrigation plan is to be included as part of the planting plan.

f. In the event that a development project allows for setback and benching of the shoreline along an existing levee or revetment, the newly created mid-slope bench area shall be planted and maintained with a variety of native vegetation appropriate for site conditions.

River Buffer Vegetation Planting Densities Table

Plant Material Type	Planting Density
Stakes/cuttings along river bank (willows, red osier dogwood)	1 - 2 feet on center or per bioengineering method
Shrubs	3 - 5 feet on center, depending on species
Trees	15 - 20 feet on center, depending on species
Groundcovers, grasses, sedges, rushes, other herbaceous plants	1 - 1.5 feet on center, depending on species
Native seed mixes	5 - 25 lbs per acre, depending on species

3. **Landscaping Requirements for the Urban Conservancy and High Intensity Environments — Outside of the River Buffer.** For the portions of property within the Shoreline Jurisdiction landward of the River Buffer the landscape requirements in the General section of this chapter and the requirements for the underlying zoning as established in TMC Chapter 18.52 shall apply except as indicated below.

a. **Parking Lot Landscape Perimeters:** One native tree for each 20 lineal feet of required perimeter landscaping, one shrub for each 4 lineal feet of required perimeter landscaping, and native groundcovers to cover 90% of the landscape area within 3 years, planted at a minimum spacing of 12 inches on-center.

b. **Interior Parking Lot Landscaping:** Every 300 square feet of paved surface requires 10 square feet of interior landscaping within landscape islands separated by no more than 150 feet between islands.

c. Landscaping shall be provided at yards not adjacent to the river, with the same width as required in the underlying zoning district. This standard may be reduced as follows:

(1) Where development provides a public access corridor between off-site public area(s) and public shoreline areas, side yard landscaping may be reduced by 25 percent to no less than 3 feet; or

(2) Where development provides additional public access area(s) (as allowed by the High Intensity and Urban Conservancy Environment Development Standards) equal in area to at least 2.5% of total building area, front yard landscaping may be reduced by 25 percent.

D. Vegetation Management in the Shoreline Jurisdiction. The requirements of this section apply to all existing and new development within the shoreline jurisdiction.

1. Trees and shrubs may only be pruned for safety, to maintain views or access corridors and trails by pruning up or on the sides of trees, to maintain clearance for utility lines, and/or for improving shoreline ecological function. This type of pruning is exempt from any permit requirements. Topping of trees is prohibited except where absolutely necessary to avoid interference with existing utilities.

D. Sensitive Area Studies. An applicant for a development proposal that may include a sensitive area and/or its buffer shall submit those studies as required by the City and specified below to adequately identify and evaluate the sensitive area and its buffers.

1. General Requirements.

a. A required sensitive areas study shall be prepared by a person with experience and training in the scientific discipline appropriate for the relevant sensitive area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in ecology or related science, engineering, environmental studies, fisheries, geotechnical or related field, and at least two years of related work experience.

b. The sensitive areas study shall use scientifically valid methods and studies in the analysis of sensitive area data and shall use field reconnaissance and reference the source of science used. The sensitive area study shall evaluate the proposal and all probable impacts to sensitive areas.

c. It is intended that sensitive areas studies and information be utilized by applicants in preparation of their proposals and therefore shall be undertaken early in the design stages of a project.

2. Wetland, Watercourse and Fish and Wildlife Conservation Area – Sensitive Area Studies. At a minimum, the sensitive area study shall contain the following information, as applicable:

a. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;

b. A copy of the site plan for the development proposal showing: sensitive areas and buffers and the development proposal with dimensions; clearing limits; proposed storm water management plan; and mitigation plan for impacts due to drainage alterations;

c. The dates, names and qualifications of the persons preparing the study and documentation of any fieldwork performed on the site;

d. Identification and characterization of all sensitive areas, water bodies, and buffers adjacent to the proposed project area or potentially impacted by the proposed project;

e. A statement specifying the accuracy of the study and assumptions used in the study;

f. Determination of the degree of impact and risk from the proposal both on the site and on adjacent properties;

g. An assessment of the probable cumulative impacts to sensitive areas, their buffers and other properties resulting from the proposal;

h. A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize and mitigate impacts to sensitive areas;

i. Plans for adequate mitigation to offset any impacts;

j. Recommendations for maintenance, short-term and long-term monitoring, contingency plans and bonding measures; and

k. Any technical information required by the director to assist in determining compliance.

3. Geotechnical Studies.

a. A geotechnical study appropriate both to the site conditions and the proposed development shall be required for development in Class 2, Class 3, and Class 4 Areas.

b. All studies shall include at a minimum a site evaluation, review of available information regarding the site and a surface reconnaissance of the site and adjacent areas. For Class 2 areas, subsurface exploration of site conditions is at the discretion of the geotechnical consultant. In addition, for Class 3 and Class 4 Areas, the study shall include a feasibility analysis for the use of infiltration on-site and a subsurface exploration of soils and hydrology conditions. Detailed slope stability analysis shall be done if the geotechnical engineer recommends it in Class 3 areas, and must be done in Class 4 areas.

c. Applicants shall retain a geotechnical engineer to prepare the reports and evaluations required in this subsection. The geotechnical report and completed site evaluation checklist shall be prepared in accordance with generally accepted geotechnical practices, under the supervision of and signed and stamped by the geotechnical engineer. The report shall be prepared in consultation with the appropriate City department. Where appropriate, a geologist must be included as part of the geotechnical consulting team. The report shall make specific recommendations concerning development of the site.

d. The opinions and recommendations contained in the report shall be supported by field observations and, where appropriate or applicable, by literature review conducted by the geotechnical engineer which shall include appropriate explorations, such as borings or test pits, and an analysis of soil characteristics conducted by or under the supervision of the engineer in accordance with standards of the American Society of Testing and Materials or other applicable standards. If the evaluation involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geotechnical engineer.

4. Modifications or Waivers to Sensitive Area Study Requirements.

a. The Director may limit the required geographic area of the sensitive area study as appropriate if:

(1) The applicant, with assistance from the city, cannot obtain permission to access properties adjacent to the project area; or

(2) The proposed activity will affect only a limited part of the site.

b. The Director may allow modifications to the required contents of the study where, in the judgment of a qualified professional, more or less information is required to adequately address the potential sensitive area impacts and required mitigation.

c. If there is written agreement between the Director and the applicant concerning the sensitive area classification and type, the Director may waive the requirement for sensitive area studies provided that no adverse impacts to sensitive areas or buffers will result. There must be substantial evidence that the sensitive areas delineation and classification are correct, that there will be no detrimental impact to the sensitive areas or buffers, and that the goals, purposes, objectives and requirements of the Shoreline Management Program will be followed.

E. **Procedures.** When an applicant submits an application for any building permit, subdivision, short subdivision or any other land use review that approves a use, development or future construction, the location and dimensions of all sensitive areas and buffers on the site shall be indicated on the plans submitted. When a sensitive area is identified, the following procedures apply.

1. The applicant shall submit the relevant sensitive area study as required by this chapter.

2. The Department of Community Development will review the information submitted in the sensitive area studies to verify the information, confirm the nature and type of the sensitive area, and ensure the study is consistent with the Shoreline Master Program. At the discretion of the Director, sensitive area studies may undergo peer review, at the expense of the applicant.

3. **Denial of use or development.** A use or development will be denied if the Director determines that the applicant cannot ensure that potential dangers and costs to future inhabitants of the development, adjacent properties, and Tukwila are minimized and mitigated to an acceptable level.

4. **Preconstruction meeting.** The applicant, specialist(s) of record, contractor, and department representatives will be required to attend pre-construction meetings prior to any work on the site.

5. **Construction monitoring.** The specialist(s) of record shall be retained to monitor the site during construction.

6. **On-site Identification.** The Director may require the boundary between a sensitive area and its buffer or between the buffer and any development or use to be permanently identified with fencing, or with a wood or metal sign with treated wood, concrete or metal posts. Size will be determined at the time of permitting, and wording shall be as follows: *“Protection of this natural area is in your care. Do not alter or disturb. Please call the City of Tukwila (206-431-3670) for more information.”*

F. Wetland Determinations and Classifications.

1. Wetlands and their boundaries are established by using the Washington State Wetland and Delineation Manual, as required by RCW 36.70A.175 (Ecology Publication #96-94) and consistent with the 1987 Corps of Engineers Wetland Delineation Manual.

2. Wetland determinations shall be made by a qualified professional (certified Wetland Scientist or non-certified with at least two years of full-time work experience as a wetland professional).

3. Wetland areas within the City of Tukwila have certain characteristics, functions and values and have been influenced by urbanization and related disturbances. Wetland functions include, but are not limited to the following: improving water quality; maintaining hydrologic functions (reducing peak flows, decreasing erosion, groundwater); and providing habitat for plants, mammals, fish, birds, and amphibians. Wetland functions shall be evaluated using the Washington State Functional Assessment Method.

4. Wetlands shall be designated in accordance with the Washington State Wetlands Rating System for Western Washington (Washington State Department of Ecology, August 2004, Publication #04-06-025) as Category I, II, III or IV as listed below:

a. Category I wetlands are those that:

(1) represent a unique or rare wetland type;

or

(2) are more sensitive to disturbance than most wetlands; or

(3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or

(4) provide a high level of functions.

The following types of wetlands listed by the Washington State Department of Ecology and potentially found in Tukwila’s Shoreline Jurisdiction are Category I:

(a) Estuarine wetlands (deepwater tidal habitats with a range of fresh-brackish-marine water chemistry and daily tidal cycles, salt and brackish marshes, intertidal mudflats, mangrove swamps, bays, sounds, and coastal rivers).

(b) Wetlands that perform many functions well and score at least 70 points in the Western Washington Wetlands Rating System.

(c) Waterfowl or shorebird areas designated by the State Department of Fish and Wildlife.

b. Category II wetlands are difficult, though not impossible to replace and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands potentially in Tukwila’s Shoreline Jurisdiction include:

(1) Estuarine wetlands — Any estuarine wetland smaller than an acre, or those that are disturbed and larger than 1 acre are Category II wetlands.

(2) Wetlands that perform functions well – Wetlands scoring between 51 - 69 points (out of 100) on the questions related to the functions present are Category II wetlands.

c. Category III wetlands have a moderate level of functions (scores between 30 - 50 points). Wetlands scoring between 30 - 50 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

d. Category IV wetlands have the lowest levels of functions (scores less than 30 points) and are often heavily disturbed. While these are wetlands that should be able to be replaced or improved, they still need protection because they may provide some important functions. Any disturbance of these wetlands must be considered on a case-by-case basis.

G. Watercourse Designation and Ratings.

1. Watercourse ratings are based on the existing habitat functions and are rated as follows:

a. Type 1 (S) Watercourse: Watercourses inventoried as Shorelines of the State under RCW 90.58 (Green/Duwamish River).

b. Type 2 (F) Watercourse: Those watercourses that have either perennial (year-round) or intermittent flows and support salmonid fish use.

c. Type 3 (NP) Watercourse: Those watercourses that have perennial flows and are not used by salmonid fish.

d. Type 4 (NS) Watercourse: Those watercourses that have intermittent flows and are not used by salmonid fish.

2. Watercourse sensitive area studies shall be performed by a qualified professional (hydrologist, geologist, engineer or other scientist with experience in preparing watercourse assessments).

H. Fish and Wildlife Habitat Conservation Areas.

1. Fish and wildlife habitat conservation areas within the shoreline jurisdiction include the habitats listed below:

a. Areas with which endangered, threatened, and sensitive species have a primary association;

b. Habitats and species of local importance, including but not limited to bald eagle habitat, heron rookeries, osprey nesting areas;

c. Waters of the State (i.e., the Green/Duwamish River itself);

d. State natural area preserves and natural resource conservation areas; and

e. Areas critical for habitat connectivity.

2. The approximate location and extent of known fish and wildlife habitat conservation areas are identified in the Shoreline Inventory and Characterization Report and are shown on the Sensitive Areas in the Shoreline Jurisdiction map. Only the salmon habitat enhancement project sites completed or underway are shown as Fish and Wildlife Conservation Areas on the Sensitive Areas in the Shoreline Jurisdiction Map. Streams are shown as watercourses. The river is not shown as a Fish and Wildlife Habitat Conservation Area for the sake of simplicity. Fish and wildlife habitat conservation areas correlate closely with the areas identified as regulated watercourses and wetlands and their buffers, as well as off-channel habitat areas created to improve salmon habitat (shown on the Sensitive Areas Map) in the Shoreline jurisdiction. The Green/Duwamish River is recognized as the most significant fish and wildlife habitat corridor. In addition Gilliam Creek, Riverton Creek, Southgate Creek, Hamm Creek (in the North Potential Annexation Area (PAA)), and Johnson Creek (South PAA) all provide salmonid habitat.

I. Wetland Watercourse and Fish and Wildlife Habitat Conservation Area Buffers.

1. Purpose and Intent of Buffer Establishment.

a. A buffer area shall be established adjacent to designated sensitive areas. The purpose of the buffer area shall be to protect the integrity, functions and values of the sensitive areas. Any land alteration must be located out of the buffer areas as required by this section.

b. Buffers are intended in general to:

(1) Minimize long-term impacts of development on properties containing sensitive areas.

(2) Protect sensitive areas from adverse impacts during development.

(3) Preserve the edges of wetlands and the banks of watercourses and fish and wildlife habitat conservation areas for their critical habitat value.

(4) Provide an area to stabilize banks, to absorb overflow during high water events and to allow for slight variation of aquatic system boundaries over time due to hydrologic or climatic effects.

(5) Provide shading to watercourses and fish and wildlife habitat conservation areas to maintain stable water temperatures and provide vegetative cover for additional wildlife habitat.

(6) Provide input of organic debris and nutrient transport in watercourses.

(7) Reduce erosion and increased surface water run-off.

(8) Reduce loss of or damage to property.

(9) Intercept fine sediments from surface water run-off and serve to minimize water quality impacts.

(10) Protect the sensitive area from human and domestic animal disturbances.

2. **Establishment of Buffer Widths.** The following standard buffers shall be established:

a. Wetland buffers (measured from the wetland edge):

- (1) Category I & II Wetland: 100-foot buffer.
- (2) Category III Wetland: 80-foot buffer.
- (3) Category IV Wetland: 50-foot buffer.

b. Watercourse buffers (measured from the OHWM):

(1) Type 1 (S) Watercourse: The buffer width for the Green/Duwamish River is established in the Shoreline Environment Designations of this SMP for the three designated shoreline environments.

(2) Type 2 (F) Watercourse: 100-foot-wide buffer.

(3) Type 3 (NP) Watercourse: 80-foot-wide buffer.

(4) Type 4 (NS) Watercourse: 50-foot-wide buffer.

c. Fish and Wildlife Habitat Conservation Areas: The buffer will be the same as the river buffer established for each Shoreline Environment measured from the OHWM, unless an alternate buffer is established and approved at the time a fish and wildlife habitat restoration project is undertaken.

3. **Sensitive Area Buffer Setbacks.** All commercial and industrial buildings shall be set back 15 feet and all other development shall be set back 10 feet from the sensitive area buffer's edge. The building setbacks shall be measured from the foundation to the buffer's edge. Building plans shall also identify a 20-foot area beyond the buffer setback within which the impacts of development will be reviewed. The Director may waive setback requirements when a site plan demonstrates there will be no adverse impacts to the buffer from construction or occasional maintenance activities.

4. **Reduction of Standard Buffer Width.** Except for the Green/Duwamish River (Type 1 watercourse for which any variation in the buffer shall be regulated under the shoreline provisions of this program), the buffer width may be reduced on a case-by-case basis, provided the reduced buffer area does not contain slopes 15% or greater. In no case shall the approved buffer width result in greater than a 50% reduction in width. Buffer reduction with enhancement may be allowed as part of a Substantial Development Permit if:

a. Additional protection to wetlands or watercourses will be provided through the implementation of a buffer enhancement plan; and

b. The existing condition of the buffer is degraded; and

c. Buffer enhancement includes, but is not limited to, the following:

(1) Planting vegetation that would increase value for fish and wildlife habitat or improve water quality;

(2) Enhancement of wildlife habitat by incorporating structures that are likely to be used by wildlife, including wood duck boxes, bat boxes, snags, root wads/stumps, birdhouses and heron nesting areas; or

(3) Removing non-native plant species and noxious weeds from the buffer area and replanting the area.

5. **Increase in Standard Buffer Width.** Buffers for sensitive areas will be increased when they are determined to be particularly sensitive to disturbance or the proposed development will create unusually adverse impacts. Any increase in the width of the buffer shall be required only after completion of a sensitive areas study by a qualified biologist that documents the basis for such increased width. An increase in buffer width may be appropriate when:

a. The development proposal has the demonstrated potential for significant adverse impacts upon the sensitive area that can be mitigated by an increased buffer width; or

b. The area serves as habitat for endangered, threatened, sensitive or monitor species listed by the federal government or the State.

6. **Maintenance of Vegetation in Buffers.** Every reasonable effort shall be made to maintain any existing viable native plant life in the buffers. Vegetation may be removed from the buffer as part of an enhancement plan approved by the Director. Enhancements will ensure that slope stability and wetland or watercourse quality will be maintained or improved. Any disturbance of the buffers shall be replanted with a diverse plant community of native northwest species that are appropriate for the specific site as determined by the Director. If the vegetation must be removed, or the vegetation becomes damaged or dies because of the alterations of the landscape, then the applicant for a permit must replace existing vegetation with comparable specimens, approved by the Director, which will restore buffer functions within five years.

J. Areas of Potential Geologic Instability.

1. **Classification.** Areas of potential geologic instability are classified as follows:

a. Class 1 area, where landslide potential is low, and which slope is less than 15%;

b. Class 2 areas, where landslide potential is moderate, which slope is between 15% and 40%, and which are underlain by relatively permeable soils;

c. Class 3 areas, where landslide potential is high, which include areas sloping between 15% and 40%, and which are underlain by relatively impermeable soils or by bedrock, and which also include all areas sloping more steeply than 40%;

d. Class 4 areas, where landslide potential is very high, which include sloping areas with mappable zones of groundwater seepage, and which also include existing mappable landslide deposits regardless of slope.

2. **Exemptions.** The following areas are exempt from regulation as geologically hazardous areas:

- a. Temporary stockpiles of topsoil, gravel, beauty bark or other similar landscaping or construction materials;
- b. Slopes related to materials used as an engineered pre-load for a building pad;
- c. Any temporary slope that has been created through legal grading activities under an approved permit may be re-graded.
- d. Roadway embankments within right-of-way or road easements; and
- e. Slopes retained by approved engineered structures, except riverbank structures and armoring.

3. **Geotechnical Study Required.**

a. Development or alterations to areas of potential geologic instability that form the river banks shall be governed by the policies and requirements of the Shoreline Stabilization section of this chapter. Development proposals on all other lands containing or threatened by an area of potential geologic instability Class 2 or higher shall be subject to a geotechnical study. The geotechnical report shall analyze and make recommendations on the need for and width of any setbacks or buffers necessary to insure slope stability. Development proposals shall then include the buffer distances as defined within the geotechnical report. The geotechnical study shall be performed by a qualified professional geotechnical engineer, licensed in the State of Washington.

b. Prior to permitting alteration of an area of potential geologic instability, the applicant must demonstrate one of the following:

(1) There is no evidence of past instability or earth movement in the vicinity of the proposed development, and where appropriate, quantitative analysis of slope stability indicates no significant risk to the proposed development or surrounding properties; or

(2) The area of potential geologic instability can be modified or the project can be designed so that any potential impact to the project and surrounding properties is eliminated, slope stability is not decreased, and the increase in surface water discharge or sedimentation shall not decrease slope stability.

4. **Buffers for Areas of Potential Geologic Instability.**

a. Buffers are intended to:

- (1) Minimize long-term impacts of development on properties containing sensitive areas;
- (2) Protect sensitive areas from adverse impacts during development;
- (3) Prevent loading of potentially unstable slope formations;
- (4) Protect slope stability;
- (5) Provide erosion control and attenuation of precipitation, surface water and storm water runoff;

- (6) Reduce loss of or damage to property; and
- (7) Prevent the need for future shoreline armoring.

b. Buffers may be increased by the Director when an area is determined to be particularly sensitive to the disturbance created by a development. Such a decision will be based on a City review of the report as prepared by a qualified geotechnical engineer and by a site visit.

5. **Additional Requirements.**

a. Where any portion of an area of potential geologic instability is cleared for development, a landscaping plan for the site shall include tree replanting in accordance with the Vegetation Protection and Landscaping section of this chapter. Vegetation shall be sufficient to provide erosion and stabilization protection.

b. It shall be the responsibility of the applicant to submit, consistent with the findings of the geotechnical report, structural plans which were prepared and stamped by a structural engineer. The plans and specifications shall be accompanied by a letter from the geotechnical engineer who prepared the geotechnical report stating that in his/her judgment, the plans and specifications conform to the recommendations in the geotechnical report; the risk of damage to the proposed development site from soil instability will be minimal subject to the conditions set forth in the report; and the proposed development will not increase the potential for soil movement.

c. Further recommendations signed and sealed by the geotechnical engineer shall be provided should there be additions or exceptions to the original recommendations based on the plans, site conditions or other supporting data. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the City accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her recommendations.

d. The architect or structural engineer shall submit to the City, with the plans and specifications, a letter or notation on the design drawings at the time of permit application stating that he or she has reviewed the geotechnical report, understands its recommendations, has explained or has had explained to the owner the risks of loss due to slides on the site, and has incorporated into the design the recommendations of the report and established measures to reduce the potential risk of injury or damage that might be caused by any earth movement predicted in the report.

e. The owner shall execute a Sensitive Areas Covenant and Hold Harmless Agreement running with the land, on a form provided by the City. The City will file the completed covenant with the King County Department of Records and Elections at the expense of the applicant or owner. A copy of the recorded covenant will be forwarded to the owner.

f. Whenever the City determines that the public interest would not be served by the issuance of a permit in an area of potential geologic instability without assurance of a means of providing for restoration of areas disturbed by, and repair of property damage caused by, slides arising out of or occurring during construction, the Director may require assurance devices.

g. Where recommended by the geotechnical report, the applicant shall retain a geotechnical engineer (preferably retain the geotechnical engineer who prepared the final geotechnical recommendations and reviewed the plans and specifications) to monitor the site during construction. If a different geotechnical engineer is retained, the new geotechnical engineer shall submit a letter to the City stating whether or not he/she agrees with the opinions and recommendations of the original study. Further recommendations, signed and sealed by the geotechnical engineer, and supporting data shall be provided should there be exceptions to the original recommendations.

h. During construction the geotechnical engineer shall monitor compliance with the recommendations in the geotechnical report, particularly site excavation, shoring, soil support for foundations including piles, subdrainage installations, soil compaction and any other geotechnical aspects of the construction. Unless otherwise approved by the City, the specific recommendations contained in the soils report must be implemented. The geotechnical engineer shall provide to the City written, dated monitoring reports on the progress of the construction at such timely intervals as shall be specified. Omissions or deviations from the approved plans and specifications shall be immediately reported to the City. The final construction monitoring report shall contain a statement from the geotechnical engineer that, based upon his or her professional opinion, site observations and testing during the monitoring of the construction, the completed development substantially complies with the recommendations in the geotechnical report and with all geotechnical-related permit requirements. Occupancy of the project will not be approved until the report has been reviewed and accepted by the Director.

i. Substantial weight shall be given to ensuring continued slope stability and the resulting public health, safety and welfare in determining whether a development should be allowed.

j. The City may impose conditions that address site-work problems which could include, but are not limited to, limiting all excavation and drainage installation to the dry season, or sequencing activities such as installing erosion control and drainage systems well in advance of construction. A permit will be denied if it is determined by the Director that the development will increase the potential of soil movement that results in an unacceptable risk of damage to the proposed development, its site or adjacent properties.

K. Sensitive Areas Permitted Uses and Alterations.

1. **General Sensitive Areas Permitted Uses.** All uses permitted in the Shoreline Jurisdiction buffers are allowed in sensitive areas within the jurisdiction except:

- a. Promenades
- b. Recreational structures
- c. Public pedestrian bridges
- d. Vehicle bridges
- e. New utilities
- f. Plaza connectors
- g. Water-dependent uses and their structures
- h. Essential streets, roads and rights-of-way
- i. Essential public facilities
- j. Outdoor storage

2. In addition, the following uses are allowed:

a. Maintenance activities of existing landscaping and gardens in a sensitive area buffer including, but not limited to, mowing lawns, weeding, harvesting and replanting of garden crops and pruning and planting of vegetation. The removal of established native trees and shrubs is not permitted. Herbicide use in sensitive areas or their buffers is not allowed without written permission of the City.

b. Vegetation maintenance as part of sensitive area enhancement, creation or restoration. Herbicide use in sensitive areas or their buffers is not allowed without written permission of the City.

3. **Conditional Uses.** Dredging, where necessary to remediate contaminated sediments, if adverse impacts are mitigated, may be permitted.

4. **Wetland Alterations.** Alterations to wetlands are discouraged, are limited to the minimum necessary for project feasibility, and must have an approved mitigation plan developed in accordance with the standards in this chapter.

a. Mitigation for wetlands shall follow the mitigation sequencing steps in this chapter and may include the following types of actions:

(1) Creation — the manipulation of the physical, chemical or biological characteristics of a site to develop a wetland on an upland or deepwater site, where a biological wetland did not previously exist;

(2) Re-establishment — the manipulation of the physical, chemical or biological characteristics of a site with the goal of restoring wetland functions to a former wetland, resulting in a net increase in wetland acres and functions;

(3) Rehabilitation — the manipulation of the physical, chemical, or biological characteristics with the goal of repairing historic functions and processes of a degraded wetland, resulting in a gain in wetland function but not acreage;

(4) Enhancement — the manipulation of the physical, chemical or biological characteristics to heighten, intensify, or improve specific functions (such as vegetation) or to change the growth stage or composition of the vegetation present, resulting in a change in wetland functions but not a gain in wetland acreage; or

(5) A combination of the three types.

b. Allowed alterations per wetland type and mitigation ratios are as follows:

(1) Alterations are not permitted to Category I wetlands unless specifically exempted under the provisions of this Program. Mitigation will still be required at a rate of 4:1 for creation or re-establishment, 8:1 for rehabilitation, and 16:1 for enhancement.

(2) Alterations are not permitted to Category II wetlands unless specifically exempted under the provisions of this Program. Mitigation will still be required at a rate of 3:1 for creation or re-establishment, 6:1 for rehabilitation, and 12:1 for enhancement.

(3) Alterations to Category III wetlands are prohibited except where the location or configuration of the wetland provides practical difficulties that can be resolved by modifying up to .10 (one-tenth) of an acre of wetland. Mitigation for any alteration to a Category III wetland must be located contiguous to the altered wetland. Mitigation for any alteration to a Category III wetland must be provided at a ratio of 2:1 for creation or re-establishment, 4:1 for rehabilitation and 8:1 for enhancement alone.

(4) Alterations to Category IV wetlands are allowed, where unavoidable and adequate mitigation is carried out in accordance with the standards of this section. Mitigation for alteration to a Category IV wetland will be 1.5:1 for creation or re-establishment and 3:1 for rehabilitation and 6:1 for enhancement.

(5) Isolated wetlands formed on fill material in highly disturbed environmental conditions and assessed as having low overall wetland functions (scoring below 20 points) may be altered and/or relocated with the permission of the Director. These wetlands may include artificial hydrology or wetlands unintentionally created as the result of construction activities. The determination that a wetland is isolated is made by the US Army Corps of Engineers.

5. **Watercourse Alterations.** All impacts to a watercourse that degrade the functions and values of the watercourse shall be avoided. If alteration to the watercourse is unavoidable, all adverse impacts shall be mitigated in accordance with the approved mitigation plan as described in this chapter. Mitigation shall take place on-site or as close as possible to the impact location, and compensation shall be at a

minimum 1:1 ratio. Any mitigation shall result in improved watercourse functions over existing conditions.

a. Diverting or rerouting may only occur with the permission of the Director and an approved mitigation plan, as well as all necessary approvals by state agencies. Any watercourse that has critical wildlife habitat or is necessary for the life cycle or spawning of salmonids shall not be rerouted, unless it can be shown that the habitat will be improved for the benefit of the species. A watercourse may be rerouted or day-lighted as a mitigation measure to improve watercourse function.

b. Piping of any watercourse should be avoided. Relocation of a watercourse is preferred to piping; if piping occurs in a watercourse sensitive area, it shall be limited and shall require approval of the Director. Piping of Type 1 watercourses shall not be permitted. Piping may be allowed in Type 2, 3 or 4 watercourses if it is necessary for access purposes. Piping may be allowed in Type 4 watercourses if the watercourse has a degraded buffer, is located in a highly-developed area and does not provide shade, temperature control, etc. for habitat. The applicant must comply with the conditions of this section, including: providing excess capacity to meet the needs of the system during a 100-year flood event, and providing flow restrictors and complying with water quality and existing habitat enhancement procedures.

c. No process that requires maintenance on a regular basis will be acceptable unless this maintenance process is part of the regular and normal facilities maintenance process or unless the applicant can show funding for this maintenance is ensured for as long as the use remains.

d. Piping projects shall be performed pursuant to the following applicable standards:

(1) The conveyance system shall be designed to comply with the standards in current use and recommended by the Department of Public Works.

(2) Where allowed, piping shall be limited to the shortest length possible as determined by the Director to allow access onto a property.

(3) Where water is piped for an access point, those driveways or entrances shall be consolidated to serve multiple properties where possible, and to minimize the length of piping.

(4) When required by the Director, watercourses under drivable surfaces shall be contained in an arch culvert using oversize or super span culverts for rebuilding of a streambed. These shall be provided with check dams to reduce flows, and shall be replanted and enhanced according to a plan approved by the Director.

(5) All watercourse crossings shall be designed to accommodate fish passage. Watercourse crossings shall not block fish passage where the streams are fish bearing.

(6) Stormwater run-off shall be detained and infiltrated to preserve the watercourse channel's dominant discharge.

(7) All construction shall be designed to have the least adverse impact on the watercourse, buffer and surrounding environment.

(8) Piping shall be constructed during periods of low flow, or as allowed by the State Department of Fish and Wildlife.

(9) Water quality must be as good or better for any water exiting the pipe as for the water entering the pipe, and flow must be comparable.

6. Fish and Wildlife Conservation Area Alterations. Alterations to the Green/Duwamish River are regulated by the shoreline provisions of this SMP. Alterations to Fish and Wildlife Conservation Areas that have been created as restoration or habitat enhancement sites and are shown on the Sensitive Areas in the Shoreline Jurisdiction Map are prohibited and may only be authorized through a shoreline variance procedure.

L. Sensitive Areas Mitigation. Mitigation shall be required for any proposals for dredging, filling, piping, diverting, relocation or other alterations of sensitive areas as allowed in this chapter and in accordance with mitigation sequencing and the established mitigation ratios. The mitigation plan shall be developed as part of a sensitive area study by a qualified specialist.

1. Mitigation Sequencing. Applicants shall demonstrate that reasonable efforts have been examined with the intent to avoid and minimize impacts to sensitive areas and buffers. When an alteration to a sensitive area or its required buffer is proposed, such alteration shall be avoided, minimized or compensated for in the following order of preference:

a. Avoidance of sensitive area and buffer impacts, whether by finding another site or changing the location of the proposed activity on-site;

b. Minimizing sensitive area and buffer impacts by limiting the degree of impact on site;

c. Mitigation actions that require compensation by replacing, enhancing, or substitution.

2. Criteria for Approval of Alterations and Mitigation. Alterations and mitigation plans are subject to Director approval, and may be approved only if the following findings are made:

a. The alteration will not adversely affect water quality;

b. The alteration will not adversely affect fish, wildlife, or their habitat;

c. The alteration will not have an adverse effect on drainage and/or stormwater detention capabilities;

d. The alteration will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions;

e. The alteration will not be materially detrimental to any other property; and

f. The alteration will not have adverse effects on any other sensitive areas or the shoreline.

g. The mitigation will result in improved functions such as water quality, erosion control, wildlife and fish habitat.

3. Mitigation Location.

a. On-site mitigation shall be provided, except where it can be demonstrated that:

(1) On-site mitigation is not scientifically feasible due to problems with hydrology, soils, or other factors; or

(2) Mitigation is not practical due to potentially adverse impacts from surrounding land uses; or

(3) Existing functional values created at the site of the proposed restoration are significantly greater than lost sensitive area functions; or

(4) Established regional goals for flood storage, flood conveyance, habitat or other sensitive area functions have been established and strongly justify location of mitigation at another site.

b. Off-site mitigation shall occur within the shoreline jurisdiction in a location where the sensitive area functions can be restored. Buffer impacts must be mitigated at or as close as possible to the location of the impact.

c. Wetland creation, relocation of a watercourse, or creation of a new fish and wildlife habitat shall not result in the new sensitive area or buffer extending beyond the development site and onto adjacent property without the agreement of the affected property owners, unless otherwise exempted by this chapter.

4. Mitigation Plan Content and Standards. The scope and content of a mitigation plan shall be decided on a case-by-case basis. As the impacts to the sensitive area increase, the mitigation measures to offset these impacts will increase in number and complexity. The minimum components of a complete mitigation plan are listed below. For wetland mitigation plans, the format should follow that established in "Wetland Mitigation in Washington State, Part 2—Developing Mitigation Plans" (Washington Department of Ecology, Corps of Engineers, EPA, March 2006, as amended).

a. Baseline information of quantitative data collection or a review and synthesis of existing data for both the project impact zone and the proposed mitigation site.

b. Environmental goals and objectives that describe the purposes of the mitigation measures. This should include a description of site-selection criteria, identification of target evaluation species, and resource functions.

c. Performance standards for the specific criteria for fulfilling environmental goals, and for beginning remedial action or contingency measures. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria. The following shall be considered the minimum performance standards for approved sensitive area alterations:

(1) Sensitive area functions and improved habitat for fish and wildlife are improved over those of the original conditions.

(2) Hydrologic conditions, hydroperiods and watercourse channels are improved over existing conditions and the specific performance standards specified in the approved mitigation plan are achieved.

(3) Acreage requirements for enhancement or creation are met.

(4) Vegetation native to the Pacific Northwest is installed and vegetation survival and coverage standards over time are met and maintained.

(5) Buffer and bank conditions and functions exceed the original state.

(6) Stream channel habitat and dimensions are maintained or improved such that the fisheries habitat functions of the compensatory stream reach meet or exceed that of the original stream.

d. A detailed construction plan of the written specifications and descriptions of mitigation techniques. This plan should include the proposed construction sequence and construction management, and be accompanied by detailed site diagrams and blueprints that are an integral requirement of any development proposal.

e. Monitoring and/or evaluation program that outlines the approach and frequency for assessing progress of the completed project. An outline shall be included that spells out how the monitoring data will be evaluated and reported.

f. Maintenance plan that outlines the activities and frequency of maintenance to ensure compliance with performance standards.

g. Contingency plan identifying potential courses of action and any corrective measures to be taken when monitoring or evaluation indicates project performance standards have not been met.

h. Performance security or other assurance devices.

5. Mitigation Timing.

a. Mitigation projects shall be completed prior to activities that will permanently disturb sensitive areas or their buffers and either prior to or immediately after activities that will temporarily disturb sensitive areas.

b. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife, flora and water quality, and shall be completed prior to use or occupancy of the activity or development. The Director may allow activities that permanently disturb wetlands or watercourses prior to

implementation of the mitigation plan under the following circumstances:

(1) To allow planting or re-vegetation to occur during optimal weather conditions;

(2) To avoid disturbance during critical wildlife periods; or

(3) To account for unique site constraints that dictate construction timing or phasing.

c. Monitoring of buffer alterations shall be required for three to five years. All other alterations shall be monitored for minimum of five years.

6. **Corrective Actions and Monitoring.** The Director shall require subsequent corrective actions and long-term monitoring of the project if adverse impacts to regulated sensitive areas or their buffers are identified.

7. **Recording.** The property owner receiving approval of a use or development pursuant to the Shoreline Master Program shall record the City-approved site plan clearly delineating the sensitive area and its buffer with the King County Division of Records and Elections. The face of the site plan must include a statement that the provisions of this chapter, as of the effective date of the ordinance from which the Shoreline Management Program derives or is thereafter amended, control use and development of the subject property, and provide for any responsibility of the latent defects or deficiencies.

8. Assurance Device.

a. The Director may require a letter of credit or other security device acceptable to the City, to guarantee performance and maintenance requirements. All assurances shall be on a form approved by the City Attorney.

b. When alteration of a sensitive area is approved, the Director may require an assurance device, on a form approved by the City Attorney, to cover the monitoring costs and correction of possible deficiencies for the term of the approved monitoring and maintenance program.

c. The assurance device shall be released by the Director upon receipt of written confirmation submitted to the Department from the applicant's qualified professional that the mitigation or restoration has met its performance standards and is successfully established. Should the mitigation or restoration meet performance standards and be successfully established in the third or fourth year of monitoring, the City may release the assurance device early. The assurance device may be held for a longer period, if at the end of the monitoring period, the performance standards have not been met or the mitigation has not been successfully established.

d. Release of the security does not absolve the property owner of responsibility for maintenance or correcting latent defects or deficiencies or other duties under law.

(Ord. 2346 §9, 2011)

18.44.100 Public Access to the Shoreline

A. Applicability.

1. Public access shall be provided on all property that abuts the Green/Duwamish River shoreline in accordance with this section as further discussed below where any of the following conditions are present:

a. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact. For the purposes of this section, an "increase in demand for public access" is determined by evaluating whether the development reflects an increase in the land use intensity (for example converting a warehouse to office or retail use), or a significant increase in the square footage of an existing building. A significant increase is defined as an increase of 3,000 square feet.

b. Where a development or use will interfere with an existing public access way, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.

c. Where a use or development will interfere with a public use of lands or waters subject to the public trust doctrine, the development shall provide public access to mitigate this impact.

d. Where the development is proposed by a public entity or on public lands.

e. Where identified on the Shoreline Public Access Map.

f. Where a land division of five or greater lots, or a residential project of five or greater residential units, is proposed.

2. For the purposes of this section, an "increase in demand for public access" is determined by evaluating whether the development reflects an increase in the land use intensity, for example converting a warehouse to office or retail use, or a significant increase in the square footage of an existing building. A significant increase is defined as an increase of 3,000 square feet. The extent of public access required will be proportional to the amount of increase in the demand for public access. For smaller projects, the Director will review the intent of this section and the scope of the project to determine a reasonable amount of public access to be carried out. Depending on the amount of increase, the project may utilize the alternative provisions for meeting public access in TMC Section 18.44.100(F). The terms and conditions of TMC Sections 18.44.100(A) and (B) shall be deemed satisfied if the applicant and the City agree upon a master trail plan providing for public paths and trails within a parcel or group of parcels.

3. The provisions of this section do not apply to the following:

- a. Short plats of four or fewer lots;
- b. Where providing such access would cause unavoidable health or safety hazards;

c. Where providing such access would create inherent and unavoidable security problems; or

d. Where providing such access would cause significant ecological impacts that cannot be mitigated.

An applicant claiming an exemption under items 3(b) - (d) above must comply with the procedures in TMC Section 18.44.100(F).

B. General Standards.

1. To improve public access to the Green/Duwamish River, sites shall be designed to provide:

a. Safe, visible and accessible pedestrian and non-motorized vehicle connections between proposed development and the river's edge, particularly when the site is adjacent to the Green River Trail or other approved trail system; and

b. Public pathway entrances that are clearly visible from the street edge; and

c. Clearly identified pathways that are separate from vehicular circulation areas. This may be accomplished through the use of special paving materials such as precast pavers, bomonite, changes in color or distinct and detailed scoring patterns and textures.

d. Site elements that are organized to clearly distinguish between public and private access and circulation systems.

2. Required public access shall be fully developed and available for public use at the time of occupancy in accordance with development permit conditions except where the decision maker determines an appropriate mechanism for delayed public access implementation is necessary for practical reasons. Where appropriate, a bond or cash assignment may be approved, on review and approval by the Director of Community Development, to extend this requirement for 90 days from the date the Certificate of Occupancy is issued.

3. Public access easements and related permit conditions shall be recorded on the deed of title or the face of the plat, short plat or approved site plan as a condition tied to the use of the land. Recording with the County shall occur prior to the issuance of an Occupancy Permit or final plat approval. Upon re-development of such a site, the easement may be relocated to facilitate the continued public access to the shoreline.

4. Approved signs indicating the public's right of access and hours of access, if restricted, shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. Signs should be designed to distinguish between public and private areas. Signs controlling or restricting public access may be approved as a condition of permit approval.

5. Required access must be maintained throughout the life of the project.

6. Public access features shall be separated from residential uses through the use of setbacks, low walls, berms, landscaping, or other device of a scale and materials appropriate to the site.

7. Shared public access between developments is encouraged. Where access is to be shared between adjacent developments, the minimum width for the individual access easement may be reduced, provided the total width of easements contributed by each adjacent development equals a width that complies with Fire Department requirements and/or exceeds the minimum for an individual access.

8. Public access sites shall be connected directly to the nearest public area (e.g., street, public park, or adjoining public access easement). Where connections are not currently possible, the site shall be designed to accommodate logical future connections.

C. Requirements for Shoreline Trails. Where public access is required under TMC Section 18.44.100(A)1 above, the requirement will be met by provision of a shoreline trail as follows:

1. **Development on Properties Abutting Existing Green River Trail.** An applicant seeking to develop property abutting the existing trail shall meet public access requirements by upgrading the trail along the property frontage to meet the standards of a 14-foot-wide trail with 2-foot shoulders on each side.

2. **Development on Properties Where New Trails are Planned.** An applicant seeking to develop property abutting the river in areas identified for new shoreline trail segments shall meet public access requirements by dedicating an 18-foot-wide trail easement to the City for public access along the river.

D. Publicly-Owned Shorelines.

1. Shoreline development by any public entities, including but not limited to the City of Tukwila, King County, port districts, state agencies, or public utility districts, shall include public access measures as part of each development project, unless such access is shown to be incompatible due to reasons of safety, security, impact to the shoreline environment or other provisions listed in this section.

2. The following requirements apply to street ends and City-owned property adjacent to the river.

a. Public right-of-way and "road-ends," or portions thereof, shall not be vacated and shall be maintained for future public access.

b. Unimproved right-of-ways and portions of right-of-ways, such as street ends and turn-outs, shall be dedicated to public access uses until such time as the portion becomes improved right-of-way. Uses shall be limited to passive outdoor recreation, car top boat launching, fishing, interpretive/educational uses, and/or parking, which accommodates these uses, and shall be designed so as to not interfere with the privacy of adjacent residential uses.

c. City-owned facilities within the Shoreline Jurisdiction shall provide new trails and trail connections to the Green River Trail in accordance with approved plans and this SMP.

d. All City-owned recreational facilities within the Shoreline Jurisdiction, unless qualifying for an exemption as specified in this chapter, shall make adequate provisions for:

(1) Non-motorized and pedestrian access;

(2) The prevention of trespass onto adjacent properties through landscaping, fencing or other appropriate measures;

(3) Signage indicating the public right-of-way to shoreline areas; and

(4) Mechanisms to prevent environmental degradation of the shoreline from public use.

E. Public Access Incentives.

1. The minimum yard setback for buildings, uses, utilities or development from non-riverfront lot lines may be reduced as follows:

a. Where a development provides a public access corridor between off-site areas, or public shoreline areas to public shoreline areas, one side yard may be reduced to a zero lot line placement; or

b. Where a development provides additional public access area(s) equal in area to at least 2.5% of total building area, the front yard (the landward side of the development) may be reduced by 50%.

2. The maximum height for structures may be increased by 15% when:

a. Development devotes at least 5% of its building or land area to public shoreline access; or

b. Development devotes at least 10% of its land area to employee shoreline access.

3. The maximum height for structures under TMC Section 18.44.070.C.3. and this section may be increased by a maximum of 25% when:

a. One of the criteria in TMC Section 18.44.100.E.2 is met; and

b. The applicant restores or enhances the entire shoreline buffer, including, but not limited to, paved areas no longer in use on the property to offset the impact of the increase in height. Buffer restoration/enhancement projects undertaken to meet the requirements of TMC Section 18.44.100(F) do not qualify as restoration or enhancement for purposes of the height incentive provided in this subsection.

c. No combination of incentives may be used to gain more than a 25% total height increase for a structure.

4. The maximum height for structures may be increased for properties that construct a 14-foot-wide paved trail with a 2-foot-wide shoulder on each side for public access along the river in areas identified for new shoreline trail segments, or where, in the case of properties containing or abutting existing public access trails, the existing trail either meets the standard of a 14-foot-wide trail with 2-foot-wide shoulders on either side or the property owner provides any necessary easements and improvements to upgrade the existing trail to that standard along the property frontage. During the project review, the increased height shall be affirmatively demonstrated to:

- a. Not block the views of a substantial number of residences;
- b. Not cause environmental impacts such as, but not limited to, shading of the river buffer or light impacts adversely affecting the river corridor; and
- c. Achieve no net loss of ecological function. In no case shall the building height be greater than 115 feet pursuant to this provision.

F. Exemptions from Provision of On-Site Public Access.

1. Requirements for providing on-site general public access, as distinguished from employee access, will not apply if the applicant can demonstrate one or more of the following:

- a. Unavoidable health or safety hazards to the public exist related to the primary use that cannot be prevented by any practical means.
- b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
- c. The cost of providing the access, easement or other public amenity on or off the development site is unreasonably disproportionate to the total long-term cost of the proposed development.
- d. Unavoidable environmental harm or net loss of shoreline ecological functions that cannot be adequately mitigated will result from the public access.
- e. Access is not feasible due to the configuration of existing parcels and structures, such that access areas are blocked in a way that cannot be remedied reasonably by the proposed development.
- f. Significant undue and unavoidable conflict between the proposed access and adjacent uses would occur and cannot be mitigated.
- g. Space is needed for water-dependent uses or navigation.

2. In order to meet any of the above-referenced conditions, the applicant must first demonstrate, and the City determine in its findings through a Type II decision, that all reasonable alternatives have been exhausted including, but not limited to:

- a. Regulating access by such means as maintaining a gate and/or limiting hours of use;

- b. Designing separation of uses and activities through fencing, terracing, hedges or other design features; or
- c. Providing access on a site geographically separate from the proposal such as a street end cannot be accomplished.

3. If the above conditions are demonstrated, and the proposed development is not subject to the Parks Impact Fee, alternative provisions for meeting public access are required and include:

- a. Development of public access at an adjacent street end; or
- b. Protection through easement or setbacks of landmarks, unique natural features or other areas valuable for their interpretive potential; or
- c. Contribution of materials and/or labor toward projects identified in the Parks and Recreation Master Plan, the Shoreline Restoration Plan, or other City adopted plan; or
- d. In lieu of providing public access under this section, at the Director's discretion, the applicant may provide restoration/enhancement of the shoreline jurisdiction to a scale commensurate with the foregoing public access.

(Ord. 2346 §10, 2011)

18.44.110 Shoreline Design Guidelines

The Green/Duwamish River is an amenity that should be valued and celebrated when designing projects that will be located along its length. If any portion of a project falls within the shoreline jurisdiction, then the entire project will be reviewed under these guidelines as well as the relevant sections of the Design Review Chapter of the Zoning Code (TMC Chapter 18.60). The standards of TMC Chapter 18.60 shall guide the type of review, whether administrative or by the Board of Architectural Review.

A. The following standards apply to development, uses and activities in the Urban Conservancy and High Intensity Environments and non-residential development in the Shoreline Residential Environment.

1. **Relationship of Structure to Site.** Development within the shoreline jurisdiction shall demonstrate compliance with the following:

- a. Respect and reflect the shape of the shoreline;
- b. Orient building elements to site such that public river access, both visual and physical is enhanced;
- c. Orient buildings to allow for casual observation of pedestrian and trail activity from interior spaces;
- d. Site and orient buildings to provide maximum views from building interiors toward the river and the shoreline;
- e. Orient public use areas and private amenities to the river;
- f. Clearly allocate spaces, accommodating parking, vehicular circulation and buildings to preserve existing stands of vegetation or trees so that natural areas can be set aside, improved, or integrated into site organization and planning;

g. Clearly define and separate public from non-public spaces with the use of paving, signage, and landscaping.

2. **Building Design.** Development within the shoreline jurisdiction shall demonstrate compliance with the following:

a. To prevent building mass and shape from overwhelming the desired human scale along the river, development shall avoid blank walls on the public and river sides of buildings.

b. Buildings should be designed to follow the curve of the river and respond to changes in topography; buildings must not “turn their back” to the river.

c. Design common areas in buildings to take advantage of shoreline views and access; incorporate outdoor seating areas that are compatible with shoreline access.

d. Consider the height and scale of each building in relation to the site.

e. Extend site features such as plazas that allow pedestrian access and enjoyment of the river to the landward side of the buffer’s edge.

f. Locate lunchrooms and other common areas to open out onto the water-ward side of the site to maximize enjoyment of the river.

g. Design structures to take advantage of the river frontage location by incorporating features such as:

(1) plazas and landscaped open space that connect with a shoreline trail system;

(2) windows that offer views of the river; or

(3) pedestrian entrances that face the river.

h. View obscuring fencing is permitted only when necessary for documentable use requirements and must be designed with landscaping per the Vegetation Protection and Landscaping Section. Other fencing, when allowed, must be designed to complement the proposed and/or existing development materials and design; and

i. Where there are public trails, locate any fencing between the site and the landward side of the shoreline trail.

3. **Design of Public Access.** Development within the shoreline jurisdiction shall demonstrate compliance with the following:

a. Public access shall be barrier free, where feasible, and designed consistent with the Americans with Disabilities Act.

b. Public access landscape design shall use native vegetation, in accordance with the standards in the Vegetation Protection and Landscaping Section. Additional landscape features may be required where desirable to provide public/private space separation and screening of utility, service and parking areas.

c. Furniture used in public access areas shall be appropriate for the proposed level of development, and the character of the surrounding area. For example, large urban projects should provide formal benches; for smaller projects in less-developed areas, simpler, less formal benches or suitable alternatives are appropriate.

d. Materials used in public access furniture, structures or sites shall be:

(1) Durable and capable of withstanding exposure to the elements;

(2) Environmentally friendly and take advantage of technology in building materials, lighting, paved surfaces, porous pavement, etc. wherever practical; and

(3) Consistent with the character of the shoreline and the anticipated use.

e. Public-Private Separation.

(1) Public access facilities shall look and feel welcoming to the public, and not appear as an intrusion into private property.

(2) Natural elements such as logs, grass, shrubs, and elevation separations are encouraged as means to define the separation between public and private space.

(Ord. 2346 §11, 2011)

18.44.120 Shoreline Restoration

A. **Shoreline Substantial Development Permit Not Required.** Shoreline restoration projects shall be allowed without a Shoreline Substantial Development Permit when these projects meet the criteria established by WAC 173-27-040(o) and (p) and RCW 90.58.580.

B. **Changes in Shoreline Jurisdiction Due to Restoration.**

1. Relief may be granted from Shoreline Master Program standards and use regulations in cases where shoreline restoration projects result in a change in the location of the OHWM and associated Shoreline Jurisdiction on the subject property and/or adjacent properties, and where application of this chapter’s regulations would preclude or interfere with the uses permitted by the underlying zoning, thus presenting a hardship to the project proponent.

a. Applications for relief, as specified below, must meet the following criteria:

(1) The proposed relief is the minimum necessary to relieve the hardship;

(2) After granting the proposed relief, there is net environmental benefit from the restoration project; and

(3) Granting the proposed relief is consistent with the objectives of the shoreline restoration project and with the Shoreline Master Program.

(4) Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under the provisions of this section.

b. The Department of Ecology must review and approve applications for relief.

c. For the portion of property that moves from outside Shoreline Jurisdiction to inside Shoreline Jurisdiction as a result of the shoreline restoration project, the City may consider the following, consistent with the criteria in TMC Section 18.44.120.B.1.a.

(1) permitting development for the full range of uses of the underlying zoning consistent with the Zoning Code, including uses that are not water oriented;

(2) waiving the requirement to obtain a shoreline substantial development permit if it is otherwise exempt from the requirement for a substantial development permit;

(3) waiving the provisions for public access;

(4) waiving the requirement for shoreline design review; and

(5) waiving the development standards set forth in this chapter.

d. The intent of the exemptions identified above in subparagraphs B.1.c.(1) to B.1.c.(5) is to implement the restoration projects of the Shoreline Master Program Restoration Plan, which reflects the projects identified in the Water Resource Inventory Area (WRIA) 9 Plan pursuant to Policy 5.2 of the SMP.

2. Consistent with the provisions of subparagraphs B.1.a, 1.b and 1.c above, the Shoreline Residential Environment Buffer, High Intensity or Urban Conservancy Environment Buffer width may be reduced to no less than 25 feet measured from the new location of the OHWM for the portion of the property that moves from outside the Shoreline Jurisdiction to inside Shoreline Jurisdiction as a result of the shoreline restoration project, subject to the following standards:

a. The 25-foot buffer area must be vegetated according to the requirements of the Vegetation Protection and Landscaping Section or as otherwise approved by the City; and

b. The proponents of the restoration project are responsible for the installation and maintenance of the vegetation.

3. The habitat restoration project proponents must record with King County a survey that identifies the location of the OHWM location prior to implementation of the shoreline restoration project, any structures that fall within the Shoreline Jurisdiction, and the new location of the OHWM once construction of the shoreline restoration project is completed.

4. Shoreline restoration projects must obtain all U.S. Army Corps of Engineers and Washington State Department of Fish and Wildlife approvals as well as written approval from the City.

(Ord. 2346 §12, 2011)

18.44.130 Administration

A. Applicability of Shoreline Master Program and Substantial Development Permit.

1. **Development in the Shoreline Jurisdiction.** Based on guidelines in the SMA for a Minimum Shoreline Jurisdiction, Tukwila's Shoreline Jurisdiction is defined as follows: The Tukwila Shoreline Jurisdiction includes the channel of the Green/Duwamish River, its banks, the upland area which extends from the OHWM landward for 200 feet on each side of the river, floodways and all associated wetlands within its floodplain. The floodway shall not include those lands that have historically been protected by flood control devices and therefore have not been subject to flooding with reasonable regularity.

2. **Applicability.** The Tukwila SMP applies to uses, change of uses, activities or development that occurs within the above-defined Shoreline Jurisdiction. All proposed uses and development occurring within the Shoreline Jurisdiction must conform to Chapter 90.58 RCW, the SMA, and this chapter whether or not a permit is required.

B. 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 18.44.120. 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 the Shoreline Master Program.

C. 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 may 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 RCW 90.58 and all local ordinances and shall not produce substantial adverse effects to the shoreline environment.

D. 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.

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 the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances exist and the public interest will suffer no substantial detrimental effect.

4. **Approval Criteria.** A Shoreline Variance Permit for a use, activity or development that will be located landward of the ordinary high water mark and/or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:

a. The strict application of the bulk, dimensional, or performance standards set forth in this chapter preclude or significantly interfere with a reasonable use of the property not otherwise prohibited by this chapter.

b. The hardship described in TMC Section 18.44.130.D.4. is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this chapter, and not from the owner's own actions or deed restrictions; and that the variance is necessary because of these conditions in order to provide the owner with use rights and privileges permitted to other properties in the vicinity and zone in which the property is situated.

c. The design of the project will be compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and SMP and will not cause adverse impacts to adjacent properties or the shoreline environment.

d. The variance will not constitute a grant of special privilege not enjoyed by other properties in the area.

e. The variance is the minimum necessary to afford relief.

f. The public interest will suffer no substantial detrimental effect.

5. Shoreline Variance Permits Waterward of OHWM.

a. Shoreline variance permits for development and/or uses that will be located either waterward of the ordinary high water mark or within any sensitive area may be authorized only if the applicant can demonstrate all of the following:

(1) The strict application of the bulk, dimensional or performance standards set forth in this Master Program preclude all reasonable permitted use of the property;

(2) The proposal is consistent with the criteria established under TMC Section 18.44.130.D.4., "Approval Criteria;" and

(3) The public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

b. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area such that the total of the variances would remain consistent with RCW 90.58.020 and not cause substantial adverse effects to the shoreline environment.

c. Variances from the use regulations of this chapter are prohibited.

E. Non-Conforming Development.

1. **Non-Conforming Uses.** Any non-conforming lawful use of land that would not be allowed under the terms of this chapter may be continued as an allowed, legal, non-conforming use, defined in TMC Chapter 18.06 or as hereafter amended, so long as that use remains lawful, subject to the following:

a. No such non-conforming use shall be enlarged, intensified, increased or extended to occupy a greater use of the land, structure or combination of the two, than was occupied at the effective date of adoption of this chapter except as authorized in TMC Section 18.66.120.

b. No non-conforming use shall be moved or extended in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of adoption of this chapter.

c. If any such non-conforming use ceases for any reason for a period of more than 24 consecutive months, any subsequent use shall conform to the regulations specified by in this chapter for the shoreline environment in which such use is located. Upon request of the owner, prior to the end of the 24 consecutive months and upon reasonable cause shown, the City Council may grant an extension of time beyond the 24 consecutive months using the criteria set forth in TMC Section 18.44.130.E.4.

d. If a change of use is proposed to a use determined to be non-conforming by application of provisions in this chapter, the proposed new use must be a permitted use in this chapter or a use approved under a Type 2 permit with public notice process. For purposes of implementing this section, a change of use constitutes a change from one permitted or conditional use category to another such use category as listed within the Shoreline Use Matrix.

e. A structure that is being or has been used for a non-conforming use may be used for a different non-conforming use only upon the approval of a Type 2 permit subject to public notice. Before approving a change in non-conforming use, the following findings must be made:

(1) No reasonable alternative conforming use is practical.

(2) The proposed use will be at least as consistent with the policies and provisions of the SMP and as compatible with the uses in the area as the non-conforming use.

(3) The use or activity is enlarged, intensified, increased or altered only to the minimum amount necessary to achieve the intended functional purpose.

(4) The structure(s) associated with the non-conforming use shall not be expanded in a manner that increases the extent of the non-conformity.

(5) The change in use will not create adverse impacts to shoreline ecological functions and/or processes.

(6) The applicant restores and/or enhances the entire shoreline buffer, including but not limited to, paved areas no longer in use on the property, to offset the impact of the change of use per the vegetation management standards of this chapter. This may include the restoration of paved areas to vegetated area if no longer in use.

(7) The use complies with the Type 2 permit process of TMC Chapter 18.104.

(8) The preference is to reduce exterior uses in the buffer to the maximum extent possible.

2. **Non-Conforming Structures.** Where a lawful structure exists on the effective date of adoption of this chapter that could not be built under the terms of this chapter by reason of restrictions on height, buffers or other characteristics of the structure, it may be continued as an allowed, legal structure so long as the structure remains otherwise lawful subject to the following provisions:

a. Such structures may be repaired, maintained, upgraded and altered provided that:

(1) The structure may not be enlarged or altered in such a way that increases its degree of nonconformity or increases its impacts to the functions and values of the shoreline environment except as authorized in TMC Section 18.66.120; and

(2) The cost of the alterations may not exceed an aggregate cost of 50% of the value of the building or structure in any 3-year period based upon its most recent assessment, unless the amount over 50% is used to make the building or structure more conforming, or is used to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority.

b. Should such structure be destroyed by any accidental means, the structure may be reconstructed to its original dimensions and location on the lot provided application is made for permits within 12 months of the date the damage occurred and all reconstruction is completed within two years of permit issuance. In the event the property is redeveloped, such redevelopment must be in conformity with the provisions of this chapter.

c. Should such structure be moved for any reason or any distance whatsoever, it shall thereafter conform to the regulations of this chapter after it is moved.

d. When a non-conforming structure, or structure and premises in combination, is vacated or abandoned for 24 consecutive months, the structure, or structure and premises in combination, shall thereafter be required to be in conformance with the regulations of this chapter. Upon request of the owner, prior to the end of the 24 consecutive months and upon reasonable cause shown, the City Council may grant an extension of time beyond the 24 consecutive months using the criteria in TMC Section 18.44.130.E.4.

e. Residential structures located in any Shoreline Residential Environment and in existence at the time of adoption of this chapter shall not be deemed nonconforming in terms of height, residential use, or location provisions of this title. Such buildings may be rebuilt after a fire or other natural disaster to their original dimensions, location and height, but may not be changed except as provided in the non-conforming uses section of this chapter.

f. Single-family structures in the Shoreline Residential Environment that have legally non-conforming setbacks from the OHWM per the SMP buffer shall be allowed to expand the ground floor only along the existing building line(s) as long as the existing distance from the nearest point of the structure to the OHWM is not reduced and the square footage of new intrusion into the buffer does not exceed 50% of the square footage of the current intrusion. As a condition of building permit approval, a landscape plan showing removal of invasive plant species within the entire shoreline buffer and replanting with appropriate native species must be submitted to the City. Plantings should be maintained through the establishment period.

g. A non-conforming use, within a non-conforming structure, shall not be allowed to expand into any other portion of the structure.

3. For the purposes of this section, altered or partially reconstructed is defined as work that does not exceed 50% of the assessed valuation of the building over a three-year period.

4. Requests for Time Extension—Non-conforming Uses and Structures.

a. A property owner may request, prior to the end of the 24 consecutive months, an extension of time beyond the 24 consecutive months. Such a request shall be considered as a Type 2 permit under TMC Chapter 18.104 and may be approved only when:

(1) For a non-conforming use, a finding is made that no reasonable alternative conforming use is practical.

(2) For a non-conforming structure, special economic circumstances prevent the lease or sale of said structure within 24 months.

(3) The applicant restores and/or enhances the shoreline buffer on the property to offset the impact of the continuation of the non-conforming use. For non-conforming uses, the amount of buffer to be restored and/or enhanced will be determined based on the percentage of the existing building used by the non-conforming use for which a time extension is being requested. Depending on the size of the area to be restored and/or enhanced, the Director may require targeted plantings rather than a linear planting arrangement. The vegetation management standards of this program shall be used for guidance on any restoration/enhancement. For non-conforming structures, for each six-month extension of time requested, 15% of the available buffer must be restored/enhanced.

b. Conditions may be attached to the permit that are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

5. **Building Safety.** Nothing in this SMP shall be deemed to prevent the strengthening or restoring to a safe condition of any non-conforming building or part thereof declared to be unsafe by order of any City official charged with protecting the public safety.

a. Alterations or expansion of a non-conforming structure that are required by law or a public agency in order to comply with public health or safety regulations are the only alterations or expansions allowed.

b. Alterations or expansions permitted under this section shall be the minimum necessary to meet the public safety concerns.

6. Non-Conforming Parking Lots.

a. Nothing contained in this chapter shall be construed to require a change in any aspect of a structure or facility covered thereunder including, without limitation, parking lot layout, loading space requirements and curb-cuts, for any structure or facility which existed on the date of adoption of this chapter.

b. If a change of use takes place or an addition is proposed that requires an increase in the parking area by an increment less than 100%, the requirements of this chapter shall be complied with for the additional parking area.

c. If a change of use takes place or an addition is proposed that requires an increase in the parking area by an increment greater than 100%, the requirements of this chapter shall be complied with for the entire parking area.

7. Non-Conforming Landscape Areas.

a. Adoption of the vegetation protection and landscaping regulations contained in this chapter shall not be construed to require a change in the landscape improvements for any legal landscape area that existed on the date of adoption of this chapter, unless and until the property is redeveloped or alteration of the existing structure is made beyond the thresholds provided herein.

b. At such time as the property is redeveloped or the existing structure is altered beyond the thresholds provided herein and the associated premises does not comply with the vegetation protection and landscaping requirements of this chapter, a landscape plan that conforms to the requirements of this chapter shall be submitted to the Director for approval.

(Ord. 2346 §13, 2011)

18.44.140 Appeals

Any appeal of a decision by the City on a Shoreline Substantial Development Permit, Shoreline Conditional Use or Shoreline Variance must be appealed to the Shoreline Hearing Board.

(Ord. 2346 §14, 2011)

18.44.150 Enforcement and Penalties

A. **Violations.** The following actions shall be considered violations of this chapter:

1. To use, construct or demolish any structure, or to conduct clearing, earth-moving, construction or other development not authorized under a Substantial Development Permit, Conditional Use Permit or Variance Permit, where such permit is required by this chapter.

2. Any work which is not conducted in accordance with the plans, conditions, or other requirements in a permit approved pursuant to this chapter, provided that the terms or conditions are stated in the permit or the approved plans.

3. To remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter.

4. To misrepresent any material fact in any application, plans or other information submitted to obtain any shoreline use or development authorization.

5. To fail to comply with the requirements of this chapter.

B. **Enforcement.** It shall be the duty of the Director to enforce this chapter subject to the terms and conditions of TMC Chapter 8.45.

C. **Inspection Access.**

1. For the purpose of inspection for compliance with the provisions of a permit or this chapter, authorized representatives of the Director may enter all sites for which a permit has been issued.

2. Upon completion of all requirements of a permit, the applicant shall request a final inspection by contacting the planner of record. The permit process is complete upon final approval by the planner.

D. **Penalties.**

1. Any violation of any provision of the SMP, or failure to comply with any of the requirements of this chapter shall be subject to the penalties prescribed in Chapter 8.45 of the Tukwila Municipal Code ("Enforcement") and shall be imposed pursuant to the procedures and conditions set forth in that chapter.

2. Penalties assessed for violations of the SMP shall be determined by TMC Chapter 8.45.100, Penalties.

3. It shall not be a defense to the prosecution for failure to obtain a permit required by this chapter, that a contractor, subcontractor, person with responsibility on the site, or person authorizing or directing the work, erroneously believed a permit had been issued to the property owner or any other person.

E. **Remedial Measures Required.** In addition to penalties provided in TMC Chapter 8.45, the Director may require any person conducting work in violation of this chapter to mitigate the impacts of unauthorized work by carrying out remedial measures.

1. Remedial measures must conform to the policies and guidelines of this chapter and the Shoreline Management Act.

2. The cost of any remedial measures necessary to correct violation(s) of this chapter shall be borne by the property owner and/or applicant.

F. **Injunctive Relief.**

1. Whenever the City has reasonable cause to believe that any person is violating or threatening to violate this chapter or any rule or other provisions adopted or issued pursuant to this chapter, it may, either before or after the institution of any other action or proceeding authorized by this ordinance, institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. Such action shall be brought in King County Superior Court.

2. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of the Master Program.

G. **Abatement.** Any use, structure, development or work that occurs in violation of this chapter, or in violation of any lawful order or requirement of the Director pursuant to this section, shall be deemed to be a public nuisance and may be abated in the manner provided by the Tukwila Municipal Code 8.45.105.

(Ord. 2346 §15, 2011)

18.44.160 Liability

A. Liability for any adverse impacts or damages resulting from work performed in accordance with a permit issued on behalf of the City within the City limits shall be the sole responsibility of the owner of the site for which the permit was issued.

B. No provision of or term used in this chapter is intended to impose any duty upon the City or any of its officers or employees that would subject them to damages in a civil action.

(Ord. 2346 §16, 2011)

CHAPTER 18.45**ENVIRONMENTALLY SENSITIVE AREAS****Sections:**

- 18.45.010 Purpose
- 18.45.020 Best Available Science
- 18.45.030 Sensitive Area Applicability, Maps and Inventories
- 18.45.040 Sensitive Areas Special Studies
- 18.45.050 Interpretation
- 18.45.060 Procedures
- 18.45.070 Sensitive Area Permitted Uses
- 18.45.080 Wetlands Designations, Ratings and Buffers
- 18.45.090 Wetland Alterations and Mitigation
- 18.45.100 Watercourse Designations, Ratings and Buffers
- 18.45.110 Watercourse Alterations and Mitigation
- 18.45.120 Areas of Potential Geologic Instability Designations, Ratings and Buffers
- 18.45.130 Areas of Potential Geologic Instability Uses, Exemptions, Alterations and Mitigation
- 18.45.140 Abandoned Mine Areas
- 18.45.150 Fish and Wildlife Habitat Conservation Areas – Designation, Mapping, Uses and Standards
- 18.45.160 Sensitive Area Master Plan Overlay
- 18.45.170 Sensitive Areas Tracts and Easements
- 18.45.180 Exceptions
- 18.45.190 Appeals
- 18.45.195 Enforcement and Penalties
- 18.45.200 Recording Required
- 18.45.210 Assurance Device
- 18.45.220 Assessment Relief

18.45.010 Purpose

A. The purpose of TMC Chapter 18.45 is to protect the environment, human life and property, designate and classify ecologically sensitive areas such as regulated wetlands and watercourses and geologically hazardous areas and to protect these areas and their functions while also allowing for reasonable use of public and private property. These regulations are prepared to comply with the Growth Management Act, RCW 36.70A, to apply best available science according to WAC 365-195-900 through 925 and to protect critical areas as defined by WAC 365-190-080.

B. Standards are hereby established to meet the following goals of protecting environmentally sensitive areas:

1. Minimize developmental impacts on the natural functions of these areas.
2. Protect quantity and quality of water resources.
3. Minimize turbidity and pollution of wetlands and fish-bearing waters and maintain wildlife habitat.
4. Prevent erosion and the loss of slope and soil stability caused by the removal of trees, shrubs, and root systems of vegetative cover.

5. Protect the public against avoidable losses, public emergency rescue and relief operations cost, and subsidy cost of public mitigation from landslide, subsidence, erosion and flooding.

6. Protect the community's aesthetic resources and distinctive features of natural lands and wooded hillsides.

7. Balance the private rights of individual property owners with the preservation of environmentally sensitive areas.

8. Prevent the loss of wetland and watercourse function and acreage, and strive for a gain over present conditions.

9. Give special consideration to conservation or protection measures necessary to protect or enhance anadromous fisheries.

10. Incorporate the use of best available science in the regulation and protection of sensitive areas as required by the State Growth Management Act, according to WAC 365-195-900 through 365-195-925 and WAC 365-190-080.

(Ord. 2301 §1 (part), 2010)

18.45.020 Best Available Science

A. Policies, regulations and decisions concerning sensitive areas shall rely on best available science to protect the functions of these areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitats.

B. Nonscientific information may supplement scientific information, but is not an adequate substitution for valid and available scientific information.

C. Incomplete or unavailable scientific information leading to uncertainty for permitting sensitive area impacts may require application of effective adaptive management on a case by case basis. Adaptive management relies on scientific methods to evaluate how well regulatory or non-regulatory actions protect sensitive areas or replace their functions.

(Ord. 2301 §1 (part), 2010)

18.45.030 Sensitive Area Applicability, Maps, and Inventories

A. **APPLICABILITY** – The provisions of TMC Chapter 18.45 shall apply to all land uses and all development activities in a sensitive area or a sensitive area buffer as defined in the "Definitions" chapter of this title. The provisions of TMC Chapter 18.45 apply whether or not a permit or authorization is required within the City of Tukwila. No person, company, agency, or applicant shall alter a sensitive area or buffer except as consistent with the purposes and requirements of TMC Chapter 18.45. The following are sensitive areas regulated by TMC Chapter 18.45:

1. Abandoned coal mines;
2. Areas of potential geologic instability: Class 2, 3, 4 areas (as defined in the Definitions chapter of this title and TMC 18.45.120.A);
3. Wetlands;
4. Watercourses;

5. Fish and Wildlife Habitat Conservation Areas.

B. The Growth Management Act also identifies frequently flooded areas and areas of seismic instability as critical areas. Regulations governing frequently flooded areas are found in TMC Chapter 16.52, Flood Zone Management. Areas of seismic instability are defined and regulated through the Washington State Building Code.

C. The City shall not approve any permit or otherwise issue any authorization to alter the condition of sensitive area land, water or vegetation or to construct or alter any structure or improvement in, over, or on a sensitive area or its buffer, without first ensuring compliance with the requirements of TMC Chapter 18.45.

D. Approval of a permit or development proposal pursuant to the provisions of TMC Chapter 18.45 does not release the applicant from any obligation to comply with the provisions of TMC Chapter 18.45.

E. When TMC Chapter 18.45 imposes greater restrictions or higher standards upon the development or use of land than other laws, ordinances or restrictive covenants, the provisions of TMC Chapter 18.45 shall prevail.

F. It is the obligation of the property owner to comply with all relevant provisions of this Code.

G. SENSITIVE AREAS MAPS AND INVENTORIES

1. The distribution of many sensitive areas in Tukwila is displayed on the Sensitive Areas Maps, on file with the Department of Community Development (DCD). These maps are based on site assessment of current conditions and review of the best available scientific data and are hereby adopted by reference.

2. Studies, preliminary inventories and ratings of potential sensitive areas are on file with the Department of Community Development.

3. As new environmental information related to sensitive areas becomes available, the Director is hereby designated to periodically add new information to the Sensitive Areas Maps. Removal of any information from the sensitive area maps is a Type 1 decision.

4. Regardless of whether a sensitive area is shown on the sensitive areas map, the actual presence or absence of the features defined in the code as sensitive areas shall govern. The Director may require the applicant to submit technical information to indicate whether sensitive areas actually exist on or adjacent to the applicant's site, based on the definitions of sensitive areas in this code.

5. All revisions, updates and reprinting of sensitive areas maps, inventories, ratings and buffers shall conform to TMC Chapter 18.45.

(Ord. 2301 §1 (part), 2010)

18.45.040 Sensitive Areas Special Studies

A. **Application Required.** An applicant for a development proposal that may include a sensitive area and/or its buffer shall submit those studies as required by the City and specified below to adequately identify and evaluate the sensitive area and its buffers.

1. A required sensitive area study shall be prepared by a person with experience and training in the scientific discipline appropriate for the relevant sensitive area in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in ecology or related science, engineering, environmental studies, fisheries, geotechnical or related field, and two years of related work experience.

a. A qualified professional for Fish and Wildlife Habitat Conservation Areas must have a degree in ecology or related sciences and professional experience related to the subject species.

b. A qualified professional for wetland sensitive area studies must be a certified Professional Wetland Scientist or a non-certified Professional Wetland Scientist with at least two years of full-time work experience as a wetlands professional, including delineating wetlands using the state or federal manuals, preparing wetland reports, conducting functional assessments, and developing and implementing mitigation plans.

c. A qualified professional for a geological hazard study must be a professional geotechnical engineer as defined in the Definitions chapter of this title, licensed in the state of Washington.

d. A qualified professional for watercourses means a hydrologist, geologist, engineer or other scientist with experience in preparing watercourse assessments.

2. The sensitive area study shall use scientifically valid methods and studies in the analysis of sensitive area data and shall use field reconnaissance and reference the source of science used. The sensitive area study shall evaluate the proposal and all probable impacts to sensitive areas in accordance with the provisions of TMC Chapter 18.45.

B. **Wetland and Watercourse Sensitive Area Studies.** The sensitive area study shall contain the following information, as applicable:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;

2. A copy of the site plan for the development proposal showing: sensitive areas and buffers and the development proposal with dimensions, clearing limits, proposed storm water management plan, and mitigation plan for impacts due to drainage alterations;

3. The dates, names and qualifications of the persons preparing the study and documentation of any fieldwork performed on the site;

4. Identification and characterization of all sensitive areas, water bodies, and buffers adjacent to the proposed project

area or potentially impacted by the proposed project as described in the following sections:

a. Characterization of wetlands must include:

(1) A wetland delineation report that includes methods used, field indicators evaluated and the results. Wetland delineation must be performed in accordance with approved federal wetland delineation manual and applicable regional supplements. Field data forms are to be included in the report. Data collection points are to be shown on the site plan with their corresponding numbers indicated. After the City of Tukwila confirms the boundaries, they are to be professionally surveyed to the nearest square foot and the site plan modified as necessary to incorporate the survey data. Exact wetland acreage will be calculated after the boundaries have been surveyed.

(2) Cowardin (Classification of Wetlands and Deepwater Habitats of the U.S. – U.S. Department of Interior) classification of the wetland(s).

(3) Hydrogeomorphic classification of the wetland(s).

(4) Hydroperiod.

(5) Brief landscape assessment of the wetland (identify hydrologic basin/sub-basin; inlets, outlets; surrounding land use; habitat quality and connectivity; ultimate point of discharge; presence of culverts or other constraints to flow; relationship to other wetlands/watercourses adjacent to or potentially impacted by the proposed project).

(6) Description of buffer size per this chapter, conditions (topographic considerations, existing vegetation types and density, habitat features, watercourse edges, presence of invasive species, etc.) and functions.

(7) Functional assessment. For proposed wetland filling or proposed projects that will impact buffers the Washington Wetland Classification System shall be used as a functional assessment.

(8) Classification of the wetland under Tukwila's rating system.

b. Characterization of the watercourses on site or adjacent to the site must include:

(1) Description of: flow regime, physical characteristics of streambed, banks, dimensions and bank-full width, stream gradient, stream and buffer vegetation conditions, habitat conditions, and existing modifications.

(2) Brief landscape assessment of the watercourse (identify hydrologic basin/sub-basin, and contributing basin area acreage, outlets, surrounding land use, habitat quality and connectivity, ultimate point of discharge, presence of culverts or other constraints to flow, presence of man-made or natural barriers to fish passage, relationship to wetlands or other watercourses adjacent to or potentially impacted by the proposed project, flow regime).

(3) Classification of the watercourse under Tukwila's rating system.

(4) Description of buffer size per this chapter, conditions (topographic considerations, existing vegetation types and density, habitat features, watercourse edges, presence of invasive species, etc.) and functions.

(5) Description of habitat conditions, wildlife/fish use of the watercourse, including sensitive, threatened or endangered species.

c. Citation of any literature or other resources utilized in preparation of the report.

5. A statement specifying the accuracy of the study and assumptions used in the study.

6. Determination of the degree of hazard and risk from the proposal both on the site and on adjacent properties.

7. An assessment of the probable cumulative impacts to sensitive areas, their buffers and other properties resulting from the proposal.

8. A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize and mitigate impacts to sensitive areas.

9. Plans for adequate mitigation to offset any impacts.

10. Recommendations for maintenance, short-term and long-term monitoring, contingency plans and bonding measures.

11. Any technical information required by the Director to assist in determining compliance with TMC Chapter 18.45.

C. GEOTECHNICAL REPORT –

1. A geotechnical report appropriate both to the site conditions and the proposed development shall be required for development in Class 2, Class 3, Class 4 areas, and any areas identified as Coal Mine Hazard Areas unless waived pursuant to TMC Section 18.45.040 E.

2. Geotechnical reports for Class 2 areas shall include at a minimum a site evaluation review of available information regarding the site and a surface reconnaissance of the site and adjacent areas. Subsurface exploration of site conditions is at the discretion of the geotechnical consultant.

3. Geotechnical reports for Class 3, Class 4 and Coal Mine Hazard Areas shall include a site evaluation review of available information about the site, a surface reconnaissance of the site and adjacent areas, a feasibility analysis for the use of infiltration on-site and a subsurface exploration of soils and hydrology conditions. Detailed slope stability analysis shall be done if the geotechnical engineer recommends it in Class 3 or Coal Mine Hazard Areas, and must be done in Class 4 areas.

4. Applicants shall retain a geotechnical engineer to prepare the reports and evaluations required in this subsection. The geotechnical report and completed site evaluation checklist shall be prepared in accordance with the generally accepted geotechnical practices, under the supervision of and signed and stamped by the geotechnical engineer. The report shall be prepared in consultation with the Community Development and Public Works Departments.

5. The opinions and recommendations contained in the report shall be supported by field observations and, where appropriate or applicable, by literature review conducted by the geotechnical engineer which shall include appropriate explorations, such as borings or test pits, and an analysis of soil characteristics conducted by or under the supervision of the engineer in accordance with standards of the American Society of Testing and Materials or other applicable standards. If the evaluation involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geotechnical engineer.

D. SENSITIVE AREA STUDY - MODIFICATIONS TO REQUIREMENTS –

1. The Director may limit the required geographic area of the sensitive area study as appropriate if:

a. The applicant, with assistance from the City, cannot obtain permission to access properties adjacent to the project area; or

b. The proposed activity will affect only a limited part of the site.

2. The Director may allow modifications to the required contents of the study where, in the judgment of a qualified professional, more or less information is required to adequately address the potential sensitive area impacts and required mitigation.

E. **WAIVER** – A waiver to the sensitive area study may be granted by the Director if the following conditions have been met:

1. A wetland has been classified and delineated, or the Ordinary High Water Mark (OHWM) has been determined in watercourses and confirmed by the City within the last two years, in accordance with the requirements of this chapter.

2. The classification and location of wetland boundaries or OHWM have been confirmed by the City, and the proposed development or action will avoid all impacts to the sensitive area(s).

3. There is substantial evidence there will be no detrimental impact to the sensitive areas or buffers, and that the goals, purposes, objectives and requirements of TMC Chapter 18.45 will be followed.

F. **REVIEW OF STUDIES** – The Department of Community Development will review the information submitted in the sensitive area study to verify the information, confirm the nature and type of the sensitive area, and ensure the study is consistent with TMC Chapter 18.45. At the discretion of the Director, sensitive area studies may undergo peer review, at the expense of the applicant.

(Ord. 2368 § 47, 2012; Ord. 2301 §1 (part), 2010)

18.45.050 Interpretation

The provisions of TMC Chapter 18.45 shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of TMC Chapter 18.45.

(Ord. 2301 §1 (part), 2010)

18.45.060 Procedures

When an applicant submits an application for any building permit, subdivision, short subdivision or any other land use review which approves a use, development or future construction, the location and dimensions of all sensitive areas and buffers on the site shall be indicated on the plans submitted. When a sensitive area is identified, the following procedures apply. The Director may waive item numbers 1, 2, 4 and 5 of the following if the size and complexity of the project does not warrant that step in the procedures and the Director grants a waiver pursuant to TMC Section 18.45.040 E. Approval by the Department of a sensitive area alteration is contingent upon the applicant granting the City the right of continuous entry upon proper notice to observe sensitive area conditions.

1. *Sensitive areas study and geotechnical report:*

a. The applicant shall submit the relevant study as required in TMC Section 21.04.140 and TMC Chapter 18.45

b. It is intended that sensitive areas studies and information be utilized by applicants in preparation of their proposals and therefore shall be undertaken early in the design stages of a project.

2. Planned residential development permit: Any new residential subdivision or multiple family residential proposal that includes a wetland or watercourse or its buffer on the site may apply for a planned residential development permit and meet the requirements of the Planned Residential Development District chapter of this title.

3. Denial of use or development: A use or development will be denied if the Director determines the applicant cannot ensure that potential dangers and costs to future inhabitants of the development, adjacent properties, and Tukwila are minimized and mitigated to an acceptable level.

4. Preconstruction meeting: The applicant, specialist(s) of record, contractor, and department representatives will be required to attend pre-construction meetings prior to any work on the site.

5. Construction monitoring: The specialist(s) of record shall be retained to monitor the site during construction.

6. On-site identification: The Director may require the boundary between a sensitive area and its buffer and any development or use to be permanently identified with fencing, and/or with a wood, plastic or metal sign mounted on a treated wood, concrete or metal post. Sign size will be determined at the time of permitting; however, the minimum size shall be 10 x 12 inches. It shall be permanently affixed to the post by bolts and the wording shall be as follows:

"Protection of this natural area is in your care. Alteration, dumping or disturbance is prohibited pursuant to TMC Chapter 18.45. Please call the City of Tukwila at 206-431-3670 for more information."

(Ord. 2301 §1 (part), 2010)

18.45.070 Sensitive Area Permitted Uses

A. **General Uses.** The uses set forth in this entire section, including subsections A. through D, and the following general uses, may be located within a sensitive area or buffer, subject to the provisions of TMC Chapter 21.04 and of the mitigation requirements of TMC Chapter 18.45:

1. Maintenance and repair of existing uses and facilities provided no alteration or additional fill materials will be placed or heavy construction equipment used in the sensitive area or buffer.

2. Nondestructive education and research.

3. Passive recreation and open space.

4. Maintenance and repair of essential streets, roads, rights-of-way, or utilities.

5. Actions to remedy the effects of emergencies that threaten the public health, safety or welfare.

6. Maintenance activities of existing landscaping and gardens in a sensitive area buffer including, but not limited, to mowing lawns, weeding, harvesting and replanting of garden crops and pruning and planting of vegetation. The removal of established native trees and shrubs is not permitted.

B. **PERMITTED USES SUBJECT TO ADMINISTRATIVE REVIEW.** The following uses may be permitted only after administrative review and approval by the Director:

1. Maintenance and repair of existing uses and facilities where alteration or additional fill materials will be placed or heavy construction equipment used.

2. New surface water discharges to sensitive areas or their buffers from detention facilities, pre-settlement ponds or other surface water management structures may be allowed provided that the discharge meets the clean water standards of RCW 90.48 and WAC 173.200 and 173.201 as amended, and does not adversely affect water level fluctuations in the wetland or adversely affect watercourse habitat and watercourse flow conditions relative to the existing rate. Water quality monitoring may be required as a condition of use.

3. Bioswales and dispersion outfalls are the only storm water facilities allowed in wetland or watercourse buffers. Water quality monitoring may be required as a condition of use

4. Enhancement or other mitigation including landscaping with native plants..

5. Essential Utilities.

a. Essential utilities must be constructed to minimize, or where possible avoid, disturbance of the sensitive area and its buffer.

b. All construction must be designed to protect the sensitive area and its buffer against erosion, uncontrolled storm water, restriction of groundwater movement, slides, pollution, habitat disturbance, any loss of flood carrying capacity and storage capacity, and excavation or fill detrimental to the environment.

c. Upon completion of installation of essential utilities, sensitive areas and their buffers must be restored to pre-project configuration, replanted as required and provided with maintenance care until newly planted vegetation is established. In addition, mitigation to offset impacts to sensitive areas or their buffers must be carried out in accordance with the standards and mitigation ratios of this chapter.

d. All crossings must be designed for shared facilities in order to minimize adverse impacts and reduce the number of crossings.

6. Essential Public Streets, Roads and Rights-of-Way

a. For construction of new essential public streets, roads and rights-of-way, as defined by TMC Section 18.06.285, where avoidance of sensitive areas is not possible, impacts to the sensitive area and its buffer must be kept to the absolute minimum.

b. Essential public streets, roads and rights-of-way, as defined by TMC Section 18.06.285, must be designed and maintained to prevent erosion and avoid restricting the natural movement of groundwater.

c. Essential public streets, roads and rights-of-way, as defined by TMC Section 18.06.285, must be located to conform to the topography so that minimum alteration of natural conditions is necessary. The number of crossings shall be limited to those necessary to provide essential access.

d. Essential public streets, roads and rights-of-way, as defined by TMC Section 18.06.285, must be constructed in a way that does not adversely affect the hydrologic quality of the wetland or watercourse and/or its buffer. Where feasible, crossings must allow for combination with other essential utilities.

e. Upon completion of construction, the area affected must be restored to an appropriate grade, replanted according to a plan approved by the Director, and provided with care until newly planted vegetation is established. In addition, mitigation to offset impacts to sensitive areas or their buffers must be carried out in accordance with the standards and mitigation ratios set forth in this chapter.

7. Public/Private Use and Access

a. Public and private access shall be limited to trails, boardwalks, covered or uncovered viewing and seating areas, footbridges only if necessary for access to other areas of the property, and displays (such as interpretive signage or kiosks), and must be located in areas that have the lowest sensitivity to human disturbance or alteration. Access features shall be the minimum dimensions necessary to avoid adverse impacts to the sensitive area. Trails shall be no wider than 5 feet and are only allowed in the outer half of the buffer, except for allowed wetland or stream crossings. For proposed wetland or watercourse crossings or trails, an assessment of impacts to wetland/watercourse and buffer function (especially where the sensitive area provides habitat function for wildlife) will be required and must be prepared by a qualified biologist, except for minor crossings, such as foot bridges or stepping stones, for access to contiguous property. Crossings and trails must be designed to avoid adverse impacts to sensitive area functions. The Director may require mechanisms to limit or control public access when environmental conditions warrant (such as temporary trail closures during wildlife breeding season or migration season).

b. Public access must be specifically developed for interpretive, educational or research purposes by, or in cooperation with, the City or as part of the adopted Tukwila Parks and Open Space Plan. Private footbridges are allowed only for access across a sensitive area that bisects the property.

c. No motorized vehicle is allowed within a sensitive area or its buffer except as required for necessary maintenance, agricultural management or security.

d. Any public access or interpretive displays developed along a sensitive area and its buffer must, to the extent possible, be connected with a park, recreation or open-space area.

e. Vegetative edges, structural barriers, signs or other measures must be provided wherever necessary to protect sensitive areas and their buffers by limiting access to designated public use or interpretive areas.

f. Access trails and footbridges must incorporate design features and materials that protect water quality and allow adequate surface water and groundwater movement. Trails must be built of permeable materials.

g. Access trails and footbridges must be located where they do not disturb nesting, breeding and rearing areas and must be designed so that sensitive plant and critical wildlife species are protected. Trails and footbridges must be placed so as to not cause erosion or sedimentation, destabilization of watercourse banks, interference with fish passage or significant removal of native vegetation. Footbridges must be anchored to prevent their movement due to water level or flow fluctuations. Any work in the wetland or stream below the OHWM will require additional federal and state permits.

8. Dredging, Digging or Filling.

a. Dredging, digging or filling within a sensitive area or its buffer may occur only with the permission of the Director and only for the following purposes:

(1) Uses permitted by TMC Sections 18.45.080, 18.45.090, 18.45.110, 18.45.130;

(2) Maintenance of an existing watercourse;

(3) Enhancement or restoration of habitat in conformance with an approved mitigation plan identified in a sensitive area study;

(4) Natural system interpretation, education or research when undertaken by, or in cooperation with, the City;

(5) Flood control or water quality enhancement by the City;

(6) Maintenance of existing water quality controls, for normal maintenance needs and for any diversion, rerouting, piping or other alteration permitted by TMC Chapter 18.45;

(7) Filling of abandoned mines.

b. Any dredging, digging or filling shall be performed in a manner that will minimize sedimentation in the water. Every effort will be made to perform such work at the time of year when the impact can be lessened.

c. Upon completion of construction, the area affected must be restored to an appropriate grade, replanted according to a plan approved by the Director, and provided with care until newly planted vegetation is established.

9. **Removal of Hazardous Trees.** Only hazardous trees, as defined in Chapter 18.06.395, may be removed from a sensitive area. In cases where the hazard is not obvious, an assessment by an arborist certified by the International Society of Arborists may be required by the Director. Tree replacement in accordance with TMC Chapter 18.54 is required for any hazardous tree removed from a sensitive area. Dead trees may not be removed, unless they present a hazard to public safety or structures.

C. Permitted Uses Subject to Exception Approval. Other uses may be permitted upon receiving a reasonable use exception pursuant to TMC Section 18.45.180. A use permitted through a reasonable use exception shall conform to the procedures of TMC Chapter 18.45 and be consistent with the underlying zoning.

D. Uses allowed under a Sensitive Area Master Plan prepared and approved under the provisions of TMC Section 18.45.160.

(Ord. 2301 §1 (part), 2010)

18.45.080 Wetlands Designations, Ratings and Buffers

A. WETLAND DESIGNATIONS.

1. For the purposes of TMC Chapter 18.45, “wetlands” are defined in the Definitions chapter of this title. A wetland boundary is the line delineating the outer edge of a wetland established by using the approved federal wetland delineation manual and applicable regional supplements.

2. Wetland determinations and delineation of wetland boundaries shall be made by a qualified professional, as described in TMC Section 18.45.040.

3. Wetland areas within the City of Tukwila have certain characteristics and functions and have been influenced by urbanization and related disturbances. Wetland functions include, but are not limited to, the following:

- a. Improving water quality;
- b. Maintaining hydrologic functions (reducing peak flows, decreasing erosion, groundwater recharge, flood storage); and
- c. Providing habitat for plants, mammals, fish, birds, and amphibians.

B. WETLAND RATINGS –

Wetlands shall be designated in accordance with the Washington State Wetlands Rating System for Western Washington, (Washington State Department of Ecology, August 2004, Publication #04-06-025) as Category I, II, III, or IV as listed below:

1. Category I wetlands are those that: i) represent a unique or rare wetland type; or ii) are more sensitive to disturbance than most wetlands; or iii) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or iv) provide a high level of functions. The following types of wetlands listed by Washington Department of Ecology and potentially found in Tukwila are Category I:

a. Estuarine wetlands (deepwater tidal habitats with a range of fresh-brackish-marine water chemistry and daily tidal cycles, salt and brackish marshes, intertidal mudflats, bays, sounds, and coastal rivers);

b. Wetlands that perform many functions well and score at least 70 points in the Western Washington Wetlands Rating System.

2. Category II wetlands are difficult, though not impossible, to replace and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. The following types of wetlands listed by Washington Department of Ecology and potentially found in Tukwila are Category II wetlands:

a. The wetland is documented as regionally significant waterfowl or shorebird areas by the State Department of Fish and Wildlife.

b. Wetlands that perform functions well. Wetlands scoring between 51-69 points (out of 100) on the questions related to the functions present.

3. Category III wetlands have a moderate level of functions (scores between 30 and 50 points). Wetlands scoring between 30-50 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

4. Category IV wetlands have the lowest levels of functions (scores less than 30 points) and are often heavily disturbed. While these are wetlands that should be able to be replaced or improved, they still need protection because they may provide some important functions. Any disturbance of these wetlands will be considered on a case by case basis.

C. **WETLAND BUFFERS** – A buffer area shall be established adjacent to designated wetland areas. The purpose of the buffer area shall be to protect the integrity and functions of the wetland area. Any land alteration must be located out of the buffer areas as required by this section. Wetland buffers are intended in general to:

1. Minimize long-term impacts of development on properties containing wetlands;
2. Protect wetlands from adverse impacts during development;
3. Preserve the edge of the wetland and its buffer for its critical habitat value;
4. Provide an area to stabilize banks, to absorb overflow during high water events and to allow for slight variation of aquatic system boundaries over time due to hydrologic or climatic effects;
5. Reduce erosion and increased surface water runoff;
6. Reduce loss of or damage to property;
7. Intercept fine sediments from surface water runoff and serve to minimize water quality impacts; and
8. Protect the sensitive area from human and domestic animal disturbances.

An undisturbed sensitive area or buffer may substitute for the yard setback and landscape requirements of the TMC Chapter 18.50 and 18.52.

D. **WETLAND BUFFER WIDTHS** – The following standard buffers shall be established from the wetland edge:

1. Category I and II Wetland: 100-foot buffer.
2. Category III Wetland: 80-foot buffer.
3. Category IV Wetland: 50-foot buffer.

E. BUFFER SETBACKS –

1. All commercial and industrial buildings shall be set back 15 feet and all other development shall be set back 10 feet from the buffer's edge. The building setbacks shall be measured from the foundation to the buffer's edge. Building plans shall also identify a 20-foot area beyond the buffer setback within which the impacts of development will be reviewed.

2. The Director may waive setback requirements when a site plan demonstrates there will be no impacts to the buffer from construction or occasional maintenance activities (see TMC Figure 18-2).

F. VARIATION OF STANDARD WETLAND BUFFER WIDTH –

1. The Director may reduce the standard wetland buffers only where the buffer conditions are currently degraded (due to existing development within the prescribed buffer width, the presence of significant amount of invasive vegetation that impairs buffer function, and/or lack of native vegetation) on a case-by-case basis, provided the remaining buffer is enhanced and the buffer does not contain slopes 15% or greater. Where a buffer has a variable topography that includes Class I slopes on the landward half of the buffer, a buffer reduction may be allowed if the proposed reduction is in the area with the Class I slopes, and a 10-foot planted setback from the top of the slope is maintained. Further, a geotechnical review of the proposed buffer enhancement plan must determine the buffer enhancement can be implemented without destabilizing the slope. The approved buffer width shall not result in greater than a 50% reduction in width.

2. Buffer reduction with enhancement may be allowed by the Director as a Type 2 permit with an approved buffer enhancement plan prepared by a qualified wetland biologist, if:

a. Additional protection to wetlands will be provided through the implementation of a buffer enhancement plan;

b. The existing condition of the buffer is degraded;

and
c. Buffer enhancement includes, but is not limited to the following:

(1) Planting vegetation that would increase value for fish and wildlife habitat or improve water quality or hydrology;

(2) Enhancement of wildlife habitat by incorporating structures that are likely to be used by wildlife, including wood duck boxes, bat boxes, snags, root wads/stumps, birdhouses and heron nesting areas; or

(3) Removing non-native plant species and noxious weeds from the buffer area and replanting the area subject to 2.c. (1) above.

3. Buffers for all types of wetlands will be increased when they are determined to be particularly sensitive to disturbance or the proposed development will create unusually adverse impacts. Any increase in the width of the buffer shall be required only after completion of a wetland study by a qualified wetlands specialist or expert that documents the basis for such increased width. An increase in buffer width may be appropriate when:

a. The development proposal has the demonstrated potential for significant adverse impacts upon the wetland that can be mitigated by an increased buffer width; or;

b. The area serves as a habitat for endangered, threatened, sensitive or monitor species listed by the federal government or the State.

4. Every reasonable effort shall be made to maintain the existing viable native plant life in the buffers. Vegetation may be removed from the buffer as part of an enhancement plan approved by the Director. Enhancements will ensure that slope stability and wetland quality will be maintained or improved. Any disturbance of the buffers for wetlands shall be replanted with a diverse plant community of native northwest species that are appropriate for the specific site as determined by the Director. If the vegetation must be removed, or because of the alterations of the landscape the vegetation becomes damaged or dies, then the applicant for a permit must replace existing vegetation along wetlands with comparable specimens, approved by the Director, which will restore buffer functions within five years.

5. The Director shall require subsequent corrective actions and long-term monitoring of the project if adverse impacts to regulated wetlands or their buffers are identified.

(Ord. 2368 §48, 2012; Ord. 2301 §1 (part), 2010)

18.45.090 Wetlands Uses, Alterations and Mitigation

A. No use or development may occur in a Category I, Category II, Category III or Category IV wetland or its buffer except as specifically allowed by TMC Chapter 18.45. Any use or development allowed is subject to review and approval by the Director. Where required, a mitigation plan must be developed and must comply with the standards of mitigation required in TMC Chapter 18.45. In addition, federal and/or state authorization is required for direct impacts to waters of the United States or the State of Washington.

B. ALTERATIONS –

1. Alterations to wetlands are discouraged and are limited to the minimum necessary for project feasibility. Requests for alterations must be accompanied by a mitigation plan, are subject to Director approval, and may be approved only if the following findings are made:

a. The alteration will not adversely affect water quality;

b. The alteration will not adversely affect fish, wildlife, or their habitat;

c. The alteration will not have an adverse effect on drainage and/or storm water detention capabilities;

d. The alteration will not lead to unstable earth conditions or create an erosion hazard or contribute to scouring actions;

e. The alteration will not be materially detrimental to any other property; and

f. The alteration will not have adverse effects on any other sensitive areas.

2. Alterations are not permitted to Category I and II wetlands unless specifically exempted under the provisions of TMC Chapter 18.45.

3. Alterations to Category III wetlands are allowed only where unavoidable and adequate mitigation is carried out in accordance with the standards of this section.

4. Alterations to Category IV wetlands are allowed, only where unavoidable and adequate mitigation is carried out in accordance with the standards of TMC Section 18.45.090.

5. Wetlands that are less than 1,000 square feet may be exempted where it has been shown by the applicant that they are not associated with a riparian corridor, they are not part of a wetland mosaic, do not contain habitat identified as essential for local populations of priority species identified by the Washington State Department of Fish and Wildlife and do not score 20 points or greater for habitat in the Western Washington Wetland Rating System.

6. Mitigation plans shall be completed for any proposals for dredging, filling, alterations and relocation of wetland habitat allowed in TMC Chapter 18.45.

C. MITIGATION SEQUENCING – Applicants shall demonstrate that reasonable efforts have been examined with the intent to avoid and minimize impacts to wetlands and wetland buffers. When an alteration to a wetland or its required buffer is proposed, such alteration shall be avoided, minimized or compensated for in the following order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;

2. Minimizing wetland and wetland buffer impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

6. Monitoring the impact and taking appropriate corrective measures.

D. WETLAND MITIGATION PLAN CONTENT.

1. The mitigation plan shall be developed as part of a sensitive area study by a specialist approved by the Director. Wetland and/or buffer alteration or relocation may be allowed only when a mitigation plan clearly demonstrates that the changes would be an improvement of wetland and buffer quantitative and qualitative functions. The plan shall follow the performance standards of TMC Chapter 18.45 and show how water quality, wildlife and fish habitat, and general wetland quality would be improved.

2. The scope and content of a mitigation plan shall be decided on a case-by-case basis taking into account the degree of impact and the extent of the mitigation measures needed. As the impacts to the sensitive area increase, the mitigation measures to offset these impacts will increase in number and complexity.

3. For wetlands, the format of the mitigation plan should follow that established in Wetland Mitigation in Washington State, Part 2 – Developing Mitigation Plans (Washington Department of Ecology, Corps of Engineers, EPA, March 2006 or as amended).

4. The components of a complete mitigation plan are as follows:

a. Baseline information of quantitative data collection or a review and synthesis of existing data for both the project impact zone and the proposed mitigation site.

b. Environmental goals and objectives that describe the purposes of the mitigation measures. This should include a description of site selection criteria, identification of target evaluation species and resource functions.

c. Performance standards of the specific criteria for fulfilling environmental goals and for beginning remedial action or contingency measures. They may include water quality standards, species richness and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.

d. A detailed construction plan of the written specifications and descriptions of mitigation techniques. This plan should include the proposed construction sequence and construction management, and be accompanied by detailed site diagrams and blueprints that are an integral requirement of any development proposal.

e. A monitoring and/or evaluation program that outlines the approach for assessing a completed project for the specified monitoring period. An outline shall be included that spells out how the monitoring data will be evaluated by agencies that are tracking the mitigation project's progress.

f. Contingency plan identifying potential courses of action and any corrective measures to be taken when monitoring or evaluation indicates project performance standards have not been met.

g. Performance security or other assurance devices as described in TMC Section 18.45.210.

E. MITIGATION STANDARDS.

1. Types of Wetland Mitigation:

a. Mitigation for wetlands shall follow the mitigation sequencing steps in this chapter and may include the following types of actions:

(1) Restoration:

a) Re-establishment. The manipulation of the physical, chemical or biological characteristics of a site with the goal of restoring wetland functions to a former wetland, resulting in a net increase in wetland acres and functions;

b) Rehabilitation. The manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing historic functions and processes of a degraded wetland, resulting in a gain in wetland functions but not acreage;

(2) Creation (establishment). The manipulation of the physical, chemical or biological characteristics to develop a wetland on an upland or deepwater site, where a biological wetland did not previously exist;

(3) Enhancement. The manipulation of the physical, chemical or biological characteristics to heighten, intensify, or improve specific functions (such as vegetation) or to change the growth stage or composition of the vegetation present, resulting in a change in wetland functions but not in a gain in wetland acreage.

(4) A combination of the three types.

b. Required mitigation ratios are described in TMC Section 18.45.090.E.b.(1). Alternate mitigation ratios may be accepted by the Director upon presentation of justification based on best available science that shows the proposed compensation represents a roughly proportional exchange for the proposed impacts.

(1) Alterations are not permitted to Category I or II wetlands unless specifically exempted under the provisions of this program. When alterations are allowed, mitigation ratios for Category I wetlands shall be at a 4:1 for creation or re-establishment, 8:1 for rehabilitation, and 16:1 for enhancement. Mitigation ratios for Category II wetlands shall be at 3:1 for creation or re-establishment, 6:1 for rehabilitation and 12:1 for enhancement. Creation or re-establishment shall be contiguous to the wetland, unless an exception is authorized by the Director. For Category II estuarine wetlands, re-establishment, creation and enhancement ratios will be decided on a case-by-case basis.

(2) Alterations to Category III wetlands are prohibited except where unavoidable and mitigation sequencing in accordance with this chapter has been utilized and where mitigation is carried out in accordance with the standards in the section. Mitigation for any alteration to a Category III wetland must be provided at a ratio of 2:1 for creation or re-establishment, 4:1 for rehabilitation and 8:1 for enhancement alone.

(3) Mitigation for alteration to a Category IV wetland will be 1.5:1 for creation or re-establishment, 3:1 for rehabilitation or 6:1 for enhancement. Where only a portion of a Category IV wetland is filled, the potential functionality of the remaining reduced wetland must be considered in mitigation planning.

2. The following shall be considered the minimum performance standards for approved wetland alterations:

a. Wetland functions improved over those of the original conditions.

b. Hydrologic conditions and hydroperiods are improved over existing conditions and the specific hydrologic performance standards specified in the approved mitigation plan are achieved.

c. Acreage requirements for creation, re-establishment, rehabilitation or enhancement and for proposed wetland classes are met.

d. Vegetation native to the Pacific Northwest is installed and vegetation survival and coverage standards over time are met and maintained.

e. Habitat features are installed, if habitat is one of the functions to be improved.

f. Buffer and bank conditions and functions exceed the original state.

3. Maintenance and monitoring of mitigation shall be done by the property owner for a period of no less than five years and for ten years when the mitigation plan includes establishing forested wetland and/or buffers. Maintenance shall be carried out in accordance with the approved mitigation plan. Monitoring reports must be submitted to the City for review with the frequency specified in the approved mitigation plan.

4. The Community Development Director may approve, through a Type 2 decision, the transfer of wetland mitigation to a wetland mitigation bank using the criteria in 4.a. through 4.f. below. The Director must determine the number of wetland mitigation bank credits required to meet the mitigation ratios established in TMC Chapter 18.45.

a. Off-site mitigation is proposed in a wetland mitigation bank that has been approved by all appropriate agencies, including the Department of Ecology, Corps of Engineers, EPA and certified under state rules; and

b. The proposed wetland alteration is within the designated service area of the wetland bank; and

c. The applicant provides a justification for the number of credits proposed; and

d. The mitigation achieved through the number of credits required meets the intent of TMC Chapter 18.45; and

e. The Director bases the decision on a written staff report, evaluating the equivalence of the lost wetland functions with the number of wetland credits required; and

f. The applicant provides a copy of the wetland bank ledger demonstrating that the approved number of credits has been removed from the bank.

F. WETLAND AND BUFFER MITIGATION LOCATION.

1. In instances where portions of a wetland or wetland buffer impacted by development remain, mitigation for buffer impacts shall be provided on-site. Where an essential public road, street or right-of-way or essential public utility cannot avoid reducing a buffer by more than 50%, additional buffer enhancement must be carried out at other locations around the impacted wetland.

2. On-site mitigation for wetland impacts shall be provided, except where the applicant can demonstrate that:

a. On-site wetland mitigation is not scientifically feasible due to problems with hydrology, soils, waves or other factors; or

b. Mitigation is not practical due to potentially adverse impact from surrounding land uses; or

c. Existing functions created at the site of the proposed restoration are significantly greater than lost wetland functions ; or

d. Regional goals for flood storage, flood conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site.

3. Off-site mitigation shall occur within the same watershed where the wetland loss occurred.

4. Mitigation sites located within the Tukwila City limits are preferred. However, the Director may approve mitigation sites outside the city upon finding that:

a. Adequate measures have been taken to ensure the non-development and long-term viability of the mitigation site; and

b. Adequate coordination with the other affected local jurisdiction has occurred.

5. In selecting mitigation sites, applicants shall select a site in a location where the targeted functions can reasonably be performed and sustained and shall pursue sites in the following order of preference:

a. Sites within the immediate drainage sub-basin;

b. Sites within the next higher drainage sub-basin;

and

c. Sites within Green/Duwamish River basin.

G. MITIGATION TIMING – Mitigation projects shall be completed prior to activities that will permanently disturb wetlands and either prior to or immediately after activities that will temporarily disturb wetlands. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife, flora and water quality, and shall be completed prior to use or occupancy of the activity or development. The Director may allow activities that permanently disturb wetlands prior to implementation of the mitigation plan under the following circumstances:

1. To allow planting or re-vegetation to occur during optimal weather conditions;

2. To avoid disturbance during critical wildlife periods; or

3. To account for unique site constraints that dictate construction timing or phasing.

(Ord. 2301 §1 (part), 2010)

18.45.100 Watercourse Designations, Ratings and Buffers

A. WATERCOURSE RATINGS. Watercourse ratings are consistent with the Washington Department of Natural Resources water typing categories (noted in parentheses after each category), which are based on the existing habitat functions and are rated as follows:

1. Type 1 (S) Watercourse: Watercourses inventoried as Shorelines of the State, under RCW 90.58. These watercourses shall be regulated under TMC Chapter 18.44, Shoreline Overlay.

2. Type 2 (F) Watercourse: Those watercourses that are known to be used by fish or meet the physical criteria to be potentially used by fish and that have perennial (year-round) or seasonal flows.

3. Type 3 (Np) Watercourse: Those watercourses that have perennial flows and do not meet the criteria of a Type F stream or have been proven not to contain fish using methods described in the Forest Practices Board Manual Section 13.

4. Type 4 (Ns) Watercourse: Those watercourses that have intermittent flows (do not have surface flow during at least some portion of the year) and do not meet the physical criteria of a Type F watercourse.

B. WATERCOURSE BUFFERS – Any land alteration must be located out of the buffer areas as required by this section. Watercourse buffers are intended in general to:

1. Minimize long-term impacts of development on properties containing watercourses;

2. Protect the watercourse from adverse impacts during development;

3. Preserve the edge of the watercourse and its buffer for its critical habitat value;

4. Provide shading to maintain stable water temperatures and vegetative cover for additional wildlife habitat;

5. Provide input of organic debris and uptake of nutrients;

6. Provide an area to stabilize banks, to absorb overflow during high water events and to allow for slight variation of aquatic system boundaries over time due to hydrologic or climatic effects;

7. Reduce erosion and increased surface water runoff;

8. Reduce loss of, or damage to, property;

9. Intercept fine sediments from surface water runoff and serve to minimize water quality impacts; and

10. Protect the sensitive area from human and domestic animal disturbance.

An undisturbed sensitive area or buffer may substitute for the yard setback and landscape requirements of TMC Chapter 18.50 and 18.52.

C. **WATERCOURSE BUFFER WIDTHS** – The following buffer widths, measured from the Ordinary High Water Mark (OHWM), apply to each side of a watercourse. If the OHWM cannot be determined, then the buffer will be measured from the top of bank:

1. Type 1 (S) Watercourse: Regulated under TMC Chapter 18.44, Shoreline Overlay.
2. Type 2 (F) Watercourse: 100-foot-wide buffer.
3. Type 3 (Np) Watercourse: 80-foot-wide buffer.
4. Type 4 (Ns) Watercourse: 50-foot-wide buffer.

D. **BUFFER SETBACKS** –

1. All commercial and industrial buildings shall be set back 15 feet and all other development shall be set back 10 feet. Building setbacks shall be measured from the foundation to the buffer's edge. Building plans shall also identify a 20-foot area beyond the buffer setback within which the impacts of development will be reviewed.

2. The Director may waive setback requirements when a site plan demonstrates there will be no impacts to the buffer from construction or occasional maintenance activities (see TMC Figure 18-2).

E. **VARIATION OF STANDARD WATERCOURSE BUFFER WIDTH** –

1. The Director may reduce the standard watercourse buffers on a case-by-case basis, only where the buffer is significantly degraded (due to existing development within the prescribed buffer width, the presence of significant amount of invasive vegetation that impairs buffer function, and/or lack of native vegetation), provided the remaining buffer is enhanced in accordance with an approved buffer enhancement plan, prepared by a qualified professional, and does not contain slopes 15% or greater. Where a buffer has a variable topography that includes Class I slopes on the landward portion of the buffer, a buffer reduction may be allowed if the proposed reduction is in the area with the Class I slopes, and a 10 foot planted setback from the top of the slope is maintained. Further, a geotechnical review of the proposed buffer enhancement plan must determine that the buffer enhancement can be implemented without destabilizing the slope. The approved buffer width shall not result in greater than a 50% reduction in width. Any buffer reduction proposal must demonstrate to the satisfaction of the Director that it will not result in direct, indirect or long-term adverse impacts to watercourses, and that:

a. The buffer is vegetated and includes an on-site buffer enhancement plan prepared by a qualified professional, to retain existing native vegetation and install additional native vegetation in order to improve the buffer function; or

b. If there is no significant vegetation in the buffer, a buffer may be reduced only if an on-site buffer enhancement plan is provided. The plan must include using a variety of native vegetation that improves the functional attributes of the buffer and provides additional protection for the watercourse functions.

2. Buffers for all types of watercourses will be increased when they are determined to be particularly sensitive to disturbance or the proposed development will create unusually adverse impacts. Any increase in the width of the buffer shall be required only after completion of a watercourse study by a qualified specialist or expert that documents the basis for such increased width. An increase in buffer width may be appropriate when:

a. The development proposal has the demonstrated potential for significant adverse impacts upon the watercourse that can be mitigated by an increased buffer width; or

b. The area serves as habitat for endangered, threatened, sensitive or monitor species listed by the federal government or the State.

3. Every reasonable effort shall be made to maintain the existing viable native plant life and non-invasive significant trees in the buffers. Vegetation may be removed from the buffer as part of an enhancement plan approved by the Director. Enhancements will ensure that slope stability and watercourse quality will be maintained or improved. Any disturbance of the buffers for watercourses shall be replanted with a diverse plant community of native northwest species that are appropriate for the specific site as determined by the Director. If the vegetation must be removed, or because of the alterations of the landscape the vegetation becomes damaged or dies, then the applicant for a permit must replace existing vegetation along watercourses with comparable specimens, approved by the Director, that will restore buffer functions within five years.

4. The Director shall require subsequent corrective actions and long-term monitoring of the project if adverse impacts to regulated watercourses or their buffers are identified.

(Ord. 2301 §1 (part), 2010)

18.45.110 Watercourse Alterations and Mitigation

A. **WATERCOURSE ALTERATIONS.** No use or development may occur in a watercourse or its buffer except as specifically allowed by TMC Chapter 18.45. Any use or development allowed is subject to the standards of TMC Chapter 18.45.

B. **ALTERATIONS.**

1. Diverting or rerouting may only occur with the permission of the Director and an approved mitigation plan.

2. Any watercourse that has critical wildlife habitat, or is necessary for the life cycle or spawning of salmonids, shall not be rerouted unless it can be shown that the habitat will be improved for the benefit of the species.

3. A watercourse may be rerouted or day lighted as a mitigation measure to improve watercourse function.

4. As a condition of approval, the Director may require water quality monitoring for stormwater discharges to streams, and additional treatment of stormwater if water quality standards are not being met.

5. Piping of any watercourse should be avoided. Relocation of a watercourse or installation of a bridge is preferred to piping. If piping occurs in a watercourse sensitive area, it shall be limited to requirements for stream crossings for access and shall require approval of the Director.

a. Piping of Type 1 watercourses shall not be permitted.

b. Piping may be allowed in watercourses if it is necessary for access purposes. In all watercourses, it must be demonstrated that the piping will not cause adverse impacts to fish, confine the channel or floodplain, create an entry point for road run-off, create downstream scouring, cause erosion or sedimentation, or adversely impact riparian habitat (including downstream habitat).

c. Piping projects shall be performed pursuant to the following applicable standards:

(1). The conveyance system shall be designed to comply with the standards in current use and recommended by the Department of Public Works and the standards of the Washington Department of Fish and Wildlife in the "Design of Road Culverts for Fish Passage" manual (2003 or as amended).

(2). Where allowed, piping shall be limited to the shortest length possible as determined by the Director to allow access onto a property.

(3) Where water is piped for an access point, those driveways or entrances shall be consolidated to serve multiple properties where possible, and to minimize the length of piping.

(4) When required by the Director, watercourses under drivable surfaces shall be contained in an arch culvert using oversize or super span culverts for rebuilding of a streambed. These shall be provided with check dams to reduce flows, and shall be replanted and enhanced according to a plan approved by the Director.

(5) All watercourse crossings shall be designed to accommodate fish passage, unless technically not feasible.

(6) Water quality must be as good or better for any water exiting the pipe as for the water entering the pipe, and flow must be comparable.

(7) Maintenance dredging of watercourses shall be allowed only when necessary to protect public safety, structures and fish passage and shall be done as infrequently as possible. Long-term solutions such as stormwater retrofits are preferred over ongoing maintenance dredging.

d. Stormwater runoff shall be detained and infiltrated to preserve the watercourse channel's dominant discharge.

e. All construction shall be designed to have the least adverse impact on the watercourse, buffer and surrounding environment.

f. All piping or other alterations shall be carried out or constructed during periods of low flow, or as specified by the State Department of Fish and Wildlife in accordance with an approved Hydraulics Permit.

g. On properties being developed or re-developed, or when stream crossings in public or private rights-of-way are being replaced, existing culverts that carry fish-bearing watercourses or those that could bear fish (based on the criteria in WAC 222-16-031, Washington Forest Practices Rules and Regulations), shall be upgraded to meet the standards in the WDFW manual "Design of Road Culverts for Fish Passage" (2003 or as updated) if technically feasible.

C. **MITIGATION PLAN CONTENT.** All impacts to a watercourse that degrade the functions of the watercourse or its buffer shall be avoided. If alteration to the watercourse or buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated in accordance with an approved mitigation plan as described below.

1. Mitigation plans shall be completed for any proposals of dredging, filling, diverting, piping and rerouting of watercourses or buffer impacts and shall be developed as part of a sensitive area study by a specialist approved by the Director. The plan must show how water quality, treatment, erosion control, pollution reduction, wildlife and fish habitat, and general watercourse quality would be improved.

2. The scope and content of a mitigation plan shall be decided on a case-by-case basis taking into account the degree of impact and extent of mitigation measures needed. As the impacts to the watercourse or its buffer increase, the mitigation plan to offset these impacts will increase in extent and complexity.

3. The components of a complete mitigation plan are as follows:

a. Baseline information including existing watercourse conditions such as hydrologic patterns/flow rates, stream gradient, bank full width, stream bed conditions, bank conditions, fish and other wildlife use, in-stream structures, riparian conditions, buffer characteristics, water quality, fish barriers and other relevant information.

b. Environmental goals and objectives that describe the purposes of the mitigation measures. This should include a description of site selection criteria, identification of target evaluation species and functions.

c. Performance standards for fulfilling environmental goals and objectives and for triggering remedial action or contingency measures. Performance standards may include water quality standards, species richness and diversity targets, habitat diversity indices, creation of fish habitat, or other ecological, geological or hydrological criteria.

d. Detailed construction plan of the written specifications and descriptions of mitigation techniques. This plan should include the proposed construction sequence and construction management, and be accompanied by detailed site diagrams and blueprints that are an integral requirement of any development proposal.

e. Monitoring and/or evaluation program that outlines the approach for assessing a completed project. An outline shall be included that spells out how the monitoring data will be evaluated by agencies that are tracking the mitigation project's process. For projects that discharge stormwater to a stream, the Director may require water quality monitoring.

f. Contingency plan identifying potential courses of action and any corrective measures to be taken when monitoring or evaluation indicates project performance standards have not been met.

g. Performance security or other assurance devices as described in TMC Section 18.45.210.

D. MITIGATION STANDARDS-

1. The Washington "Stream Habitat Restoration Guidelines" (Washington State Aquatic Habitat Guidelines Program, Washington Department of Ecology, US Fish and Wildlife Service, Washington Department of Fish and Wildlife, 2004 or as amended) shall be used as Best Available Science for the development of watercourse and buffer mitigation techniques.

2. The following shall be considered the minimum standards for approved stream alterations:

a. Maintenance or improvement of stream channel habitat and dimensions such that the fisheries habitat functions of the compensatory stream reach or exceed that of the original stream;

b. Bank and buffer configuration restored to an enhanced state;

c. Channel, bank and buffer areas replanted with native vegetation that improves the original in species diversity and density;

d. Stream channel bed and biofiltration systems equivalent to (in the case of public drainage maintenance projects) and better than in the original stream (in the case of other kinds of projects);

e. Original fish and wildlife habitat enhanced unless technically not feasible.

3. Relocation of a watercourse shall not result in the new sensitive area or buffer extending beyond the development site and onto adjacent property without the written agreement of the affected property owners.

F. **MITIGATION TIMING** – Department of Community Development-approved plans must have the mitigation construction completed before the existing watercourse can be modified. The Director may allow activities that permanently disturb a watercourse prior to implementation of the mitigation plan under the following circumstances:

1. To allow planting or re-vegetation to occur during optimal weather conditions; or

2. To avoid disturbance during critical wildlife periods; or

3. To account for unique site constraints that dictate construction timing or phasing.

(Ord. 2301 §1 (part), 2010)

18.45.120 Areas of Potential Geologic Instability Designation, Rating and Buffers

A. **DESIGNATION** – Areas of potential geologic instability are classified as follows:

1. Class 1 area, where landslide potential is low, and which slope is less than 15%;

2. Class 2 areas, where landslide potential is moderate, which slope is between 15% and 40%, and which are underlain by relatively permeable soils;

3. Class 3 areas, where landslide potential is high, which include areas sloping between 15% and 40%, and which are underlain by relatively impermeable soils or by bedrock, and which also include all areas sloping more steeply than 40%;

4. Class 4 areas, where landslide potential is very high, which include sloping areas with mappable zones of groundwater seepage, and which also include existing mappable landslide deposits regardless of slope;

B. **BUFFERS** – The buffers for areas of potential geologic instability are intended to:

1. Minimize long-term impacts of development on properties containing sensitive areas;

2. Protect sensitive areas from adverse impacts during development;

3. Prevent loading of potentially unstable slope formations;

4. Protect slope stability;

5. Provide erosion control and attenuation of precipitation surface water and stormwater runoff; and

6. Reduce loss of or damage to property.

An undisturbed sensitive area or buffer may substitute for the yard setback and landscape requirements of TMC Section 18.50 and 18.52.

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

D. Buffers may be increased by the Director when an area is determined to be particularly sensitive to the disturbance created by a development. Such a decision will be based on a City review of the report as prepared by a qualified geotechnical engineer and by a site visit.

(Ord. 2368 §49, 2012; Ord. 2301 §1 (part), 2010)

18.45.130 Areas of Potential Geologic Instability Uses, Exemptions, Alterations and Mitigation.

A. **GENERAL** – The uses permitted in the underlying zoning district may be undertaken on sites that contain areas of potential geologic instability subject to the standards of this section and the recommendations of a geotechnical study.

B. **EXEMPTIONS** – The following areas are exempt from regulation as geologically hazardous areas:

1. Temporary stockpiles of topsoil, gravel, beauty bark or other similar landscaping or construction materials;
2. Slopes related to materials used as an engineered pre-load for a building pad;
3. Any temporary slope that has been created through legal grading activities under an approved permit may be re-graded without application of TMC Chapter 18.45 under an approved permit;
4. Roadway embankments within right-of-way or road easements; and
5. Slopes retained by approved engineered structures.

C. **ALTERATIONS** –

1. Prior to permitting alteration of an area of potential geologic instability, the applicant must demonstrate one of the following:

a. There is no evidence of past instability or earth movement in the vicinity of the proposed development, and where appropriate, quantitative analysis of slope stability indicates no significant risk to the proposed development or surrounding properties; or

b. The area of potential geologic instability can be modified or the project can be designed so that any potential impact to the project and surrounding properties is eliminated, slope stability is not decreased, and the increase in surface water discharge or sedimentation shall not decrease slope stability.

2. Where any portion of an area of potential geologic instability is cleared for development, a landscaping plan for the site shall include tree replanting with an equal mix of evergreen and deciduous trees, preferably native, and approved by the Director. Replacement vegetation shall be sufficient to provide erosion and stabilization protection.

D. **DISCLOSURES, DECLARATIONS AND COVENANTS**

1. It shall be the responsibility of the applicant to submit, consistent with the findings of the geotechnical report, structural plans that were prepared and stamped by a structural engineer. The plans and specifications shall be accompanied by a letter from the geotechnical engineer who prepared the geotechnical report stating that in his/her judgment the plans and specifications conform to the recommendations in the geotechnical report, the risk of damage to the proposed development site from soil instability will be minimal subject to the conditions set forth in the report, and the proposed development will not increase the potential for soil movement.

2. Further recommendations signed and sealed by the geotechnical engineer shall be provided should there be additions or exceptions to the original recommendations based on the plans, site conditions or other supporting data. If the geotechnical engineer who reviews the plans and specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the City accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her recommendations.

3. The architect or structural engineer shall submit to the City, with the plans and specifications, a letter or notation on the design drawings at the time of permit application stating that he or she has reviewed the geotechnical report, understands its recommendations, has explained or has had explained to the owner the risks of loss due to slides on the site, and has incorporated into the design the recommendations of the report and established measures to reduce the potential risk of injury or damage that might be caused by any earth movement predicted in the report.

4. The owner shall execute a Sensitive Areas Covenant and Hold Harmless Agreement running with the land on a form provided by the City. The City will file the completed covenant with the King County Department of Records and Elections at the expense of the applicant or owner. A copy of the recorded covenant will be forwarded to the owner.

E. **ASSURANCE DEVICES** – Whenever the City determines that the public interest would not be served by the issuance of a permit in an area of potential geologic instability without assurance of a means of providing for restoration of areas disturbed by, and repair of property damage caused by, slides arising out of or occurring during construction, the Director may require assurance devices pursuant to TMC Section 18.45.210.

F. CONSTRUCTION MONITORING –

1. Where recommended by the geotechnical report, the applicant shall retain a geotechnical engineer to monitor the site during construction. The applicant shall preferably retain the geotechnical engineer who prepared the final geotechnical recommendations and reviewed the plans and specifications. If a different geotechnical engineer is retained by the owner, the new geotechnical engineer shall submit a letter to the City stating whether or not he/she agrees with the opinions and recommendations of the original geotechnical engineer. Further recommendations, signed and sealed by the geotechnical engineer, and supporting data shall be provided should there be exceptions to the original recommendations.

2. The geotechnical engineer shall monitor, during construction, compliance with the recommendations in the geotechnical report, particularly site excavation, shoring, soil support for foundations including piles, subdrainage installations, soil compaction and any other geotechnical aspects of the construction. Unless otherwise approved by the City, the specific recommendations contained in the soils report must be implemented by the owner. The geotechnical engineer shall make written, dated monitoring reports on the progress of the construction to the City at such timely intervals as shall be specified. Omissions or deviations from the approved plans and specifications shall be immediately reported to the City. The final construction monitoring report shall contain a statement from the geotechnical engineer that based upon his or her professional opinion, site observations and testing during the monitoring of the construction, the completed development substantially complies with the recommendations in the geotechnical report and with all geotechnical-related permit requirements. Occupancy of the project will not be approved until the report has been reviewed and accepted by the Director.

G. CONDITIONING AND DENIAL OF USE OR DEVELOPMENTS –

1. Substantial weight shall be given to ensuring continued slope stability and the resulting public health, safety and welfare in determining whether a development should be allowed.

2. The City may impose conditions that address site-work problems which could include, but are not limited to, limiting all excavation and drainage installation to the dryer season, or sequencing activities such as installing erosion control and drainage systems well in advance of construction. A permit will be denied if it is determined by the Director that the development will increase the potential of soil movement that results in an unacceptable risk of damage to the proposed development, its site or adjacent properties.

(Ord. 2301 §1 (part), 2010)

18.45.140 Abandoned Mine Areas

A. Development of a site containing an abandoned mine area may be permitted when a geotechnical report shows that significant risks associated with the abandoned mine workings can be eliminated or mitigated so that the site is safe. Approval shall be obtained from the Director before any building or land-altering permit processes begin.

B. Any building setback or land alteration shall be based on the geotechnical report.

C. The City may impose conditions that address site-work problems which could include, but are not limited to, limiting all excavation and drainage installation to the dryer season, or sequencing activities such as installing drainage systems or erosion controls well in advance of construction. A permit will be denied if it is determined that the development will increase the potential of soil movement or result in an unacceptable risk of damage to the proposed development or adjacent properties.

D. The owner shall execute a Sensitive Areas Covenant and Hold Harmless Agreement running with the land on a form provided by the City. The City will file the completed covenant with the King County Division of Records and Elections at the expense of the applicant or owner. A copy of the recorded covenant will be forwarded to the owner.

(Ord. 2301 §1 (part), 2010)

18.45.150 Fish and Wildlife Habitat Conservation Areas Designation, Mapping, Uses and Standards

A. **DESIGNATION** – Fish and wildlife habitat conservation areas include the habitats listed below:

1. Areas with which endangered, threatened, and sensitive species have a primary association;
2. Habitats and species of local importance, including but not limited to bald eagle habitat, heron rookeries;
3. Commercial and recreational shellfish areas;
4. Kelp and eelgrass beds;
5. Mudflats and marshes;
6. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat;
7. Waters of the State;
8. State natural area preserves and natural resource conservation areas; and
9. Areas critical for habitat connectivity.

B. **MAPPING** –

1. The approximate location and extent of known fish and wildlife habitat conservation areas are identified by the City's Sensitive Areas Maps, inventories, open space zones, and Natural Environment Background Report. The City designates 1, 2, 5, 6, 7, and 9 above as known fish and wildlife habitats within its current limits.

2. Fish and wildlife habitat conservation areas correlate closely with the areas identified as regulated watercourses and wetlands and their buffers in Tukwila. The Green/Duwamish River is recognized as the most significant fish and wildlife habitat corridor, as well as off-channel habitat areas created in the river to improve salmon habitat (shown on the Sensitive Areas Map) in the Shoreline jurisdiction. Gilliam Creek, Riverton Creek, Southgate Creek, Johnson Creek, and Hamm Creek (in the north PAA) all provide salmonid habitat. In addition, the Native Growth Protection Area in the Tukwila South project area provides an important upland wildlife habitat corridor. Tukwila Pond and its associated wetlands also meet the definition of a fish and wildlife habitat for waterfowl and other birds during all seasons of the year. In addition to the Sensitive Areas Maps, the following maps are to be used as a guide for the City, but do not provide a final habitat area designation:

- a. Washington State Department of Fish and Wildlife Priority Habitat Species Maps;
- b. Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington Conservation Commission; and
- c. Washington State Digital Coastal and Coastal Zone Management Program.

C. **BUFFERS** - Fish and Wildlife Habitat Conservation Areas shall have buffers no less than 100 feet in width. Buffer reductions approved for an underlying wetland or watercourse shall also apply to the related Conservation Area.

D. **USES AND STANDARDS** - Fish and wildlife habitat conservation areas will be regulated through TMC Chapter 18.44, Shoreline Overlay District, and the regulations in TMC Chapter 18.45 related to wetlands and watercourses. No additional use regulations apply specifically to Conservation Areas.

(Ord. 2301 §1 (part), 2010)

18.45.160 Sensitive Area Master Plan Overlay

A. The purpose of this section is to provide an alternative to preservation of existing individual wetlands, watercourses and their buffers in situations where an area-wide plan for alteration and mitigation will result in improvements to water quality, fish and wildlife habitat and hydrology beyond those that would occur through the strict application of the provisions of TMC Chapter 18.45.

B. The City Council may designate certain areas as Sensitive Area Master Plan Overlay Districts for the purpose of allowing and encouraging a comprehensive approach to sensitive area protection, restoration, enhancement and creation in appropriate circumstances utilizing best available science. Designation of Sensitive Area Master Plan Overlay Districts shall occur through the Type 5 decision process established by TMC Chapter 18.104.

C. Criteria for designating a Sensitive Area Master Plan Overlay District shall be as follows:

1. The overlay area shall be at least 10 acres.

2. The City Council shall find that preparation and implementation of a Sensitive Area Master Plan is likely to result in net improvements in sensitive area functions when compared to development under the general provisions of TMC Chapter 18.45.

D. Within a Sensitive Area Master Plan Overlay District, only those uses permitted under TMC Sections 18.45.070, 18.45.090 and 18.45.110 shall be allowed within a Category I wetland, a Type 1 (S) watercourse, or their buffers.

E. Within a Sensitive Area Master Plan Overlay district, the uses permitted under TMC 18.45.070, 18.45.090 and 18.45.110 and other uses as identified by an approved Sensitive Area Master Plan shall be permitted within Category III and Category IV wetlands and their buffers; and within Type 2, (F) 3 (Np) and 4 (Ns) watercourses and their buffers, provided that such uses are allowed by the underlying zoning designation.

F. A Sensitive Area Master Plan shall be prepared under the direction of the Director of Community Development. Consistent with subsection A, the Director may approve development activity within a Sensitive Area Overlay District for the purpose of allowing and encouraging a comprehensive approach to sensitive areas protection, creation, and enhancement that results in environmental benefits that may not be otherwise achieved through the application of the requirements of TMC Chapter 18.45.

G. The Director shall consider the following factors when determining whether a proposed Sensitive Areas Overlay and Master Plan results in an overall net benefit to the environment and is consistent with best available science:

1. Whether the Master Plan is consistent with the goals and policies of the Natural Environment Element of the Tukwila Comprehensive Plan.

2. Whether the Master Plan is consistent with the purposes of TMC Chapter 18.45 as stated in TMC Section 18.45.010.

3. Whether the Master Plan includes a Mitigation Plan that incorporates stream or wetland restoration, enhancement or creation meeting or exceeding the requirements of TMC Section 18.45.090 and/or TMC Section 18.45.110, as appropriate.

4. Whether proposed alterations or modifications to sensitive areas and their buffers and/or alternative mitigation results in an overall net benefit to the natural environment and improves sensitive area functions.

5. Whether the Mitigation Plan gives special consideration to conservation and protection measures necessary to preserve or enhance anadromous fisheries.

6. Mitigation shall occur on-site unless otherwise approved by the Director. The Director may approve off-site mitigation only upon determining that greater protection, restoration or enhancement of sensitive areas could be achieved at an alternative location within the same watershed.

7. Where feasible, mitigation shall occur prior to grading, filling or relocation of wetlands or watercourses.

8. At the discretion of the Director, a proposed Master Plan may undergo peer review, at the expense of the applicant. Peer review, if utilized, shall serve as one source of input to be utilized by the Director in making a final decision on the proposed action.

H. A Sensitive Area Master Plan shall be subject to approval by the Director of Community Development. Such approval shall not be granted until the Master Plan has been evaluated through preparation of an Environmental Impact Statement (EIS) under the requirements of TMC Chapter 21.04. The EIS shall compare the environmental impacts of development under the proposed Master Plan relative to the impacts of development under the standard requirements of TMC Chapter 18.45. The Director shall approve the Sensitive Area Master Plan only if the evaluation clearly demonstrates overall environmental benefits, giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(Ord. 2301 §1 (part), 2010)

18.45.170 Sensitive Areas Tracts and Easements

A. In development proposals for planned residential or mixed use developments, short subdivisions or subdivisions, and boundary line adjustments and binding site plans, applicants shall create sensitive areas tracts or easements, in lieu of an open space tract, per the standards of the Planned Residential Development District chapter of this title.

B. Applicants proposing development involving uses other than those listed in TMC Section 18.45.170A, on parcels containing sensitive areas or their buffers, may elect to establish a sensitive areas tract or easement which shall be:

1. If under one ownership, owned and maintained by the ownership;
2. If held in common ownership by multiple owners, maintained collectively; or
3. Dedicated for public use if acceptable to the City or other appropriate public agency.

C. A notice shall be placed on the property title or plat map that sensitive area tracts or easements shall remain undeveloped in perpetuity.

(Ord. 2301 §1 (part), 2010)

18.45.180 Exceptions

A. REASONABLE USE EXCEPTIONS –

1. If application of TMC Chapter 18.45 would deny all reasonable use of the property containing wetlands, watercourses or their buffers, the property owner or the proponent of a development proposal may apply for a reasonable use exception.

2. Applications for a reasonable use exception shall be a Type 3 decision and shall be processed pursuant to TMC Chapter 18.104.

3. If the applicant demonstrates to the satisfaction of the Hearing Examiner that application of the provisions of TMC Chapter 18.45 would deny all reasonable use of the property, development may be allowed that is consistent with the general purposes of TMC Chapter 18.45 and the public interest.

4. The Hearing Examiner, in granting approval of the reasonable use exception, must determine that:

a. There is no feasible on-site alternative to the proposed activities, including reduction in size or density, modifications of setbacks, buffers or other land use restrictions or requirements, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning that would allow a reasonable economic use with fewer adverse impacts to the sensitive area.

b. As a result of the proposed development there will be no unreasonable threat to the public health, safety or welfare on or off the development proposal site.

c. Alterations permitted shall be the minimum necessary to allow for reasonable use of the property.

d. The proposed development is compatible in design, scale and use with other development with similar site constraints in the immediate vicinity of the subject property if such similar sites exist.

e. Disturbance of sensitive areas has been minimized by locating any necessary alterations in the buffers to the greatest extent possible.

f. The inability to derive reasonable use of the property is not the result of:

(1) a segregation or division of a larger parcel on which a reasonable use was permissible after the effective date of Sensitive Areas Ordinance No. 1599, June 10, 1991;

(2) actions by the owner of the property (or the owner's agents, contractors or others under the owner's control) that occurred after the effective date of the sensitive areas ordinance provisions that prevents or interferes with the reasonable use of the property; or

(3) a violation of the sensitive areas ordinance;

g. The Hearing Examiner, when approving a reasonable use exception, may impose conditions, including but not limited to a requirement for submission and implementation of an approved mitigation plan designed to ensure that the development:

(1) complies with the standards and policies of the sensitive areas ordinance to the extent feasible; and

(2) does not create a risk of damage to other property or to the public health, safety and welfare.

h. Approval of a reasonable use exception shall not eliminate the need for any other permit or approval otherwise required for a project, including but not limited to design review.

B. **EMERGENCIES** – Alterations in response to an emergency that poses an immediate threat to public health, safety or welfare, or that poses an immediate risk of damage to private property may be excepted. Any alteration undertaken as an emergency shall be reported within one business day to the Community Development Department. The Director shall confirm that an emergency exists and determine what, if any, mitigation and conditions shall be required to protect the health, safety, welfare and environment and to repair any damage to the sensitive area and its required buffers. Emergency work must be approved by the City. If the Director determines that the action taken, or any part thereof, was beyond the scope of an allowed emergency action, then the enforcement provisions of TMC Section 18.45.195 shall apply.

(Ord. 2368 §50, 2012; Ord. 2301 §1 (part), 2010)

18.45.190 Appeals

A. Any appeal of a final decision made by the Community Development Department, pursuant to TMC Chapter 18.45, shall be an appeal of the underlying permit or approval. Any such appeal shall be processed pursuant to TMC Section 18.108.020 and TMC Chapter 18.116.

B. In considering appeals of decisions or conditions, the following shall be considered:

1. The intent and purposes of the sensitive areas ordinance;
2. Technical information and reports considered by the Community Development Department; and
3. Findings of the Director, which shall be given substantial weight.

(Ord. 2301 §1 (part), 2010)

18.45.195 Appeals

A. **VIOLATIONS.** The following actions shall be considered a violation of this chapter:

1. To use, construct or demolish a structure or to conduct clearing, earth-moving, construction or other development not authorized under a Special Permission, Reasonable Use or other permit where such permit is required by this chapter.
2. Any work that is not conducted in accordance with the plans, conditions, or other requirements in a permit approved pursuant to this chapter, provided the terms or conditions are stated in the permit or the approved plans.
3. To remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter.
4. To misrepresent any material fact in any application, plans or other information submitted to obtain any sensitive area use, buffer reduction or development authorization.
5. To fail to comply with the requirements of this chapter.

B. **ENFORCEMENT.** It shall be the duty of the Community Development Director to enforce this chapter pursuant to the terms and conditions of TMC Chapter 8.45.

C. **INSPECTION ACCESS.**

1. For the purposes of inspection for compliance with the provisions of a permit or this chapter, authorized representatives of the Community Development Director may enter all sites for which a permit has been issued.

2. Upon completion of all requirements of a permit, the applicant shall request a final inspection by contacting the planner of record. The permit process is complete upon final approval by an authorized representative of the Community Development Director.

D. **PENALTIES.**

1. Any violation of any provision of this chapter, or failure to comply with any of the requirements of this chapter, shall be subject to the penalties prescribed in TMC Chapter 8.45, "Enforcement," and shall be imposed pursuant to the procedures and conditions set forth in that chapter.

2. It shall not be a defense to the prosecution for failure to obtain a permit required by this chapter that a contractor, subcontractor, person with responsibility on the site, or person authorizing or directing the work erroneously believed a permit had been issued to the property owner or any other person.

E. **REMEDIAL MEASURES REQUIRED.** In addition to penalties provided in TMC Chapter 8.45, the Director may require any person conducting work in violation of this chapter to mitigate the impacts of unauthorized work by carrying out remedial measures.

1. Remedial measures must conform to the policies and guidelines of this chapter.

2. The cost of any remedial measures necessary to correct violation(s) of this chapter shall be borne by the property owner and/or applicant.

F. **INJUNCTIVE RELIEF.**

1. Whenever the City has reasonable cause to believe that any person is violating or threatening to violate the sensitive areas regulations or any rule or other provisions adopted or issued pursuant to these regulations, it may either before or after the institution of any other action or proceeding authorized by this ordinance, institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. Such action shall be brought in King County Superior Court.

2. The institution of an action for injunctive relief under this section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of these regulations.

G. **ABATEMENT.** - Any use, structure, development or work that occurs in violation of these regulations, or in violation of any lawful order or requirement of the Director pursuant to this section, shall be deemed to be a public nuisance and may be abated in the manner provided by the Tukwila Municipal Code, Section 8.45.105.

(Ord. 2301 §1 (part), 2010)

18.45.200 Recording Required

The property owner receiving approval of a use or development permit pursuant to TMC Chapter 18.45 shall record the City-approved site plan, clearly delineating the wetland, watercourse, areas of potential geologic instability or abandoned mine and their buffers designated by TMC Sections 18.45.080, 18.45.090, 18.45.100, 18.45.120, 18.45.140 and 18.45.150 with the King County Division of Records and Elections. The face of the site plan must include a statement that the provisions of TMC Chapter 18.45, as of the effective date of the ordinance from which TMC Chapter 18.45 derives or is thereafter amended, control use and development of the subject property, and provide for any responsibility of the property owner for the maintenance or correction of any latent defects or deficiencies.

(Ord. 2301 §1 (part), 2010)

18.45.210 Assurance Device

A. In appropriate circumstances, such as when mitigation is not completed in advance of the project, the Director may require a letter of credit or other security device acceptable to the City to guarantee performance and maintenance requirements of TMC Chapter 18.45. All assurances shall be on a form approved by the City Attorney and be equal to 150% of the cost of the labor and materials for implementation of the approved mitigation plan.

B. When alteration of a sensitive area is approved, the Director may require an assurance device, on a form approved by the City Attorney, to cover the cost of monitoring and maintenance costs and correction of possible deficiencies for five years. In the event that more than five years monitoring and maintenance is required, the amount of security required will be for the first five years and years 7 and 10. If at the end of five years performance standards are not being achieved, an increase in the security device may be required by the Director. When another agency requires monitoring beyond the City's time period, copies of those monitoring reports shall be provided to the City.

C. The assurance device shall be released by the Director upon receipt of written confirmation submitted to the Department from the applicant's qualified professional that the mitigation or restoration has met its performance standards and is successfully established. Should the mitigation or restoration meet performance standards and be successfully established in the third or fourth year of monitoring, the City may release the assurance device early. The assurance device may be held for a longer period, if at the end of the monitoring period, the performance standards have not been met or the mitigation has not been successfully established. In such cases, the monitoring period will be extended and the bond held until the standards have been met.

D. Release of the security does not absolve the property owner of responsibility for maintenance or correcting latent defects or deficiencies or other duties under law.

(Ord. 2301 §1 (part), 2010)

18.45.220 Assessment Relief

A. **FAIR MARKET VALUE** – The King County Assessor considers sensitive area regulations in determining the fair market value of land under RCW 84.34.

B. **CURRENT USE ASSESSMENT** – Established sensitive area tracts or easements, as defined in the Definitions chapter of this title and provided for in TMC Section 18.45.170, may be classified as open space and owners thereof may qualify for current use taxation under RCW 18.34; provided, such landowners have not received density credits, or setback or lot size adjustments as provided in the Planned Residential Development District chapter of this title.

C. **SPECIAL ASSESSMENTS** – Landowners who qualify under TMC Section 18.45.220 B shall also be exempted from special assessments on the sensitive area tract or easement to defray the cost of municipal improvements such as sanitary sewers, storm sewers and water mains.

(Ord. 2301 §1 (part), 2010)

CHAPTER 18.46**PRD -
PLANNED RESIDENTIAL DEVELOPMENT****Sections:**

- 18.46.010 Purpose
- 18.46.020 Permitted Districts
- 18.46.030 Permitted Uses
- 18.46.060 Relationship of this Chapter to Other Sections and Other Ordinances
- 18.46.070 Multi-Family Density Standards
- 18.46.080 Open Space
- 18.46.090 Relationship to Adjacent Areas
- 18.46.110 Application Procedure Required for PRD Approval
- 18.46.112 Review Criteria
- 18.46.115 Restrictive Covenants Subject to Approval by City Council and City Attorney
- 18.46.120 Application Procedures for Building Permit
- 18.46.130 Minor and Major Adjustments
- 18.46.140 Expiration of Time Limits

18.46.010 Purpose

It is the purpose of this chapter to encourage imaginative site and building design and to create open space in residential developments by permitting greater flexibility in zoning requirements than is permitted by other sections of this title. Furthermore, it is the purpose of this chapter to:

1. Promote the retention of significant features of the natural environment, including topography, vegetation, waterways, wetlands and views;
2. Encourage a variety or mixture of housing types;
3. Encourage maximum efficiency in the layout of streets, utility networks, and other public improvements; and
4. Create and/or preserve usable open space for the enjoyment of the occupants and the general public.

(Ord. 1758 §1 (part), 1995)

18.46.020 Permitted Districts

Planned residential development (PRD) may be permitted in the LDR, MDR and HDR residential districts and in the TSO district when there are wetlands, watercourses, and associated buffers on the lot.

(Ord. 2235 §11, 2009; Ord. 1758 §1 (part), 1995)

18.46.030 Permitted Uses

The following uses are allowed in planned residential development:

1. In LDR Districts, only single-family detached dwellings may be permitted;
2. In MDR and HDR Districts, residential developments of all types regardless of the type of building in which such residence is located, such as single-family residences, duplexes, triplexes, fourplexes, rowhouses, townhouses or apartments; provided, that all residences are intended for permanent

occupancy by their owners or tenants. Hotels, motels, and travel trailers and mobile homes and trailer parks are excluded;

3. Accessory uses specifically designed to meet the needs of the residents of the PRD such as garages and recreation facilities of a noncommercial nature;

(Ord. 1758 §1 (part), 1995)

18.46.060 Relationship of this Chapter to Other Sections and Other Ordinances**A. Lot Size, Building Height and Setbacks.**

1. Lot Size and Setbacks. A maximum reduction of 15% for lot areas and setbacks in LDR Districts shall be permitted, provided that the following are also substantially provided:

a. At least 15% of the natural vegetation is retained (in cases where significant stands exist).

b. Advantage is taken or enhancement is achieved of unusual or significant site features such as views, watercourses, or other natural characteristics.

c. Separation of auto and pedestrian movement is provided, especially in or near areas of recreation.

d. Development aspects of the PRD complement the land use policies of the Comprehensive Plan.

2. Building Height. Building heights may be modified within a PRD when it assists in maintaining natural resources and significant vegetation, and enhances views within the site without interfering with the views of adjoining property. For increases in building height, there shall be a commensurate decrease in impervious surface.

B. Off-street Parking. Off-street parking shall be provided in a PRD in the same ratio for types of buildings and uses as required in the Off-street Parking and Loading Regulations chapter of this title. However, for multiple-family zoned sites with sensitive areas, a minimum of two parking stalls per unit will be allowed, with a 50% compact stalls allowance, and parking stalls in front of carports or garages will be allowed if the design does not affect circulation.

C. Platting Requirements. The standards of the subdivision code for residential subdivisions shall apply to planned residential developments if such standards are not in conflict with the provisions of this chapter. Upon final approval of the PRD, filing of the PRD shall be in accordance with procedures of the subdivision code if any lots are to be transferred.

D. Impervious Surface. The maximum amount of impervious surface calculated for the total development allowed on sensitive areas sites will be 50% for each single-family development and each multi-family development.

E. Recreation Space Requirements. Sensitive areas and stands of significant trees may be counted as area required to meet the recreation space minimums, if usable passive recreation opportunities within these areas are demonstrated. Opportunities could include connection and continuation of area-wide trail systems, wildlife or scenic viewing opportunities, or picnic areas.

F. Landscape and Site Treatment for Sites with Class 2, Class 3 and Class 4 Geologic Hazard Areas:

1. Downslope and Side Yard Buffers. Photomontage or computer-generated perspectives, taken from the nearest downslope off-site privately-owned property, shall show minimum landscape coverage of 25% of the structures at the time of project completion with anticipated 40% coverage within 15 years. This standard may supplement or be in lieu of the applicable landscape yard requirement.

2. Roads and Access Drives. Any road or access drive which cuts approximately perpendicular to a slope to the ridge line of a hill shall have minimum five-foot planted medians. Trees shall be a species that provides a branch pattern sufficient to provide, at maturity, 50% coverage of the pavement area. Roads or drives which require retaining walls parallel to the topographic line shall plant roadside buffers of Northwest native plant species.

G. Review guidelines contained in TMC 18.60 "Board of Architectural Review", shall apply to PRDs.

H. For single-family developments, site plans shall include placement and footprint of the residences, driveways and roads.

(Ord. 1758 §1 (part), 1995)

18.46.070 Multi-Family Density Standards

In multiple-family residential districts, the City Council may authorize a dwelling-unit density not more than 20% greater than permitted by the underlying zones, after entry of findings that the following are substantially provided:

1. A variety of housing types is offered.
2. At least 15% of the natural vegetation is retained (in cases where significant stands exist).
3. Advantage is taken or enhancement is achieved of unusual or significant site features such as views, watercourses, wetlands or other natural characteristics.
4. Separation of auto and pedestrian movement is provided, especially in or near areas of recreation.
5. Developmental aspects of the PRD complement the land use policies of the Comprehensive Plan.

(Ord. 1770 §27, 1996; Ord. 1758 §1 (part), 1995)

18.46.080 Open Space

A. Each planned residential development shall provide not less than 20% of the gross site area for common open space which shall:

1. Provide either passive or active recreation concentrated in large usable areas;
2. Network with the trail and open space system of the City and provide a connection and extension, if feasible; and
3. Be under one ownership, owned and maintained by the ownership; or be held in common ownership by all of the owners of the development by means of a homeowners' association or similar association. Such association shall be responsible for maintenance of the common open space, or be dedicated for public use if acceptable to the city or other appropriate public agency.

B. Planned residential developments shall set aside sensitive areas and their buffers in a sensitive areas tract as

required by TMC 18.45.090, and will be exempted from other open space requirements of this section.

(Ord. 1758 §1 (part), 1995)

18.46.090 Relationship to Adjacent Areas

A. The design and layout of a planned residential development shall take into account the integration and compatibility of the site to the surrounding areas. The perimeter of the PRD shall be so designed as to minimize any undesirable impact of the PRD on adjacent properties.

B. Setbacks from the property lines of the PRD shall be comparable to, or compatible with, those of the existing development of adjacent properties or, if adjacent properties are undeveloped, the type of development which may be permitted.

(Ord. 1758 §1 (part), 1995)

18.46.110 Application Procedure Required for PRD Approval

A. Filing of Application. Application for approval of the PRD shall be made on forms prescribed by the DCD and shall be accompanied by a filing fee as required in the Application Fees chapter of this title and by the following:

1. Justification for the density increases, or lot size and setback reductions, if requested by the applicant;
2. Program for development including staging or timing of development;
3. Proposed ownership pattern upon completion of the project;
4. Basic content of any restrictive covenants;
5. Provisions to assure permanence and maintenance of common open space through a homeowners' association, or similar association, condominium development or other means acceptable to the City;
6. An application for rezone may be submitted with the PRD application if rezoning is necessary for proposed density. Fees for rezone request shall be in addition to those of the PRD application;
7. An application for preliminary plat may be submitted with the PRD application, if necessary. Fees for the subdivision shall be in addition to those of the PRD application;
8. Graphic images of development in any sensitive area or buffer, including photomontage or computer-generated perspectives in a standardized format required by the Director;
9. Every reasonable effort shall be made to preserve existing trees and vegetation and integrate them into the subdivision's design by preparing a tree inventory of the significant vegetation on-site as part of the preliminary plat application. A tree and vegetation retention/removal plan shall be part of any preliminary plat application. Such tree and vegetation retention/removal plan shall assure the preservation of significant trees and vegetation.

B. City Council Public Hearing.

1. PRD's related to a subdivision or design review permit shall be processed as Type 5 decisions, pursuant to TMC 18.108.050. PRD's related to short plats, boundary line adjustments or binding site improvement plans shall be processed as Type 2 decisions, pursuant to TMC 18.108.020.

2. The PRD shall be an exception to the regulations of the underlying zoning district. The PRD shall constitute a limitation on the use and design of the site unless modified by ordinance.

*(Ord. 2097 §18, 2005; Ord. 1770 §29, 1996;
Ord. 1758 §1 (part), 1995)*

18.46.112 Review Criteria

The City Council shall find that the proposed development plans meet all of the following criteria in their decision making:

1. Requirements of the subdivision code for the proposed development have been met, if appropriate;

2. Reasons for density increases, or lot size and setback reductions, meet the criteria as listed in the Planned Residential Development District chapter of this title;

3. Adverse environmental impacts have been mitigated;

4. Compliance of the proposed PRD to the provisions of this chapter and the Sensitive Areas Overlay District chapter of this title;

5. Time limitations, if any, for the entire development and specified stages have been documented in the application;

6. Development in accordance with the Comprehensive Land Use Policy Plan and other relevant plans;

7. Compliance with design review guidelines (see *TMC Section 18.60*); and

8. Appropriate retention and preservation of existing trees and vegetation recommended by the Director.

(Ord. 1770 §30, 1996; Ord. 1758 §1 (part), 1995)

18.46.115 Restrictive Covenants Subject to Approval by City Council and City Attorney

The restrictive covenants intended to be used by the applicant in a planned residential development (PRD), which purports to restrict the use of land or the location or character of buildings or other structures thereon, must be approved by the City Council and the City Attorney before the issuance of any building permit.

(Ord. 1758 §1 (part), 1995)

18.46.120 Application Procedures for Building Permit

The following procedures are required for approval of construction for the proposed planned residential development:

1. *Time Limitation.* A complete application for the initial building permit shall be filed by the applicant within twelve months of the date on which the City Council approved the PRD. An extension of time for submitting an application may be requested in writing by the applicant, and an extension not exceeding six months may be granted by the Director. If application for the initial building permit is not made within twelve months or within the time for which an extension has been granted, the plan

shall be considered abandoned, and the development of the property shall be subject to the requirements and limitations of the underlying zone and the subdivision code.

2. *Application.* Application for building permit shall be made on forms prescribed by the DCD and shall be accompanied by a fee as prescribed by the building code.

3. *Documentation Required.* All schematic plans either presented or required in the approved PRD plans shall be included in the building permit application presented in finalized, detailed form. These plans shall include but are not limited to landscape, utility, open space, circulation, and site or subdivision plans. Final plats and public dedication documents must be approved by the City Council before the issuance of any building permits.

4. *Sureties Required for Staging.* If the PRD is to be developed in stages, sureties or other security device as shall be approved by the City Attorney shall be required for the complete PRD. The various stages or parts of the PRD shall provide the same proportion of open space and the same overall dwelling unit density as provided in the final plan.

5. *DCD Action.* The DCD shall determine whether the project plans submitted with the building permit are in compliance with and carry out the objectives of the approved PRD.

(Ord. 2097 §19, 2005; Ord. 1758 §1 (part), 1995)

18.46.130 Minor and Major Adjustments

If minor adjustments or changes are proposed following the approval of the PRD, by the City Council as provided in the Planned Residential Development District chapter of this title, such adjustments shall be approved by the DCD prior to the issuance of a building permit. Minor adjustments are those which may affect the precise dimensions or siting of structures, but which do not affect the basic character or arrangement of structures approved in the final plan, or the density of the development or open space provided. Major adjustments are those which, as determined by the DCD, substantially change the basic design, density, open space, or other substantive requirement or provision. If the applicant wishes to make one or more major changes, a revised plan must be approved pursuant to the Planned Residential Development District chapter of this title.

(Ord. 1758 §1 (part), 1995)

18.46.140 Expiration of Time Limits

Construction of improvements in the PRD shall begin within six months from the date of the issuance of the building/development permit. An extension of time for beginning construction may be requested in writing by the applicant, and such extension not exceeding six months may be granted by the Department upon showing of good cause. If construction does not occur within 12 months from the date of permit issuance or if this permit expires the plan shall be considered abandoned, and the development of the property shall be subject to the requirements and limitations of the underlying zone and the Subdivision Code.

*(Ord. 2097 §20, 2005; Ord. 1770 §31, 1996;
Ord. 1758 §1 (part), 1995)*

CHAPTER 18.50
SUPPLEMENTAL
DEVELOPMENT STANDARDS

Sections:

- 18.50.010 Purpose
- 18.50.020 Special Height Limitation Areas
- 18.50.030 Special Height Exception Areas
- 18.50.045 Height Regulations Around Major Airports
- 18.50.050 Single-Family Dwelling Design Standards
- 18.50.055 Single-Family Design Standard Exceptions
- 18.50.060 Cargo Containers as Accessory Structures
- 18.50.070 Yard Regulations
- 18.50.080 Exemption of Rooftop Appurtenances
- 18.50.083 Maximum Building Length
- 18.50.085 Maximum Percent Development Area Coverage
- 18.50.090 Height Limitation for Amusement Devices
- 18.50.100 MIC/L and MIC/H Site Lighting Standards
- 18.50.110 Archaeological/Paleontological Information Preservation Requirements
- 18.50.130 Structures Over Public R-O-W
- 18.50.140 Charging Station Locations
- 18.50.150 Retaining Wall Setback Waiver
- 18.50.200 Peer Review of Technical Studies
- 18.50.210 Marijuana Related Uses

18.50.010 Purpose

It is the purpose of this chapter to establish development standards that supplement those established within the various use districts. These supplemental standards are intended to address certain unique situations that may cross district boundaries, and to implement related policies of the Tukwila Comprehensive Plan.

(Ord. 1758 §1 (part), 1995)

18.50.020 Special Height Limitation Areas

There are hereby established special height limitation areas, as depicted by *Figure 18-3*.

(Ord. 2368 §51, 2012; Ord. 2186 §1, 2007; Ord. 1758 §1 (part), 1995)

18.50.030 Special Height Exception Areas

There are hereby established special height exception areas as depicted by Figure 18-3, within which building heights of up to four, six, or ten stories, as illustrated by the Figure, are allowed, notwithstanding the height standards for zoning districts within which the subject property may lie.

(Ord. 1758 §1 (part), 1995)

18.50.045 Height Regulations Around Major Airports

For the purposes of regulating heights within the vicinity of major airports, there are established and created certain height limitation zones which include all the land lying within the instrument approach zones, non-instrument approach zones,

transition zones, horizontal zones and conical zones. Such areas may be shown and defined on an "airport height map" which shall become a part of the ordinance codified in this section by adoption of the Council and found on file in the office of the City Clerk. No building or structure shall be erected, altered or maintained, nor shall any tree be allowed to grow to a height in excess of the height limit herein established in any of the several zones created by this section; provided, however, that this provision shall not prohibit the construction of or alteration of a building or structure to a height of 35 feet above the average finish grade of the lot. Where an area is covered by more than one height limitation zone, the more restrictive limitations shall prevail. Under the provision of this section, the City adopts the following airport height map: Airport Height Map: King County International Airport (Boeing Field), August 1, 1986, and as the same may be amended.

(Ord. 1758 §1 (part), 1995)

18.50.050 Single-Family Dwelling Design Standards

All new single-family dwellings, including accessory structures that require a building permit, must:

1. Be set upon a permanent foundation, with the space from the bottom of the home to the ground enclosed by concrete or an approved concrete product that can be either load bearing or decorative.
2. If a manufactured home, be comprised of at least two fully-enclosed parallel sections, each of not less than 12 feet wide by 36 feet long.
3. Be thermally equivalent to the State's energy code.
4. Have exterior siding that is residential in appearance including, but not limited to, wood clapboards, shingles or shakes, brick, conventional vinyl siding, fiber-cement siding, wood-composite panels, aluminum siding or similar materials. Materials such as smooth, ribbed or corrugated metal or plastic panels are not acceptable.
5. Have the front door facing the front or second front yard, if the lot is at least 40 feet wide.
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. 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 (5) and (6) may be modified by the Community Development Director as a Type 2 Special Permission decision.

1. 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.

2. 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.

(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 C/LI for any permitted or conditional use. All new containers are subject to a Type 2 special permission decision and the restrictions in the various zoning districts.

C. Criteria for approval are as follows:

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)

18.50.070 Yard Regulations

A. Fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility to the detriment of public safety. The height of opaque fences along street frontages is limited to 4 feet, with lattice or other open material allowed up to 6 feet.

B. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages.

C. Where the front yard that would normally be required on a lot is not in keeping with the prevailing yard pattern, the DCD may waive the requirement for the normal front yard and substitute therefore a special yard requirement, which shall not exceed the average of the yards provided on adjacent lots.

D. In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

E. In the case of corner lots with more than two frontages, the DCD shall determine the front yard requirements, subject to the following conditions:

1. At least one front yard shall be provided having the full depth required generally in the district;

2. The second front yard shall be the minimum set forth in the district;

3. In the case of through lots and corner lots, there will be no rear yards but only front and side yards;

4. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards. *(See Figure 18-4.)*

(Ord. 2199 §15, 2008; Ord. 1758 §1 (part), 1995)

18.50.080 Exemption of Rooftop Appurtenances

The height limitations specified in this chapter shall not apply to church spires, monuments, chimneys, water towers, elevator towers, mechanical equipment, and other similar rooftop appurtenances usually required to be placed above the roof level and not intended for human occupancy or the provision of additional floor area; provided, that mechanical equipment rooms or attic spaces are set back at least 10 feet from the edge of the roof and do not exceed 20 feet in height.

(Ord. 1758 §1 (part), 1995)

18.50.083 Maximum Building Length

In the MDR and HDR zones, the maximum building length shall be as follows:

<i>For all buildings except as described below:</i>	MDR..... 50 ft HDR 50 ft
<i>Maximum building length with bonus for modulating off-sets:</i>	
• For structures with a maximum building height of 2 stories or 25 ft., whichever is less, and having horizontal modulation or a minimum vertical change in roof profile of 4 feet at least every two units or 50 feet, whichever is less	MDR....100 ft HDR.....200 ft
• For structures with a building height over 2 stories or 25 ft., whichever is less, with a horizontal & vertical modulation of 4 ft. or an 8 ft. modulation in either direction	MDR....100 ft HDR.....200 ft
• For townhouse structures with horizontal modulation or a minimum vertical change in roof profile of 4 feet at least every two units or 50 feet, whichever is less	MDR.....80 ft HDR....125 ft

Modulation shall be required for every 2 units or 50 feet, whichever is less, as measured along the building's length. Grouping of offsets in maximum four unit modules may be permitted only with BAR approval (see Figure 18-5).

(Ord. 2199 §16, 2008; Ord. 1758 §1 (part), 1995)

18.50.085 Maximum Percent Development Area Coverage

In the MDR and HDR zones the maximum percent development area coverage shall be 50%, except for senior citizen housing developments in HDR. If the senior citizen housing is converted to regular apartments, the 50% limit must be met. Townhouse developments are allowed up to a maximum of 75% development area coverage. The Director shall allow this increase from 50% to 75% if the applicant uses low-impact development techniques, provided the site allows for such measures and the drainage design meets all adopted codes.

(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)

18.50.100 MIC/L and MIC/H Site Lighting Standards

A. The following site lighting standards shall apply to portions of developments within 100 feet of the Tukwila Manufacturing/Industrial Center boundary as defined in the 1995 Comprehensive Plan:

1. The minimum light levels in parking areas, paths between the building and street or parking areas shall be 1 foot-candle;
2. The maximum ratio of average: minimum light level shall be 4:1 for illuminated grounds;

3. Maximum illumination at the property line shall be 2 foot-candles;
 4. Lights shall be shielded to eliminate direct off-site illumination; and
 5. General grounds need not be lighted.
- B. Variation from these standards may be granted by the Director of the Department of Community Development based on technical unfeasibility or safety considerations.

(Ord. 1853 §4, 1998)

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.

2. It is recommended that the applicant coordinate a predetermination study by a professional archaeologist during the geotechnical investigation phase, to determine site archaeological potential and the likelihood of disturbing archaeological resources.

3. Excavations into historically native soil, when in an area of archaeological potential, shall have a professional archaeologist on site to ensure that all State statutes regarding archaeological conservation/ preservation are implemented. The applicant shall provide a written commitment to stop work immediately upon discovery of archaeological remains and to consult with the State Office of Archaeology and Historic Preservation (OAHP) to assess the remains and develop appropriate treatment measures. These may include refilling the excavation with no further responsibility.

4. An applicant who encounters Indian burials shall not disturb them and shall consult with OAHP and affected tribal organizations pursuant to State statutes.

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)

18.50.200 Peer Review of Technical Studies

The Department of Community Development will review all technical information submitted as part of any application to verify it meets all requirements of the Tukwila Municipal Code. At the discretion of the Director, any technical studies required as part of the application including, but not limited to, noise reports, lighting plans, and parking demand studies, may undergo peer review at the expense of the applicant.

(Ord. 2251 §60, 2009)

18.50.210 Marijuana Related Uses

A. The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the City of Tukwila is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the City of Tukwila and then only pursuant to a license issued by the State of Washington. The purposes of these provisions is solely to acknowledge the enactment by the state Liquor and Cannabis Board of a state licensing procedure and to permit, but only to the extent required by state law, marijuana producers, processors, and retailers to operate in designated zones of the City.

B. The production, processing, selling, or delivery of marijuana, marijuana-infused products, or useable marijuana may not be conducted in association with any business establishment, dwelling unit, or home occupation located in any of the following areas:

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use Office
- Office
- Residential Commercial Center
- Neighborhood Commercial Center
- Regional Commercial
- Regional Commercial Mixed Use
- Tukwila Urban Center
- Commercial/Light Industrial
- Light Industrial
- Manufacturing Industrial Center/Light
- Manufacturing Industrial Center/Heavy

C. Growth of medical marijuana for the personal medical use of an individual qualifying patient as defined in RCW 69.51A.010 is subject to strict compliance with all state regulations, procedures and restrictions as set forth or hereafter adopted at RCW Chapter 69.51A.

D. The establishment, location, operation, licensing, maintenance or continuation of a cooperative, as described in Chapter 69.51 RCW, or medical cannabis collective gardens or dispensaries as described in RCW 69.51A.085, is prohibited in all zones of the City. Any person who violates this subsection (18.50.210.D) shall be guilty of a gross misdemeanor and shall be punished by a fine not to exceed \$5,000.00, or by imprisonment in jail for a term not exceeding one year, or by both such fine and imprisonment.

E. Any violation of this section is declared to be a public nuisance per se, and, in addition to any other remedy provided by law or equity, may be abated by the City under the applicable provisions of this code or state law. Such violations shall be enforced and appealed with the procedures set forth in Tukwila Municipal Code Chapter 8.45. Each day any violation of this section occurs or continues shall constitute a separate offense.

F. Penalties.

1. **Civil Infraction.** Any person violating or failing to comply with this section of the Tukwila Municipal Code, may be issued a civil infraction citation pursuant to TMC Section 8.45.050.C. Each civil infraction shall carry with it a monetary penalty of \$200.00 for the first violation, \$350.00 for a second violation of the same nature or a continuing violation, and \$500.00 for a third or subsequent violation of the same nature or a continuing violation.

2. **Violation Notice and Order.**

a. In the alternative, any person violating or failing to comply with the provisions of this section of the Tukwila Municipal Code may be issued a Violation Notice and Order, as set forth in TMC Chapter 8.45, that shall carry with it a cumulative monetary penalty of \$1,000.00 per day for each violation from the date set for compliance until compliance with the Violation Notice and Order is achieved.

b. In addition to any penalty that may be imposed by the City, any person violating or failing to comply with this section shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.

c. Any penalties imposed under this section may be doubled should the violation(s) occur within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade to which admission is not restricted to persons aged 21 years or older, as such terms are defined in WAC 314-55-010 as now enacted or hereafter amended.

d. The penalty imposed by this section under a Violation Notice and Order constitutes a personal obligation of the person(s) responsible for the violation, and may be collected by civil action brought in the name of the City. In addition, the monetary penalties or costs assessed pursuant to this chapter may be assessed against the property that is the subject of the enforcement action.

e. The Code Enforcement Officer shall have the discretion to impose penalties in an amount lower than those set forth above.

3. **Additional Relief.** The City may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this section of the Tukwila Municipal Code. The remedies and penalties provided herein are cumulative and shall be in addition to any other remedy provided by law.

(Ord. 2479 §8, 2015 ;Ord. 2407 §10, 2013)

**CHAPTER 18.52
LANDSCAPE, RECREATION,
RECYCLING/SOLID WASTE
SPACE REQUIREMENTS**

Sections:

- 18.52.010 Purpose
- 18.52.020 Perimeter Landscaping Requirements by Zone District
- 18.52.030 Perimeter Landscape Types
- 18.52.035 Interior Parking Lot Landscaping Requirements
- 18.52.040 General Landscaping and Screening Requirements
- 18.52.050 Landscape Plan Requirements
- 18.52.060 Recreation Space Requirements
- 18.52.065 Lighting
- 18.52.070 Recycling Storage Space for Residential Uses
- 18.52.080 Recycling Storage Space for Non-Residential Uses
- 18.52.090 Design of Collection Points for Garbage and Recycling Containers

18.52.010 Purpose

The purpose of this chapter is to establish minimum requirements for landscaping to promote safety, to provide screening between incompatible land uses, to mitigate the adverse effects of development on the environment, and to improve the visual environment for resident and nonresident alike.

(Ord. 1872 §14 (part), 1999)

18.52.020 Perimeter Landscaping Requirements by Zone District

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

ZONING DISTRICTS	FRONT YARD (SECOND FRONT)	LANDSCAPE TYPE FOR FRONTS	SIDE YARD	REAR YARD	LANDSCAPE TYPE FOR SIDE/REAR
LDR (for uses other than dwelling units)	15 ²	Type I	10	10	Type I
MDR	15 ^{1,2}	Type I	10	10	Type I
HDR	15 ^{1,2}	Type I	10	10	Type I
MUO	15 (12.5) ²	Type I ⁷	5 ⁴	5 ⁴	Type I ⁷
O	15 (12.5) ²	Type I ⁷	5 ⁴	5 ⁴	Type I ⁷
RCC	20 (10) ^{2,3}	Type I ⁷	5 ⁴	10	Type II
NCC	5 ⁴	Type I ⁷	0 ⁴	0 ⁴	Type II
RC	10	Type I	5 ⁴	0 ⁴	Type II ⁸
RCM	10	Type I	5 ⁴	0 ⁴	Type II ⁸
TUC – See TMC Chapter 18.28					
C/LI	12.5 ⁵	Type I ⁶	5 ⁵	0 ⁵	Type II ⁸
LI	12.5 ²	Type II	0 ⁴	0 ⁴	Type III
HI	12.5 ²	Type II	0 ⁴	0 ⁴	Type III
MIC/L	5 ⁵	Type II	0 ⁵	0 ⁵	Type III
MIC/H	5 ⁵	Type II	0 ⁵	0 ⁵	Type III
TVS	15 ^{2,3}	Type II	0 ⁴	0 ⁴	Type III
TSO	15 ^{9,2}	Type I	0 ¹⁰	0 ¹⁰	Type III

Notes:

1. 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 upon approval as a Type 2 special permission decision.
2. 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.
3. Required landscaping may include a mix of plant materials, pedestrian amenities and features, outdoor café-type seating and similar features, subject to approval as a Type 2 special permission decision. Required plant materials will be reduced in proportion to the amount of perimeter area devoted to pedestrian oriented space.
4. Increased to 10 feet if any portion of the yard is within 50 feet of LDR, MDR or HDR.
5. Increased to 15 feet if any portion of the yard is within 50 feet of LDR, MDR or HDR.
6. Increased to Type II if the front yard contains truck loading bays, service areas or outdoor storage.

7. Increased to Type II if any portion of the yard is within 50 feet of LDR, MDR or HDR.

8. Increased to Type III if any portion of the yard is within 50 feet of LDR, MDR or HDR.

9. Only required along public streets.

10. Increased to 10 feet if adjacent to residential uses or non-TSO zoning.

B. The landscape perimeter may be averaged if the total required square footage is achieved, unless the landscaping requirement has been increased due to proximity to LDR, MDR or HDR. Landscape perimeter averaging may be allowed as a Type 2 special permission decision if all of the following criteria are met:

1. Plant material can be clustered to more effectively screen parking areas and blank building walls.

2. Perimeter averaging enables significant trees or existing built features to be retained.

3. Perimeter averaging is used to reduce the number of driveways and curb cuts and allow joint use of parking facilities between neighboring businesses.

4. Width of the perimeter landscaping is not reduced to the point that activities on the site become a nuisance to neighbors.

5. Averaging does not diminish the quality of the site landscape as a whole.

(Ord. 2442 §1, 2014; Ord. 2251 §61, 2009; Ord. 2235 §13, 2009; Ord. 1872 §14 (part), 1999)

18.52.030 Perimeter Landscape Types

A. Type I landscape perimeter.

1. Purpose is to enhance Tukwila's streetscapes, provide a light visual separation between uses and zoning districts, screen parking areas, and allow views to building entryways and signage.

2. Plant materials shall consist of the following:

a. One tree for each 30 lineal feet of required perimeter excluding curb cuts; and

b. One shrub for each 7 lineal feet of required perimeter excluding curb cuts or a planted berm at least 24 inches high; and

c. Living groundcover to cover 90% of the landscape area within three years.

B. Type II landscape perimeter.

1. Purpose is to enhance Tukwila's streetscapes, provide a moderate visual separation between uses and zoning districts, screen blank building walls and parking areas, and allow views to building entryways and signage.

2. Plant materials shall consist of the following:

a. One tree for each 20 lineal feet of required perimeter excluding curb cuts; and

b. One shrub for each 5 lineal feet of required perimeter excluding curb cuts; and

c. Living groundcover to cover 90% of the landscape area within three years.

C. Type III landscape perimeter.

1. Purpose is to provide extensive visual separation between industrial areas and nearby residential areas.

2. Plant materials shall consist of the following:

a. One tree per 20 lineal feet of required perimeter excluding curb cuts; and

b. Shrubs to provide a solid planting screen with a height of five to eight feet or a solid wooden fence or masonry wall to be approved by the Community Development Director; and

c. Living groundcover to cover 90% of the landscape area within three years.

D. Plant material requirements.

1. Plants shall meet the current American Standard for Nursery Stock (American Nursery and Landscape Association – ANLA), and shall be healthy, vigorous and well-formed, with well-developed, fibrous root systems, free from dead branches or roots. Plants shall be free from damage caused by temperature extremes, lack of or excess moisture, insects, disease, and mechanical injury. Plants in leaf shall be well foliated and of good color. Plants shall be habituated to outdoor environmental conditions (hardened-off).

2. A mix of evergreen trees and evergreen shrubs shall be used to screen blank walls.

3. Deciduous trees shall be used to allow visual access to entryways, signage and pedestrian use areas.

4. Evergreen shrubs shall be used to screen parking lots along street frontages.

5. In perimeters located adjacent to residential zones 75% of trees and shrubs shall be evergreen.

6. Evergreen trees shall be a minimum of 6 feet in height at time of planting.

7. Deciduous trees shall have at least a 2 inch caliper at time of planting, determined according to the American Standard for Nursery Stock.

8. Shrubs shall be at least 18 inches in height at time of planting.

9. No plants listed on the current King County Noxious Weed list may be used.

10. Existing vegetation may be used to meet the requirements of this chapter. All significant trees located within any required perimeter landscaping area which are not dead, dying, or diseased and which do not pose a safety hazard as determined by the Community Development Director shall be retained.

11. The classification of plant material as trees, shrubs and evergreens shall be as listed in the Hortus Third, A Concise Dictionary of Plants Cultivated in the U.S. and Canada.

(Ord. 2251 §62, 2009; Ord. 1872 §14 (part), 1999)

18.52.035 Interior Parking Lot Landscaping Requirements

Landscaping within parking areas shall be provided as shown below.

1. Requirements for each distinctly separate parking area within the LDR zone for uses other than dwelling units, and in the MDR and HDR zones:

a. For areas with up to 20 parking stalls per parking area, no interior landscaping is required.

b. For areas with 21 - 40 parking stalls per parking area, 7 square feet of interior landscape area is required for each parking stall.

c. For areas with more than 40 parking stalls per parking area, 12 square feet of interior landscape area is required for each parking stall (see Multi-Family Design Guidelines, Site Planning Section, No. 31, for the normal 15 square feet to be provided).

d. All parking areas shall have a perimeter landscape strip a minimum of 2 feet wide with an average width of 5 feet.

2. Requirements for parking lots within the O, MUO, RCC, and NCC zones:

a. For lots with up to 20 parking stalls, no interior landscaping is required.

b. For lots with 21 - 40 parking stalls, a minimum of 10 square feet of interior landscape area is required for each parking stall over 20.

c. For lots with more than 40 parking stalls, a minimum of 200 square feet of interior landscape area plus 15 square feet for each parking stall over 40 is required. For areas placed behind buildings or otherwise screened from streets, parks and City trails the interior landscape requirement is reduced to a minimum of 200 square feet plus 10 square feet for each parking stall over 40.

3. Requirements for parking lots within the RC, RCM, C/LI, TSO and TVS zones:

a. For areas adjacent to public or private streets, a minimum of 15 square feet of landscaping is required for each parking stall.

b. For areas placed behind buildings or otherwise screened from streets, parks and City trails a minimum of 10 square feet of interior landscape area is required for each parking stall.

4. Planting Standards:

a. Interior landscape islands shall be distributed to break up expanses of paving. Landscaped areas shall be placed at the ends of each interior row in the parking area, with no stall more than 10 stalls or 100 feet from a landscape area.

b. The minimum size for interior parking lot planting islands is 100 square feet.

c. Planting islands shall be a minimum of 6 feet in any direction and generally the length of the adjacent parking space.

d. Raised curbs or curb stops shall be used around the landscape islands to prevent plant material from being struck by automobiles.

e. A minimum of 1 evergreen or deciduous tree is required per landscape island, with the remaining area to contain a combination of shrubs, living groundcover and mulch.

(Ord. 2442 §2, 2014; Ord. 2251 §63, 2009; Ord. 2235 §14, 2009; Ord. 1872 §14 (part), 1999)

18.52.040 General Landscape and Screening Requirements

A. **Appropriate plant materials.** New plant materials shall include native species or non-native species that have adapted to the climatic conditions of the Puget Sound Region and are suited to the planting site, taking into account final plant size, stresses such as heat or freezing, space for planting, overhead lines or underground utilities present, and shade or sun exposure. Drought resistant species are encouraged, except where site conditions within the required landscape areas assure adequate moisture for growth. Grass may be used as a groundcover where existing or amended soil conditions assure adequate moisture for growth. Landscape perimeter trees should be selected for compatibility with existing plant material or street trees.

B. **Site preparation.** Site preparation and planting of vegetation shall be in accordance with best management practices for ensuring the vegetation's long-term health and survival and shall include incorporation and tilling in of organic material to a depth of 18 inches and mulching.

C. **Coverage standards.** All landscaped areas in the MDR and HDR zones (including shrub beds) shall achieve 90% live ground coverage in three years, and all areas not occupied by a building (including surface parking areas) shall achieve 40% horizontal tree coverage in ten years.

D. **Visibility.** The landscaping shall not obstruct view from or into the driveway, sidewalk or street. Landscape design shall allow for surveillance from streets and buildings and avoid creating areas that might harbor criminal activity. No shrubs shall be planted or allowed to grow over two feet in height within thirty feet of intersecting curblines or pavement edges (see *TMC 11.20.090*). No tree may be planted within two feet of a sidewalk or pavement edge.

E. **Outside storage areas.** Outdoor storage shall be screened from abutting public and private streets and from adjacent properties. Such screens shall be a minimum of eight feet high and not less than 60% of the height of the material stored. Said screens shall be specified on the plot plan and approved by the Community Development Director. Except in the MDR and HDR zones, where outdoor storage shall be fully screened from all public roadways and adjacent parcels with a sight obscuring structure equal in height to the stored objects and with a solid screen of exterior landscaping.

A top screen cover may be exempted if the item(s) has a finished top and an equivalent design quality is maintained. The screening structure shall reflect building architecture as determined by the BAR to be appropriate.

F. Ground level mechanical equipment and garbage storage areas shall be screened with evergreen plant materials and/or fences or masonry walls.

G. **Fences.** All fences shall be placed on the interior side of any required perimeter landscaping.

H. **Lighting.** Trees shall not be planted in locations where they would obstruct existing or planned street or site lighting.

I. **Automatic irrigation.** All landscape areas shall be served by an automatic irrigation system. Water conservation features such as moisture sensors with automatic rain shut-off devices, automatic timers, pressure regulating devices, backflow prevention devices, separate irrigation zones for grass and planting beds, and sprinkler heads matched to site and plant conditions shall be installed. Irrigation water shall be applied with goals of avoiding runoff and overspray onto adjacent property, non irrigated areas and impervious surfaces.

J. **Utility easements.** Utility easements and other similar areas between property lines and curbing shall be landscaped and/or treated with dust and erosion control planting or surfacing such as evergreens, groundcover, shrubs, trees, sod or a combination of similar materials. In areas of overhead transmission lines, no shrubs or trees over 20 feet at maturity will be allowed. Trees should not be planted within 10 feet of underground water, sewer or storm drainage pipes.

(Ord. 2251 §64, 2009; Ord. 1872 §14 (part), 1999)

18.52.050 Landscape Plan Requirements

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

B. Installation of the landscaping and screening shall be completed and a Landscaping Declaration submitted by the owner or owner's agent prior to issuance of the certificate of occupancy. If necessary, due to weather conditions or construction scheduling, the installation may be postponed to the next planting season if approved by the Community Development Director and stated on the building permit. A performance assurance device equal to 150% of the cost of the labor and materials must be provided to the City before the deferral is approved. The property owner shall keep all planting areas free of weeds and trash and replace any unhealthy or dead plant materials for the life of the project in conformance with the intent of the approved landscape plan and TMC Section 8.28.180. Any landscaping required by this chapter shall be retained and

maintained for the life of the project. Additionally, topping or removal of required trees is prohibited. Only trees that pose a danger or are diseased, as determined by an ISA certified arborist, shall be allowed to be removed. Any illegal removal of required trees shall be subject to obtaining a tree permit and replacement with trees that meet or exceed the functional value of the removed trees.

(Ord. 2368 §53, 2012; Ord. 2251 §65, 2009; Ord. 1971 §19, 2001; Ord. 1872 §14 (part), 1999)

18.52.060 Recreation Space Requirements

In all MDR and HDR zoning districts, 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 following provisions:

1. Required Area.

a. For each proposed dwelling unit in the multiple-family development and detached zero-lot-line type of development, a minimum of 400 square feet (100 square feet for senior citizen housing) of recreation space shall be provided. Any multiple-family structure, complex or development shall provide a minimum of 1,000 square feet of total recreation space.

b. Townhouse units shall provide at least 250 square feet of the 400 square feet of recreation space as private, ground level open space measuring not less than 10 feet in any dimension.

c. The front, side and rear yard setback areas required by the applicable zoning district shall not qualify as recreation space. However, these setback areas can qualify as recreation space for townhouses if they are incorporated into private open space with a minimum dimension of ten feet on all sides.

2. Indoor or Covered Space.

a. No more than 50% of the required recreation space may be indoor or covered space in standard multi-family developments. Senior citizen housing must have at least 20% indoor or covered space.

b. The Board of Architectural Review may grant a maximum of two square feet of recreation space for each one square foot of extensively improved indoor recreation space provided. Interior facility improvements would include a full range of weight machines, sauna, hot tub, large screen television and the like.

3. Uncovered Space.

a. A minimum of 50% of the total required recreation space shall be open or uncovered, up to 100% of the total requirement may be in open or uncovered recreation space in standard multi-family developments. Senior citizen housing allows up to 80% of recreation space to be outdoors and has no minimum outdoor space requirement.

b. Recreation space shall not exceed a 4% slope in any direction unless it is determined that the proposed space design clearly facilitates and encourages the anticipated use as endorsed by the Director.

c. The Board of Architectural Review may grant a maximum credit of two square feet of recreation space for each one square foot of outdoor pool and surrounding deck area.

4. **General Requirements.**

a. Multiple-family complexes (except senior citizen housing, detached zero-lot-line and townhouses with nine or fewer units), which provide dwelling units with two or more bedrooms, shall provide adequate recreation space for children with at least one space for the 5-to-12-year-old group. Such space shall be at least 25% but not more than 50% of the total recreation space required under TMC 18.52.060.1, and shall be designated, located and maintained in a safe condition.

b. Adequate fencing, plant screening or other buffer shall separate the recreation space from parking areas, driveways or public streets.

c. The anticipated use of all required recreation areas shall be specified and designed to clearly accommodate that use.

(Ord. 2199 §18, 2008; Ord. 1872 §14 (part), 1999)

18.52.065 Lighting

A. Parking and loading areas shall include lighting capable of providing adequate illumination for security and safety. Lighting standards shall be in scale with the height and use of the associated structure. Any illumination, including security lighting, shall be directed away from adjoining properties and public rights-of-way.

B. In the MDR and HDR zones, porches, alcoves and pedestrian circulation walkways shall be provided with low level safety lighting. Pedestrian walkways and sidewalks may be lighted with lighting bollards.

(Ord. 1872 §14 (part), 1999)

18.52.070 Recycling Storage Space for Residential Uses

Apartment and condominium developments over six units shall provide 1-1/2 square feet of recycling storage space per dwelling unit and located in collection points as follows:

1. No dwelling unit within the development shall be more than 200 feet from a collection point.

2. Collection points shall be located so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.

3. Collection points shall not be located in any required setback or landscape area.

(Ord. 1872 §14 (part), 1999)

18.52.080 Recycling Storage Space for Non-Residential Uses

A. Recycling storage space for non-residential uses shall be provided at the rate of at least:

1. Two square feet per every 1,000 square feet of building gross floor area in office, medical, professional, public facility, school and institutional developments.

2. Three square feet per every 1,000 square feet of building gross floor area in manufacturing, industrial and other non-residential uses not specifically mentioned in these requirements.

3. Five square feet per every 1,000 square feet of building gross floor area in retail developments.

B. Outdoor collection points shall not be located in any required setback or landscape area.

C. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.

(Ord. 1872 §14 (part), 1999)

18.52.090 Design of Collection Points for Garbage and Recycling Containers

Residential and non-residential collection points shall be designed as follows:

1. An opaque wall or fence of sufficient size and height to provide complete screening shall enclose any outside collection point. Architectural design shall be consistent with the design of the primary structure(s) on the site.

2. Collection points shall be identified by signs not to exceed two square feet.

3. Weather protection of recyclables and garbage shall be ensured by using weather-proof containers or by providing a roof over the storage area.

(Ord. 1872 §14 (part), 1999)

**CHAPTER 18.54
TREE REGULATIONS**

Sections:

- 18.54.010 Title
- 18.54.020 Purpose
- 18.54.030 Scope
- 18.54.050 Permit - Exempt Activities
- 18.54.060 Permit - Mandatory Standards
- 18.54.070 Permit Required
- 18.54.080 Permit Application Materials
- 18.54.090 Waiver to Permit Materials
- 18.54.100 Permit application fee
- 18.54.110 Applicant Insurance Required
- 18.54.120 Applicant Security Required
- 18.54.130 Permit Approval Criteria
- 18.54.140 Permit Exceptions
- 18.54.150 Permit Processing and Duration
- 18.54.160 Permit Conformance
- 18.54.170 Violations
- 18.54.180 Enforcement
- 18.54.190 Liability
- 18.54.200 Conflicts with Existing Codes and Ordinances

18.54.010 Title

This Ordinance shall be known as the City of Tukwila "Tree Ordinance," and may be so cited.

(Ord. 1758 §1 (part), 1995)

18.54.020 Purpose

This purpose of this chapter is to:

1. Mitigate certain environmental consequences of land development, and to maintain and improve the quality of Tukwila's urban environment.
2. Promote building and site planning practices that are responsive to the community's natural environment, without preventing reasonable development of land.
3. Regulate clearing of trees and understory vegetation in the City of Tukwila, in order to:
 - a. Maintain and enhance the aesthetic, ecological and economic benefits provided by vegetation, such as:
 - (1) providing wildlife habitat;
 - (2) reducing runoff and soil erosion;
 - (3) reducing air pollution;
 - (4) masking noise;
 - (5) reducing wind speed and urban "wind tunnels";
 - (6) energy conservation, cooling of urban centers;
 - (7) increasing real property values;
 - (8) enhancing visual and aesthetic qualities of the urban environment.
 - b. Maintain the viability of existing stands of trees and understory vegetation.

c. Promote retention of native vegetation in sensitive areas and their buffers, shoreline areas, and wildlife habitat areas.

4. Provide a means to implement the requirements of the Sensitive Areas Overlay District chapter of this title, relative to vegetation removal in sensitive areas and sensitive area buffers.

(Ord. 1758 §1 (part), 1995)

18.54.030 Scope

This chapter sets forth rules and regulations to control clearing of trees and understory vegetation within the City of Tukwila.

(Ord. 1758 §1 (part), 1995)

18.54.050 Permit - Exempt Activities

The following activities are exempt from the application of this chapter and do not require a Tree Clearing Permit:

1. Clearing of any vegetation; UNLESS the site on which clearing is to occur is located in a sensitive area, sensitive area buffer, or shoreline zone.
2. On sites within a sensitive area, or sensitive area buffer, or shoreline zone:
 - a. Clearing of up to 4 significant trees on a site currently zoned and developed for single-family residential use within any 36-month period; UNLESS the significant trees to be removed are located within a wetland, watercourse and their associated buffers or within the shoreline zone.
 - b. Clearing of any vegetation located outside a sensitive area, sensitive area buffer or outside the shoreline zone.
 - c. Removal of hazardous trees.
 - d. Routine maintenance of vegetation necessary to maintain the health of cultivated plants, to contain noxious weeds, or to remedy a potential fire or health hazard or threat to public safety per TMC Commercial parking subject to TMC Chapter 18.56, "Off-Street Parking and Loading Regulations." 8.28, Nuisances.
 - e. Vegetation removal necessary to the operation of an established Christmas tree farm or commercial plant nursery.
 - f. Construction and maintenance of streets and utilities within City-approved rights-of-way and easements.

(Ord. 1758 §1 (part), 1995)

18.54.060 Permit - Mandatory Standards

All removal of significant trees and understory vegetation shall be undertaken in accordance with the mandatory standards specified in this chapter, except as provided in the Waiver to Permit Materials or Exceptions sections of this chapter.

(Ord. 1758 §1 (part), 1995)

18.54.070 Permit Required

No person shall conduct any clearing of vegetation without first obtaining a Tree Clearing Permit on a form approved by the Director; unless specifically exempted under this chapter.

(Ord. 1758 §1 (part), 1995)

18.54.080 Permit Application Materials

The following materials are required to obtain a Tree Clearing Permit:

1. **Site Plan** of the proposal, showing:
 - a. Diameter, species name, location and canopy of existing significant trees in relation to proposed and existing structures, utility lines, and construction limit line;
 - b. Identification of all significant trees to be removed and/or relocated;
 - c. Existing and proposed topography of the site at 2-foot contour intervals;
 - d. Limits of any sensitive area and sensitive area buffer, and mean high water mark of the river.
2. **Landscape Plan** for the proposal, showing:
 - a. Diameter, species name, spacing and location of replacement trees/vegetation to be used to replace vegetation cleared;
 - b. Diameter, species name and location of all significant trees and vegetation to be retained;
 - c. Proposed vegetation protection measures;
 - d. Any other measures proposed to restore the environmental and aesthetic benefits previously provided by on-site vegetation.
3. **Professional review or recommendation** - Submittal of, or agreement to submit, a review, evaluation, recommendation or plan related to vegetation clearing or replacement prepared by a professional consultant(s), such as a landscape architect, surveyor, or certified arborist. Services may include, but are not limited to:
 - a. Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on-site; and/or
 - b. Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or
 - c. Post-construction site inspection and evaluation.
4. **Sensitive area mitigation plan** - Identify measures proposed for mitigation of vegetation clearing in a sensitive area and/or its buffer per the Sensitive Areas Overlay District chapter of this title.
5. **Time schedule** - Proposed time schedule of vegetation removal, relocation and/or replacement, and other construction activities which may affect on-site vegetation, sensitive area, sensitive area buffer, and/or shoreline zone..
6. **Additional studies and conditions** - The Director may require supplemental studies or other documentation, or specify conditions for work, at any stage of the application or project as he/she may deem necessary to ensure the proposal's

compliance with the requirements of this chapter, the Shoreline Overlay District chapter or the Sensitive Areas Overlay District chapter of this title, or to protect public or private property. These conditions may include, but are not limited to, hours or seasons within which work may be conducted, or specific work methods.

(Ord. 1758 §1 (part), 1995)

18.54.090 Waiver to Permit Materials

The Director may waive the requirement for any or all plans or permit materials specified in this chapter upon finding that the information on the application is sufficient to demonstrate that the proposed work will meet the approval criteria detailed in this chapter and other City ordinances. Such waiver of a requirement for permit materials shall not be construed as waiving any other requirements of this or related regulations.

(Ord. 1758 §1 (part), 1995)

18.54.100 Permit Application Fee

A. Fee required: A non-refundable permit application fee will be collected at the time of submittal of a Tree Clearing Permit application. The application fee will provide for the cost of plan review, administration and management of the permitting process, inspections, and processing of exceptions to standards and appeals pursuant to this chapter.

B. Fee: The City shall collect a fee for processing a Tree Clearing Permit per TMC Section 18.88.010, except as otherwise noted in this chapter.

C. Fee exception: No fee shall be required for vegetation clearing associated with land-altering activity approved under a Land-Altering Permit.

(Ord. 2291, §1, 2010; Ord. 1758 §1 (part), 1995)

18.54.110 Applicant Insurance Required

A. In addition to any permit materials or conditions specified pursuant to this chapter, if in the opinion of Director the nature of the work is such that it may create a hazard to human life or endanger adjoining property, then the Director may require the applicant to submit a certificate of insurance.

B. The certificate must show that the applicant is insured against claims of damages involving personal injuries and property in an amount prescribed by the Director in accordance with the nature of the risks involved and the following minimum amounts:

1. Bodily injury liability:
\$1 million per occurrence.
2. Property damage liability:
\$1 million per occurrence.

C. All insurance policies obtained in accordance with these provisions shall name the City of Tukwila as an "additional insured" and shall be written by a company licensed to do business in the State of Washington.

(Ord. 1758 §1 (part), 1995)

18.54.120 Applicant Security Required

To mitigate damages should they occur as a result of clearing which is not authorized by a Tree Clearing Permit, the Director may require from the applicant a bond, letter of credit, or

other means of security acceptable to the City. The following provisions shall apply in instances where such securities are required:

1. The required security shall be submitted prior to the issuance of a Tree Clearing Permit.
2. The security shall be equal to City Staff's best estimate of possible costs directly associated with replacement of cleared vegetation which has not been authorized to be cleared under a Tree Clearing Permit (e.g. the replacement of vegetation approved for retention, or the installation of replacement plantings which the applicant has failed to install as required). In no case shall the security exceed an amount equal to 2.5 times the current cost of replacing the plants per the Tree Replacement requirements of this chapter.
3. The security shall not be fully released without final inspection and approval of completed work by the City, submittal of any post-construction evaluations, or following any prescribed trial maintenance period required in the permit.
4. Securities provided in accordance with this chapter may be redeemed in whole or in part by the City of Tukwila upon determination by the Director that the applicant has failed to fully comply, within the time specified, with approved plans and/or any remedial or enforcement actions mandated in accordance with this chapter.

(Ord. 1758 §1 (part), 1995)

18.54.130 Permit Approval Criteria

To the extent that vegetation retention and/or replacement is consistent with project feasibility or reasonable use of the property, vegetation clearing shall be planned and conducted to meet all of the criteria below. These criteria shall be the basis for approval, approval with conditions or denial of any tree clearing included in a Tree Clearing Permit application.

1. **Tree Retention** - Site improvements shall be designed and constructed to retain as many existing healthy trees as possible, and to meet the following criteria:
 - a. Priority shall be given to retention of existing stands of trees, trees at site perimeter, trees within the shoreline Low-Impact Environment, in Sensitive Areas or Sensitive Area Buffers, and healthy mature trees.
 - b. All understory vegetation within the essential root zone of protected trees shall be:
 - (1) retained; OR
 - (2) removed by methods which are non-damaging to the tree, and replaced with vegetation with horticultural requirements which are compatible with protected trees.
 - c. Vegetation removal shall be undertaken in such a manner as to preserve, to the degree possible, the aesthetic and ecological benefits provided by such vegetation.

2. **Tree Protection Measures** -

a. The proposal shall include tree protection measures which meet or exceed best management practices and current standards of professional arboriculture, and which are sufficient to ensure the viability of protected trees and other vegetation identified for retention pursuant to requirements of this chapter, and shall include measures sufficient to protect any Sensitive Area, its Buffer and vegetation within the shoreline Low-Impact Environment.

b. During clearing and/or construction activities, all protected vegetation shall be surrounded by protective fencing which prevents adverse impacts associated with clearing from intruding into areas of protected vegetation.

3. **Tree Replacement** - The site shall be planted with trees to meet the following minimum requirements:

a. Each existing significant tree removed shall be replaced with new tree(s), based on the size of the existing tree as shown below, up to a maximum density of 70 new trees per acre.

b. **Tree Replacement Ratios**

Diameter of Existing Tree Removed	No. of Replacement Trees Required
4 - 8 inches	1
8 - 12 inches	2
12 - 18 inches	4
18 - 24 inches	6
>24 inches	8

c. Prior to any vegetation removal, the applicant shall demonstrate through a Landscape Plan, Sensitive Area Mitigation Plan or other materials required per the requirements of this chapter that vegetation replacement will meet the following minimum standards:

- (1) Minimum sizes shall be 2.5-inch caliper for deciduous trees, 6 to 8 feet in height for evergreen trees, 24 inches in height for shrubs, and 1 gallon for groundcover.
 - (2) Replacement plants shall meet current American Association of Nurserymen standards for nursery stock;
 - (3) Planting and maintenance of required replacement vegetation shall be in accordance with best management practices for landscaping which ensure the vegetation's long-term health and survival.
4. **Surrounding Environment** - The timing of, and methods to be used in any proposed vegetation removal shall be such that impacts to protected vegetation, wildlife, fisheries and the surrounding environment are minimized.
5. **Tree Relocation** - Tree relocation shall be carried out according to best management practices, and trees proposed for relocation shall have a reasonable chance of survival.

(Ord. 1758 §1 (part), 1995)

18.54.140 Permit Exceptions

A. *Exception Criteria*

1. The Director may grant exceptions from the requirements of this chapter when undue hardship may be created by strict compliance with the provisions of this chapter. Any authorization for exception may prescribe conditions deemed necessary or desirable for the public interest, or necessary to meet the intent of this chapter.

2. An exception to this chapter shall not be granted unless all of the following criteria are met:

a. Strict compliance with the provisions of this code may jeopardize project feasibility or reasonable use of property.

b. Proposed vegetation removal, replacement, and any mitigative measures proposed, are consistent with the purpose and intent given in this chapter.

c. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

3. In addition to the above criteria, the Director may also consider any of the following in reviewing an exception request:

a. The recommendation of a certified arborist supports the exception.

b. The size of the site or project cannot support the number of required replacement trees, and off-site tree planting is proposed which furthers the goals of this chapter and other City policies.

c. On-site planting of all required replacement trees is not feasible, and the project includes an equivalent contribution in funds and/or labor and materials for off-site tree planting as jointly agreed by the applicant and Director.

d. Smaller-sized replacement plants are more suited to the species, site conditions, and to the purposes of this chapter, and are planted in sufficient quantities to meet the intent of this chapter.

B. *Retention and Replacement of Canopy Cover* - or undeveloped sites or sites with dense stands of trees, where the cost of identification of individual tree species and sizes is inordinate relative to the project, the Director may allow the applicant to use the tree canopy cover approach outlined below to calculate retention and replacement of trees:

1. The site shall have a minimum canopy cover equal to 20% of the site area, or equal to the existing canopy cover whichever is less.

2. To meet the requirements for site canopy cover, canopy cover may consist of any combination of existing trees and replacement trees. Canopy cover of each new tree shall be calculated at 314 square feet.

C. *Exception Procedures* - An application for any exception from this chapter shall be submitted in writing by the property owner to the Director, and shall accompany the application for a Tree Clearing Permit. Such application shall fully state all substantiating facts and evidence pertinent to the exception request, and include supporting maps or plans. The Director shall not grant an exception unless and until sufficient reasons justifying the exception are provided by the applicant.

(Ord. 1758 §1 (part), 1995)

18.54.150 Permit Processing and Duration

A. If the proposed vegetation clearing and permit application meet the requirements of this chapter, the Director shall approve the application and issue the Tree Clearing Permit. All Tree Clearing Permits and exceptions shall be processed as Type 1 decisions.

B. If the Tree Clearing Permit application is not approved, the Director shall inform the applicant in writing of the reasons for disapproval.

C. From the date of issuance, permits shall be valid for a period of 180 days.

(Ord. 1770 §32, 1996; Ord. 1758 §1 (part), 1995)

18.54.160 Permit Conformance

A. *Plan Conformance* - All work must be performed in accordance with approved Permit plans specified in this chapter or revised plans as may be determined by the Director. The applicant shall obtain permission in writing from the Director prior to modifying approved plans.

B. *Tree Protection Measures* - All tree and vegetation protection measures shown on approved permit drawings shall be installed prior to initiation of any clearing or land-altering activity.

C. *Protection of Property* - The applicant shall at all times protect improvements to adjacent private properties and public rights-of-way or easements from damage during clearing. The applicant shall restore to the standards in effect at the time of the issuance of the permit any public or private improvements damaged by the applicant's operations.

D. *Maintenance Responsibility* - All protected and replacement trees and vegetation shown in approved Tree Clearing Permit materials shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent Tree Clearing Permit.

(Ord. 1758 §1 (part), 1995)

18.54.170 Violations

The following actions shall be considered violations of this chapter: clearing, planting, relocation, or maintenance of vegetation not authorized under or in accordance with an approved Tree Clearing Permit, where such permit is required, or not in accordance with the provisions of this chapter. Each tree which is cleared, not replaced or not maintained as required by this chapter shall constitute a separate violation.

(Ord. 1758 §1 (part), 1995)

18.54.180 Enforcement

A. **General** - In addition to the Notice and Order measures prescribed in TMC Chapter 8.45, Civil Violations, as now in effect or as amended hereafter, the Director may take any or all of the enforcement actions prescribed in this Ordinance to ensure compliance with, and/or remedy a violation of this Ordinance; and/or when immediate danger exists to the public or adjacent property, as determined by the Director.

1. The Director may post the site with a "Stop Work" order directing that all vegetation clearing not authorized under a Tree Clearing Permit cease immediately. The issuance of a "Stop Work" order may include conditions or other requirements which must be fulfilled before clearing may resume.

2. The Director may, after written notice is given to the applicant, OR after the site has been posted with a "Stop Work" order, suspend or revoke any Tree Clearing Permit issued by the City.

3. No person shall continue clearing in an area covered by a Stop Work order, or during the suspension or revocation of a Tree Clearing Permit, except work required to correct an imminent safety hazard as prescribed by the Director.

B. **Injunctive relief** - Whenever the Director has reasonable cause to believe that any person is violating or threatening to violate this chapter or any provision of an approved Tree Clearing Permit, the Director may institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. Such civil action may be instituted either before or after, and in addition to, any other action, proceeding or penalty authorized by this chapter or TMC Chapter 8.45.

C. **Inspection access** -

1. The Director may inspect a property for the purpose of inspection for compliance with the provisions of a Tree Clearing Permit or this chapter, consistent with TMC 8.45.070, Authority to Inspect.

2. Where deemed necessary by the Director to ensure compliance with permit requirements, upon completion of all requirements of a Tree Clearing Permit, the applicant shall request a final inspection by contacting the Director. The permit process is complete upon final approval by the Director.

D. **Remedial Measures Required** - In addition to penalties provided for in this chapter, the Director may require any person conducting vegetation clearing in violation of this chapter to mitigate the impacts of clearing by carrying out remedial measures. The following provisions shall apply in instances where such remedial measures are required:

1. The applicant shall satisfy the permit provisions as specified in this chapter.

2. Remedial measures must conform to the purposes and intent of this chapter. In addition, remedial measures must meet the standards specified in this chapter, and applicable standards for mitigation outlined in the Sensitive Areas Overlay District chapter of this title.

3. Remedial measures must be completed to the satisfaction of the Director within 6 months of the date a Notice and Order is issued pursuant to TMC 8.45.040, or within the time period otherwise specified by the Director.

4. The cost of any remedial measures necessary to correct violation(s) of this chapter shall be borne by the property owner and/or applicant. Upon the applicant's failure to implement required remedial measures, the Director may redeem all or any portion of any security submitted by the applicant to implement such remedial measures, pursuant to the provisions of this chapter.

(Ord. 1758 §1 (part), 1995)

18.54.190 Liability

A. Liability for any adverse impacts or damages resulting from work performed in accordance with a Tree Clearing Permit issued on behalf of the City within the City limits, shall be the sole responsibility of the owner of the site for which the permit was issued.

B. Issuance of a Tree Clearing Permit and/or compliance with permit provisions or conditions shall not relieve an applicant from any responsibility otherwise imposed by law for damage to persons or property in an amount greater than the insured amount required by this chapter.

C. Nothing contained in this chapter shall be deemed to relieve any property owner within the City limits from the duty to keep any tree or vegetation upon his property or under his control in such condition as to prevent it from constituting a hazard or a nuisance, per TMC Chapter 8.28.

D. The amount of any security shall not serve as a gauge or limit to the compensation collected from a property owner as a result of damages associated with any vegetation clearing.

(Ord. 1758 §1 (part), 1995)

18.54.200 Conflicts with Existing Codes and Ordinances

A. Whenever conflicts exist between this chapter and federal, State or local laws, ordinances or regulations, the more restrictive provisions shall apply.

B. Neither this chapter nor any administrative decisions made under it exempts the permittee from procuring other required permits or complying with the requirements and conditions of such a permit.

(Ord. 1758 §1 (part), 1995)

CHAPTER 18.56

OFF-STREET PARKING AND LOADING REGULATIONS

Sections:

18.56.010	Purpose
18.56.020	Chapter Application
18.56.030	Reduction of Existing Parking Spaces
18.56.040	General Requirements
18.56.050	Required Number of Parking Spaces
18.56.060	Loading Space Requirements
18.56.065	Residential Parking Requirements
18.56.070	Cooperative Parking Facility
18.56.080	Parking for the Handicapped
18.56.090	Compact Car Allowance
18.56.100	Uses Not Specified
18.56.110	Landscaping and Screening
18.56.120	Filing of Plans
18.56.130	Development Standards for Bicycle Parking
18.56.135	Electric Vehicle Charging Station Spaces
18.56.140	Administrative Variance from Parking Standards

18.56.010 Purpose

It is the purpose of this chapter to provide for adequate, convenient, and safe off-street parking and loading areas for the different land uses described in this title.

(Ord. 1795 §3 (part), 1997; Ord. 1758 §1 (part), 1995)

18.56.020 Chapter Application

Off-street parking and loading spaces shall be provided as an accessory use in all zones in accordance with the requirements of this chapter, at the time any building or structure is erected, enlarged or at the time there is a change in its principal use.

(Ord. 1795 §3 (part), 1997; Ord. 1758 §1 (part), 1995)

18.56.030 Reduction of Existing Parking Spaces

Any off-street parking area already in use or established hereafter shall not be reduced below the limits required by this chapter by the construction of any addition to a building or structure, nor by the erection of an additional building or structure on the property. Any change of principal and/or secondary use must meet the parking requirements of the new use.

(Ord. 1795 §3 (part), 1997; Ord. 1758 §1 (part), 1995)

18.56.040 General Requirements

Any required off-street parking and loading facilities shall be developed in accordance with the following standards:

1. *LOCATION.* Any on-premises parking area that contains parking stalls located more than 1,000 feet from the principal use shall require Hearing Examiner approval for the entire parking lot.

2. *MINIMUM PARKING.* Minimum parking area dimensions for surface and structured parking facilities shall be as provided in Figure 18-6. Standard and compact parking stalls shall be allowed a two-foot landscaping overhang to count towards the stall length.

3. *TANDEM PARKING SPACES.* In the MDR and HDR zones, tandem spaces (where one car is parked directly behind another) will be allowed for each three bedroom and 1/3 of all two bedroom units. No more than 1/3 of all project parking spaces may be tandem and all tandem parking spaces will be designed for full size rather than compact size vehicles based on the dimensions in Figure 18-6.

4. *PARKING AREA AND PARKING AREA ENTRANCE AND EXIT SLOPES.* The slope of off-street parking spaces shall not exceed 5%. The slope of entrance and exit driveways providing access for off-street parking areas and internal driveway aisles without parking stalls shall not exceed 15%.

5. *DRIVEWAYS AND MANEUVERABILITY.*

a. Adequate ingress to and egress from each parking space shall be provided without moving another vehicle and without backing more than 50 feet.

b. Turning and maneuvering space shall be located entirely on private property unless specifically approved by the Public Works Director.

c. All parking spaces shall be internally accessible to one another without reentering adjoining public streets.

d. When off-street parking is provided in the rear of a building and a driveway or lane alongside the building provides access to rear parking area, such driveway shall require a minimum width of twelve feet and a sidewalk of at least a three-foot section, adjoining the building, curbed or raised six inches above the driveway surface.

e. Ingress and egress to any off-street parking lot shall not be located closer than 20 feet from point of tangent to an intersection.

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

6. The Director may require areas not designed or approved for parking to be appropriately marked and/or signed to prevent parking.

7. *SURFACE.*

a. The surface of any required off-street parking or loading facility shall be paved with asphalt, concrete or other similar approved material(s) and shall be graded and drained as to dispose of all surface water, but not across sidewalks.

b. All traffic-control devices, such as parking stripes designating car stalls, directional arrows or signs, bull rails, curbs and other developments shall be installed and completed as shown on the approved plans.

c. Paved parking areas shall use paint or similar devices to delineate car stalls and direction of traffic.

d. Where pedestrian walks are used in parking lots for the use of foot traffic only, they shall be curbed or raised six inches above the lot surface.

e. Wheel stops shall be required on the periphery of parking lots so cars will not protrude into the public right-of-way, walkways, off the parking lot or strike buildings. Wheel stops shall be two feet from the end of the stall of head-in parking.

8. **PARALLEL PARKING STALLS.** Parallel parking stalls shall be designed so that doors of vehicles do not open onto the public right-of-way.

9. **OBSTRUCTIONS.** No obstruction that would restrict car door opening shall be permitted within five feet of the centerline of a parking space.

10. **LIGHTING.** Any lighting on a parking lot shall illuminate only the parking lot, designed to avoid undue glare or reflection on adjoining premises.

11. **CURB-CUTS.** All parking areas shall have specific entrance and/or exit areas to the street. The width of access roads and curb-cuts shall be determined by the Public Works Director. The edge of the curb-cut or access road shall be as required by the Public Works Director for safe movement of vehicles or pedestrians. Curb-cuts in single-family districts shall be limited to a maximum of 20 feet in width and the location shall be approved by the Public Works Director.

12. **PARKING STALL.** Parking stalls shall not be used for permanent or semi-permanent parking or storage of trucks or materials.

(Ord. 2500 §24, 2016; Ord. 2368 §54, 2012; Ord. 2251 §66, 2009; Ord. 1795 §3 (part), 1997; Ord. 1758 §1 (part), 1995)

18.56.050 Required Number of Parking Spaces

The minimum number of off-street parking spaces for the listed uses shall be as shown in *Figure 18-7*. Minimum parking requirements shall be maintained over the life of the original or primary use. Any additional uses, either secondary or accessory in nature, must have parking available that does not impact the minimum parking of the original or primary use. This extends to parking spaces used for park-and-fly lots or use of parking for storage or outdoor displays. **NOTE:** Automobile parking requirements for TUC-RC, TUC-TOD and TUC-Pond Districts are listed in TMC Section 18.28.260.

(Ord. 2442 §3, 2014; Ord. 2368 §55, 2012; Ord. 2251 §67, 2009; Ord. 1795 §3 (part), 1997; Ord. 1758 §1 (part), 1995)

18.56.060 Loading Space Requirements

Off-street space for standing, loading and unloading services shall be provided in such a manner as not to obstruct freedom of traffic movement on streets or alleys. For all office, commercial, and industrial uses, each loading space shall consist of at least a 10-foot by 30-foot loading space with 14-foot height clearance for small trucks such as pickup trucks, or a 12-foot by 65-foot loading space with 14-foot height clearance for large trucks, including tractor-trailer. These requirements may be modified as

a Type 1 decision, where the Community Development Director finds that such reduction will not result in injury to neighboring property, or obstruction of fire lanes/traffic, and will be in harmony with the purposes and intent of this chapter.

(Ord. 2368 §56, 2012; Ord. 1795 §2 (part), 1997; Ord. 1770 §33, 1996; Ord. 1758 §1 (part), 1995)

18.56.065 Residential Parking Requirements

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

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

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

D. Parking in a Low Density Residential (LDR) zone is subject to vehicle storage and parking regulations listed under TMC Chapter 8.25.

(Ord. 2368 §57, 2012; Ord. 2199 §19, 2008; Ord. 1976 §62, 2001)

18.56.070 Cooperative Parking Facility

A. **SHARED PARKING:** When two or more property owners agree to enter into a shared parking agreement, the setbacks and landscaping requirements on their common property line(s) may be waived with that land used for parking, driveway and/or building.

B. **COVENANT PARKING:** When off-site parking is provided on a lot other than the lot of the use to which it is accessory, the following conditions shall apply:

1. A covenant between the owner or operator of the principal use, the owner of the parking spaces and the City stating the responsibilities of the parties shall be executed. This covenant and accompanying legal descriptions of the principal

use and the lot upon which the spaces are to be located shall be recorded with King County, and a copy with the recording number and parking layouts shall be submitted as part of any permit application for development.

2. The covenant lot must be within 800 feet of the primary commercial use or a shuttle service to the use must be provided with its route, service and operations approved by the Director.

C. When any Shared or Covenant parking agreement between parties, as referenced above, is modified or terminated, the owner of the parking spaces shall be responsible for notifying the Director. In this event, all affected parties shall provide documentation that a minimum of 50% of the required minimum parking will be available within 90 days following termination of the agreement, with the remainder to be available 365 days following termination of the original agreement. If a variance is sought, the application must be submitted within 14 days of the signed agreement to terminate and the reduction in parking spaces will only be allowed if the variance is approved.

D. *COMPLEMENTARY PARKING*: A complementary use is a portion of the development that functions differently than the primary use but is designed to serve or enhance the primary land use without creating additional parking needs for the primary traffic generator. Up to 10% of the usable floor area of a building or facility may be occupied by a complementary use without providing parking spaces in addition to the number of spaces for the principal use. Examples of complementary uses include pharmacies in hospitals or medical offices, food courts or restaurants in a shopping center or retail establishments.

E. Applications for shared, covenant or complementary parking shall be processed as Type 2 decisions, pursuant to TMC 18.108.020.

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

18.56.080 Parking for the Handicapped

All parking provided for the handicapped, or others meeting definitions of the 1991 Americans with Disabilities Act (ADA), shall meet requirements of the Chapter 11 of the 1994 Uniform Building Code, as amended by Washington Administrative Code, section 51.30, et seq. *(See Figure 18-8.)*

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

18.56.090 Compact Car Allowance

A. A maximum of 30% of the total off-street parking stalls may be permitted and designated for compact cars.

B. Each compact stall shall be designated as such, with the word COMPACT printed onto the stall, in a minimum of eight -inch letters and maintained as such over the life of the use of both the space and the adjacent structure it serves.

C. Dimensions of compact parking stalls shall conform to the standards as depicted in Figure 18-6 of this chapter.

D. Compact spaces shall be reasonably dispersed throughout the parking lot.

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

18.56.100 Uses Not Specified

In the case of a use not specifically mentioned in this chapter, the requirements for off-street parking facilities shall be determined by the Director. Such determination shall be based upon the requirements for the most comparable use specified in this chapter.

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

18.56.110 Landscaping and Screening

Landscaping and screening requirements shall be as provided in the Landscape, Recreation, Recycling/ Solid Waste Space Requirements chapter of this title.

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

18.56.120 Filing of Plans

Detailed plans of off-street parking areas, indicating the proposed development including the location, size, shape, design, curb-cuts, adjacent streets, circulation of traffic, ingress and egress to parking lots and other features and appurtenances of the proposed parking facility, shall be filed with and reviewed by the Community Development Director. The parking area shall be developed and completed to the required standards before an occupancy permit for the building may be issued. The parking lot layout shall be reviewed as part of the underlying land use or the construction permit. If the proposal includes only reconfiguring of the parking lot such as adding/deleting parking spaces, making changes to the interior parking lot landscaping, or altering fire lanes, but no other land use permit or other construction permit is required, then the restriping proposal shall be reviewed as a Type 2 decision process as outlined in TMC Section 18.108.020.

(Ord. 2368 §58, 2012; Ord. 1795 §2 (part), 1997; Ord. 1758 §1 (part), 1995)

18.56.130 Development Standards for Bicycle Parking

A. *Required number of bicycle parking spaces*: The required number of parking spaces for bicycles are included in TMC 18.56.050, Figure 18-7.

B. *Location*:

1. Required bicycle parking must be located within 50 feet of an entrance to the building or use

2. Bicycle parking may be provided within a building, but the location must be accessible for bicycles

C. *Safety and Security*:

1. Legitimate bicycle spaces are individual units within ribbon racks, inverted 'U' racks, locking wheel racks, lockers, or other similar permanent structures.

2. If bicycle lockers are used, windows and/or view holes must be included to discourage improper uses.

3. If bicycle parking is not visible from the street, a sign must be posted indicating the location of the bicycle parking spaces.

4. All bicycle parking must be separated from motor vehicle traffic by a barrier, curb, post, bollard or other similar device.

D. *Process*: Upon application to and review by the Community Development Director, subject to a Type 1 decision process as outlined in TMC Section 18.108.020, the bicycle parking requirements may be modified or waived, where appropriate.

(Ord. 2368 §59, 2012; Ord. 1795 §2 (part), 1997)

18.56.135 Electric Vehicle Charging Station Spaces

A. *Applicability*. Regulations are applicable to all parking lots or garages, except those that include restricted electric vehicle charging stations.

B. *Number of stations*. No minimum number of charging station spaces is required.

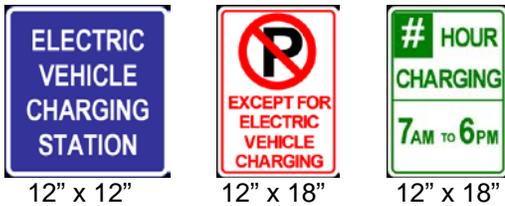
C. *Minimum Parking Requirements*. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other sections of this chapter.

D. *Location and Design Criteria*. The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.

1. Where provided, parking for electric vehicle charging purposes is required to include the following:

a. *Signage*. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operation shall be included if time limits or tow away provisions are to be enforced. Refer to the Manual on Uniform Traffic Control Devices for electric vehicle and parking signs.

Electric Vehicle Parking Sign Examples:



b. *Maintenance*. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A telephone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or when other problems are encountered.

c. *Accessibility*. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.

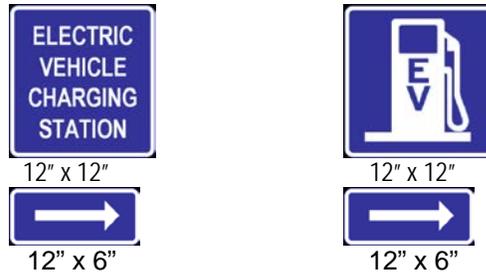
d. *Lighting*. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is allowed during daytime hours only.

2. Charging station spaces for electric vehicles should also consider the following signage information:

a. Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.

b. Installation of directional signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station space(s). Refer to the Manual on Uniform Traffic Control Devices for electric vehicle and directional signs.

Directional Sign Examples:



(Ord. 2324 §13, 2011)

18.56.140 Administrative Variance from Parking Standards

A. *General*:

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

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

B. *Criteria*:

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

2. In addition to the following requirements, the Director may require specific measures not listed to ensure that all impacts with reduced parking are mitigated. Any spillover parking which cannot be mitigated to the satisfaction of the Director will serve as the basis for denial. A reduction may be allowed, pursuant to either an administrative variance or requests to the Hearing Examiner, after:

a. All shared parking strategies are explored.
b. On-site park and ride opportunities are fully explored.

c. The site is in compliance with the City's commute trip reduction ordinance or, if not an affected employer as defined by the City's ordinance, agrees to become affected.

d. The site is at least 300 feet away from a single-family residential zone.

e. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects.

C. *Process:*

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

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

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

D. *Review:* Applications for administrative variances for reductions below minimum parking requirements between 1% and 10% shall be processed as Type 2 decisions, pursuant to TMC Section 18.108.020. Applications for reductions from minimum parking requirements in excess of 10% shall be processed as Type 3 decisions, pursuant to TMC Section 18.108.030, including a hearing before the Hearing Examiner.

(Ord. 2368 §60, 2012; Ord. 1795 §2 (part), 1997)

CHAPTER 18.58

WIRELESS COMMUNICATION FACILITIES

Sections:

- 18.58.010 Purpose
- 18.58.020 Authority and Application
- 18.58.030 Exemptions
- 18.58.040 Permits Required
- 18.58.050 Types of Permits—Priority--Restrictions
- 18.58.060 New Towers
- 18.58.070 General Requirements
- 18.58.080 Electrical Transmission Tower Co-Location-Specific Development Standards
- 18.58.090 Adding Antennas to Existing WCF Tower-Specific Development Standards
- 18.58.100 Concealed Building Mounted Development Requirements
- 18.58.110 Non-concealed Building Mounted Development Requirements
- 18.58.120 Utility Pole Co-location
- 18.58.130 Towers-Specific Development Standards
- 18.58.140 Request to Use Non-concealed Building Attached in Lieu of a Concealed Building Attached
- 18.58.150 Landscaping/Screening
- 18.58.160 Zoning Setback Exceptions
- 18.58.170 Height Waivers
- 18.58.190 Removal of Abandoned Wireless Communication Facilities
- 18.58.200 Standards for Eligible Facilities Modifications
- 18.58.210 Expiration of Wireless Facility Permits

18.58.010 Purpose

A. The purpose of this Chapter is to regulate the placement, construction and modification of wireless communication facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City. The purpose of this Chapter will be achieved through adherence to the following objectives:

1. Establish clear and nondiscriminatory local regulations concerning wireless telecommunications providers and services that are consistent with Federal and State laws and regulations pertaining to telecommunications providers;
2. Protect residential areas and land uses from potential adverse impacts that wireless communication facilities might create, including but not limited to impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, and health and safety of persons and property;
3. Encourage providers of wireless communication facilities to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
4. Encourage the location of wireless communication facilities in nonresidential areas and allow wireless communication facilities in residential areas only when

necessary, to meet functional requirements of the telecommunications industry;

5. Minimize the total number of wireless communication facilities in residential areas;

6. Require cooperation between competitors and, as a primary option, joint use of new and existing towers, tower sites and suitable structures to the greatest extent possible, in order to reduce cumulative negative impact upon the City;

7. Allow wireless communication companies to use City property (i.e. City Hall, Community Center, parks, etc.) for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the City;

8. Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impact of the wireless communication facilities, as viewed from different vantage points, through careful design, landscape screening, minimal impact siting options and camouflaging techniques, and through assessment of technology, current location options, siting, future available locations, innovative siting techniques and siting possibilities beyond the jurisdictional boundaries of the City;

9. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;

10. Provide for the removal of wireless communication facilities that are abandoned or no longer inspected for safety concerns and Building Code compliance, and provide a mechanism for the City to cause these abandoned wireless communication facilities to be removed, to protect the citizens from imminent harm and danger;

11. Avoid potential damage to adjacent properties from tower failure, through engineering, careful siting, and maintenance of wireless communication facilities; and

12. Provide a means for public input on major wireless communications facility placement, construction and modification.

B. In furtherance of these objectives, the City shall give due consideration to the Comprehensive Land Use Plan, zoning code, existing land uses, and environmentally sensitive areas in approving sites for the location of communication towers and antennas.

C. These objectives were developed to protect the public health, safety and welfare, to protect property values, and to minimize visual impact, while furthering the development of enhanced telecommunication services in the City. These objectives were designed to comply with the Telecommunications Act of 1996. The provisions of this Chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This Chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

D. To the extent that any provision of this Chapter is inconsistent or conflicts with any other City ordinance, this Chapter shall control. Otherwise, this Chapter shall be construed consistently with the other provisions and regulations of the City.

E. In reviewing any application to place, construct or modify wireless communication facilities, the City shall act within a reasonable period of time after an application for a permit is duly filed, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The City shall approve, approve with conditions, or deny the application in accordance with Title 18 of the Tukwila Municipal Code, this Chapter, the adopted Tukwila Comprehensive Plan, and other applicable ordinances and regulations.

(Ord. 2135 §1 (part), 2006)

18.58.020 Authority and Application.

The provisions of this Chapter shall apply to the placement, construction or modification of all wireless communication facilities, except as specifically exempted in TMC Section 18.58.030.

(Ord. 2135 §1 (part), 2006)

18.58.030 Exemptions.

The provisions of this Chapter shall not apply to the following:

1. Wireless communication facilities permits are not required for subparagraphs 1.a through 1.e of this section; however, a building permit may be required for work on buildings:

a. Routine maintenance and repair of wireless communication facilities. This shall not include changes in height or dimensions of towers or buildings; provided that the wireless communication facility received approval from the City of Tukwila or King County for the original placement, construction or subsequent modification.

b. Changing of antennas on wireless communication facilities is exempt from wireless facilities permits, provided the total area of the new antennas and support structure is not increased more than 10% of the previous area or the area is reduced.

c. Changing or adding additional antennas within a previously permitted concealed building-mounted installation is exempt provided there is no visible change from the outside.

d. Bird exclusionary devices may be added to towers and are not subject to height limitations.

e. Additional ground equipment may be placed within an approved equipment enclosure, provided the height of the equipment does not extend above the screening fence.

2. An antenna that is designed to receive or send direct broadcast satellite service and/or broadband signals, or other means for providing internet service including direct-to-home satellite services, and that is 1 meter or less in diameter or diagonal measurement, and when the antenna is attached to the residence or business that is utilizing the service.

3. An antenna that is designed to receive video programming services via multipoint distribution services, including multi-channel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is 1 meter or less in diameter or diagonal measurement.

4. An antenna that is designed to receive television broadcast signals.

5. Antennas for the receiving and sending of amateur radio devices or HAM radios, provided that the antennas meet the height requirements of the applicable zoning district, and are owned and operated by a Federally-licensed amateur radio station operator or are used exclusively for receive-only antennas. In order to reasonably accommodate licensed amateur radio operators as required by Federal Code of Regulations, 47 CFR Part 97, as amended, and Order and Opinion (PRB-1) of the Federal Communication Commission of September 1985, and RCW 35A.21.260, a licensed amateur radio operator may locate a tower not to exceed the height requirements of the applicable zoning district, provided the following requirements are met for such towers located in a residentially-zoned district:

a. The tower and any antennas located thereon shall not have any lights of any kind on it and shall not be illuminated either directly or indirectly by any artificial means;

b. The color of the tower and any antennas located thereon must all be the same and such that it blends into the sky, to the extent allowed under requirements set forth by the Federal Aviation Administration;

c. No advertising logo, trademark, figurine or other similar marking or lettering shall be placed on the tower or any wireless communication facilities mounted or otherwise attached thereto or any building used in conjunction therewith;

d. The tower shall be located a distance equal to or greater than its height from any existing residential structure located on adjacent parcels of property, including any attached accessory structures;

e. A tower must be at least three-quarters of its height from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that, in the event of collapse, it falls within itself, and in that event, it must be located at least one-third of its height from any property line;

f. No signs shall be used in conjunction with the tower, except for one sign not larger than 8½" high and 11" wide and as required by Federal regulations;

g. Towers shall not be leased or rented to commercial users, and shall not otherwise be used for commercial purposes; and

h. All towers must meet all applicable State and Federal statutes, rules and regulations, including obtaining a building permit from the City, if necessary.

6. Emergency communications equipment during a declared public emergency, when the equipment is owned and operated by an appropriate public entity.

7. Any wireless internet facility that is owned and operated by a government entity.

8. Antennas and related equipment no more than 3 feet in height that are being stored, shipped or displayed for sale.

9. Radar systems for military and civilian communication and navigation.

(Ord. 2498 §2, 2016; Ord. 2135 §1 (part), 2006)

18.58.040 Permits Required.

A. No person may place, construct or modify a wireless communication facility subject to this Chapter without first having in place a permit issued in accordance with this Chapter. Except as otherwise provided herein, the requirements of this Chapter are in addition to the applicable requirements of TMC Title 18.

B. Any application submitted pursuant to this Chapter shall be reviewed and evaluated by the Director for all projects located on public or private property. The Director of Public Works or his/her designee shall review all proposed wireless communication facilities that are totally within City right-of-way. If a project is both on private or public property and City right-of-way, the DCD Director shall review the application. Regardless of whether the DCD Director or the Director of Public Works is reviewing the application, all applications will be reviewed and evaluated pursuant to the provisions of this Chapter.

C. The applicant is responsible for obtaining all other permits from any other appropriate governing body (i.e., Washington State Department of Labor and Industries, Federal Aviation Administration, etc.).

D. This Chapter provides guidelines for the placement and construction of wireless communication facilities, not exempt as set forth in TMC Section 18.58.030 from its provisions and modification of wireless communication facilities.

E. No provision of this Chapter shall be interpreted to allow the installation of a wireless communication facility to reduce the minimum parking or landscaping on a site.

F. Wireless communication facilities that are governed under this Chapter shall not be eligible for variances under TMC Chapter 18.72. Any request to deviate from this Chapter shall be based on the exceptions or waivers set forth in this Chapter.

G. Third Party Expert Review – Applicants use various methodologies and analyses, including geographically-based computer software, to determine the specific technical parameters of the services to be provided utilizing the proposed wireless communication facilities, such as expected coverage area, antenna configuration, capacity, and topographic constraints that affect signal paths. In certain instances, a third party expert may be needed to review the engineering and technical data submitted by an applicant for a permit. The City may at its discretion require an engineering and technical review as part of a permitting process. The costs of the technical review shall be borne by the applicant.

H. The selection of the third party expert may be by mutual agreement between the applicant and the City, or at the discretion of the City, with a provision for the applicant and beneficially interested parties to comment on the proposed expert and review his/her qualifications. The third party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communication facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the City may require changes to the application. The expert review shall address the following:

1. The accuracy and completeness of submissions;
2. The applicability of analysis techniques and methodologies;
3. The validity of conclusions reached;
4. The viability of other sites in the City for the use intended by the applicant; and
5. Any specific engineering or technical issues designated by the City.

I. Any decision by the DCD Director, Director of Public Works, or Hearing Examiner shall be given substantial deference in any appeal of a decision by the City to either approve, approve with conditions, or deny any application for a wireless communication facility.

J. No alterations or changes shall be made to plans approved by the Director, Director of Public Works, or Hearing Examiner without approval from the City. Minor changes which do not change the overall project may be approved by the Director as a minor modification.

(Ord. 2498 §3, 2016; Ord. 2251 §68, 2009; Ord. 2135 §1 (part), 2006)

18.58.050 Types of Permits—Priority--Restrictions.

A. Applications will be reviewed based on the type of wireless communication facilities requested to be permitted. Each wireless communication facility requires the appropriate type of project permit review, as shown in Table A. In the event of uncertainty on the type of a wireless facility, the DCD Director shall have the authority to determine how a proposed facility is incorporated into Table A.

TABLE A Type of Permit Required, Based on Type of Wireless Communication Facility			
Type of Facility	Zoning(1)		
	Residential	Commercial	Industrial
Adding antennas to an existing tower or utility pole	Type 1 ⁽²⁾	Type 1 ⁽²⁾	Type 1 ⁽²⁾
Eligible facilities modification	Type 1	Type 1	Type 1
Utility pole co-location	Type 2	Type 2	Type 2
Concealed building attached	Type 2 ⁽³⁾	Type 2 ⁽³⁾	Type 1
Non-concealed building attached	Type 2 ⁽⁴⁾	Type 2	Type 1
New tower or height adjustment request	Type 3 ⁽⁴⁾	Type 3	Type 3

- (1) Zoning for any private/public property or right-of-way:
Residential – LDR, MDR, or HDR.
Commercial – O, MUO, RCC, NCC, RC, RCM, TUC, C/LI or TVS.
Industrial – LI, HI, MIC/L, or MIC/H.
- (2) Provided the height of the tower or utility pole does not increase and the square footage of the enclosure area does not increase.
- (3) An applicant may request to install a non-concealed building attached facility, under TMC Section 18.58.140.
- (4) MDR and HDR only.

B. The priorities for the type of wireless communication facility shall be based upon their placement in Table A; most-desirable facilities are located toward the top and least-desirable facilities toward the bottom. Any application for a wireless communication facility must follow the hierarchy of Table A. For example, an applicant must demonstrate by engineering evidence that using a transmission tower co-location is not possible before moving to a utility pole replacement for co-location, and so forth, with the last possible siting option being a new tower or waiver request.

C. The City's preferences for locating new wireless communication facilities are as follows:

1. Place antennas on existing structures, such as buildings, towers, water towers, or electrical transmission towers.
2. Place wireless communication facilities in non-residentially-zoned districts and non-residential property.
3. Place antennas and towers on public property and on appropriate rights-of-way if practical, provided that no

obligation is created herein for the City to allow the use of City property or public right-of-way for this purpose.

4. **City Property/Public Rights-of-Way.** The placement of personal wireless communication facilities on City-owned property and public rights-of-way will be subject to other applicable sections of the Tukwila Municipal Code and review by other departments (i.e., Public Works, Parks and Recreation, etc.).

5. Wireless communication facilities shall not be permitted on property designated as landmark or as part of a historic district.

D. Applicants shall submit all of the information required pursuant to TMC Section 18.104.060 and the following:

1. **Type 1** – Applicant shall submit:
 - a. A completed application form provided by the Department of Community Development.
 - b. Four sets of plans prepared by a design professional. The plans shall include a vicinity map, site map, architectural elevations, method of attachment, proposed screening, location of proposed antennas, and all other information which accurately depicts the proposed project. Minimum size is 8.5" by 11". Plans shall be no greater than 24" x 36".
 - c. A letter from the applicant outlining the proposed project and an evaluation from the applicant with regard to the City's Code requirements and whether the proposal qualifies for review under Section 6409 of the Spectrum Act.
 - d. Information sufficient to determine whether a proposed facilities modification per TMC Section 18.58.200 would be a substantial change to an existing eligible support structure.
 - e. Sensitive Area studies and proposed mitigation (if required).
 - f. If an outdoor generator is proposed, a report prepared by an acoustical engineer demonstrating compliance with TMC Chapter 8.22, "Noise."
 - g. SEPA Application (if required).
2. **Type 2** – Applicant shall submit all information required for a Type 1 application, plus the following:
 - a. Four sets of photo simulations that depict the existing and proposed view of the proposed facility.
 - b. Materials board for the screening material.
 - c. If landscaping is proposed, four sets of a landscaping plan prepared by a Washington State-licensed landscape architect.
 - d. Letter from a radio frequency engineer that demonstrates that the facility meets Federal requirements for allowed emissions.
 - e. If the facility is located within a residential zone, a report from a radio frequency engineer explaining the need for the proposed wireless communication facility. Additionally, the applicant shall provide detailed discussion on why the wireless communication facility cannot be located within a commercial or industrial zone.

3. **Type 3** – The applicant shall submit all the information required for Type 1 and Type 2 applications, plus the following:

a. All information required for new towers under TMC Section 18.58.060.

b. The radio frequency engineer report shall include a discussion of the information required under TMC Section 18.58.060. The report shall also explain why a tower must be used instead of any of the other location options outlined in Table A.

c. Provisions for mailing labels for all property owners and tenants/residents within 500 feet of the subject property.

d. Engineering plans for the proposed tower.

e. A vicinity map depicting the proposed extent of the service area.

f. A graphic simulation showing the appearance of the proposed tower and ancillary structures and ancillary facilities from five points within the impacted vicinity. Such points are to be mutually agreed upon by the Director of DCD and applicant. All plans and photo simulations shall include the maximum build-out of the proposed facility.

g. Evidence of compliance with minimum Federal Communications Commission (FCC) requirements for radio frequency emissions.

h. Evidence of compliance with Federal Aviation Administration (FAA) standards for height and lighting and certificates of compliance from all affected agencies.

i. Evidence that the tower has been designed to meet the minimum structural standards for wireless communication facilities for a minimum of three providers of voice, video or data transmission services, including the applicant, and including a description of the number and types of antennas the tower can accommodate.

(Ord. 2498 §4, 2016; Ord. 2251 §69, 2009; Ord. 2135 §1 (part), 2006)

18.58.060 New Towers.

A. New towers are not permitted within the City unless the Hearing Examiner finds that the applicant has demonstrated by a preponderance of the evidence that:

1. *Coverage objective* –There exists an actual (not theoretical) significant gap in service, and the proposed wireless communication facility will eliminate such significant gap in service; and

2. *Alternates* – No existing tower or structure, or other feasible site not requiring a new tower in the City, can accommodate the applicant's proposed wireless communication facility; and

3. *Least intrusive*: The proposed new wireless communication facility is designed and located to remove the significant gap in service in a manner that is, in consideration of the values, objectives and regulations set forth in this chapter,

TMC Title 18, and the Comprehensive Land Use Plan, the least intrusive upon the surrounding area.

B. The Hearing Examiner shall be the reviewing body on the application to construct a new tower, and shall determine whether or not each of the above requirements are met. Examples of evidence demonstrating the foregoing requirements include, but are not limited to, the following:

1. That the tower height is the minimum necessary in order to achieve the coverage objective;

2. That no existing towers or structures or alternative sites are located within the geographic area required to meet the applicant's engineering requirements to meet its coverage objective (regardless of the geographical boundaries of the City);

3. That existing towers or structures are not of a sufficient height or could not feasibly be extended to a sufficient height to meet the applicant's engineering requirements to meet its coverage objective;

4. That existing structures or towers do not have sufficient structural strength to support the applicant's proposed antenna and ancillary facilities;

5. That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing structures would cause interference with the applicant's proposed antenna;

6. That the fees, costs or contractual provisions required by the owner or operator in order to share an existing tower or structure, or to locate at an alternative site, or to adapt an existing tower or structure or alternative site for sharing, are unreasonable. Costs exceeding new tower construction by 25% are presumed to be unreasonable;

7. The applicant demonstrates other limiting factors that render existing towers and structures or other sites unsuitable.

All engineering evidence must be provided and certified by a registered and qualified professional engineer and clearly demonstrate the evidence required.

C. The Hearing Examiner, after holding a public hearing, shall either approve, approve with conditions, or deny the application, or remand the application back to staff for further investigation in a manner consistent with the Hearing Examiner order.

(Ord. 2498 §5, 2016; Ord. 2251 §70, 2009; Ord. 2135 §1 (part), 2006)

18.58.070 General Requirements.

The following shall apply to all wireless communication facilities regardless of the type of facility:

1. *Noise* – Any facility that requires a generator or other device which will create noise must demonstrate compliance with TMC Chapter 8.22, "Noise". A noise report, prepared by an acoustical engineer, shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The City may require that the report be reviewed by a third party expert at the expense of the applicant.

2. *Signage* – Only safety signs or those mandated by other government entities may be located on wireless communication facilities. No other types of signs are permitted on wireless communication facilities.

3. *Parking* – Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.

4. *Finish* – A tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or FCC, be painted a neutral color so as to reduce its visual obtrusiveness.

5. *Design* – The design of all buildings and ancillary structures shall use materials, colors, textures, screening and landscaping that will blend the tower facilities with the natural setting and built environment.

6. *Color* – All antennas and ancillary facilities located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

7. *Lighting* – Towers shall not be artificially lighted unless required by the FAA, FCC or other applicable authority. If lighting is required, the reviewing authority shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding areas. No strobe lighting of any type is permitted on any tower.

8. *Advertising* – No advertising is permitted at wireless communication facility sites or on any ancillary structure or facilities equipment compound.

9. *Equipment Enclosure* – Each applicant shall be limited to an equipment enclosure of 360 square feet at each site. However, this restriction shall not apply to enclosures located within an existing commercial, industrial, residential or institutional building or eligible facilities modifications.

(Ord. 2498 §6, 2016; Ord. 2135 §1 (part), 2006)

18.58.080 Electrical Transmission Tower Co-Location-Specific Development Standards.

The following requirements shall apply:

1. *Height* – There is no height requirement for antennas that are located on electrical transmission towers.

2. *Antenna aesthetics* – There are no restrictions on the type of antennas located on the electrical transmission tower. The antennas must be painted to match the color of the electrical transmission tower.

3. *Antenna intensity* – There is no limit on the number of antennas that may be located on an electrical transmission tower structure.

4. *Feed lines and coaxial cables* – shall be attached to one of the legs of the electrical transmission tower. The feed lines and cables must be painted to match the color of the electrical transmission tower.

5. *Cabinet equipment* – Cabinet equipment shall be located directly under the electrical transmission tower where the

antennas are located or a concealed location. The wireless communication equipment compound shall be fenced; the fence shall have a minimum height of 6 feet and a maximum height of 8 feet. The fence shall include slats, wood panels, or other materials to screen the equipment from view. Barbed wire may be used in a utility right-of-way that is not zoned residential.

6. *Setbacks* – Since the facility will be located on an existing electrical transmission tower, setbacks shall not apply.

(Ord. 2135 §1 (part), 2006)

18.58.090 Adding Antennas to Existing WCF Tower-Specific Development Standards.

The following requirements shall apply:

1. *Height* – The height must not exceed what was approved under the original application to construct the tower. If the height shall exceed what was originally approved, approval as a Type 2 decision is required for any height which will be less than the maximum height of the zone.

2. *Antenna aesthetics* – Antennas shall be painted to match the color scheme of the tower.

3. *Antenna intensity* – There is no limit on the number of antennas that may be located on an existing tower.

4. *Feed lines and coaxial cables* – Feed lines and coaxial cables shall be located within the tower. Any exposed feed lines or coaxial cables (such as when extended out of the tower to connect to the antennas) must be painted to match the tower.

5. *Cabinet equipment* – A new cabinet shall be located within the equipment enclosure that was approved as part of the original application. If the applicant wishes to expand the equipment enclosure from what was approved by the City or County under the previous application, the applicant shall seek a wireless communication facility (Type 2) application for only the equipment enclosure increase.

6. *Setbacks* – Setbacks shall not apply when an applicant installs new antennas on an existing tower and uses an existing equipment enclosure. If the equipment enclosure is increased, it must meet setbacks.

(Ord. 2135 §1 (part), 2006)

18.58.100 Concealed Building Mounted Development Requirements.

The following requirements shall apply:

1. *Height* – The proposed facility must meet the height requirement of the applicable zoning category. The antennas can qualify under TMC Section 18.50.080, "Rooftop Appurtenances", if the antennas are located in a church spire, chimney or fake chimney, elevator tower, mechanical equipment room, or other similar rooftop appurtenances usually required to be placed on a roof and not intended for human occupancy. Stand-alone antennas shall not qualify as rooftop appurtenances.

2. *Antennas aesthetics* – The antennas must be concealed from view by blending with the architectural style of the building. This could include steeple-like structures and parapet walls. The screening must be made out of the same material and be the same color as the building. Antennas shall be painted to match the color scheme of the building(s).

3. *Feed lines and coaxial cables* – Feed lines and cables should be located below the parapet of the rooftop.

4. *Cabinet equipment* – If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then the City's first preference is to locate the equipment on the rooftop of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, then the proposed screening must be consistent with the existing building in terms of color, style, architectural style and material. If the cabinet equipment is to be located on the ground, the equipment must be fenced with a 6-foot-tall fence, and materials shall be used to screen the equipment from view. Barbed wire may be used in the TVS, LI, HI, MIC/L, and MIC/H zones.

5. *Setbacks* – The proposed wireless communication facilities facility must meet the setback of the applicable zoning category where the facility is to be located.

(Ord. 2135 §1 (part), 2006)

18.58.110 Non-concealed Building Mounted Development Requirements.

The following requirements shall apply:

1. *Height* – The proposed facility must meet the height requirements of the applicable zoning category. If the building where the facility is located is at or above the maximum height requirements, the antennas are permitted to extend a maximum of 3 feet above the existing roof line. Non-concealed building mounted facilities shall not qualify as "Rooftop Appurtenances" under TMC 18.50.080.

2. *Antenna aesthetics* – The first preference for any proposed facility is to utilize flush-mounted antennas. Nonflush-mounted antennas may be used when their visual impact will be negated by the scale of the antennas to the building. "Shrouds" are not required unless they provide a better visual appearance than exposed antennas. Antennas shall be painted to match the color scheme of the building(s).

3. *Feed lines and coaxial cables* – Feed lines and cables should be located below the parapet of the rooftop. If the feed lines and cables must be visible, they must be painted to match the color scheme of the building(s).

4. *Cabinet equipment* – If cabinet equipment cannot be located within the building where the wireless communication facilities will be located, then it must be located on the rooftop of the building. If the equipment can be screened by placing the equipment below the parapet walls, no additional screening is required. If screening is required, then the proposed screening must be consistent with the existing building in terms of color, style, architectural style and material. If the cabinet equipment is to be located on the ground, the equipment must be fenced with a 6-foot-tall fence and materials shall be used to screen the equipment from view. Barbed wire may be used in the TVS, LI, HI, MIC/L, and MIC/H zones.

(Ord. 2135 §1 (part), 2006)

18.58.120 Utility Pole Co-location.

The following requirements shall apply:

1. *Height* – The height of a utility pole co-location is limited to 10 feet above the replaced utility pole, and may be not greater than 50 feet in height in residential zones. Within all other zones, the height of the utility pole is limited to 50 feet or the minimum height standards of the underlying zoning, whichever is greater.

2. *Replacement pole* – The replaced utility pole must be used by the owner of the utility pole to support its utility lines (phone lines or electric). A replaced utility pole cannot be used to provide secondary functions to utility poles in the area.

3. *Pole aesthetics* – The replaced utility pole must have the color and general appearance of the adjacent utility poles.

4. *Coaxial cables* – Coax cables limited to ½" in diameter may be attached directly to a utility pole. Coax cables greater than ½" must be placed within the utility pole. The size of the cables is the total size of all coax cables being utilized on the utility pole.

5. *Pedestrian impact* – The proposal shall not result in a significant change in the pedestrian environment or preclude the City from making pedestrian improvements. If a utility pole is being replaced, consideration must be made to improve the pedestrian environment if necessary.

6. *Cabinet equipment* – Unless approved by the Director of Public Works, all cabinet equipment and the equipment enclosure must be placed outside of City right-of-way. If located on a parcel that contains a building, the equipment enclosure must be located next to the building. The cabinet equipment must be screened from view. The screening must be consistent with the existing building in terms of color, style, architectural style and material. If the cabinet equipment is to be located on the ground, the equipment must be fenced with a 6-foot-tall fence and materials shall be used to screen the equipment from view. Barbed wire may be used in the TVS, LI, HI, MIC/L, and MIC/H zones.

7. *Setbacks* – Any portion of the wireless communication facilities located within City right-of-way is not required to meet setbacks. The City will evaluate setbacks on private property under the setback requirements set forth in TMC Section 18.58.170.

(Ord. 2498 §7, 2016; Ord. 2135 §1 (part), 2006)

18.58.130 Towers-Specific Development Standards.

The following requirements shall apply:

1. *Height* – Any proposed tower with antennas shall meet the height standards of the zoning district where the tower will be located. Bird exclusionary devices are not subject to height limitations.

2. *Antenna and tower aesthetics* – The applicant shall utilize a wireless communication concealed facility. The choice of concealing the wireless communication facility must be consistent with the overall use of the site. For example, having a tower appear like a flagpole would not be consistent if there are no buildings on the site. If a flag or other wind device is attached to the pole, it must be appropriate in scale to the size and diameter of the tower.

3. *Setbacks* – The proposed wireless communication facilities must meet the setbacks of the underlying zoning district. If an exception is granted under TMC Section 18.58.170 with regards to height, the setback of the proposed wireless communication facilities will increase 2 feet for every foot in excess of the maximum permitted height in the zoning district.

4. *Color* – The color of the tower shall be based on the surrounding land uses.

5. *Feed lines and coaxial cables* – All feed lines and cables must be located within the tower. Feed lines and cables connecting the tower to the equipment enclosure, which are not located within the wireless communication facility equipment compound, must be located underground.

(Ord. 2498 §8, 2016; Ord. 2135 §1 (part), 2006)

18.58.140 Request to Use Non-concealed Building Attached in Lieu of a Concealed Building Attached.

The use of concealed building facilities shall have first priority in all residential and commercial zones. However, an applicant may request to construct a non-concealed building attached wireless communication facility in lieu of a concealed wireless communication facility. The following criteria shall be used:

1. Due to the size of the building and the proposed location of the antennas, the visual impact of the exposed antennas will be minimal in relation to the building.

2. Cables are concealed from view and any visible cables are reduced in visibility by sheathing or painting to match the building where they are located.

3. Cabinet equipment is adequately screened from view.

4. Due to the style or design of the building, the use of a concealed facility would reduce the visual appearance of the building.

5. The building where the antennas are located is at least 200 feet from the Duwamish/Green River.

(Ord. 2135 §1 (part), 2006)

18.58.150 Landscaping/Screening.

A. The visual impacts of wireless communication facilities may be mitigated and softened through landscaping or other screening materials at the base of the tower, facility equipment compound, equipment enclosures and ancillary structures, with the exception of wireless communication facilities located on transmission towers, or if the antenna is mounted flush on an existing building, or camouflaged as part of the building and other equipment is housed inside an existing structure. The DCD Director, Director of Public Works or Hearing Examiner, as appropriate, may reduce or waive the standards for those sides of the wireless communication facility that are not in public view, when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; in locations where the visual impact of the tower would be minimal; and in those locations where large wooded lots and natural growth around the property perimeter may be sufficient buffer.

B. Landscaping shall be installed on the outside of fences. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

1. Screening landscaping shall be placed around the perimeter of the equipment cabinet enclosure, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.

2. The landscaping area shall be a minimum of 5 feet in width around the perimeter of the enclosure.

3. The applicant shall utilize evergreens that shall be a minimum of 6 feet tall at the time of planting.

4. Applicant shall utilize irrigation or an approved maintenance schedule that will insure that the plantings are established after two years from the date of planting.

C. The applicant shall replace any unhealthy or dead plant materials in conformance with the approved landscaping development proposal, and shall maintain all landscape materials for the life of the facility. In the event that landscaping is not maintained at the required level, the Director, after giving 30 days advance written notice, may maintain or establish the landscaping at the expense of the owner or operator and bill the owner or operator for such costs until such costs are paid in full.

(Ord. 2498 §9, 2016; Ord. 2135 §1 (part), 2006)

18.58.160 Zoning Setback Exceptions.

A. Generally, wireless communication facilities placed on private property must meet setbacks of the underlying zoning. However, in some circumstances, allowing modifications to setbacks may better achieve the goal of this Chapter of concealing such facilities from view.

B. The Director or Hearing Examiner, depending on the type of application, may permit modifications to be made to setbacks when:

1. An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property will provide better screening and aesthetic considerations than provided under the existing setback requirements; or
2. The modification will aid in retaining open space and trees on the site; or
3. The proposed location allows for the wireless communication facility to be located a greater distance from residentially-zoned (LDR, MDR, and HDR) properties.

C. This zoning setback modification cannot be used to waive/modify any required setback required under the State Building Code or Fire Code.

(Ord. 2251 §71, 2009; Ord. 2135 §1 (part), 2006)

18.58.170 Height Waivers.

A. Where the Hearing Examiner finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the height limitations of the Zoning Code, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve an adjustment to these regulations; provided that the applicant demonstrates that the adjustments are consistent with the values, objectives, standards, and requirements of this Chapter, TMC Title 18, and the Comprehensive Land Use Plan, and demonstrate the following:

1. A particular and identifiable hardship exists or a specific circumstance warrants the granting of an adjustment. Factors to be considered in determining the existence of a hardship shall include, but not be limited to:
 - a. Topography and other site features;
 - b. Availability of alternative site locations;
 - c. Geographic location of property; and
 - d. Size/magnitude of project being evaluated and availability of co-location.

B. In approving the adjustment request, the Hearing Examiner may impose such conditions as it deems appropriate to assure consistency with the values, objectives, standards and requirements of this Chapter, TMC Title 18, and the Comprehensive Land Use Plan and to ensure that the granting of the height adjustment will not be detrimental to the public safety, health or welfare, or injurious to other property, and will promote the public interest.

C. A petition for any such adjustment shall be submitted, in writing, by the applicant with the application for Hearing Examiner review. The petition shall state fully the grounds for the adjustment and all of the facts relied upon by the applicant.

(Ord. 2498 §10, 2016; Ord. 2251 §72, 2009; Ord. 2135 §1 (part), 2006)

18.58.190 Removal of Abandoned Wireless Communication Facilities.

Any antenna or tower that, after the initial operation of the facility, is not used for the purpose for which it was intended at the time of filing of the application for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove such abandoned tower shall result in declaring the antenna and/or tower a public nuisance. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower.

(Ord. 2135 §1 (part), 2006)

18.58.200 Standards for Eligible Facilities Modifications.

A. This section implements § 6409 of the "Middle Class Tax Relief and Job Creation Act of 2012" (the "Spectrum Act") (PL-112-96; codified at 47 U.S.C. § 1455(a)), which requires the City to approve any eligible facilities request for a modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station. The intent is to exempt eligible facilities requests from zoning and development regulations that are inconsistent with or preempted by Section 6409 of the Spectrum Act, while preserving the City's right to continue to enforce and condition approvals under this chapter on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

B. Definitions.

1. "Base station" shall mean and refer to the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the FCC, between user equipment and a communications network. The term does not encompass a tower as defined in this chapter or any equipment associated with a tower.

a. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

b. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

c. The term includes any structure other than a tower that, at the time an eligible facilities modification application is filed with the City under this chapter, supports or houses equipment described in subparagraphs (a) and (b) of TMC Section 18.58.200.B, and that has been reviewed and approved under the applicable zoning or siting process, or under another State, county or local regulatory review process, even if the

structure was not built for the sole or primary purpose of providing such support.

d. The term does not include any structure that, at the time a completed eligible facilities modification application is filed with the City under this section, does not support or house equipment described in subparagraphs (a) and (b) of TMC Section 18.58.200.B.

2. *“Eligible facilities modification”* shall mean and refer to any proposed facilities modification that has been determined pursuant to the provisions of this chapter to be subject to this chapter and that does not result in a substantial change in the physical dimensions of an eligible support structure.

3. *“Eligible support structure”* shall mean and refer to any existing tower or base station as defined in this chapter, provided it is in existence at the time the eligible facilities modification application is filed with the City under this chapter.

4. *“Existing”* shall mean and refer to a constructed tower or base station that was reviewed and approved under the applicable zoning or siting process and lawfully constructed.

5. *“Proposed facilities modification”* shall mean and refer to a proposal submitted by an applicant to modify an eligible support structure the applicant asserts is subject to review under Section 6409 of the Spectrum Act, and involving:

- a. collocation of new transmission equipment;
- b. removal of transmission equipment; or
- c. replacement of transmission equipment.

6. *“Site”* shall mean and refer to the current boundaries of the leased or owned property surrounding a tower (other than a tower in the public rights-of-way) and any access or utility easements currently related to the site and, for other eligible support structures, shall mean and be further restricted to, that area in proximity to the structure and to other transmission equipment already deployed on the ground.

7. *“Substantial Change”*. A proposed facilities modification will substantially change the physical dimensions of an eligible support structure if it meets any of the following criteria:

a. For towers not in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than 10 feet, whichever is greater.

Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings’ rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

b. For towers not in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or

more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 feet.

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed 4 cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.

d. For any eligible support structure:

(1) it entails any excavation or deployment outside the current site;

(2) it would defeat the concealment elements of the eligible support structure; or

(3) it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment provided, however, that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in this section.

8. *“Tower”* shall mean and refer to any structure built for the sole or primary purpose of supporting any antennas and their associated facilities, licensed or authorized by the FCC, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

9. *“Transmission Equipment”* shall mean and refer to equipment that facilitates transmission for any wireless communication service licensed or authorized by the FCC, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

C. Proposed facilities modification applications are not subject to the application requirements set forth in TMC Section 18.104.060.

D. City decisions on eligible facilities modifications shall be issued within 60 days from the date the application is received by the City, subtracting any time between the City's notice of incomplete application or request for additional information and the applicant's resubmittal. Following a supplemental submission, the City will respond to the applicant within 10 days, stating whether the additional information is sufficient to complete review of the application. This timing supersedes TMC Section 18.104.130.

E. If the City fails to approve or deny an eligible facilities modification within the time frame for review, the applicant may notify the City in writing that the review period has expired and that the application has therefore been deemed granted.

F. Applicants and the City may bring claims related to Section 6409 (a) to any court of competent jurisdiction.

(Ord. 2498 §11, 2016)

18.58.210 Expiration of Wireless Facility Permits.

A wireless facility permit shall automatically expire one year after a Notice of Decision approving the permit is issued unless a building permit conforming to plans for which the wireless facility permit was granted is obtained within that period of time. If a building permit is not required for the proposed work, such as changing antennas on an existing tower, then the substantial construction of the proposed work shall be completed within one year after a Notice of Decision approving the permit is issued. The Director of Community Development may authorize a longer period for completion of work if the applicant can demonstrate why additional time is required and submits a written request for extension prior to expiration of the wireless facilities permit.

(Ord. 2498 §12, 2016)

CHAPTER 18.60**BOARD OF ARCHITECTURAL REVIEW****Sections:**

- 18.60.010 Purpose and objectives
- 18.60.020 Membership
- 18.60.030 Scope of authority
- 18.60.040 Application requirements
- 18.60.050 Design review criteria
- 18.60.060 Commercial redevelopment areas approval procedures and criteria
- 18.60.070 Action by Board of Architectural Review

18.60.010 Purpose and Objectives

It is the purpose of this chapter to provide for the review by public officials of land development and building design in order to promote the public health, safety and welfare. Specifically, the Board of Architectural Review ("BAR") and DCD Director shall only approve well-designed developments that are creative and harmonious with the natural and manmade environments. Throughout this chapter, any reference to the Board or BAR shall also include the DCD Director in the case of administrative design review.

*(Ord. 2005 §16, 2002; Ord. 1865 §49, 1999;
Ord. 1758 §1 (part), 1995)*

18.60.020 Membership

The Board of Architectural Review shall consist of the members of the Planning Commission. The officers of the Planning Commission shall also sit as officers of the Board of Architectural Review.

(Ord. 1758 §1 (part), 1995)

18.60.030 Scope of Authority

A. The rules and regulations of the Board of Architectural Review shall be the same as those stated for the Planning Commission in the bylaws of the Tukwila Planning Commission.

B. The Community Development Director will review projects meeting the thresholds for administrative design review. The BAR will review all other projects requiring design review approval. The Board and the Community Development Director shall have the authority to approve, approve with conditions, or deny all plans submitted based on a demonstration of compliance with all of the guidelines of this chapter, as judged by the preponderance of evidence standard.

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

1. All developments will be subject to design review with the following exceptions:
 - a. Developments exempted in the various districts;

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

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

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

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

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

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

e. For sites in the TUC Districts see TMC Section 18.28.030.D. for design review thresholds.

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

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

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

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

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

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

*(Ord. 2442 §4, 2014; Ord. 2368 §61, 2012;
Ord. 2257 §11, 2009; Ord. 2251 §73, 2009; Ord. 2235 §15, 2009;
Ord. 2118 §1, 2006; Ord. 2005 §17, 2002; Ord. 1865 §50, 1999;
Ord. 1758 §1 (part), 1995)*

18.60.040 Application Requirements

All applications shall be accompanied by a filing fee as required in the Application Fees chapter of this title and shall include, but are not limited to, site plans, exterior building elevations, an environmental checklist if applicable, and other materials as required by the DCD. Models and/or photo montages shall be required for multi-family projects over six (6) dwelling units. Exemptions for minor projects may be granted by the Director. Minor projects shall include, but not be limited to, new interior garages, dumpster screening, and other changes which have no significant affect on project design.

Building permit applications shall not be granted until approval of plans by the BAR.

(Ord. 1758 §1 (part), 1995)

18.60.050 Design Review Criteria

A. **Generally.** The BAR is authorized to request and rely upon any document, guideline, or other consideration it deems relevant or useful to satisfy the purpose and objectives of this chapter, specifically including but not limited to the following criteria. The applicant shall bear the full burden of proof that the proposed development plans satisfy all of the criteria. The BAR may modify a literal interpretation of the design review criteria if, in their judgment such modifications better implement the Comprehensive Plan goals and policies.

B. **Commercial and Light Industrial Design Review Criteria.** The following criteria shall be considered in all cases, except that multi-family and hotel or motel developments shall use the multi-family, hotel and motel design review criteria; developments within the MUO, NCC and RC districts of the Tukwila International Boulevard corridor (*see Figure 18-9*) shall use the Tukwila International Boulevard design review criteria of this chapter; and developments within the TSO district shall use the Tukwila South design review criteria instead:

1. **RELATIONSHIP OF STRUCTURE TO SITE.**

a. The site should be planned to accomplish a desirable transition with streetscape and to provide for adequate landscaping and pedestrian movement.

b. Parking and service areas should be located, designed and screened to moderate the visual impact of large paved areas.

c. The height and scale of each building should be considered in relation to the site.

2. **RELATIONSHIP OF STRUCTURE AND SITE TO ADJOINING AREA.**

a. Harmony of texture, lines and masses is encouraged.

b. Appropriate landscape transition to adjoining properties should be provided.

c. Public buildings and structures should be consistent with the established neighborhood character.

d. Compatibility of vehicular pedestrian circulation patterns and loading facilities in terms of safety, efficiency and convenience should be encouraged.

e. Compatibility of on-site vehicular circulation with street circulation should be encouraged.

3. **LANDSCAPING AND SITE TREATMENT.**

a. Where existing topographic patterns contribute to beauty and utility of a development, they should be recognized, preserved and enhanced.

b. Grades of walks, parking spaces, terraces and other paved areas should promote safety, and provide an inviting and stable appearance.

c. Landscape treatment should enhance architectural features, strengthen vistas and important axis, and provide shade.

d. In locations where plants will be susceptible to injury by pedestrian or motor traffic, mitigating steps should be taken.

e. Where building sites limit planting, the placement of trees or shrubs in paved areas is encouraged.

f. Screening of service yards and other places that tend to be unsightly should be accomplished by use of walls, fencing, planting or combination.

g. In areas where general planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone or gravel may be used.

h. Exterior lighting, when used, should enhance the building design and the adjoining landscape. Lighting standards and fixtures should be of a design and size compatible with the building and adjacent area. Lighting should be shielded, and restrained in design. Excessive brightness and brilliant colors should be avoided.

4. **BUILDING DESIGN.**

a. Architectural style is not restricted; evaluation of a project should be based on quality of its design and relationship to its surroundings.

b. Buildings should be to appropriate scale and in harmony with permanent neighboring developments.

c. Building components such as windows, doors, eaves, and parapets should have good proportions and relationship to one another. Building components and ancillary parts shall be consistent with anticipated life of the structure.

d. Colors should be harmonious, with bright or brilliant colors used only for accent.

e. Mechanical equipment or other utility hardware on roof, ground or buildings should be screened from view.

f. Exterior lighting should be part of the architectural concept. Fixtures, standards, and all exposed accessories should be harmonious with building design.

g. Monotony of design in single or multiple building projects should be avoided. Variety of detail, form and siting should be used to provide visual interest.

5. **MISCELLANEOUS STRUCTURES AND STREET FURNITURE.**

a. Miscellaneous structures and street furniture should be designed to be part of the architectural concept of design and landscape. Materials should be compatible with buildings, scale should be appropriate, colors should be in harmony with buildings and surroundings, and proportions should be to scale.

b. Lighting in connection with miscellaneous structures and street furniture should meet the guidelines applicable to site, landscape and buildings.

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

1. SITE PLANNING.

a. Building siting, architecture, and landscaping shall be integrated into and blend harmoniously with the neighborhood building scale, natural environment, and development characteristics as envisioned in the Comprehensive Plan. For instance, a multi-family development's design need not be harmoniously integrated with adjacent single-family structures if that existing single-family use is designated as "Commercial" or "High-Density Residential" in the Comprehensive Plan. However, a "Low-Density Residential" (detached single-family) designation would require such harmonious design integration.

b. Natural features, which contribute to desirable neighborhood character, shall be preserved to the maximum extent possible. Natural features include, but are not limited to, existing significant trees and stands of trees, wetlands, streams, and significant topographic features.

c. The site plan shall use landscaping and building shapes to form an aesthetically pleasing and pedestrian scale streetscape. This shall include, but not be limited to facilitating pedestrian travel along the street, using architecture and landscaping to provide a desirable transition from streetscape to the building, and providing an integrated linkage from pedestrian and vehicular facilities to building entries.

d. Pedestrian and vehicular entries shall provide a high-quality visual focus using building siting, shapes and landscaping. Such a feature establishes a physical transition between the project and public areas, and establishes the initial sense of high quality development.

e. Vehicular circulation design shall minimize driveway intersections with the street.

f. Site perimeter design (i.e., landscaping, structures, and horizontal width) shall be coordinated with site development to ensure a harmonious transition between adjacent projects.

g. Varying degrees of privacy for the individual residents shall be provided, increasing from the public right-of-way, to common areas, to individual residences. This can be accomplished through the use of symbolic and actual physical barriers to define the degrees of privacy appropriate to specific site area functions.

h. Parking and service areas shall be located, designed and screened to interrupt and reduce the visual impact of large paved areas.

i. The height, bulk, footprint and scale of each building shall be in harmony with its site and adjacent long-term structures.

2. BUILDING DESIGN.

a. Architectural style is not restricted; evaluation of a project shall be based on the quality of its design and its ability to harmonize building texture, shape, lines and mass with the surrounding neighborhood.

b. Buildings shall be of appropriate height, scale, and design/shape to be in harmony with those existing permanent neighboring developments that are consistent with, or envisioned in, the Comprehensive Plan. This will be especially important for perimeter structures. Adjacent structures that are not in conformance with the Comprehensive Plan should be considered to be transitional. The degree of architectural harmony required should be consistent with the nonconforming structure's anticipated permanence.

c. Building components, such as windows, doors, eaves, parapets, stairs and decks shall be integrated into the overall building design. Particular emphasis shall be given to harmonious proportions of these components with those of adjacent developments. Building components and ancillary parts shall be consistent with the anticipated life of the structure.

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

e. Monotony of design in single or multiple building projects shall be avoided. Variety of detail, form, and siting shall be used to provide visual interest. Otherwise monotonous flat walls and uniform vertical planes of individual buildings shall be broken up with building modulation, stairs, decks, railings, and focal entries. Multiple building developments shall use siting and additional architectural variety to avoid inappropriate repetition of building designs and appearance to surrounding properties.

3. LANDSCAPE AND SITE TREATMENT.

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

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

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

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

4. MISCELLANEOUS STRUCTURES.

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

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

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

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

D. **Tukwila International Boulevard Design Review Criteria.** In reviewing any application for development, in the MUO, NCC, and RC Districts within the Tukwila International Boulevard study area (see *Figure 18-9*), the design criteria and guidelines of the Tukwila International Boulevard Design Manual, as amended, shall be used by the BAR in its decision making.

E. **Parking Structure Design Guidelines.** The Parking Structure Design Guidelines shall be used whenever the provisions of this Title require a design review decision on proposed or modified parking structures.

F. **Tukwila South Design Criteria.** The criteria listed below and guidelines contained in the Tukwila South Design Manual shall be used whenever the provisions of this title require a design review decision on a proposed or modified development in the Tukwila South Overlay district.

1. SITE DESIGN.

a. Site Design Concept and Site Relationships:

(1) Organize site design elements to provide an orderly and easily understood arrangement of buildings, landscaping, and circulation elements that support the functions of the site.

(2) Maintain visual and functional continuity between the development and adjacent properties where appropriate.

b. Site Design for Safety:

(1) Reduce the potential for conflicts between drivers and pedestrians.

(2) Provide building, site, and landscape designs that allow comfortable and safe navigation by employees, customers, and visitors.

(3) Provide lighting at building entries, along walkways, parking areas, and other public areas to enhance safety and visibility.

(4) Avoid light trespass beyond the boundaries of the property lines.

c. Siting and Screening of Parking Areas:

(1) Organize site and building designs to deemphasize vehicular circulation and parking.

(2) Use building placement, walls, berms, and/or landscaping to create a distinct street edge.

d. Siting and Screening of Service Areas and Mechanical Equipment:

(1) Reduce the visual, sound, and odor impacts of service areas from adjacent residential properties, public view and roadways through site design, building design, landscaping, and screening.

(2) Ensure that larger pieces of mechanical equipment are visually unobtrusive.

(3) Locate and/or screen roof-mounted mechanical equipment to minimize visibility from streets, trails, and adjacent properties.

e. Natural Features:

(1) Incorporate natural features and environmental mitigation areas such as existing topography, significant wooded areas, wetlands, and/or watercourses into the overall site plan where appropriate.

(2) Provide connections to existing and planned trails, open spaces, and parks per the Master Open Space and Trails Plan.

f. Pedestrian and Vehicular Circulation:

(1) Provide an efficient and comprehensive internal circulation system, including motorized and non-motorized access points, parking, loading, and emergency accessways.

(2) Create on-site pedestrian networks from streets and drives to building entrances, through parking lots to connect buildings to the street, and between sites.

g. Pedestrian Environment:

(1) Incorporate amenities in site design to increase the utility of the site and enhance the overall pedestrian/employee environment.

(2) Ensure that pedestrian amenities are durable and easy to maintain.

(3) Select site furnishings that complement the building and landscape design of the development.

h. Gateways:

(1) Designate gateways at key intersections into district and secondary gateways at major use nodes per the Tukwila South Master Plan.

(2) Provide special treatment at designated gateway locations.

2. BUILDING DESIGN.

a. Architectural Concept:

(1) Develop an architectural concept for structure(s) on the site that conveys a cohesive and consistent thematic or stylistic statement, and is responsive to the functional characteristics of the development.

(2) Reduce the apparent scale of large commercial and industrial buildings located adjacent to low density residential developments.

(3) Provide distinctive building corners at street intersections through the use of architectural elements and detailing and pedestrian-oriented features where possible.

(4) Provide prominent rooflines that contribute to the character of the area and are consistent with the type of building function and uses.

b. Building Elements and Architectural Details:

(1) Utilize durable, high quality building materials that contribute to the overall appearance, ease of maintenance, and longevity of the building.

(2) Buildings and site design should provide an inviting entry orientation.

(3) Colors used on building exteriors should integrate a building's various design elements or features.

3. LANDSCAPE AND PLANTING DESIGN.

a. Landscape Design:

(1) Develop a landscape plan that demonstrates a design concept consistent with or complementary to the site design and the building's architectural character.

(2) Develop a landscape design concept that fulfills the functional requirements of the development, including screening and buffering.

b. Planting Design:

(1) Incorporate existing significant trees, wooded areas and/or vegetation in the planting plan where they contribute to overall landscape design.

(2) Select plant materials that reinforce the landscape design concept, and are appropriate to their location in terms of hardiness, maintenance needs and growth characteristics.

4. SIGNAGE DESIGN.

a. Provide signage that is consistent with the site's architectural theme.

b. Manage sign elements such as size, location and arrangement so that signs complement the visual character of the surrounding area and appear in proportion to the building and site to which they pertain.

c. Provide signage that is oriented to both pedestrians and motorists in design and placement.

d. Provide a wayfinding system within the development to allow for quick location of buildings and addresses, that coordinates with other sites and the district, where appropriate.

G. **Southcenter Design Criteria.** The criteria contained in the Southcenter Design Manual shall be used whenever the provisions of this title require a design review decision on a proposed or modified development in the Tukwila Urban Center districts.

(Ord. 2442 § 5, 2014; Ord. 2368 §62, 2012; Ord. 2235 §16, §17, 2009; Ord. 2199 §20, 2008; Ord. 1986 §16, 2001; Ord. 1865 §51, 1999; Ord. 1758 §1 (part), 1995)

18.60.060 Commercial Redevelopment Areas Approval Procedures and Criteria

The intent of this section is to create a more uniform commercial district along the Tukwila International Boulevard corridor that serves the space needs of mixed use or commercial development that fronts on Tukwila International Boulevard, to allow and create developments that are designed and built to better buffer the negative impacts of the commercial district on the adjacent residential neighborhoods, to better integrate, where appropriate, the mixed use or commercial developments with the adjacent residential neighborhoods. Development within the five identified commercial redevelopment areas that is not in accordance with the underlying zone's uses and standards may be approved by the BAR if the development complies with the following criteria.

1. Uses allowed. The permitted and accessory uses shall be those of the adjacent commercial district to which the residentially zoned properties are being aggregated.

2. Standards. The basic development standards shall be those of the adjacent commercial district to which the site is being aggregated and the standards for the uses that are being proposed.

3. Approval procedure.

a. In a Commercial Redevelopment Area, the BAR must review and approve any development per the Tukwila International Boulevard Design Manual and the intent and criteria of this section.

b. The development must include at least one parcel that fronts on Tukwila International Boulevard and any number of additional adjacent parcels within the commercial redevelopment areas. (Exception: Commercial use of property in Site 2, in the block bounded by 42 Avenue South, South 144th Street Tukwila International Boulevard and South 142nd Street, must aggregate with the property on the north side South 142nd Street.)

c. The following criteria from the Tukwila International Boulevard "Design Manual are augmented to include the following intent:

(1) to create streetscapes that are similar in setback, landscape and building heights where development occurs across from single-family residential:

(2) to create architecture that is compatible with desired residential character and scale where development occurs adjacent to residential, the following elements must be addressed:

(a) Site Design with special attention to continuity of sites with adjacent sites and siting and screening of service yards; and

(b) Building Design with special attention to architectural relationships; and

(c) Landscape Design

(Ord. 2257 §12, 2009; Ord. 1865 §53, 1999)

18.60.070 Action by Board of Architectural Review

A. *DECISION PROCESS.* Projects meeting the thresholds for administrative design review will be processed as Type 2 decisions pursuant to TMC 18.108.020. All other design review decisions shall be processed as Type 4 decisions pursuant to TMC 18.108.040.

B. *APPROVAL.* If the DCD Director or BAR finds the proposed development plans satisfy the applicable design criteria they shall approve the proposed development. A building permit may then be issued by the appropriate City official providing all other requirements of applicable adopted codes and ordinances of the City have been complied with.

C. *APPROVAL WITH CONDITIONS.* If the DCD Director or BAR approves the proposed development plans with conditions, it may require that such conditions shall be fulfilled prior to the issuance of a building or occupancy permit, where appropriate.

D. *DENIAL.* The DCD Director or BAR may deny the proposed development plans if the plans do not satisfy the criteria listed in this chapter or the applicable design manual.

E. *TIME LIMIT OF APPROVAL.* Construction permitting for design review approved plans must begin within three years from the notice of decision or the approval decision becomes null and void.

*(Ord. 2235 §18, 2009 Ord. 2005 §18, 2002;
Ord. 1865 §54, 1999; Ord. 1770 §35, 1996;
Ord. 1758 §1 (part), 1995)*

CHAPTER 18.64

CONDITIONAL USE PERMITS

Sections:

18.64.010	Purpose
18.64.020	Uses Requiring a Conditional Use Permit
18.64.030	Application - Requirements and Fees
18.64.050	Criteria
18.64.060	Expiration and Renewal
18.64.070	Revocation of Permit
18.64.080	Performance Bond and Other Security
18.64.090	Resubmittal of Application

18.64.010 Purpose

It is the purpose of this chapter to establish review and permit approval procedures for unusual or unique types of land uses which, due to their nature, require special consideration of their impact on the neighborhood and land uses in the vicinity. The uses in this chapter may be located in any district, unless specifically not permitted, by special permission of the Hearing Examiner under such conditions as the Hearing Examiner may impose.

(Ord. 2500 §25, 2016; Ord. 1758 §1 (part), 1995)

18.64.020 Uses Requiring a Conditional Use Permit

The conditional uses listed in the specified use districts require a conditional use permit in order to locate and operate in an appropriate zone district within the City.

(Ord. 1758 §1 (part), 1995)

18.64.030 Application - Requirements and Fees

Application for conditional use permit shall be filed with the DCD on forms prescribed by that office. All applications shall be accompanied by a filing fee as required in the "Application Fees" chapter of this title. Applications for conditional use permits shall be Type 3 decisions and shall be processed pursuant to TMC Section 18.108.040.

*(Ord. 2500 §26, 2016; Ord. 1770 §36, 1996;
Ord. 1758 §1 (part), 1995)*

18.64.050 Criteria

The following criteria shall apply in granting a conditional use permit:

1. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;
2. The proposed use shall meet or exceed the performance standards that are required in the district it will occupy;
3. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
4. The proposed use shall be in keeping with the goals and policies of the Comprehensive Land Use Policy Plan;

5. All measures have been taken to minimize the possible adverse impacts which the proposed use may have on the area in which it is located.

(Ord. 1770 §38, 1996; Ord. 1758 §1 (part), 1995)

18.64.060 Expiration and Renewal

A conditional use permit shall automatically expire one year after a Notice of Decision approving the permit is issued unless a building permit conforming to plans for which the CUP was granted is obtained within that period of time. A conditional use permit shall automatically expire unless substantial construction of the proposed development is completed within two years from the date a Notice of Decision approving the permit is issued. The Hearing Examiner may authorize longer periods for a conditional use permit if appropriate for the project. The Hearing Examiner may grant a single renewal of the conditional use permit if the party seeking the renewal can demonstrate extraordinary circumstances or conditions not known or foreseeable at the time the original application for a conditional use permit was granted, which would not warrant such a renewal. No public hearing is required for a renewal of a conditional use permit.

*(Ord. 2500 §27, 2016; Ord. 1770 §39, 1996;
Ord. 1758 §1 (part), 1995)*

18.64.070 Revocation of Permit

A. The Hearing Examiner may revoke or modify a conditional use permit. Such revocation or modification shall be made on any one or more of the following grounds:

1. That the approval was obtained by deception, fraud, or other intentional and misleading representations.
2. That the use for which such approval was granted has been abandoned.
3. That the use for which such approval was granted has at any time ceased for a period of one year or more.
4. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulations.
5. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety.

B. Any aggrieved party may petition the Director of Community Development in writing to initiate revocation or modification proceedings.

C. Before a conditional use permit may be revoked or modified, a public hearing shall be held. Procedures concerning notice, reporting and appeals shall be the same as required by this chapter for the initial consideration of a conditional use permit application.

(Ord. 2500 §28, 2016; Ord. 1758 §1 (part), 1995)

18.64.080 Performance Bond and Other Security

A performance bond or other adequate and appropriate security may be required for any elements of the proposed project which the Hearing Examiner determines are crucial to the protection of the public welfare. Such bond shall be in an amount equal to 100% of the cost of the installation or construction of the applicable improvements.

*(Ord. 2500 §29, 2016; Ord. 1770 §40, 1996;
Ord. 1758 §1 (part), 1995)*

18.64.090 Resubmittal of Application

An application for a conditional use permit that has been denied may not be resubmitted within six months from the date of the Hearing Examiner's disapproval.

(Ord. 2500 §30, 2016; Ord. 1758 §1 (part), 1995)

CHAPTER 18.66

UNCLASSIFIED USE PERMITS

Sections:

- 18.66.010 Purpose
- 18.66.020 Uses requiring an unclassified use permit (UUP)
- 18.66.030 Area and dimensional requirements
- 18.66.040 Application requirements
- 18.66.060 Criteria
- 18.66.070 Expiration and renewal
- 18.66.080 Revocation of permit
- 18.66.090 Performance bond and other security
- 18.66.100 Resubmittal of application
- 18.66.110 Normal upkeep, repairs and maintenance - replacement of existing structures
- 18.66.120 Expansion of existing unclassified use - animal rendering facilities
- 18.66.130 Performance standards for rendering plants

18.66.010 Purpose

It is the purpose of this chapter to establish procedures for the regulation of uses possessing characteristics of such unusual, large-scale, unique or special form as to make impractical their being included automatically in any class of use as set forth in the various use districts previously defined.

(Ord. 1758 §1 (part), 1995)

18.66.020 Uses Requiring an Unclassified Use Permit (UUP)

The unclassified uses listed in the specified use districts require an unclassified use permit processed as provided in this chapter.

(Ord. 1758 §1 (part), 1995)

18.66.030 Area and Dimensional Requirements

A. The requirements for front, rear and side yards and open spaces and landscaping applicable to the underlying zone classification in which any such use is proposed to be located shall prevail, unless specific modifications are required in granting the unclassified use permit.

B. The provisions applying to height and minimum lot area and width applicable to the underlying zone classification in which any such use is proposed to be located shall prevail unless specific modifications are required in granting the unclassified use permit.

(Ord. 1758 §1 (part), 1995)

18.66.040 Application Requirements

A. Applications for unclassified use permits shall be Type 5 decisions and shall be processed pursuant to TMC 18.108.050.

B. An unclassified use permit application for a secure community transition facility shall be accompanied by the following:

1. The siting process used for the secure community transition facility, including alternative locations considered.

2. An analysis showing that proper consideration was given to potential sites such that siting of the facility will have no undue impact on any one racial, cultural or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction or region.

3. Documentation demonstrating compliance with Chapter 71.09 RCW for establishing the need for additional secure community transition facility beds and documentation demonstrating compliance with the "equitable distribution" requirements under the same chapter.

4. Proposed mitigation measures including the use of sight-obscuring buffers and other barriers from adjacent uses. At a minimum, the project must provide buffering similar to that required between residential and industrial zones.

5. DSHS must consult with the City's Police Department on the security requirements for both the facility and its residents. A statement from the City's Police Department indicating that the DSHS security and emergency procedures for the facility and its residents comply with the requirements of Chapter RCW 71.09 must be included in the Unclassified Use Permit application. A description of the general security and operational requirements shall also be included with the permit application.

6. Proposed operating rules for the facility.

7. A schedule and analysis of all public input solicited or to be solicited during the siting process.

(Ord. 1991 §11, 2002; Ord. 1770 §41, 1996; Ord. 1758 §1 (part), 1995)

18.66.060 Criteria

The City Council shall be guided by the following criteria in granting an unclassified use permit:

1. Where appropriate and feasible, all facilities shall be undergrounded.

2. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

3. The proposed use shall meet or exceed the same standards for parking, landscaping, yards and other development regulations that are required in the district it will occupy.

4. The proposed development shall be compatible generally with the surrounding land uses.

5. The proposed development shall to the maximum extent feasible be consistent with and promote the goals, objectives, and policies of the Comprehensive Land Use Policy Plan and applicable adopted area plans.

6. The proposed unclassified use shall, to the maximum extent feasible, mitigate all significant adverse environmental impacts on public and private properties. Full consideration shall be given to:

(a) alternative locations and/or routes that reduce or eliminate adverse impacts; and

(b) alternative designs that reduce or eliminate adverse impacts.

7. In the event that a proposed essential public facility of a countywide or statewide nature creates an unavoidable significant adverse environmental or economic impact on the community, compensatory mitigation shall be required. Compensatory mitigation shall include public amenities, incentives or other public benefits which offset otherwise unmitigated adverse impacts of the essential public facility. Where appropriate, compensatory mitigation shall be provided as close to the affected area as possible.

8. For uses in residential areas, applicants shall demonstrate that there is no reasonable nonresidential alternative site for the use.

9. For uses in residential areas, applicants shall demonstrate that the use provides some tangible benefit for the neighborhood.

10. Secure community transition facilities shall be meet the following additional criteria:

(a) No facility shall house more than four persons or the number of persons requested by DSHS after DSHS both demonstrates a need for additional beds in compliance with Chapter 71.09 RCW and it demonstrates compliance with Chapter 71.09 RCW's "equitable distribution" requirements.

(b) The facility shall be located in relation to transportation facilities in a manner appropriate to the transportation needs of the secure community transition facility residents.

(Ord. 1991 §12, 2002; Ord. 1865 §55, 1999; Ord. 1816 §2, 1997; Ord. 1758 §1 (part), 1995)

18.66.070 Expiration and Renewal

An unclassified use permit shall automatically expire one year after the date of issuance of a Notice of Decision granting approval of the application unless a building permit conforming to plans upon which the permit was granted is obtained within that period of time. An unclassified use permit shall automatically expire unless substantial construction shall be completed within two years from the date of issuance of a Notice of Decision granting approval of the application, unless a renewal is granted or unless the unclassified use permit specifically provides for a period greater than two years. The City Council, may renew an unclassified use permit for a maximum period of one additional year. No more than one renewal shall be issued for any unclassified use permit. A renewal may be granted only if there have been no pertinent changes in conditions surrounding the property since the time of original approval. No public hearing is required for renewal of an unclassified use permit.

(Ord. 1770 §44, 1996; Ord. 1758 §1 (part), 1995)

18.66.080 Revocation of Permit

A. The City Council may revoke or modify any unclassified use permit. Such revocation or modification shall be made on any one or more of the following grounds:

1. That the approval was obtained by deception, fraud, or other intentional and misleading representation;

2. That the use for which such approval was granted has at any time ceased for a period of one year or more;

3. That the use for which such approval was granted has been abandoned;

4. That the permit granted is exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, law or regulation;

5. That the use for which the approval was granted is so exercised as to be detrimental to the public health or safety.

B. Any aggrieved party may petition the City Council in writing to initiate revocation or modification proceedings.

C. Before an unclassified use permit may be revoked or modified, a public hearing shall be held. Procedures concerning notice, reporting, and appeals shall be the same as required for the initial consideration of an unclassified use permit application.

(Ord. 1770 §45, 1996; Ord. 1758 §1 (part), 1995)

18.66.090 Performance Bond or Other Security

A performance bond or other adequate and appropriate security may be required by the City Council for any elements of the proposed project which the Council determines are crucial to the protection of the public welfare. Such bond shall be in an amount equal to 100% of the cost of the installation or construction of the applicable improvements.

(Ord. 1758 §1 (part), 1995)

18.66.100 Resubmittal of Application

An application for an unclassified use permit which has been disapproved by the Council cannot be resubmitted within six months of the date of Council disapproval.

(Ord. 1770 §46, 1996; Ord. 1758 §1 (part), 1995)

18.66.110 Normal Upkeep, Repairs, and Maintenance; Replacement of Existing Structures

Normal upkeep, repairs, maintenance, strengthening, or restoration to a safe condition of any building or structure being used as part of an unclassified use shall not require a new or revised unclassified use permit. The replacement of existing structures with either new structures of equivalent size and/or capacity, or with new structures which do not change the use and do not constitute an expansion or enlargement as described below, shall not require a new or revised unclassified use permit; provided that, in any event, any structure that is non-conforming by reason of its height, bulk, or setbacks shall not be re-constructed in a manner which increases the extent of the nonconformity. Nothing in this section shall modify applicable requirements that such construction work may require a building permit or other construction permits pursuant to TMC Title 16 (construction codes).

(Ord. 1769 §4 (part), 1996)

18.66.120 Expansion of Existing Unclassified Use - Animal Rendering Facilities

In addition to the structures permitted pursuant to TMC Section 18.66.110, existing animal rendering facilities shall be allowed to construct new facilities to update and/or modernize such use without needing to obtain a new or revised unclassified use permit if such construction involves an intensification of the permitted existing facility. For purposes of this section, “facilities” shall refer to all structures, including tanks, processing equipment, buildings and other improvements used in the rendering operation, and “intensification” shall mean new construction shall meet all of the requirements below. Any proposed new construction that fails to meet one or more of the requirements of intensification shall be considered an enlargement or expansion, and shall require an application for a new or revised unclassified use permit for the facilities which constitute the enlargement or expansion:

1. The construction of new facilities shall be considered an intensification and may be permitted without the need to obtain an Unclassified Use Permit (UUP) if:

- a. The total area of the site is not increased.
- b. The construction of new facilities does not generate more than 10 new vehicle trips at peak hour, as determined pursuant to TMC Chapter 9.48, related to traffic concurrency.
- c. No new facilities are located in the shoreline buffer.
- d. The new facilities will comply with the performance standards set forth in TMC Section 18.66.130.
- e. The construction of new manufacturing facilities does not result in more than a 5% cumulative increase in the manufacturing capacity of the processing facility.
- f. The construction will not increase the extent of any nonconformity of any structure by reason of its height, bulk or setbacks.

2. Any proposed new facility which does not meet criteria 1.a through 1.f above shall be considered an enlargement or expansion, and shall comply with the provisions of TMC Chapter 18.66, Unclassified Use Permits.

3. Whether or not a proposed new facility is considered an intensification or an expansion/enlargement, all other applicable codes such as construction codes, SEPA, etc., shall continue to apply.

(Ord. 2368 §63, 2012; Ord. 1769 §4 (part), 1996)

18.66.130 Performance Standards for Rendering Plants

The following performance standards shall apply to rendering plants, in addition to the performance standards for the applicable zoning district.:

1. Any new facilities constructed at a rendering plant which will be used for storage or transmission of liquid or semi-liquid products will be protected by containment facilities capable of preventing the release of any product into surface or ground waters in the event of a spill or breakage. If more than one storage or transmission facility is protected by a containment facility, such containment facility shall be of sufficient size to contain a spill of the largest storage or transmission facility so protected.

2. Any new facilities will utilize the best feasible odor abatement control equipment and shall be designed, constructed and operated so that the new facilities will not increase the risk of odor emissions from the site.

3. The facility, including both existing and new facilities, shall comply with applicable air pollution control requirements of the Puget Sound Air Pollution Control Agency, including both procedural and substantive standards.

4. A copy of the current Spill Prevention Control and Countermeasure Plan (SPCCP) for the new facilities required by the Puget Sound Air Pollution Control Agency shall be on file with the DCD.

(Ord. 1769 §4 (part), 1996)

CHAPTER 18.70
NONCONFORMING LOTS,
STRUCTURES AND USES

Sections:

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

18.70.010 Purpose

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

(Ord. 1819 §1 (part), 1997)

18.70.020 Construction Approved Prior to Adoption of Title

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

(Ord. 1819 §1 (part), 1997)

18.70.030 Substandard Lots

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

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

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

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

18.70.040 Nonconforming Uses

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

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

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

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

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

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

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

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

18.70.050 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption of this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, 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 18.70.060, including but not limited to painting, roof repair and replacement, plumbing, wiring, mechanical equipment repair/replacement and weatherization. These and other alterations, additions or enlargements may be allowed as long as the work done does not extend further into any required yard or violate any other portion of this title. Complete plans shall be required of all work contemplated under this section.

2. Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, in the judgment of the City's Building Official, it shall not be reconstructed except in conformity with provisions of this title, except that in the LDR zone, structures that are nonconforming in regard to yard setbacks or sensitive area buffers, but were in conformance at the time of construction may be reconstructed to their original dimensions and location on the lot.

3. Should such structure be moved for any reason or any distance whatsoever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved.

4. When a nonconforming structure, or structure and premises in combination, is vacated or abandoned for 24 consecutive months, the structure, or structure and premises in combination, shall thereafter be required to be in conformance with the regulations of the zone in which it is located. Upon request of the owner, the City Council may grant an extension of time beyond the 24 consecutive months.

5. Residential structures and uses located in any single-family or multiple-family residential zoning district and in existence at the time of adoption of this title shall not be deemed nonconforming in terms of bulk, use, or density provisions of this title. Such buildings may be rebuilt after a fire or other natural disaster to their original dimensions and bulk, but may not be changed except as provided in the non-conforming uses section of this chapter.

6. Single-family structures in single- or multiple-family residential zone districts, which have legally nonconforming building setbacks, shall be allowed to expand the ground floor only along the existing building line(s), so long as the existing distance from the nearest point of the structure to the property line is not reduced, and the square footage of new intrusion into the setback does not exceed 50% of the square footage of the current intrusion.

7. In wetlands, watercourses and their buffers, existing structures that do not meet the requirements of the Sensitive Areas Overlay District chapter of this title may be remodeled, reconstructed or replaced, provided that:

a. The new construction does not further intrude into or adversely impact an undeveloped sensitive area or the required buffer;

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

c. The structure otherwise meets the requirements of this chapter.

8. In areas of potential geologic instability, coal mine hazard areas, and buffers, as defined in the Sensitive Areas Overlay District chapter of this title, existing structures may be remodeled, reconstructed or replaced, provided that:

a. The new construction is subject to the geotechnical report requirements and standards of Section 18.45.120B and .120C;

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

c. The new construction does not increase the potential for soil erosion or result in unacceptable risk or damage to existing or potential development or to neighboring properties; and

d. The structure otherwise meets the requirements of this chapter.

9. A nonconforming use, within a nonconforming structure, shall not be allowed to expand into any other portion of the nonconforming structure.

*(Ord. 2175 §1, 2007; Ord. 2077 §1, 2004;
Ord. 1819 §1 (part), 1997)*

18.70.060 Repairs and Maintenance

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

(Ord. 1819 §1 (part), 1997)

18.70.070 Building Safety

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

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

(Ord. 1819 §1 (part), 1997)

18.70.080 Nonconforming Parking Lots

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

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

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

(Ord. 1819 §1 (part), 1997)

18.70.090 Nonconforming Landscape Areas

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

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

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

18.70.100 Conditional and Unclassified Uses

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

(Ord. 1819 §1 (part), 1997)

18.70.110 Nonconforming Adult Entertainment Establishments

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

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

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

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

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

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

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

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

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

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

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

(Ord. 1819 §1 (part), 1997)

18.70.120 Sidewalk Dedication

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

(Ord. 1819 §1 (part), 1997)

18.70.130 Cargo Containers

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

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

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

(Ord. 1989 §10, 2002)

CHAPTER 18.72
VARIANCES

Sections:

- 18.72.010 Purpose
- 18.72.020 Criteria for Granting Variance Permit
- 18.72.030 Conditions for Granting - Extension
- 18.72.040 Application Requirements
- 18.72.070 Prohibited Variance

18.72.010 Purpose

It is the purpose of this chapter to authorize upon appeal in specific cases such variances from the provisions of the zoning ordinance or other land use regulatory ordinances as the City may adopt which will not be contrary to the public interest and only where, owing to special conditions, a literal enforcement of the provisions of such ordinance(s) would result in unnecessary hardship.

(Ord. 1758 §1 (part), 1995)

18.72.020 Criteria for Granting Variance Permit

The Hearing Examiner shall consider all requests for variance from the Zoning Code; variance from the provisions of such ordinances shall not be granted by the Hearing Examiner unless the Hearing Examiner finds that the applicant has demonstrated all of the following facts and conditions exist:

1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located.
2. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is situated.
4. The authorization of such variance will not adversely affect the implementation of the Comprehensive Land Use Policy Plan.
5. The granting of such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity.
6. The need for the variance is not the result of deliberate actions of the applicant or property owner.

(Ord. 2500 §32, 2016; Ord. 1796 §3 (part), 1997; Ord. 1758 §1 (part), 1995)

18.72.030 Conditions for Granting - Extension

In authorizing the variance, the Hearing Examiner may attach thereto such conditions that it deems to be necessary or desirable in order to carry out the intent and purposes of this chapter and in the public interest. A variance so authorized shall become void after the expiration of one year or a longer period as specified at the time of the Hearing Examiner action, if no building permit has been issued in accordance with the plans for which such variance was authorized, except that the Hearing Examiner may extend the period of variance authorization without a public hearing for a period not to exceed twelve months upon a finding that there has been no basic change in pertinent conditions surrounding the property since the time of the original approval.

(Ord. 1796 §3 (part), 1997; Ord. 1758 §1 (part), 1995)

18.72.040 Application Requirements

An application to the Hearing Examiner for the issuance of a variance shall be made on forms prescribed by the DCD. All applications shall be accompanied by a filing fee as required in the Application Fees chapter of this title. All variances shall be processed as Type 3 decisions pursuant to TMC 18.108.030.

(Ord. 1796 §3 (part), 1997; Ord. 1770 §48, 1996; Ord. 1758 §1 (part), 1995)

18.72.070 Prohibited Variance

Under no circumstances shall the Hearing Examiner grant a variance to permit a use not generally or conditionally permitted in the zone involved, or any use expressly or by implication prohibited by the terms of this title in said zone.

(Ord. 1796 §3 (part), 1997; Ord. 1758 §1 (part), 1995)

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	Docket
18.80.030	Notice and Comment
18.80.040	Staff Report
18.80.050	Council Consideration
18.80.060	Council Decision

18.80.010 Application

Any interested person (including applicants, citizens, Tukwila Planning Commission, City staff and officials, and staff of other agencies) may submit an application for an 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 Docket

A. The Department shall maintain a docket of all proposed changes to the Comprehensive Plan and development regulations that are submitted. If either the Department or the Council determines that a proposed change may be 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.

B. Non-emergency changes shall be compiled and submitted to the Council for review on an annual basis in March 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 in the offices of the Department and made available to any interested person. At least four weeks 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.

(Ord. 1758 §1 (part), 1995)

18.80.040 Staff Report

A. At least two weeks 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 addresses the following:

1. the issues set forth in this chapter;
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 Council Consideration

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 meeting, at which the applicant will be allowed to make a presentation. Any person submitting a written comment on the proposed change shall also be allowed an opportunity to make a 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. Refer the proposed amendment 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; or
3. Reject the proposed amendment.

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

18.80.060 Council Decision

Following receipt of the Planning Commission's recommendation on a proposed amendment referred to the Commission, the City Council shall hold a public hearing on the proposal, for which public notice has been provided as required under the Public Notice of Hearing chapter of this title. Following the public hearing, the City Council may:

1. adopt the amendment as proposed;
2. modify and adopt the proposed amendment; or
3. reject the proposed amendment.

(Ord. 1856 §2, 1998; Ord. 1758 §1 (part), 1995)

CHAPTER 18.84**REQUESTS FOR CHANGES IN ZONING****Sections:**

- 18.84.010 Application Submittal
- 18.84.015 Documents to be Submitted with Application
- 18.84.020 Criteria
- 18.84.030 Conditions on Rezone Approvals
- 18.84.040 Ordinance Required

18.84.010 Application Submittal

Application for rezone of property, along with the request for a Comprehensive Plan map change, shall be submitted to the Department of Community Development. 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)

18.84.015 Documents to be Submitted with Application

A. Applications for rezones and the accompanying Comprehensive Plan map change 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 when, in the Department's discretion, such information is not relevant or would not be useful to consideration of the proposed amendment.

(Ord. 2368 §68, 2012)

18.84.020 Criteria

Each determination granting a rezone and the accompanying Comprehensive Plan map change shall be supported by written findings and conclusions, showing specifically that all of the following conditions exist:

1. The proposed amendment to the Zoning Map is consistent with the goals, objectives, and policies of the Comprehensive Plan;
2. The proposed amendment to the Zoning Map is consistent with the scope and purpose of TMC Title 18, "Zoning Code," and the description and purpose of the zone classification applied for;
3. There are changed conditions since the previous zoning became effective to warrant the proposed amendment to the Zoning Map; and
4. The proposed amendment to the Zoning Map will be in the interest of furtherance of the public health, safety, comfort, convenience and general welfare, and will not adversely affect the surrounding neighborhood, nor be injurious to other properties in the vicinity in which the subject property is located.

(Ord. 2368 §69, 2012; Ord. 2116 §1 (part), 2006)

18.84.030 Conditions on Rezone Approvals

The City Council shall have the authority to impose conditions and safeguards as it deems necessary to protect or enhance the health, safety and welfare of the surrounding area, and to ensure that the rezone fully meets the findings set forth in TMC 18.84.020.

(Ord. 2116 §1 (part), 2006)

18.84.040 Ordinance Required

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.

(Ord. 2116 §1 (part), 2006)

CHAPTER 18.86
DEVELOPMENT AGREEMENTS

Sections:

- 18.86.010 Development Agreements - Authorized
- 18.86.020 "Development Standards" Defined
- 18.86.030 Development Standards, Flexibility
- 18.86.040 Exercise of City Police Power and Contract Authority
- 18.86.050 Form – Public Hearing Required
- 18.86.060 Conditions of Approval
- 18.86.070 Recording
- 18.86.080 Discretionary, Legislative Act

18.86.010 Development Agreements - Authorized

The City may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. The City may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.

(Ord. 2378 §2, 2012)

18.86.020 "Development Standards" Defined

For purposes of this chapter, the term "development standards" means and includes, but is not limited to:

1. Project elements such as permitted uses, residential densities, and non-residential densities and intensities or building sizes;
2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, or dedications;
3. Mitigation measures, development conditions, and other requirements under chapter 43.21C RCW;
4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
5. Parks and open space preservation;
6. Phasing;
7. Review procedures and standards for implementing decisions;
8. A build-out or vesting period for applicable standards; and
9. Any other development requirement or procedure deemed appropriate by the City Council.

(Ord. 2378 §3, 2012)

18.86.030 Development Standards, Flexibility

A development agreement shall be consistent with applicable development regulations to the fullest extent possible; *provided*, a development agreement may allow development standards different from those otherwise imposed under the Tukwila Municipal Code in order to provide flexibility to achieve public benefits, respond to changing community needs, or encourage modifications which provide the functional equivalent or adequately achieve the purposes of otherwise applicable City standards. Any approved development standards that differ from those in the Code shall not require any further zoning reclassification, variance from City standards or other City approval apart from development agreement approval. The development standards as approved through a development agreement shall apply to and govern the development and implementation of each covered site in lieu of any conflicting or different standards or requirements elsewhere in the Tukwila Municipal Code. Subsequently adopted standards that differ from those of a development agreement adopted by the City as provided in this chapter shall apply to the covered development project only where necessary to address imminent public health and safety hazards or where the development agreement specifies a time period or phase after which certain identified standards can be modified. Determination of the appropriate standards for future phases that are not fully defined during the initial approval process may be postponed. Building permit applications shall be subject to the building codes/regulations/ordinances and fire codes/ regulations/ordinances in effect when the permit is applied for.

(Ord. 2378 §4, 2012)

18.86.040 Exercise of City Police Power and Contract Authority

As provided in RCW 36.70B.170(4), the execution of a development agreement is a proper exercise of the City's police power and contract authority. Accordingly, a development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

(Ord. 2378 §5, 2012)

18.86.050 Form – Public Hearing Required

Development agreements shall be consistent with RCW 36.70B.170 through 36.70B.210. All development agreements shall be in a form and content as approved by the City Attorney. Development agreements shall be approved by ordinance or resolution and shall be subject to review and approval by the City Council after a duly noticed public hearing pursuant to RCW 36.70B.200.

(Ord. 2378 §6, 2012)

18.86.060 Conditions of Approval

In approving a development agreement, conditions of approval shall at a minimum establish:

1. A site plan for the entire project, showing locations of sensitive areas and buffers, required open spaces, perimeter buffers, location and range of densities for residential development, and location and size of non-residential development;
2. The expected build-out time period for the entire project and the various phases, if proposed;
3. Project phasing, if proposed, and other project-specific conditions to mitigate impacts on the environment, on public facilities and services including transportation, utilities, drainage, police and fire protection, schools, and parks;
4. Road and storm water design standards that shall apply to the various phases, if proposed, of the project;
5. Bulk design and dimensional standards that shall be implemented throughout subsequent development within the project;
6. The size and range of uses authorized for any non-residential development within the project; and
7. Any sewer and/or water comprehensive utility plans or amendments required to be completed before development can occur.
8. Any other item deemed necessary by the City Council.

(Ord. 2378 §7, 2012)

18.86.070 Recording

A development agreement shall be recorded with the real property records of the county in which the property is located pursuant to RCW 36.70B.190.

(Ord. 2378 §8, 2012)

18.86.080 Discretionary, Legislative Act

The decision of the City Council to approve or reject a request for a development agreement shall be a discretionary, legislative act.

(Ord. 2378 §9, 2012)

CHAPTER 18.88
APPLICATION FEES

Sections:

18.88.010 Application fees

18.88.010 Application Fees

Land use application fees and charges shall be paid at the time an application or request is filed with the City. All fees and charges shall be per the Land Use Fee Schedule most recently adopted by the City Council.

(Ord. 1994 §1, 2002; Ord. 1971 §20, 2001; Ord. 1834 §6, 1998; Ord. 1758 §1 (part), 1995)

CHAPTER 18.90
APPEALS

Sections:

18.90.010 Appeals from Decisions or Interpretations of the Director
18.90.040 Appeals from Decisions of the City Council

18.90.010 Appeals from Decisions or Interpretations of the Director

A. Any person aggrieved by any interpretation of this title by the Director may appeal the Director's interpretation to the Hearing Examiner. Any such appeal shall be a Type 2 decision and shall be processed pursuant to TMC 18.108.020.

B. At the time the appeal is filed, the appealing party shall pay an appeal fee pursuant to the fee schedule.

(Ord. 2120 §3, 2006; Ord. 1796 §3 (part), 1997; Ord. 1770 §62, 1996; Ord. 1758 §1 (part), 1995)

18.90.040 Appeals from Decisions of the City Council

The action of the City Council on all matters shall be final and conclusive unless, within ten days from the date of the Council's action, an applicant or an aggrieved party makes an application to the Superior Court of King County for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

(Ord. 1758 §1 (part), 1995)

CHAPTER 18.96

ADMINISTRATION AND ENFORCEMENT

Sections:

- 18.96.010 Administrative Responsibility
- 18.96.020 Interpretations
- 18.96.030 Review of Zoning Compliance
- 18.96.040 Performance Bond
- 18.96.050 Amount of Bond, or Equivalent
- 18.96.060 Change in Use
- 18.96.070 Record of Certificates Issued
- 18.96.110 Penalty
- 18.96.120 Other Legal Action

18.96.010 Administrative Responsibility

The Director, as the duly authorized representative of the Mayor, is charged with the responsibility of carrying out the provisions of the zoning ordinance. He may be provided with the assistance of such other persons as the Mayor may direct.

(Ord. 1758 §1 (part), 1995)

18.96.020 Interpretations

An interpretation of this title by the Director or the Director's delegate may be requested in writing by any person or may be initiated by the Director. A decision by the Director that an issue is not subject to an interpretation request shall be final and not subject to administrative appeal. Any request for interpretation shall be a Type 2 Decision filed with the Director, accompanied by a fee according to the most recently adopted Land Use Fee Schedule. The interpretation of the Director shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant.

(Ord. 2117 §1, 2006; Ord. 1758 §1 (part), 1995)

18.96.030 Review of Zoning Compliance

No department, official, or employee of the City shall issue an occupancy permit until there has been endorsed thereon certification of compliance with the applicable regulations of this title by the Director or his delegate. For the purposes of Chapter 18.96, an occupancy permit shall mean the review and recording of zoning compliance as accomplished through the building permit and business license application procedures.

(Ord. 2251 §74, 2009; Ord. 1758 §1 (part), 1995)

18.96.040 Performance Bond

The Department of Community Development may authorize the issuance of a temporary occupancy permit conditioned upon the subsequent completion or satisfaction of unfulfilled requirements or regulations, or uncompleted development proposals. A condition for issuance of such temporary permit may be the posting with the City of a performance bond or its equivalent, to insure fulfillment of all conditions to which such permit is subject. The conditions to which such temporary occupancy permit is subject shall be listed upon the permit or

attached thereto. No occupancy permit or certificate of occupancy shall be issued except as hereinabove provided. No occupancy permit shall be issued until all such conditions are satisfied. If the conditions are not satisfied within one year from the date of the deadline specified in the temporary occupancy permit, demand may be made by the City against the bond, or its equivalent, for completion and performance. Prior to such demand being given, the Director shall give ample notice to the person or persons involved.

(Ord. 1758 §1 (part), 1995)

18.96.050 Amount of Bond, or Equivalent

The performance bond, or equivalent, shall be in a form acceptable to the City Attorney, and represent a proportion of the fair cost estimate of the proposed development or improvement as determined by the Director, according to the following schedule:

Fair Cost Estimate.....	Amount of Bond
Up to \$50,000	100% of estimate
\$50,001 to \$100,000	75% of estimate
\$100,001 to \$250,000	50% of estimate
\$250,001 and over	25% of estimate

(Ord. 1758 §1 (part), 1995)

18.96.060 Change in Use

Whenever a change in use of land or structures takes place the owner of such land or structures shall be required to submit an application for an occupancy permit for the new use or structures within 15 days of the date of such change in use. Failure to do so shall be a violation of this title.

(Ord. 1758 §1 (part), 1995)

18.96.070 Record of Certificates Issued

The Director or his/her delegate shall circulate a request for an occupancy permit for a change in use to all City departments, and shall maintain a record of all occupancy permits issued.

(Ord. 1758 §1 (part), 1995)

18.96.110 Penalty

Any violation of any provision, or failure to comply with any of the requirements of this chapter, shall be subject to the terms and conditions of TMC Chapter 8.45.

(Ord. 1758 §1 (part), 1995)

18.96.120 Other Legal Action

Nothing herein contained shall prevent the City from seeking such other legal or equitable remedies as may be available to prevent or remedy any violation.

(Ord. 1758 §1 (part), 1995)

CHAPTER 18.100
STANDARDS FOR
APPROVAL OF PERMITS

Sections:

- 18.100.010 Determination of Consistency with Adopted Plans and Regulations - Type 1 and 2 Decisions
- 18.100.020 Determination of Consistency with Adopted Plans and Regulations - Appeals of Type 2 Decisions
- 18.100.030 Determination of Consistency with Adopted Plans and Regulations - Type 3, 4 and 5 Decisions
- 18.100.040 Additional Findings - Reclassifications and Shoreline Redesignations
- 18.100.050 Additional Findings - Preliminary Plats

18.100.010 Determination of Consistency with Adopted Plans and Regulations - Type 1 and 2 Decisions

When the Department issues a decision on a Type 1 or 2 decision, the Department or hearing body shall determine whether the decision is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the City of Tukwila Comprehensive Plan, the City of Tukwila's Development Regulations and other official laws, policies and objectives of the City of Tukwila. The Department is not required to enter findings of fact or conclusions when issuing Type 1 and 2 decisions, provided that findings of fact and conclusions are required for Shoreline Substantial Development permits.

(Ord. 1769 §1 (part), 1996)

18.100.020 Determination of Consistency with Adopted Plans and Regulations - Appeals of Type 2 Decisions

When a hearing body renders a decision on an appeal of a Type 2 decision, the hearing body shall make and enter findings of fact and conclusions from the record which support the decision or recommendation. Such findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the City of Tukwila Comprehensive Plan, the City of Tukwila's Development Regulations and other official laws, policies and objectives of the City of Tukwila.

(Ord. 1769 §1 (part), 1996)

18.100.030 Determination of Consistency with Adopted Plans and Regulations - Type 3, 4 and 5 Decisions

When a hearing body renders a decision on a Type 3, 4 or 5 decision, the hearing body shall make and enter findings of fact and conclusions from the record that support the decision or recommendation. Such findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the City of Tukwila Comprehensive Plan, the City of Tukwila's Development Regulations and other official laws, policies and objectives of the City of Tukwila.

(Ord. 2500 §33, 2016; Ord. 1769 §1 (part), 1996)

18.100.040 Additional Findings - Reclassifications and Shoreline Redesignations

When the City Council makes a decision regarding an application for a reclassification of property or for a shoreline environment redesignation, the decision shall include additional findings which support the conclusion that at least one of the following circumstances applies:

1. The reclassification is for the purpose of achieving consistency with the Comprehensive Plan; or
2. The applicant has demonstrated with substantial evidence that:
 - a. Since the adoption of the last version of the Comprehensive Plan or Shoreline Master Program affecting the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the adopted Comprehensive Plan or Shoreline Master Program;
 - b. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that rezoning or redesignation by means of a generalized amendment to the Comprehensive Plan or Shoreline Master Program is not appropriate; and
 - c. The requested reclassification or redesignation is required in the public interest.

(Ord. 1769 §1 (part), 1996)

18.100.050 Additional Findings - Preliminary Plats

When the hearing body makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

1. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students walking to and from school.

2. The public use and interest will be served by the platting of such subdivision and dedication.

3. If the hearing body finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the hearing body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat.

(Ord. 2500 §34, 2016; Ord. 1769 §1 (part), 1996)

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
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 <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
Cargo Container Placement <i>(TMC Section 18.50.060)</i>	Community Development Director	Hearing Examiner
Code Interpretation <i>(TMC Section 18.90.010)</i>	Community Development Director	Hearing Examiner
Exception from Single-Family Design Standard <i>(TMC Section 18.50.050)</i>	Community Development Director	Hearing Examiner
Modification to Development Standards <i>(TMC Section 18.41.100)</i>	Community Development Director	Hearing Examiner
Parking standard for use not specified <i>(TMC 18.56.100)</i> , and modifications to certain parking standards <i>(TMC 18.56.065, .070, .120)</i>	Community Development Director	Hearing Examiner
Sensitive Areas (except Reasonable Use Exception) <i>(TMC Chapter 18.45)</i>	Community Development Director	Hearing Examiner
Shoreline Substantial Development Permit <i>(TMC Chapter 18.44)</i>	Community Development Director	State Shorelines Hearings Board
Shoreline Tree Permit	Community Development Director	Hearing Examiner
Short Plat <i>(TMC Chapter 17.12)</i>	Short Plat Committee	Hearing Examiner
Modification to TUC Corridor Standards <i>(TMC Section 18.28.110.C)</i>	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, Minor <i>(TMC Chapter 18.58)</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 Sensitive 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
Wireless Communication Facility, Major or Waiver Request <i>(TMC Chapter 18.58)</i>	Hearing Examiner	Superior Court

4. **TYPE 4 DECISIONS** are quasi-judicial decisions made by the Board of Architectural Review or the Planning Commission, following an open record hearing. Type 4 decisions may be appealed to the Hearing Examiner based on the record established by the Board of Architectural Review or Planning Commission, except Shoreline Conditional Use Permits, that are appealable to the State Shorelines Hearings Board pursuant to RCW 90.58.

TYPE 4 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (closed record appeal)
Public Hearing Design Review <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
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
Sensitive 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
Subdivision - Final Plat <i>(TMC Section 17.12.030)</i>	City Council	Superior Court
Unclassified Use <i>(TMC Chapter 18.66)</i>	City Council	Superior Court

(Ord. 2442 §6, 2014; Ord. 2368 §70, 2012; Ord. 2294 §1, 2010; 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)

18.104.040 Relationship to SEPA

Land use permits that are categorically exempt from review under the State Environmental Policy Act ("SEPA") will not require a threshold determination. For all other projects, the SEPA review procedures codified in TMC Chapter 21.04 are supplemental to the procedures set forth in TMC Chapter 18.104.

(Ord. 1768 §2 (part), 1996)

18.104.050 Pre-Application Conferences

Prior to filing a permit application requiring a Type 1, 2, 3, 4 or 5 decision, the applicant may contact the Department to schedule a pre-application conference. The purpose of the pre-application conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The pre-application conference shall be scheduled by the Department at the request of an applicant, and shall be held in a timely manner.

(Ord. 1768 §2 (part), 1996)

18.104.060 Application Requirements

In order to comply with the requirements of RCW 36.70B.080 (which requires that the City specify the contents of a complete application for a land use permit), RCW 36.70B.070 (which requires the City to determine whether applications are complete within 28 days of submission) and RCW 36.70B.090 (which requires the City to make a decision on a permit application within 120 days of determining the application is complete), the following standards for permit applications are established:

1. Applications shall be made by the property owner, lessee, contract purchaser, governmental agency, or by an authorized agent thereof. The Department shall not commence review of any application set forth in this chapter until the applicant has submitted the materials and fees specified for complete applications. Applications shall be considered complete as of the date of submittal upon determination by the Department that the materials submitted meet the requirements of this section. Except as provided in Subsections 2 and 4 of this section, all land use permit applications shall include the following in quantities specified by the Department:

- a. An application form provided by the Department and completed by the applicant. The applicant shall be allowed to file a consolidated application for all land use project permits requested by the applicant for the development proposal at the time the application is filed.
 - b. If the water utility serving the site is an entity other than the City, a current Certificate of Water Availability from the water utility purveyor serving the site pursuant to TMC 14.36.010.
 - c. Site percolation data approved by the Seattle-King County Department of Environmental Health pursuant to TMC 14.36.020 if the site is proposed for development using a septic system, or a Certificate of Sewer Availability from the sewer utility purveyor serving the site if the sewer utility serving the site is an entity other than the City.
 - d. A site plan, prepared in a form prescribed by the Director.
 - e. Proof that the lot or lots are recognized as separate lots pursuant to the provisions of TMC Title 17 and RCW 58.17.
 - f. Any sensitive areas studies required by TMC Chapter 18.45.
 - g. A completed environmental checklist, if required by TMC Chapter 21.04.
 - h. A list of any existing environmental documents known to the applicant or the City that evaluate any aspect of the proposed project.
 - i. A list of any permits or decisions applicable to the development proposal that have been obtained prior to filing the application or that are pending before the City or any other governmental entity.
 - j. A storm water design which meets the requirements set forth in the Surface Water Design Manual adopted pursuant to TMC 16.54.060.
 - k. For land use permits requiring a Type 3, 4 or 5 decision: current Assessor's maps and a list of tax parcels to which public notice must be given; a set of mailing labels addressed to the owners thereof; and a set of mailing address labels addressed to the occupants thereof, including tenants in multiple occupancy structures, to the extent the owner's addresses are not the same as the street addresses of the properties to which notice is required. In lieu of the mailing labels, the applicant can pay public notice mailing fee as established by the Land Use Fee Schedule.
 - l. Legal description of the site.
 - m. A soils engineering report for the site.
 - n. Traffic study or studies, if required pursuant to TMC Chapter 9.48.
 - o. A landscaping plan, if required by TMC Chapter 18.52.
 - p. A tree-clearing plan, if required by TMC Chapter 18.54.
 - q. A parking plan, if required by TMC Chapter 18.56.
 - r. Design review plans and related documents, if required by TMC Chapter 18.60 or the Shoreline Master Program.
 - s. Verification of applicable contractor's registration number, if required by RCW 18.27.110.
2. The Director may waive any of the specific submittal requirements listed in this section that are determined to be unnecessary for review of an application.
 3. A permit application is complete for purposes of this section when it meets the procedural submission requirements of the Department and is sufficient for continued processing even though additional information may be required or project modifications may be subsequently undertaken. The determination of completeness shall not preclude the Department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the Department.
 4. There are additional application requirements for the following land use permits, which must be provided in addition to the materials identified in this section in order for an application to be deemed complete:
 - a. Land altering permit, see TMC 16.54.100, .110 and .230.
 - b. Construction permits, see TMC Title 16, building and construction codes.
 - c. Water system connections, see TMC 14.04.030.
 - d. Sanitary sewer connection, see TMC 14.12.070.
 - e. Flood control zone permit, see TMC 16.52.070.
 - f. Short subdivisions, see TMC 17.08.030.
 - g. Preliminary subdivisions, see TMC 17.12.020.
 - h. Final subdivisions, see TMC 17.12.030.
 - i. Binding site improvement plans, see TMC 17.16.030.
 - j. Planned residential developments, see TMC 18.46.110.
 - k. Sign permits, see TMC 19.12.020 and .030.
 - l. Shoreline substantial development permits, shoreline conditional use permits and shoreline variances, see TMC Chapter 18.44, RCW 90.58 and the applicable Shoreline Master Program.
 - m. Wireless communication facility permits, see Chapter TMC 18.58.
 5. The applicant shall attest by written oath to the accuracy of all information submitted for an application. The Department shall have the authority to require the applicant to submit a title report or other proof of ownership of the property or other proof of the applicant's authority to submit an application regarding the property.
 6. Applications shall be accompanied by the payment of applicable filing fees, if any.

(Ord. 2251 §76, 2009; Ord. 2135 §20, 2006; Ord. 1768 §2 (part), 1996)

18.104.070 Notice of Complete Application to Applicant

A. Within 28 days following receipt of a permit application, the Department shall mail or provide in person written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state with specificity what is necessary to make the application complete. To the extent known by the Department, the notice shall identify other agencies of local, state, regional or federal governments that may have jurisdiction over some aspect of the development proposal.

B. An application shall be deemed complete under this section if the Department does not provide written notice to the applicant that the application is incomplete within the 28-day period as provided herein.

C. If the application is incomplete and the applicant submits the additional information requested by the Department, the Department shall mail or provide in person written notice to the applicant, within 14 days following the receipt of the additional information, whether the application is complete or what further information, specified by the Department as provided in TMC 18.104.070A, is necessary to make the application complete. An application shall be deemed complete if the Department fails to provide written notice to the applicant within such 14-day period that the application is incomplete.

D. An application shall be conclusively deemed to be complete on the Department's issuance of a notice of complete application as provided in Subsections A or C hereof, or the expiration of the time periods for issuance of such a notice as provided in Subsections B or C hereof.

E. The Department shall cancel an incomplete application if the applicant fails to submit the additional information required by TMC 18.104.070A or 070C within 90 days following notification from the Department that the application is incomplete. The Department may extend this cancellation date up to 120 additional days if the applicant submits a written request for an extension prior to cancellation. The request must clearly demonstrate that the delay is due to circumstances beyond the applicant's control (such as the need for seasonal wetland data) or unusual circumstances not typically faced by other applicants, and that a good faith effort has been made to provide the requested materials.

F. The fact that an application is deemed complete pursuant to this section shall not, under any circumstances, prevent the City from subsequently requesting additional information or studies regarding any aspect of a proposed project which is deemed necessary to a complete review of the proposed project.

(Ord. 1768 §2 (part), 1996)

18.104.080 Notice of Application - Contents

A. A Notice of Application shall be provided to the public and departments and agencies with jurisdiction for all land use permit applications requiring Type 2, 3, 4 or 5 decisions and for all Type 1 decisions which require SEPA review, except that a Notice of Application is not required in the case of a Code Interpretation pursuant to TMC 18.96.010 or a Sign Permit Denial pursuant to TMC Chapter 19.12.

B. A Notice of Application shall be issued by the Department within 14 days following the Department's determination that the application is complete.

C. If the Responsible Official has made a Determination of Significance (DS) under RCW 43.21 prior to the issuance of the Notice of Application, notice of the determination shall be combined with the Notice of Application. If a determination of significance (DS) has been made prior to the issuance of the Notice of Application, the Notice of Application shall also include the scoping notice required by WAC 197-11-360.

D. All required Notices of Application shall contain the following information:

1. The file number.
2. The name of the applicant and the owner of the property, if different than the applicant.
3. A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed.
4. A statement establishing a public comment period, which shall be 14 days for Type 1, 2, 3 and 4 decisions and 21 days for Type 5 decisions following the date of the Notice of Application, provided that a public comment period is not required in the case of a Code Interpretation pursuant to TMC 18.96.010 or a Sign Permit Denial pursuant to TMC Chapter 19.12, and further provided that the comment period for projects requiring a Shoreline Substantial Development permit shall be either 20 or 30 days, as specified in RCW 90.58.140.
5. The procedures and deadline for filing comments, requesting notice of any required hearings, and any appeal rights. Any person may comment in writing on the application during the public comment period, and may participate by submitting either written or oral testimony, or both, at any hearings, and may request a copy of the decision once made. The Notice shall specify any appeal procedures that apply to the permit application.
6. For Type 5 decisions, the date, time and place of the public meeting required by TMC 18.108.050 and an explanation of the purpose of and procedure to be followed at such meeting.
7. The date, time place and type of hearing, if applicable and scheduled at the time of notice.
8. The identification of other permits not included in the application to the extent known by the Department.

9. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and for determining consistency with applicable City requirements.

E. Additional information is required by RCW 90.58 for Notices of Application for projects which require a Shoreline Substantial Development permit.

F. Except for a determination of significance, the Department shall not issue a threshold determination pursuant to RCW 43.21C, and the Department shall not issue a decision or a recommendation on the application until the expiration of the public comment period on the Notice of Application.

(Ord. 2251 §77 2009; Ord. 1768 §2 (part), 1996)

18.104.090 Notice of Application - Procedure

Notice of Application shall be provided as follows:

1. For all Type 2, 3, 4 and 5 decisions, and Type 1 decisions which require SEPA review, the Notice of Application shall be mailed by first class mail to the applicant and to departments and agencies with jurisdiction, except that a Notice of Application is not required in the case of a Code Interpretation pursuant to TMC 18.96.020 or a Sign Permit Denial pursuant to TMC Chapter 19.12.

2. For Type 1 decisions and Type 2 decisions which require SEPA review, the Notice of Application shall be provided by posting pursuant to TMC 18.104.110, provided that the Notice of Application for a Type 1 decision involving a single-family residence need not be posted but shall be published one time in a newspaper of general circulation in the City.

3. For short plats of 5 through 9 lots and Type 3, 4 and 5 applications, the Notice of Application shall be posted pursuant to TMC 18.104.110 and mailed pursuant to TMC 18.104.120. Notice requirements for secure community transition facilities shall be in accordance with RCW 71.09.315 as amended.

4. For applications which require any Shoreline permit, additional notice shall be provided as required by RCW 90.58.

5. For preliminary plats, additional published notice shall be provided as required by RCW 58.17.090(a).

6. The Director shall have the discretion in unusual circumstances (i.e., lengthy utility corridor or right-of-way construction projects) where posting and mailed notice would be impractical, to require the notice of application to be published in a newspaper of general circulation in the area where the proposal is located, in lieu of posting and mailed notice

7. Email notification can substitute for large mailings where the parties of record were informed about this form of notification and they elected to receive information electronically.

(Ord. 2251 §78, 2009; Ord. 1991 §13, 2002; Ord. 1834 §8, 1998; Ord. 1768 §2 (part), 1996)

18.104.100 Party of Record

Any person who (1) submits comments, in writing, on an application during the public comment period, (2) requests, in

writing, copies of notice of any public hearing on an application (3) requests, in writing, copies of any decision on the application, (4) testifies on an application at a public hearing, or (5) who otherwise indicates, in writing, a desire to be informed of the status of the application, shall be a party of record. The applicant shall always be considered a party of record.

(Ord. 1768 §2 (part), 1996)

18.104.110 Posted Notice

Posted notice for a proposal shall consist of one or more notice boards prepared and posted by the applicant within 14 days following the Department's determination of completeness as follows:

1. A single notice board shall be posted for a project. This notice board shall also be used for the posting of the Notice of Decision and any Notice of Hearing, and shall be placed by the applicant as follows:

a. The notice board shall be located at the midpoint of the site street frontage or as otherwise directed by the Department for maximum visibility.

b. The notice board shall be five feet inside the street property line except when the board is structurally attached to an existing building, provided that no notice board shall be placed more than five feet from the street property without approval of the Department.

c. Notice boards shall be at least four feet by four feet in size and shall be designed, constructed and installed in accordance with specifications promulgated by the Department.

d. The top of the notice board shall be between seven to nine feet above grade.

e. The notice board shall be placed so that it is completely visible to pedestrians.

2. Additional notice boards may be required by the Department when:

a. The site does not abut a public road;

b. A large site abuts more than one public road; or

c. The Department determines that additional notice boards are necessary to provide adequate public notice.

3. Notice boards shall be maintained in good condition by the applicant during the notice period as follows:

a. For Type 3, 4 or 5 decisions, from 14 days after the determination of completeness until the date of the public hearing on the application.

b. For Type 2 decisions requiring posted notice of application, from 14 days after the determination of completeness until the later of (i) 14 days after the issuance of a decision by the Director or other administrative authority, or (ii) the date of any administrative appeal hearing on the application.

c. For a Type 1 decision requiring posted notice of application, from 14 days after the determination of completeness until the expiration of the public comment period.

d. For any project requiring a Shoreline Substantial Development permit, the notice board shall be posted for a minimum of 30 days.

4. The Department shall have the discretion to determine that removal of the notice board prior to the end of the notice period, or failure to maintain it in good condition, is cause for discontinuance of review of the application until the notice board is replaced and remains in place for a specified time period.

5. An affidavit of posting shall be submitted to the Department by the applicant within 14 days following the Department's determination of completeness to allow continued processing of the application by the Department.

(Ord. 1768 §2 (part), 1996)

18.104.120 Mailed Notice

A. Mailed notice shall be issued by the Department within 14 days following the Department's determination of completeness as follows:

1. To owners of record of property within 500 feet of the site, and to the occupants thereof to the extent the street addresses of such properties are different than the mailing addresses of the owners.

2. To any agency or tribe which the Department may identify as having an interest in the proposal.

3. To any other party of record.

B. Mailed notice shall be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more persons to receive mailed notice.

(Ord. 2251 §79, 2009; Ord. 1768 §2 (part), 1996)

18.104.130 Time Periods for Permit Issuance

A. Final decisions by the City on all permits shall be issued within 120 days from the date the applicant is notified by the Department that the application is complete. The following periods shall be excluded from this 120-day period:

1. Any period of time during which the applicant has been requested by any City department, agency or hearing body with jurisdiction over some aspect of the application to correct plans, perform required studies, or provide additional information. The period shall be calculated from the date the applicant is notified of the need for additional information until the earlier of:

(a) the date the department, agency or hearing body determines whether the additional information satisfies the request, or

(b) 14 days after the date the information has been provided to the department, agency or hearing body.

If the department, agency or hearing body determines that the action by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

If the applicant fails to provide a requested correction or additional information within 90 days of the request the Department may cancel the application due to inactivity.

2. The period of time during which an environmental impact statement is being prepared following a determination of significance pursuant to RCW 43.21C.

3. A period of no more than 90 days for an open record appeal hearing on a Type 2 land use decision, and no more than 60 days for a closed record appeal on a Type 4 land use decision appealable to the City Council.

4. Any additional time period for administrative review agreed upon by the Department and the applicant.

5. Any additional time period agreed upon by the Department, the applicant and any parties to an appeal.

6. Any period of time during which an applicant fails to post the property, if permit processing is suspended by the Department pursuant to TMC 18.104.110.

B. The time limits established in this section shall not apply if a project permit application requires an amendment to the comprehensive plan or a development regulation.

C. The time limitations established in this section shall not apply to street vacations or other approvals related to the use of public areas or facilities issued pursuant to TMC Title 11.

D. If a final decision cannot be issued within the time limits established by this section, the Department shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

(Ord. 2097 §23, 2005; Ord. 1768 §2 (part), 1996)

18.104.140 Applications - Modifications to Proposal

A modification to project plans occurring before issuance of the permit shall be deemed a new application for the purpose of establishing time periods pursuant to TMC 18.104.130 when such modification would result in a substantial change in a project's review requirements, as determined by the Department.

(Ord. 1768 §2 (part), 1996)

18.104.150 Vesting

A. Applications for Type 1, 2, 3, 4 and Type 5 decisions (other than rezones and shoreline environment redesignations) shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all of the requirements of TMC 18.104.070. The Department's issuance of a notice of complete application as provided in TMC 18.104.070A or 070C, or the failure of the Department to provide such a notice as provided in TMC 18.104.070B or 070C, shall cause an application to be deemed complete for purposes of the vested rights doctrine.

B. Supplemental information required after filing of a complete application shall not affect the validity of the vesting for such application.

C. Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals.

D. A determination that an application is complete shall not be deemed to affect the requirement of the vested rights doctrine that an application is not vested if it fails to comply with the zoning and other land use control ordinances in effect at the time a complete application is filed.

(Ord. 1768 §2 (part), 1996)

18.104.160 Hearing Scheduling - Notice of Hearing

A. At least 14 days prior to any public hearings on Type 3, 4 and 5 decisions, open record appeal hearings on Type 2 decisions and closed record appeal hearings on Type 4 decisions, the Department shall issue a Notice of Hearing by mail pursuant to the provisions of TMC 18.104.120. Notice requirements for secure community transition facilities shall be in accordance with RCW 71.09.315 as amended.

In addition, at least 14 days before such hearing, the Director shall post the Notice of Hearing on any posted notice board(s) erected pursuant to TMC 18.104.110. Such Notice of Hearing shall include the following information:

1. The file number.
2. The name of the applicant.
3. A description of the project, the location, a list of the permits included in the application, and the location where the application, the staff report, and any environmental documents or studies can be reviewed.
4. The date, time, place and type of hearing.
5. The phone number of the Department and the name of the staff person who can provide additional information on the application and the hearing.

B. The Director shall have the discretion to include additional information in the Notice of Hearing if the Director determines that such information would increase public awareness or understanding of the proposed project.

C. Email notification can substitute for large mailings where the parties of record were informed about this form of notification and they elected to receive information electronically.

*(Ord. 2251 §80, 2009; Ord. 1991 §14, 2002;
Ord. 1768 §2 (part), 1996)*

18.104.170 Notice of Decision

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

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

(Ord. 2368 §71, 2012; Ord. 1768 §2 (part), 1996)

18.104.180 Referral to Other City Departments

The Department shall refer permit applications and portions of permit applications to other City departments and administrators with authority and/or expertise to review such applications. The Department shall incorporate the decisions and consider the recommendations of such other City departments and administrators in permits, approvals and recommendations issued pursuant to this Title.

(Ord. 1768 §2 (part), 1996)

18.104.190 Date of Mailing

All notices issued pursuant to this chapter shall be deemed to have been issued on the date on which they are mailed by the Department.

(Ord. 1768 §2 (part), 1996)

CHAPTER 18.108
DECISION PROCESSES

Sections:

- 18.108.010 Type 1 Decision Process
- 18.108.020 Type 2 Decision Process
- 18.108.030 Type 3 Decision Process
- 18.108.040 Type 4 Decision Process
- 18.108.050 Type 5 Decision Process
- 18.108.060 Legislative Decisions

18.108.010 Type 1 Decision Process

A. Type 1 decisions shall be made by the City department or officer specified by ordinance.

B. Type 1 decisions shall be final unless an appeal is filed with the City department pursuant to TMC Chapter 18.116.

(Ord. 1847 §3, 1998; Ord. 1768 §3 (part), 1996)

18.108.020 Type 2 Decision Process

A. All Type 2 decisions shall be made by the Director, or in appropriate cases, the Short Plat Committee, pursuant to the procedures set forth in TMC Chapter 18.104.

B. Type 2 decisions other than Shoreline Substantial Development permits shall be final unless appealed to the Hearing Examiner, the Planning Commission, or City Council, as specified in TMC 18.104.010.

C. All appeals of Type 2 decisions other than appeals of Shoreline Substantial Development permits shall be filed with the Department, which shall coordinate scheduling of the appeal hearing with the appropriate appeal hearing body.

D. Appeal of a Shoreline Substantial Development permit shall be to the State Shoreline Hearings Board pursuant to RCW 90.58.

E. In the event that a project involves more than one Type 2 decision appealable to different bodies and no Type 3, 4 or 5 decision, all appeals shall be consolidated in the following sequence:

1. If an appeal to the City Council is involved, all appeals of Type 2 decisions shall be consolidated before the City Council.

2. If no appeal to the City Council is involved, all appeals of Type 2 decision shall be consolidated before the Planning Commission.

F. All appeals of Type 2 decisions shall be open record appeals, processed pursuant to the time limits and other procedures for such appeals specified in TMC Chapter 18.116.

G. Following an open record appeal hearing on a Type 2 decision, the hearing body shall render a written decision, including findings of fact and conclusions, and the Department shall promptly issue a Notice of Decision pursuant to TMC 18.104.170.

H. The decisions of the Hearing Examiner, the Planning Commission and the City Council regarding Type 2 decisions shall be final and shall be appealable only to Superior Court pursuant to RCW 36.70C.

(Ord. 1796 §3 (part), 1997; Ord. 1768 §3 (part), 1996)

18.108.030 Type 3 Decision Process

A. Type 3 decisions shall be made by the Hearing Examiner following an open record public hearing. Such public hearing shall be conducted in accordance with the procedures for open record public hearings specified in TMC Chapter 18.112.

B. Following a public hearing on a Type 3 decision, the hearing body shall render a written decision, including findings of fact and conclusions, and the Department shall promptly issue a Notice of Decision pursuant to TMC 18.104.170.

C. The decision of the Hearing Examiner shall be final and shall be appealable only to Superior Court pursuant to RCW 36.70C.

(Ord. 1796 §3 (part), 1997; Ord. 1768 §3 (part), 1996)

18.108.040 Type 4 Decision Process

A. The Board of Architectural Review or Planning Commission shall make Type 4 Decisions, as appropriate, following an open record public hearing.

B. Type 4 decisions by the Board of Architectural Review or Planning Commission, except shoreline conditional use permits, shall be final unless an appeal is filed to the City Council or Hearing Examiner pursuant to TMC Chapter 18.116.

C. Following a public hearing on a Type 4 decision, the Board of Architectural Review or Planning Commission shall render a written decision, including findings of fact and conclusions, and the Department shall promptly issue a Notice of Decision pursuant to TMC 18.104.170.

D. All appeals of Type 4 decisions shall be filed with the Department within the time limits specified in TMC 18.116.010, except Shoreline Conditional Use Permits, that shall be appealable only to the State Shorelines Hearings Board pursuant to RCW 90.58. The Department shall coordinate scheduling of any City appeal hearing with the City Council.

E. All appeals of Type 4 decisions, except Shoreline Conditional Use Permits, shall be closed-record appeals, and processed pursuant to the time limits for such appeals specified in TMC 18.104.130.

F. Following a closed-record appeal hearing on a Type 4 decision, the City Council or Hearing Examiner shall render a written decision, including findings of fact and conclusions, and the Department shall promptly issue a Revised Notice of Decision pursuant to TMC 18.104.170.

G. The decision of the City Council or Hearing Examiner regarding a Type 4 decision shall be final and shall be appealable only to Superior Court pursuant to RCW 36.70C.

(Ord. 2119 §2, 2006; Ord. 1768 §3 (part), 1996)

18.108.050 Type 5 Decision Process

A. The Notice of Application for a Type 5 decision shall set a date for a public meeting, which shall be conducted at least 5 calendar days prior to the end of the public comment period and at least 14 calendar days prior to the City Council public hearing. The public meeting shall be staffed by a representative of the Department, who shall explain the decision criteria applicable to the proposal and the process by which decisions will be reached. The applicant or applicant's representative shall describe the proposal which is the subject of the application. Information and comments submitted at the public meeting shall be considered by the Department in the preparation of its recommendation to the City Council, but shall not constitute part of the public record to be considered by the City Council in its deliberations.

B. Type 5 decisions shall be made by the City Council following an open record public hearing.

C. Following a public hearing on a Type 5 decision, the City Council shall render a written decision, including findings of fact and conclusions, and the Department shall promptly issue a Notice of Decision pursuant to TMC 18.104.170.

D. The decision of the City Council regarding a Type 5 decision shall be final and shall be appealable only to Superior Court pursuant to RCW 36.70C.

(Ord. 1768 §3 (part), 1996)

18.108.060 Legislative Decisions

The procedures set forth in TMC Chapters 18.104 through 18.116 shall not be applicable to the adoption or amendment of any comprehensive plan or subarea plan, or to area wide rezoning processes, area wide shoreline redesignation processes, street vacations, or other legislative decisions.

(Ord. 1768 §3 (part), 1996)

CHAPTER 18.112**PUBLIC HEARING PROCESSES****Sections:**

- 18.112.010 Rules Applicable to Public Hearings and Appeals
- 18.112.020 Report by Department, Notice of Hearing
- 18.112.030 Hearing Scheduling
- 18.112.040 Hearing Process - Limitations on Testimony
- 18.112.050 Scope of Decisions
- 18.112.060 Combined Public Hearing Processes - Other Agencies

18.112.010 Rules Applicable to Public Hearings and Appeals

The provisions of this chapter shall apply to all public hearings and to all appeal hearings under this Title. The provisions of this chapter do not apply to the adoption or amendment of the Comprehensive Plan or Development Regulations, or other legislative decisions.

(Ord. 1768 §4 (part), 1996)

18.112.020 Report by Department, Notice of Hearing

A. When a Type 3, 4, or 5 decision has been set for public hearing, or an appeal of a Type 2 decision has been set for an open record appeal hearing, the Department shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the Department's findings and recommendation, or decision, as appropriate. Attachments and appendixes to the report need not be mailed to parties, but shall be made available for inspection and copying during normal City business hours at the Department. Prior to the scheduled hearing, the report, and in the case of appeals, the Notice of Appeal submitted to the City, shall be filed with the hearing body which will conduct the hearing and copies thereof shall be mailed to all parties of record who have requested a copy thereof.

B. If the Notice of Application did not identify a date for the public hearing, a Notice of Hearing shall be issued by the Department at least 14 days prior to any public hearing or open record appeal hearing under this chapter. Such Notice shall be mailed pursuant to TMC 18.104.120 and the posted notice erected pursuant to TMC 18.104.110 shall be modified to include the Notice of Hearing.

C. All required Notices of Hearing shall contain the following information:

1. The file number.
2. The name of the applicant and the owner of the property, if different than the applicant.
3. A description of the project, the location, a list of the permits included in the application and the location where the application, staff report and any environmental documents or studies can be reviewed.

4. The date, time and place of the public hearing.
5. The name and telephone number of the Department staff person who can be called for further information.

(Ord. 1768 §4 (part), 1996)

18.112.030 Hearing Scheduling

Public hearings on Type 3, 4 and 5 decisions, open record appeal hearings on Type 2 decisions and closed record appeal hearings on Type 4 decisions shall be scheduled by the Department to ensure that final decisions are issued within the time periods provided in TMC 18.104.130.

(Ord. 1768 §4 (part), 1996)

18.112.040 Hearing Process - Limitations on Testimony

To avoid unnecessary delay and to promote efficiency of the hearing process, the hearing body shall limit testimony to that which is relevant to the matter being heard, in light of adopted City policies and regulations, and shall exclude evidence and cross examination that is irrelevant, cumulative or unduly repetitious. The hearing body may establish reasonable time limits for the presentation of direct oral testimony, rebuttal testimony and argument.

(Ord. 1768 §4 (part), 1996)

18.112.050 Scope of Decisions

A. Any hearing body conducting a public hearing shall have the authority to approve, deny or approve with conditions a project permit application, based on the hearing body's findings of fact and conclusions.

B. Said findings and conclusions shall set forth and demonstrate the manner in which the action is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the City's Comprehensive Plan, the City's Development Regulations and other applicable official laws, ordinances, rules and regulations. Any hearing body may adopt as its own, findings and conclusions recommended by the Department. The City Council may adopt as its own all or portions of Board of Architectural Review and Planning Commission's findings and conclusions regarding Type 4 decisions.

C. In the event that a hearing body determines that it lacks adequate information on which to make findings of fact necessary to its decision, the hearing body may remand the project permit to the Department for additional information, *provided* that if the City Council, in the case of a Type 4 closed record appeal hearing, determines that it lacks adequate information on which to make findings of fact necessary to its decision, the City Council shall remand the project permit to the Board of Architectural Review or Planning Commission with instructions to re-open the public hearing to take additional testimony and provide the Board of Architectural Review or Planning Commission's findings on the factual issue(s) identified by the City Council as requiring such additional information.

(Ord. 1768 §4 (part), 1996)

18.112.060 Combined Public Hearing Processes - Other Agencies

If requested to do so by the applicant, the Department, pursuant to RCW 36.70B.110(7), shall combine any public hearing held pursuant to this chapter with public hearings held by other agencies on the same project, so long as such joint hearing can be held within the time limits of TMC 18.104.130, unless the applicant agrees to a different hearing schedule.

(Ord. 1768 §4(part), 1996)

CHAPTER 18.116 APPEAL PROCESSES

Sections:

18.116.010 Time for Filing Appeal

18.116.020 Dismissal of Untimely Appeals

18.116.030 Notice of Appeal - Contents

18.116.010 Time for Filing Appeal

A. Except for shoreline permits that are appealable to the State Shorelines Hearings Board, all notice of appeal of Type 2 land use decisions and Type 4 decisions made by the Board of Architectural Review or Planning Commission shall be filed within 14 calendar days from the date of issuance of the Notice of Decision; provided that the appeal period shall be extended for an additional seven calendar days if the project involves any one or more of the following situations:

1. There is another agency with jurisdiction as defined in WAC 197-11-714(3).

2. The project involves the demolition of any structure or facility that is not categorically exempt under WAC 197-11-800(2)(f) or 197-11-880.

3. The project involves a clearing or grading permit not categorically exempt under WAC 197-11 - 800 through 197-11-880.

4. A Mitigated Determination of Nonsignificance was issued for the project pursuant to WAC 197- 11-350.

5. A Declaration of Significance for the project has been withdrawn pursuant to WAC 197-11-360(4) and replaced by a Declaration of Nonsignificance.

B. All notices of appeal shall be submitted along with an appeal fee pursuant to the fee schedule.

C. Any appeal from a code interpretation issued by the Director shall be filed within 14 days of the date of issuance of a final code interpretation by the Director.

D. All notices of appeal of Type 1 decisions issued by City administrators shall be filed within 14 days of the date of the issuance of a final decision of a City administrator.

E. Except as specifically provided in this chapter, no administrative appeals are permitted or required for Type 1, 2, 3, 4, or 5 land use decisions.

*(Ord. 2120 §4, 2006; Ord. 1847 §4, 1998;
Ord. 1768 §5 (part), 1996)*

18.116.020 Dismissal of Untimely Appeals

On its own motion, or on the motion of a party, the Department or any hearing body shall dismiss an appeal for untimeliness or lack of jurisdiction.

(Ord. 1768 §5 (part), 1996)

18.116.030 Notice of Appeal - Contents

A. Every Notice of Appeal shall contain the following information:

1. The name of the appealing party.

2. The address and phone number of the appealing party; and if the appealing party is a corporation, association or other group, the address and phone number of a contact person authorized to receive notices on the appealing party's behalf.

3. A statement identifying the decision being appealed and the alleged errors in that decision. The Notice of Appeal shall state specific errors of fact or errors in application of the law in the decision being appealed; the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be limited to matters or issues raised in the Notice of Appeal.

B. The Notice of Appeal shall be distributed by the Department to the body designated to hear the appeal and to parties of record pursuant to TMC 18.112.020A.

(Ord. 1768 §5 (part), 1996)

CHAPTER 18.120
HOUSING OPTIONS PROGRAM -
TEMPORARY

Sections:

- 18.120.010 Program Goals
- 18.120.020 Program Standards
- 18.120.030 Selection Process and Criteria
- 18.120.040 Fees
- 18.120.050 Review and Application Process
- 18.120.060 Public Notice
- 18.120.070 Program Expiration
- 18.120.080 Program Evaluation

18.120.010 Program Goals

The goals of the Housing Options Program are to:

1. Increase the choice of housing styles available in the community through projects that are compatible with existing single-family developments;
2. Promote housing affordability and ownership by encouraging smaller homes;
3. Stimulate innovative housing design that improves the character and sense of community in a neighborhood and can serve as a model for other areas;
4. Develop high-quality site, architectural and landscape elements in neighborhoods; and
5. Provide a greater variety of housing types, which respond to changing household sizes and ages (e.g. retirees, small families, single-person households) and provide a means for seniors to remain in their neighborhoods.

(Ord. 2103 §1(part), 2005)

18.120.020 Program Standards

In order to meet the goals of the Housing Options Program as set forth in TMC 18.120.010, there will be flexibility with regard to normally applicable requirements. Standards identified in this section will apply to the selected housing projects and will prevail if they conflict with normal regulations. All other requirements of the City of Tukwila will continue to apply; however, applicants may propose additional modifications to the Tukwila Municipal Code, as provided for within the Code.

1. The Permitted Uses and Basic Development Standards and Maximum Building Footprint sections of the Low-, Medium- and High-Density Residential Districts (TMC 18.10.020, 18.10.060, 18.10.057, 18.12.020, 18.12.070, 18.14.020, 18.14.070); the Supplemental Development Standards (TMC 18.50) that relate to yards, house design and orientation; and the requirements of Minimum Number of Required Parking Spaces (TMC 18.56.050) shall be replaced by the standards identified in this section.

2. Existing homes within a proposed project site must continue to conform to the existing code standards unless it can be demonstrated that the existing home meets the description of a housing type listed below.

3. The density limitations identified in the Land Use Map of the Tukwila Comprehensive Plan shall be determined to have been met as long as the proposed project does not exceed the equivalent unit calculation set forth in TMC 18.120.020-4.

4. The following development parameters, as shown on Figure 18-13, are applicable to all Housing Options Program applications.

5. The following development parameters are supplemental to those in 18.120.020-4, and are applicable to any cottage proposed as a housing options project.

ADDITIONAL HOUSING OPTIONS PROGRAM COTTAGE STANDARDS

Common Open Space	<ul style="list-style-type: none"> • Shall abut at least 50% of the cottages in the development, and those units must be oriented to and have their main entry from the common open space. • Shall have cottages on at least two sides. • Shall not be required to be indoors. • Each cottage shall be within 60 feet walking distance of the common open space.
Private Open Space	<ul style="list-style-type: none"> • Shall be oriented to the common open space as much as is feasible. • Shall be in one contiguous and useable piece with a minimum dimension of 10 feet on all sides. • Shall be adjacent to each cottage and be for the exclusive use of the resident of that cottage.
Attached Covered Porches	<ul style="list-style-type: none"> • 80 square feet minimum per unit. • Shall have a minimum dimension of 8 feet on all sides.
Height	<ul style="list-style-type: none"> • 18 feet maximum for all structures, except 25 feet maximum for cottages with a minimum roof slope of 6:12 for all parts of the roof above 18 feet.
Parking - surface, garages or carports	<ul style="list-style-type: none"> • Shall be provided on the subject property. • Shall be screened from public streets and adjacent residential uses by landscaping and/or architectural screening. • Shall be located in clusters of not more than six adjoining spaces. • Shall not be located in the front yard, except on a corner lot where it shall not be located between the entrance to any cottage. • Shall not be located within 40 feet of a public street, except if the stalls lie parallel to the street and the driveway providing access to those stalls has parking on only one side. • May be located between or adjacent to structures if it is located toward the rear of the structure and is served by an alley or driveway. • All garages shall have a pitched roof design with a minimum slope of 4:12.
Community Buildings - if provided	<ul style="list-style-type: none"> • Shall be clearly incidental in use and size to the cottages. • Shall be commonly owned by the residents of the cottages.

(Ord. 2103 §1 (part), 2005)

18.120.030 Selection Process and Criteria

A. The Director of DCD shall follow the selection criteria outlined in TMC 18.120.030-C to decide which projects are eligible for project selection and allowed to apply for design review and/or for platting.

B. A neighborhood meeting organized by the applicant and attended by City staff shall be required of the applicant in order to evaluate the project for program selection. The applicant must follow the notification procedures outlined in TMC 18.120.060 for public meetings.

C. The Director of Community Development shall be the sole decision-maker on whether an application for consideration in the demonstration program satisfies the criteria. The criteria for project selection for the Housing Options Program are as follows:

1. Consistency with the goals of the housing options program as enumerated in TMC 18.120.010.

2. Not more than one housing option project shall be approved per City neighborhood, which are as follows and illustrated in Figure 18-14.

- a. McMicken Heights
- b. Tukwila Hill
- c. Ryan Hill
- d. Allentown
- e. Duwamish
- f. Foster Point
- g. Cascade View
- h. Riverton
- i. Foster
- j. Thorndyke

Foster and Thorndyke are generally divided by South 136th Street and 48th Avenue South.

3. Proposals must be at least 1,500 feet from any other housing project considered under TMC Chapter 18.120.

4. Demonstration of successful development by the applicant of the proposed product elsewhere.

5. The location and size of the project is acceptable and of low impact relative to the neighborhood, the surrounding land uses, topography and street system. For example, attached housing should be located on land with direct access to a collector arterial or along a neighborhood edge or in or adjacent to medium or high-density districts.

6. The concerns of the community are addressed in the proposal's design.

D. The decision of the Director of Community Development, in the form of a letter inviting the applicant to submit for the project within one year of the date of the letter, shall be the final decision of the City on selection of eligible projects and may not be administratively appealed.

(Ord. 2103 §1 (part), 2005)

18.120.040 Fees

There is no fee for application for selection into the Housing Options Program as described in TMC 18.120.030. The adopted fees for the processes, which are described in TMC 18.120.050 shall be charged for the relevant required underlying applications.

(Ord. 2103 §1 (part), 2005)

18.120.050 Review and Application Process

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

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

C. *Decision Criteria.* The relevant decision makers shall use the following criteria to review and either approve, approve with conditions, or deny any project allowed into the Housing Options Program as well as use the relevant decision criteria for design review and/or platting.

1. Meets the goals of the program, as set forth in TMC 18.120.010;

2. Complies with the Multi-family, Hotel and Motel Design Review Criteria, stated in the Board of Architectural Review chapter, Design Review Criteria section of the Tukwila Zoning Code (TMC 18.60.050-C); and

3. Demonstrates the following:

a. The proposal is compatible with and is not larger in scale than surrounding development with respect to size of units, building heights, roof forms, building setbacks from each other and property lines, parking location and screening, access, and lot coverage;

b. Variety is provided through a mixture of building designs, sizes and footprints;

c. The proposal provides elements that contribute to a sense of community within the development and the surrounding neighborhood by including elements such as front entry porches, common open space and/or common building(s); and

d. Any proposed Type 2, 3 and 4 modifications to requirements of the Permit Application Types and Procedures (TMC 18.104), other than those specifically identified in TMC 18.120.020, are important to the success of the proposal as a housing options project.

D. *Expiration of Approval.* When a Notice of Decision is issued on a Housing Options Program project, the applicant shall have one year to apply for subsequent permits.

(Ord. 2368 §72, 2012; Ord. 2103 §1 (part), 2005)

18.120.060 Public Notice

A. Notice of the pre-proposal meeting with the neighborhood will be a letter from the applicant mailed first class to all property owners and residents within 500 feet of the proposed development.

B. Subsequent publishing, mailing and posting shall follow the procedures of the Permit Application Types and Procedures of TMC Chapter 18.104.

(Ord. 2103 §1 (part), 2005)

18.120.070 Program Expiration

The Housing Options Program is available for three years from the effective date of this ordinance. A total of three projects may be developed as part of the Program and selected projects must vest themselves with a Type 2, 4, or 5 application before the program expires on October 8, 2008.

(Ord. 2103 §1 (part), 2005)

18.120.080 Program Evaluation

Upon completion and full occupancy of a project, DCD shall evaluate and report to the Planning Commission and City Council on the results of the Program.

(Ord. 2103 §3, 2005)

SHORELINE USE MATRIX Figure 18-1

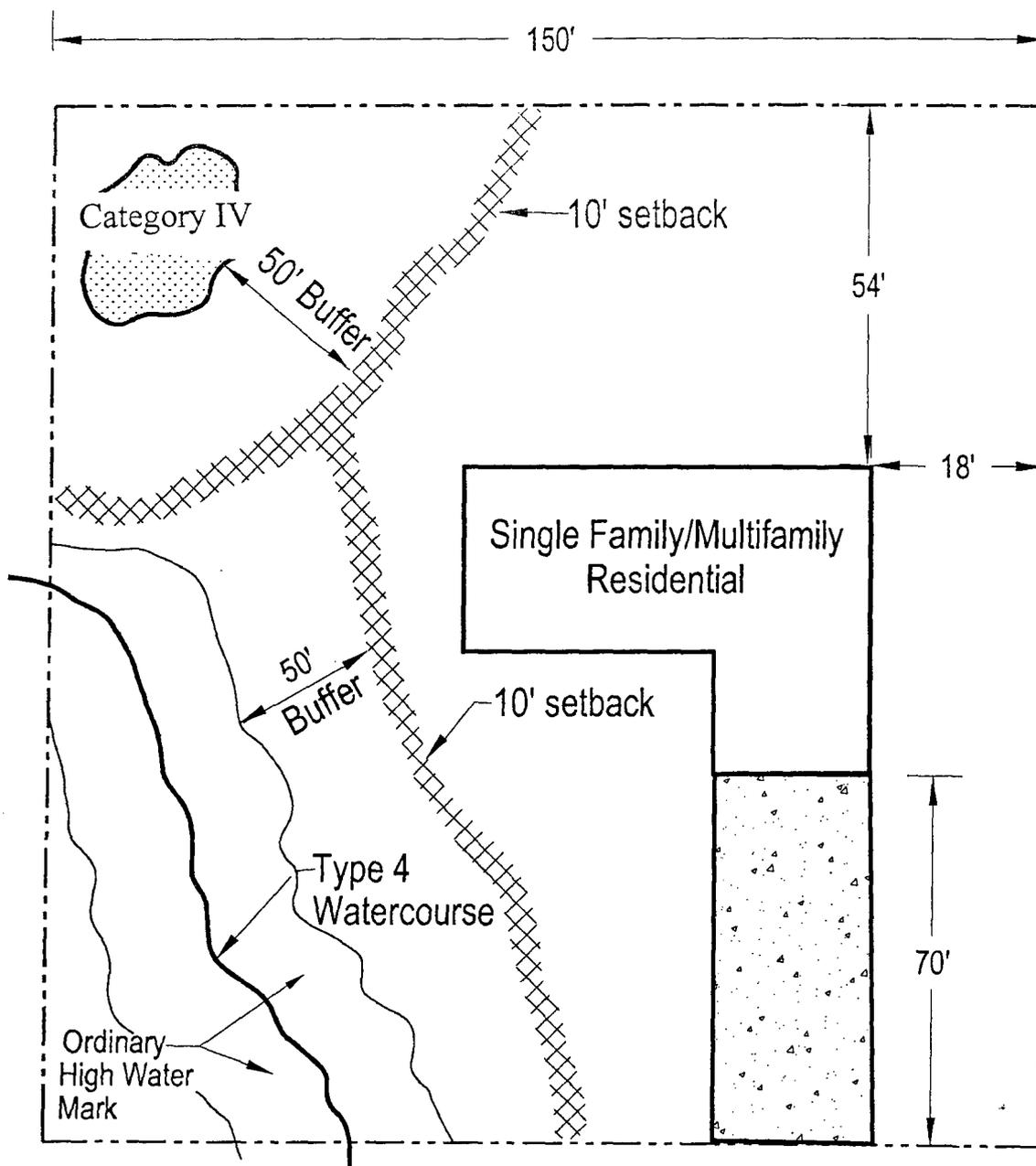
P = May be allowed subject to development standards and permitting requirements set forth in this SMP. C = May be allowed as a Shoreline Conditional Use. X = The use or activity is prohibited in shoreline jurisdiction environment.	Shoreline Residential		Urban Conservancy		High Intensity		Aquatic Environment
	Buffer (1)	Non-Buffer	Buffer (2)	Non-Buffer	Buffer (3)	Non-Buffer	
AGRICULTURE							
Farming and farm-related activities	X	X	X	P	X	X	X
COMMERCIAL (4)							
General	X	X	X	P	X	P (8)	P (5)
Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building)	X	X	X	C	X	C (8)	X
Contractors storage yards	X	X	X	C	X	C (8)	X
Water-oriented uses	P	P	P	P	P	P	P
CIVIC/INSTITUTIONAL							
General	X	P	X	P	X	P	X
ESSENTIAL PUBLIC FACILITY (Water Dependent)	C	C	C	C	C	C	P (5)
ESSENTIAL PUBLIC FACILITY (Non-water Dependent) (9)	C	C	C	C	C	C	C
FLOOD HAZARD MANAGEMENT							
Flood hazard reduction	P	P	P	P	P	P	P
Shoreline stabilization	P	P	P	P	P	P	P
INDUSTRIAL (7)							
General	X	X	P (5)	P	P (5)	P (8)	P (5)
Animal rendering	X	X	X	C	X	X	X
Cement manufacturing	X	X	X	C	X	C (8)	X
Hazardous substance processing and handling & hazardous waste treatment and storage facilities (on or off-site) (6)	X	X	X	X	X	X	X
Rock crushing, asphalt or concrete batching or mixing, stone cutting, brick manufacture, marble works, and the assembly of products from the above materials	X	X	X	C)	X	C (8)	X
Salvage and wrecking operations	X	X	X	C	X	C (8)	X
Tow-truck operations, subject to all additional State and local regulations	X	X	X	C	X	P (8)	X
Truck terminals	X	X	X	P	X	P (8)	X
Water-oriented uses	X	X	P	P	P	P	P
MINING							
General	X	X	X	X	X	X	X
Dredging	X	X	X	X	X	X	C
PARKING – ACCESSORY							
Parking areas limited to the minimum necessary to support permitted or conditional uses	X	P	X	P	X	P	X
RECREATION							
Recreation facilities (commercial – indoor)	X	X	X	P	X	P (11)	X
Recreation facilities (commercial – outdoor)	X	X	C (12)	C	X	X	X

SHORELINE USE MATRIX Figure 18-1

P = May be allowed subject to development standards and permitting requirements set forth in this SMP. C = May be allowed as a Shoreline Conditional Use. X = The use or activity is prohibited in shoreline jurisdiction environment.	Shoreline Residential		Urban Conservancy		High Intensity		Aquatic Environment
	Buffer (1)	Non-Buffer	Buffer (2)	Non-Buffer	Buffer (3)	Non-Buffer	
Recreation facilities, including boat launching (public)	P (1)	P	C (12)	C	P (3)	P	P (5)
RESIDENTIAL – SINGLE FAMILY/MULTI-FAMILY							
Dwelling	X (10)	P	X	P	X	X	X
Houseboats	X	X	X	X	X	X	X
Live-aboards	X	X	X	X	X	X	P
TRANSPORTATION							
General	C	C	C	C	C	C	C (5)
Park & ride lots	X	X	X	C (9)	X	C (9)	X
UTILITIES							
General (9)	C	P	C	P	C	P	C
Hydroelectric and private utility power generating plants	X	X	X	X	X	X	X

**This matrix is a summary. Individual notes modify standards in this matrix. Detailed use standards are found in the text of this chapter. Permitted or conditional uses listed herein may also require a shoreline substantial development permit and other permits.*

- (1) Additional permitted uses found at TMC 18.44.040 are allowed in the buffer.
- (2) Additional permitted uses found at TMC 18.44.050 are allowed in the buffer.
- (3) Additional permitted uses found at TMC 18.44.060 are allowed in the buffer.
- (4) Commercial uses mean those uses that are involved in wholesale, retail, service and business trade. Examples include office, restaurants, brew pubs, medical, dental and veterinary clinics, hotels, retail sales, hotel/motels, and warehousing.
- (5) Permitted only if water dependent.
- (6) Subject to compliance with state siting criteria RCW Chapter 70.105 (See also Environmental Regulations, TMC 18.44.090).
- (7) Industrial uses mean those uses that are facilities for manufacturing, processing, assembling and/or storing of finished or semi-finished goods with supportive office and commercial uses. Examples include manufacturing, processing and/or assembling such items as electrical or mechanical equipment, previously manufactured metals, chemicals, light metals, plastics, solvents, soaps, wood, machines, food, pharmaceuticals, previously prepared materials; warehousing and wholesale distribution; sales and rental of heavy machinery and equipment; and internet data centers.
- (8) Non-water-oriented uses may be allowed as a permitted use where the City determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body.
- (9) Allowed in shoreline jurisdiction when it is demonstrated that there is no feasible alternative to locating the use within shoreline jurisdiction.
- (10) Additional development may be allowed consistent with TMC 18.44.130 E. 2. f. A shoreline conditional use permit is required for water-oriented accessory structures that exceed the height limits of the Shoreline Residential Environment.
- (11) Limited to athletic or health clubs.
- (12) Permitted only if water oriented.



57th Ave South



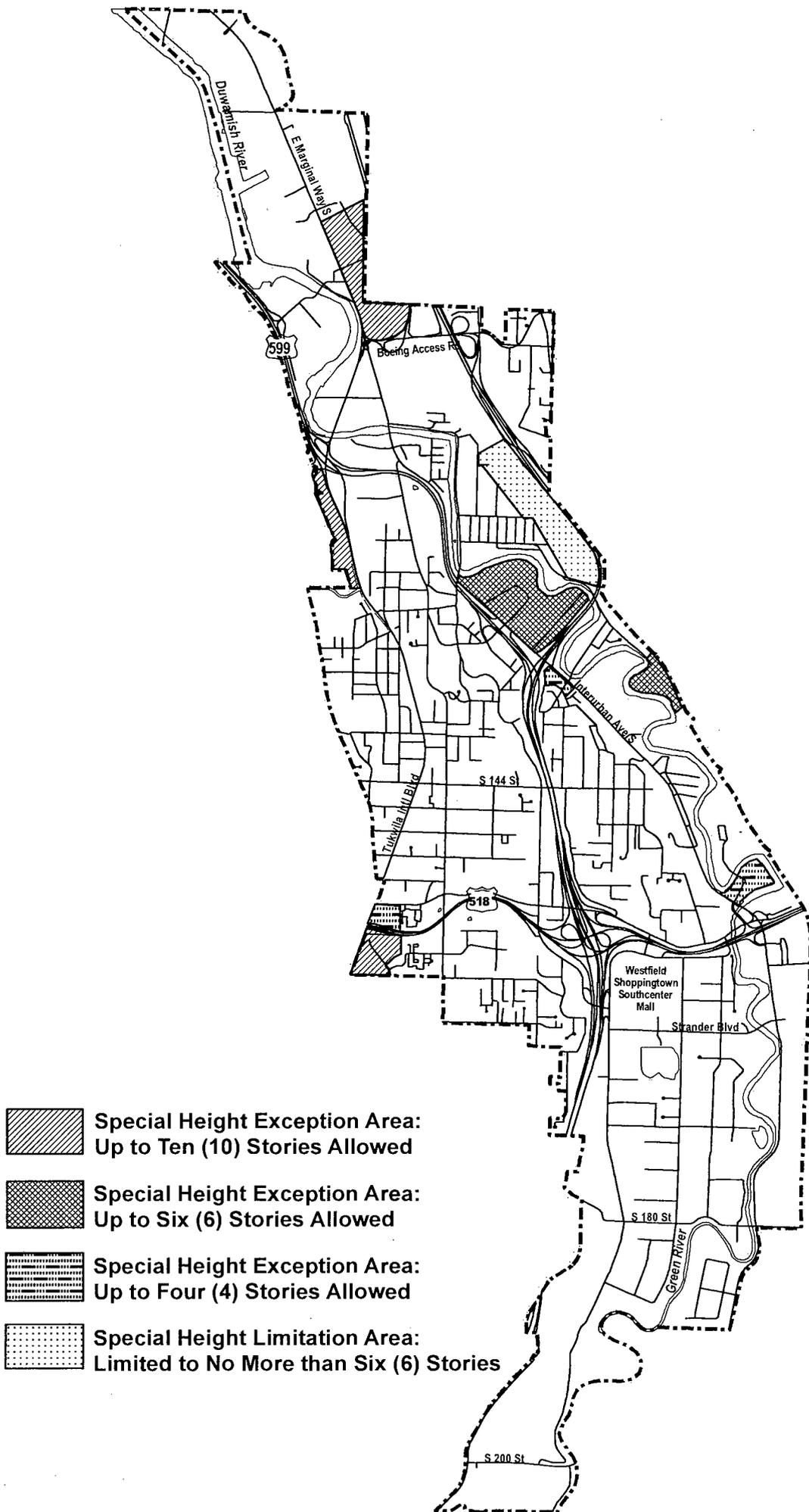
Watercourse buffers

- Type 1- subject to shoreline overlay
- Type 2-100 foot wide buffer
- Type 3-80 foot wide buffer
- Type 4-50 foot wide buffer

Wetland buffers

- Category I and II- 100 foot wide buffer
- Category III-80 foot wide buffer
- Category IV-50 foot wide buffer

Figure 18-2
 Sample Residential
 Sensitive Area
 Site Plan Submittal



-  Special Height Exception Area:
Up to Ten (10) Stories Allowed
-  Special Height Exception Area:
Up to Six (6) Stories Allowed
-  Special Height Exception Area:
Up to Four (4) Stories Allowed
-  Special Height Limitation Area:
Limited to No More than Six (6) Stories



north

Figure 18-3
Building
Height Exception
Areas

Location and Measurement of Yards on Lots

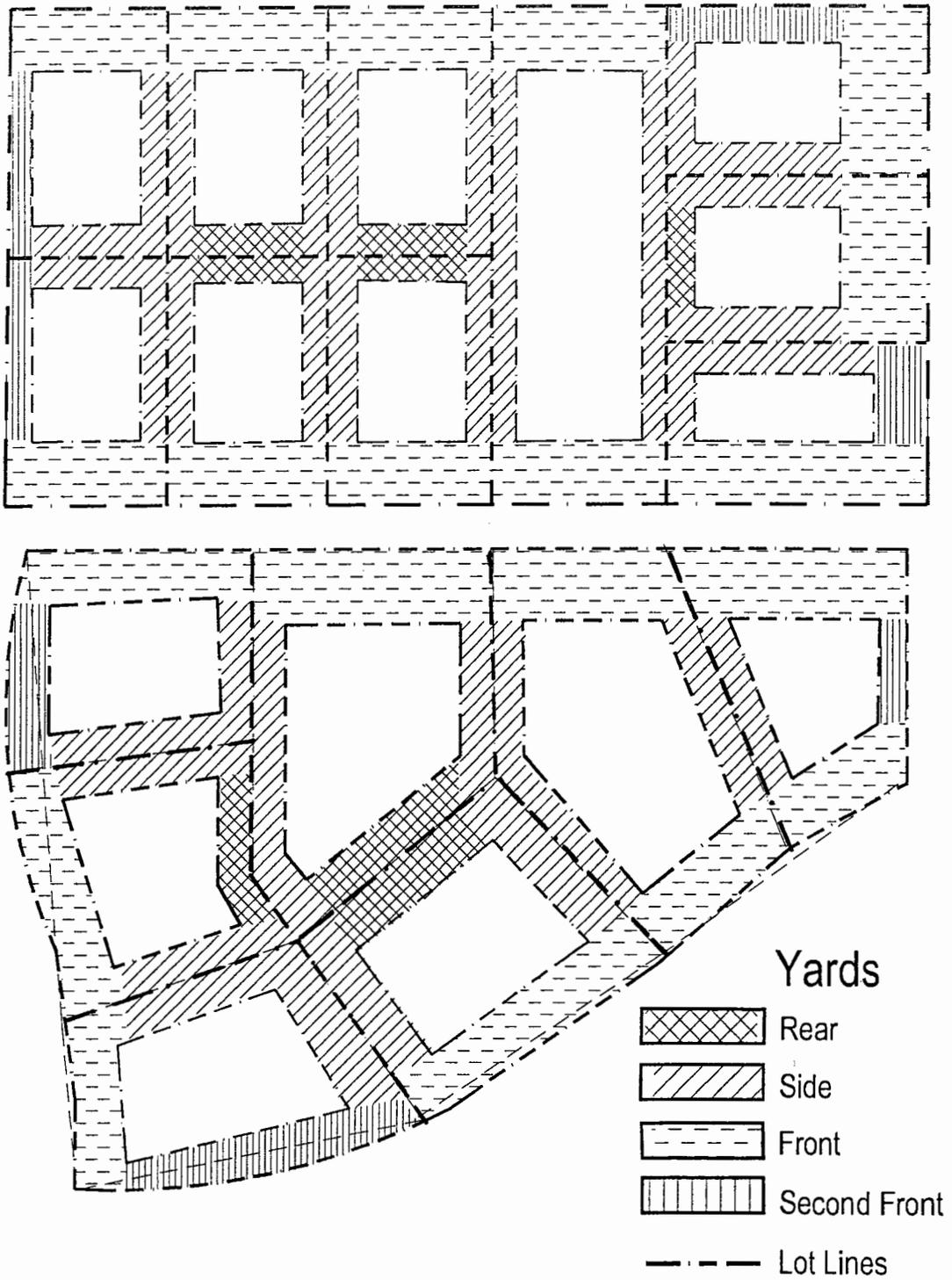
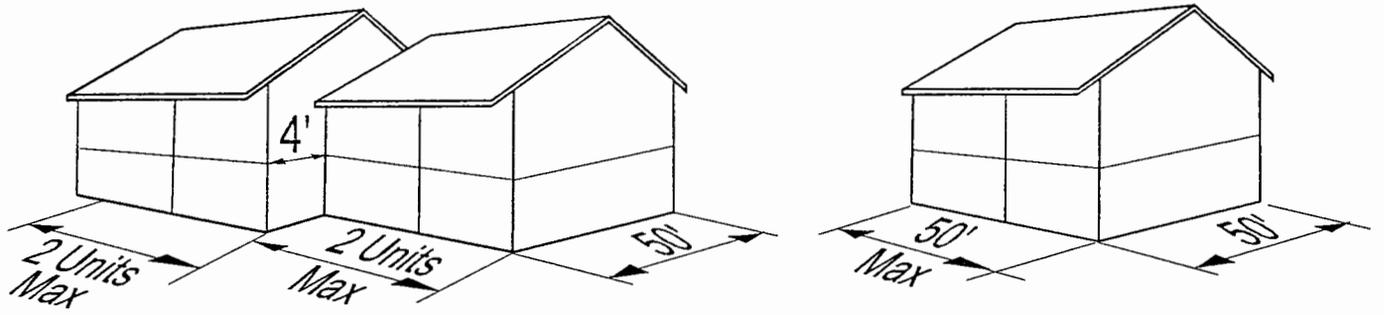
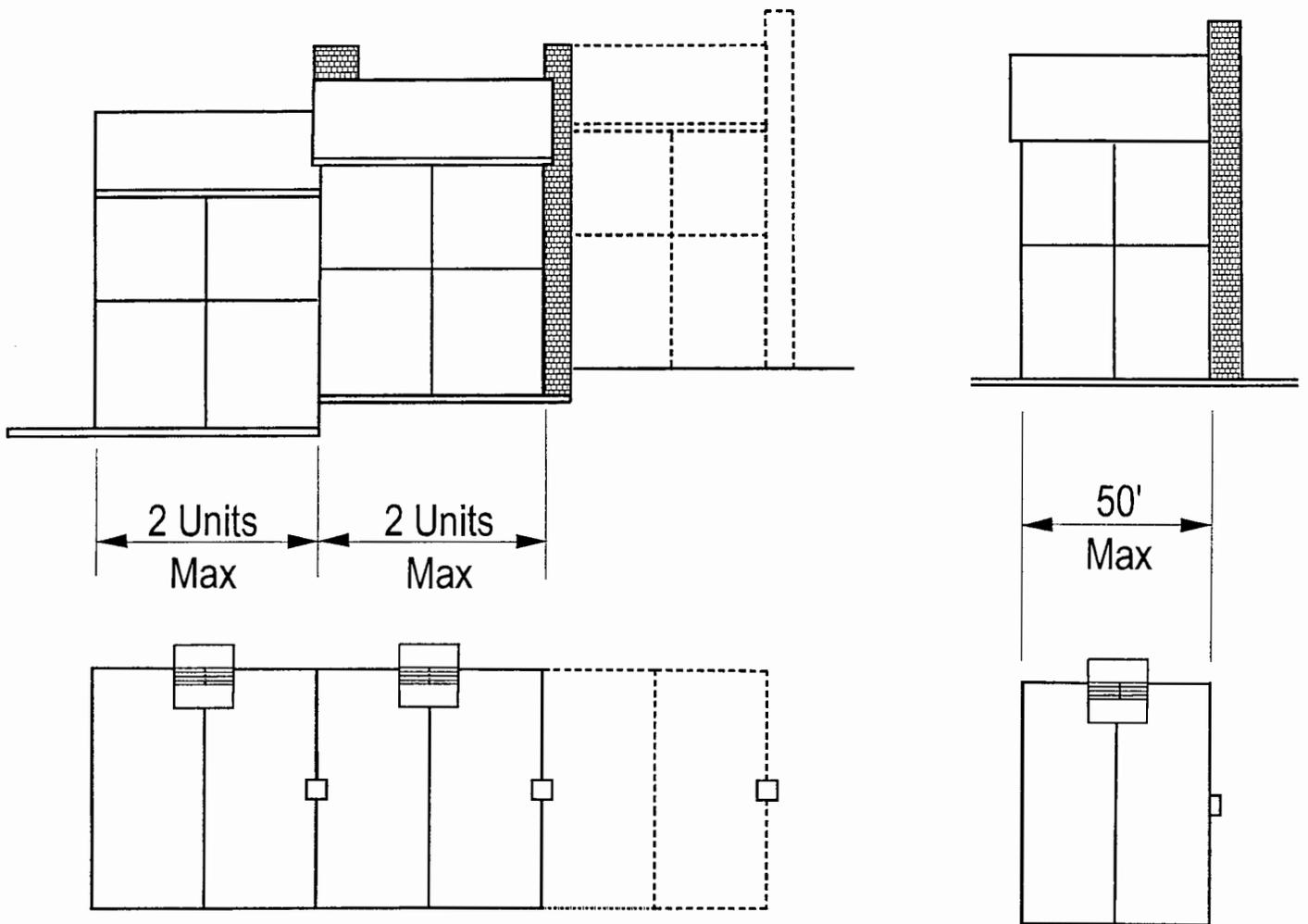


Figure 18-4
Location and Measurement
Yards on Lots



Vertical Modulation



Horizontal Modulation

Figure 18-5
Multi-Family
Design Guideline

Off-Street Parking Area Dimensions
TMC 18.56.040

A Parking Angle	B Stall Width	C Stall Depth	D Aisle Width		E Curb Length	F Unit Width	
			1-way traffic	2-way traffic		1-way traffic	2-way traffic
0°	8*	8*	12	20	20*	28*	36*
	8.5	8.5	12	20	23	29	37
30°	8*	15*	11	20	16*	41*	54*
	8.5	17	11	20	17	45	54
	9	17.5	11	20	18	46	55
	9.5	18	11	20	19	47	56
45°	8*	17*	12.5	20	11.5*	46.5*	54*
	8.5	19.5	12.5	20	12	51.5	59
	9	20	12	20	12.7	52	60
	9.5	20	12	20	13.4	52	60
60°	8*	18*	17.5*	20	9.2*	53.5	56*
	8.5	21	17.5	20	9.8	59.5	62
	9	21	17	20	10.4	59	62
	9.5	21	16.5	20	11	58.5	62
90°	8*	16*	24	25	8*	56*	57*
	8.5	19	24	25	8.5	62	63
	9	19	23	24	9	61	62
	9.5	19	22	24	9.5	60	62

*These figures are for use with compact cars only. Any bays that contain combined compact and normal spaces shall be designed for normal spaces.

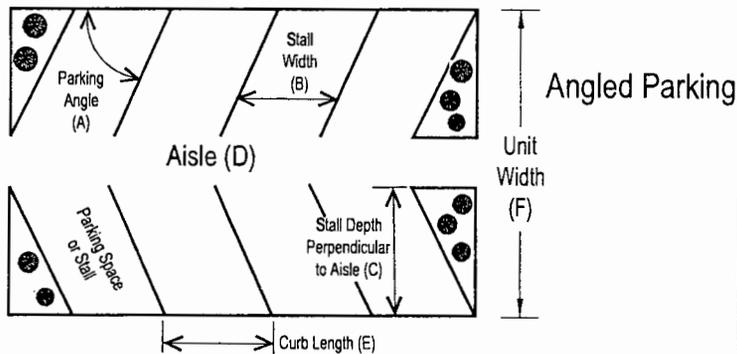
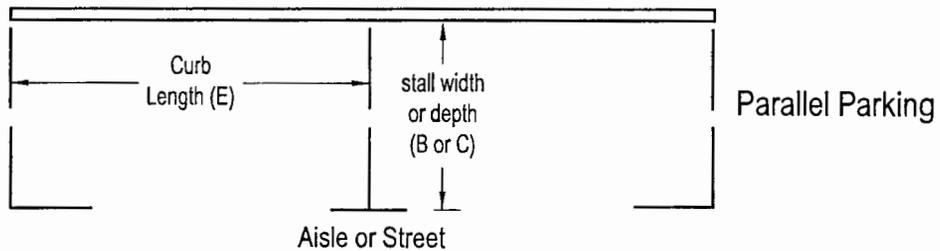


Figure 18-6
Off-Street Parking
Area Dimensions

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.
Multi-family and mixed-use residential (in the Urban Renewal Overlay (URO))	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	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.
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.

Parking For The Handicapped

TMC 18.56.080

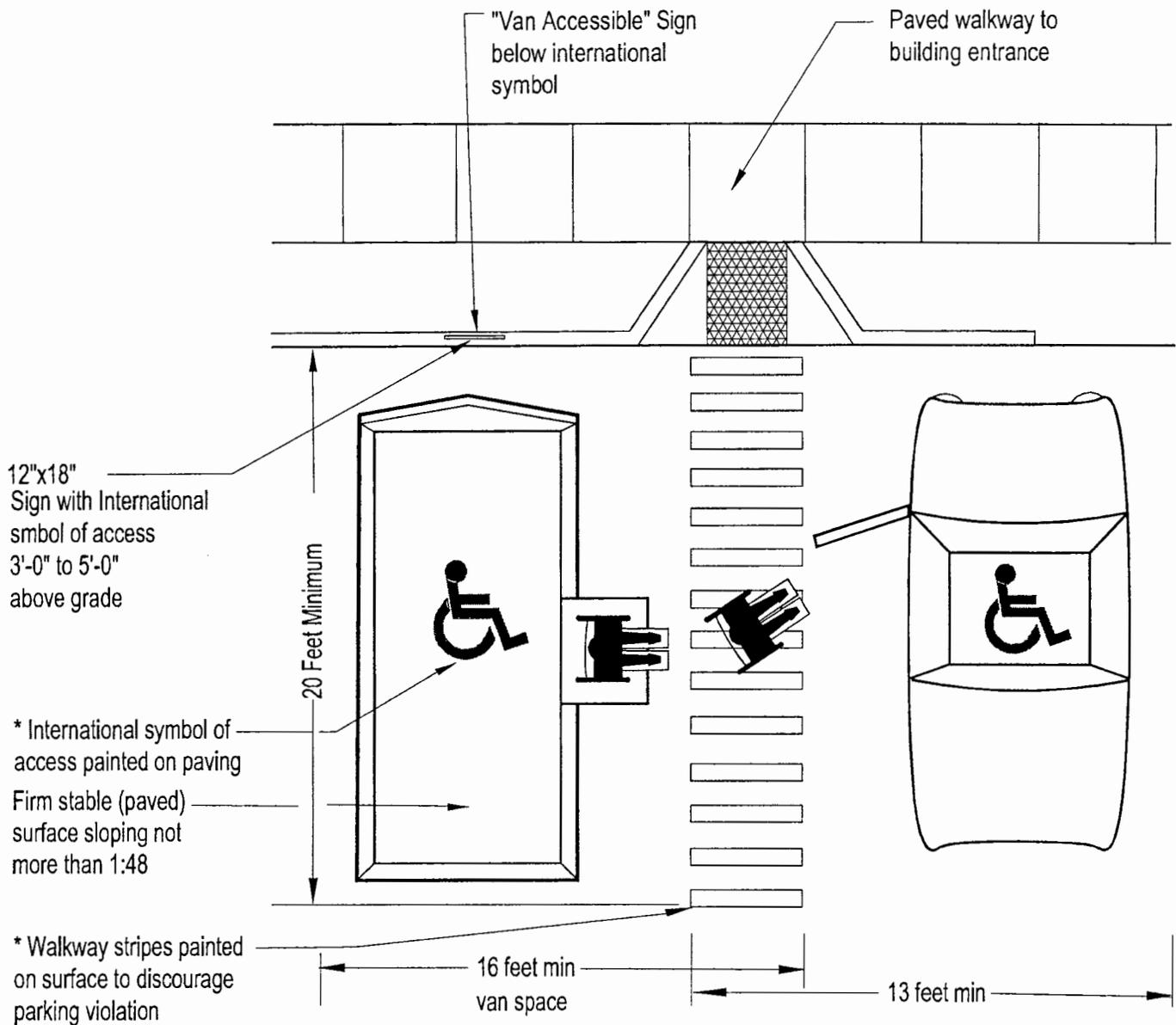
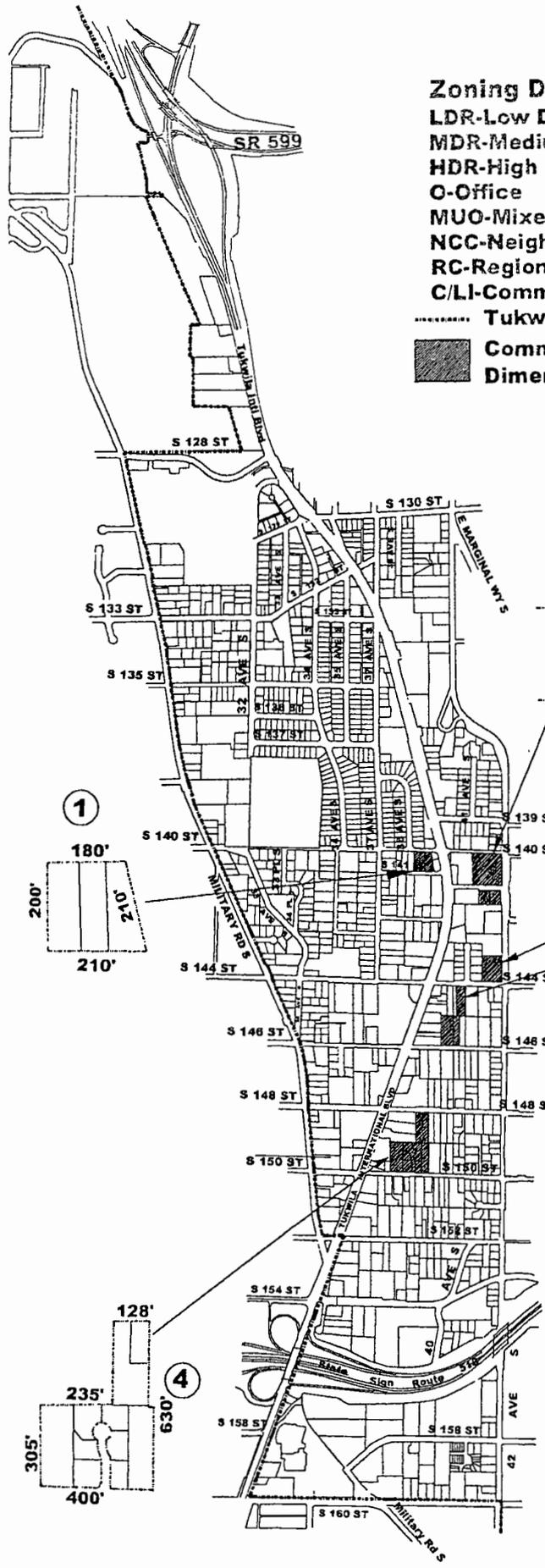


Figure 18-8
Parking for The
Handicapped

- Zoning Designations**
 LDR-Low Density Residential
 MDR-Medium Density Residential
 HDR-High Density Residential
 O-Office
 MUO-Mixed Use Office
 NCC-Neighborhood Commercial Center
 RC-Regional Commercial
 C/LI-Commercial/Light Industrial
- Tukwila City Limits
- Commercial Redevelopment Areas
- Dimensions are approximate



*If used for commercial purposes must be assembled with lot to north

At least 100' of the development parcels perimeter must front on Tukwila International Blvd

Commercial Redevelopment Areas in the Tukwila International Boulevard Corridor
 Figure 18-9

No Scale
 10/98

Revisions

Date	File #	Description	Ord #
1/22/99	L98-043	Designate Commercial Revitalization Areas	1865
6/07/01	L99-092	Designate East Marginal & Interurban Island from MIC to LDR	
8/19/02	L01-075	Change Parcels located between S. 139th St. & S. 140th St. from LDR to CLI	1992
11/18/04	L03-078	LDR & CLI to MIC/L at Tukwila International Blvd. at 34th Ave. S. and S. 126th St.	2070
12/03/07	L06-096	RCC to LDR at 14427 51st Ave. S.	2184
12/03/07	L07-066	MIC/H to LI between E. Marginal Way, S. Norfolk and Boeing Access Rd.	2185
10/19/09		MDR to HDR at 3421 S 144th St.	2254

printed 3/17/2010



City of Tukwila Zoning Map

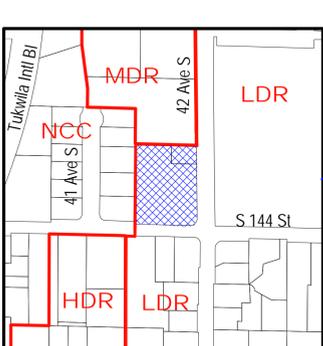
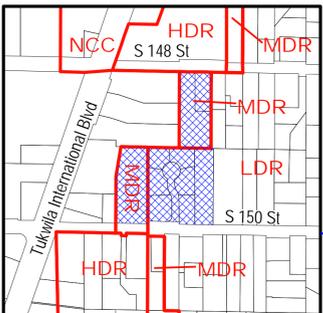
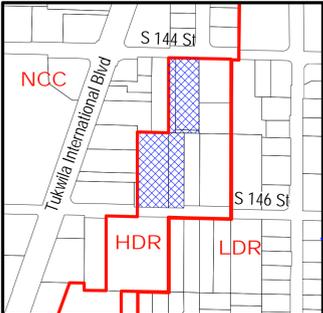
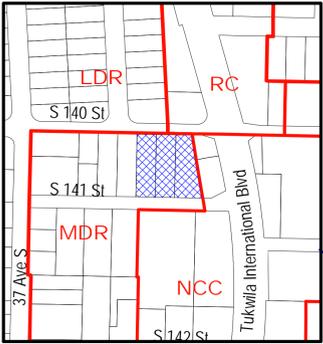
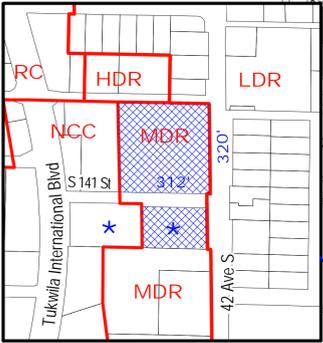


1"=1000'

H:\PLANNING\1ZONE COMP MAPS\1ZONE COMP MAPS\zone map 24x42_10_9.mxd

This is a graphic representation of land use designations adopted by City Council 12/04/95

* If used for commercial purposes must be assembled with lot to north



At least 100' of the development parcels perimeter must front on Tukwila International Blvd

Figure 18-9

Legend

- LDR Low Density Residential
- MDR Medium Density Residential
- HDR High Density Residential
- O Office
- MUO Mixed Use Office
- RCC Regional Commercial Center
- NCC Neighborhood Commercial Center
- RC Regional Commercial
- RCM Regional Commercial Mixed Use
- TUC Tukwila Urban Center
- C/LI Commercial Light Industrial
- TVS Tukwila Valley South
- LI Light Industrial
- HI Heavy Industrial
- MIC/L Manufacturing Industrial Center/Light Industrial
- MIC/H Manufacturing Industrial Center/Heavy Industrial

Overlays and Sub Areas

- Tukwila City Limits
- Potential Annexation Areas
- Public Recreation Overlay
- TIB Urban Renewal Overlay District
- Tukwila South Overlay District
- Shoreline Overlay (Approximately 200' each side of the river)

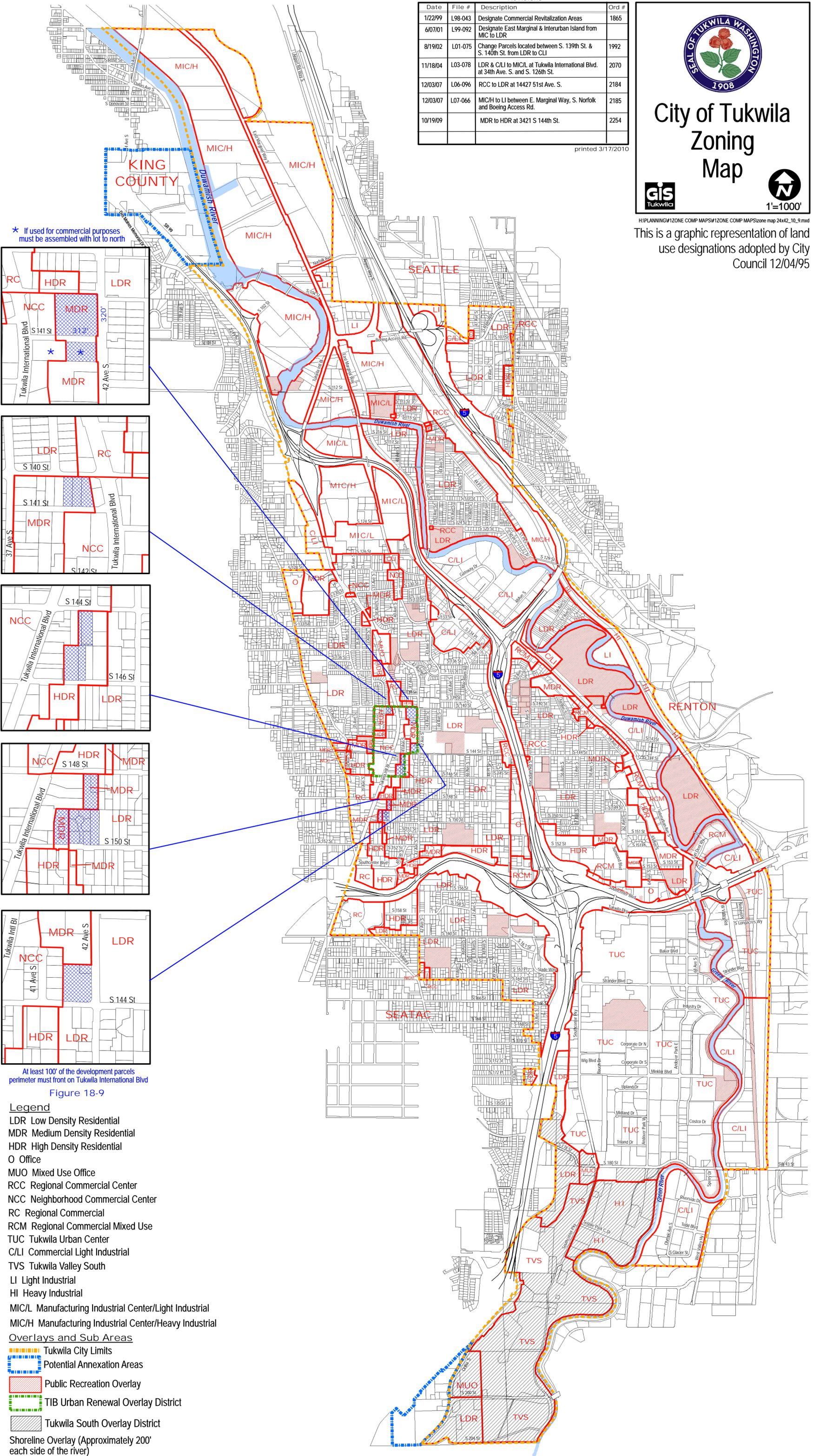
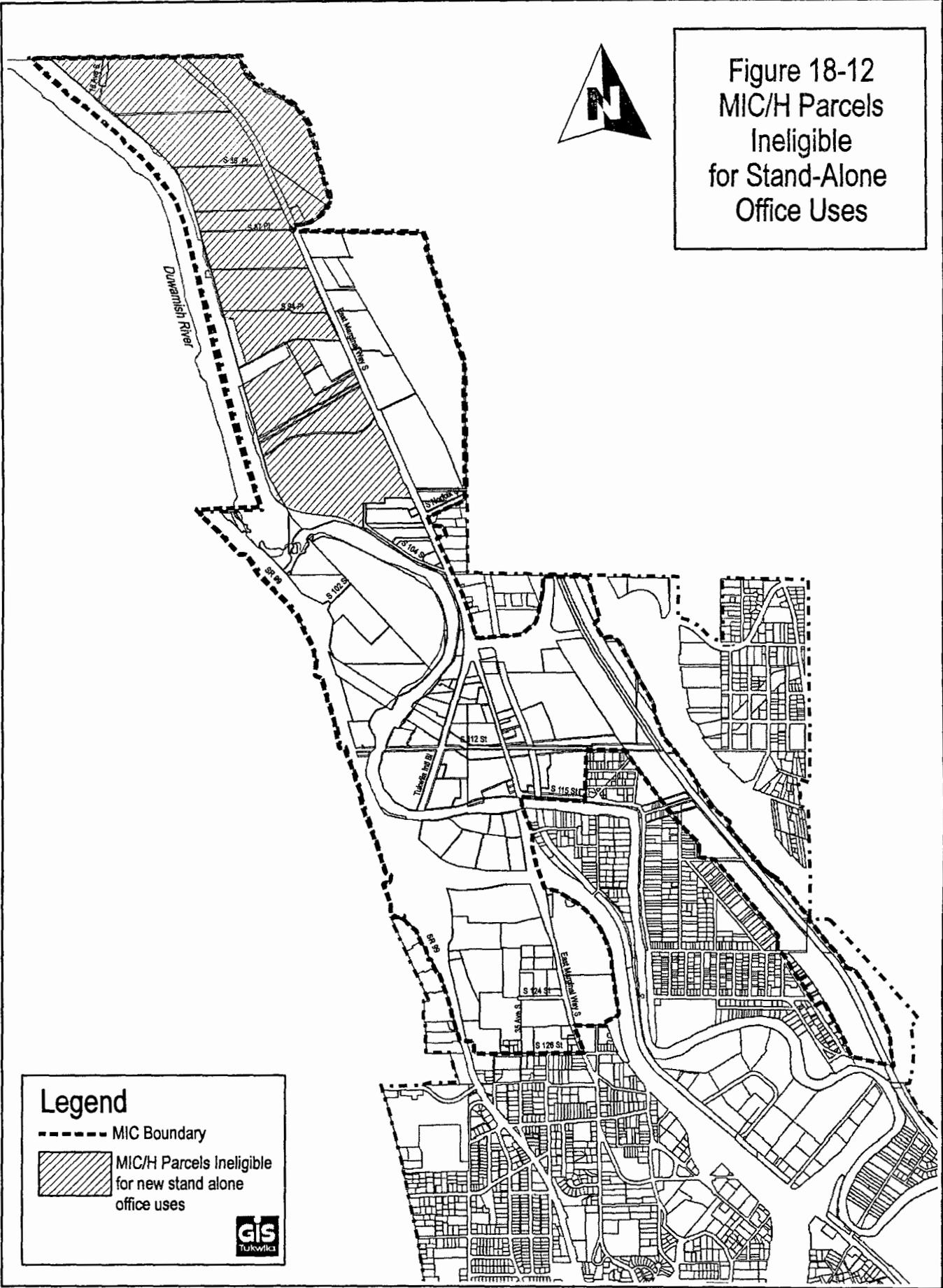


Figure 18-12
MIC/H Parcels
Ineligible
for Stand-Alone
Office Uses



Legend

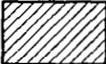
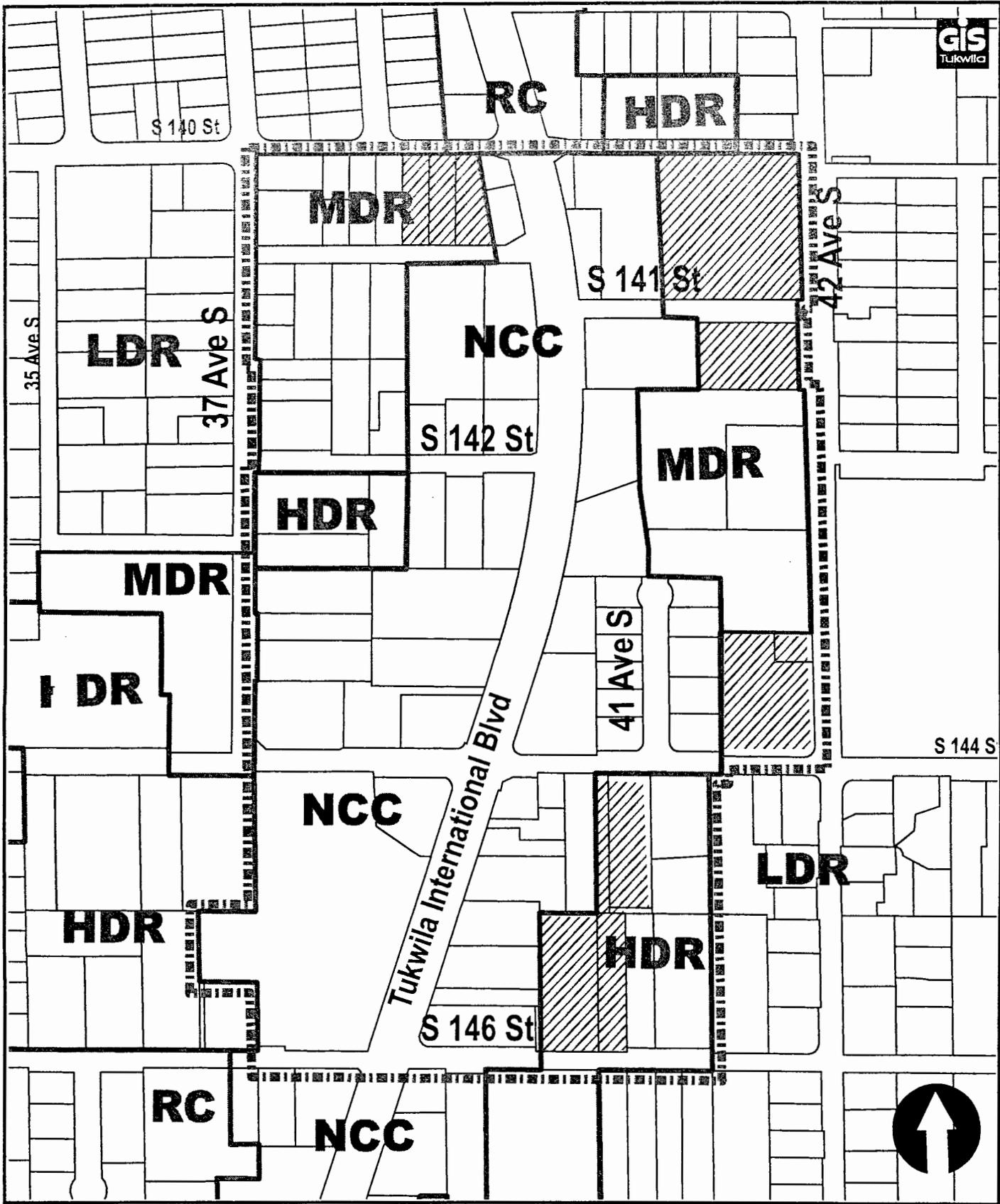
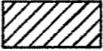
- MIC Boundary
-  MIC/H Parcels Ineligible for new stand alone office uses



Figure 18-13
HOUSING OPTIONS PROGRAM STANDARDS

<p>Housing Types</p>	<ul style="list-style-type: none"> • Cottages. • Compact single-family. • Duplexes designed to look like a single-family home or with zero lot lines for fee simple ownership; and included with at least one other housing type in a proposed development (the other housing type may be traditional single-family). • A combination of the above types.
<p>Unit Size Limits A covenant restricting any increases in unit size after initial construction shall be recorded against the property.</p>	<ul style="list-style-type: none"> • Cottages = 800 square feet minimum and 1,000 square foot maximum floor area. • Compact single-family = 1,500 square foot maximum floor area. • Duplexes = 1,500 square foot maximum floor area per unit. • Side yard setbacks are waived so that these homes may be sold on fee simple lots.
<p>Equivalent Units There is no minimum lot size, but there is a maximum project density. The number of allowable dwelling units shall be totalled for each of the existing lots in order to determine equivalent units. Existing single-family homes may remain on the subject property and will be counted as units in the equivalent unit calculation.</p>	<ul style="list-style-type: none"> • Cottages = two per each single-family unit that could be built on an existing lot, or a maximum of one unit for every 3,250 net square feet. • Compact single family = one and one-half per each single-family unit that could be built on the lot, or a maximum of 4,875 net square feet. • Duplexes = overall development not to exceed one and one-half times the number of single-family units that could be built on the lot, or a maximum of 4,875 net square feet. • Rounding up to the next whole number of equivalent units is allowed when the conversion from typical single-family units to equivalent units results in a fraction of one-half or above.
<p>Locations</p>	<ul style="list-style-type: none"> • All LDR, MDR & HDR districts, but not within 1,500 feet of another housing options proposal under review or approved under TMC Chapter 18.120.
<p>Floor Area</p>	<ul style="list-style-type: none"> • Variety in building sizes and footprints is required.
<p>Access Requirements</p>	<ul style="list-style-type: none"> • Determine flexibility for road widths, public versus private, and turnaround requirements with input from Public Works and Fire Departments.
<p>Development Size</p>	<ul style="list-style-type: none"> • Minimum of 8 units, maximum of 36 units. • Cottages may have a maximum of 12 units per cluster.
<p>Parking Requirements</p>	<ul style="list-style-type: none"> • 1.5 stalls per unit for units 800 to 1,000 square feet in size. • 2 stalls per unit for units over 1,000 square feet in size.
<p>Building Coverage</p>	<ul style="list-style-type: none"> • 35%
<p>Ownership Structure</p>	<ul style="list-style-type: none"> • Subdivision • Condominium
<p>Distance Between Structures</p>	<ul style="list-style-type: none"> • 10 feet minimum
<p>Common Open Space for cottages and projects of 20 or more homes.</p>	<ul style="list-style-type: none"> • Provide required area according to Recreation Space Requirements (TMC 18.52.060)(1).
<p>Exceptions to Floor Area Limitations</p>	<ul style="list-style-type: none"> • Spaces with a ceiling height of 6 feet or less measured to the exterior walls, such as in a second floor area under the slope of the roof. • Unheated storage space located under the main floor of a cottage. • Architectural projections, such as bay windows, fireplaces or utility closets not greater than 18 inches in depth and 6 feet in width. • Detached garages and carports. • Attached roofed porches.
<p>Accessory Dwelling Units</p>	<ul style="list-style-type: none"> • Shall not be allowed as part of this Housing Options Program.



 Commercial Redevelopment Areas
 Urban Renewal Overlay District

Tukwila International Blvd Urban Renewal Overlay District

Figure 18-15

Figure 18-16: District Map

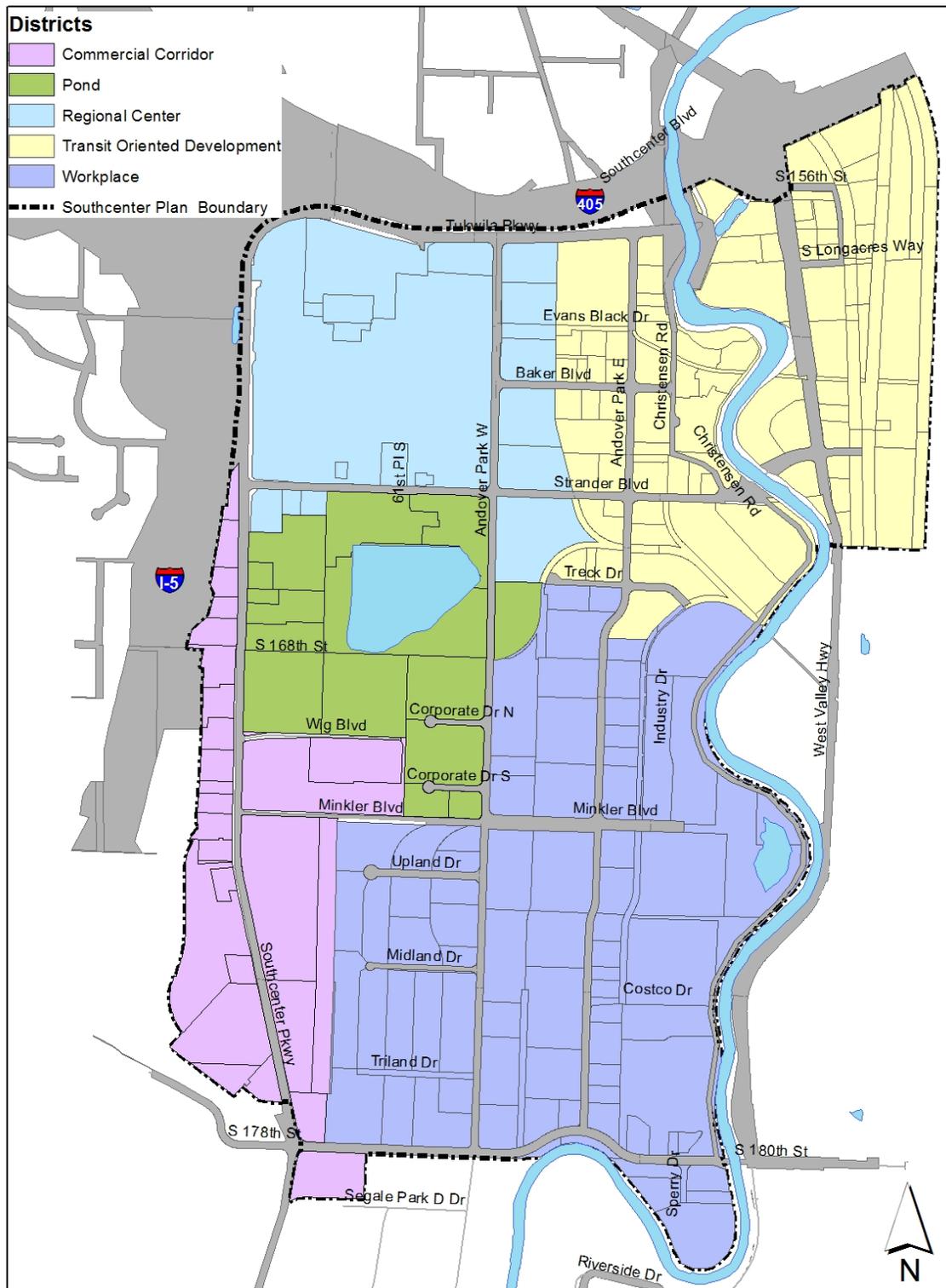


Figure 18-17: Block face length

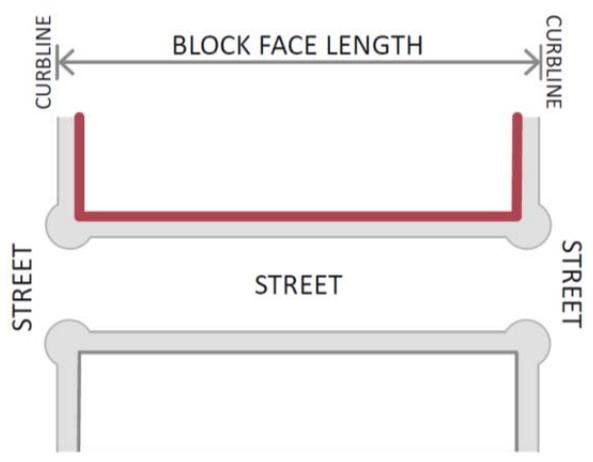


Figure 18-18: Corridor Definition of Terms

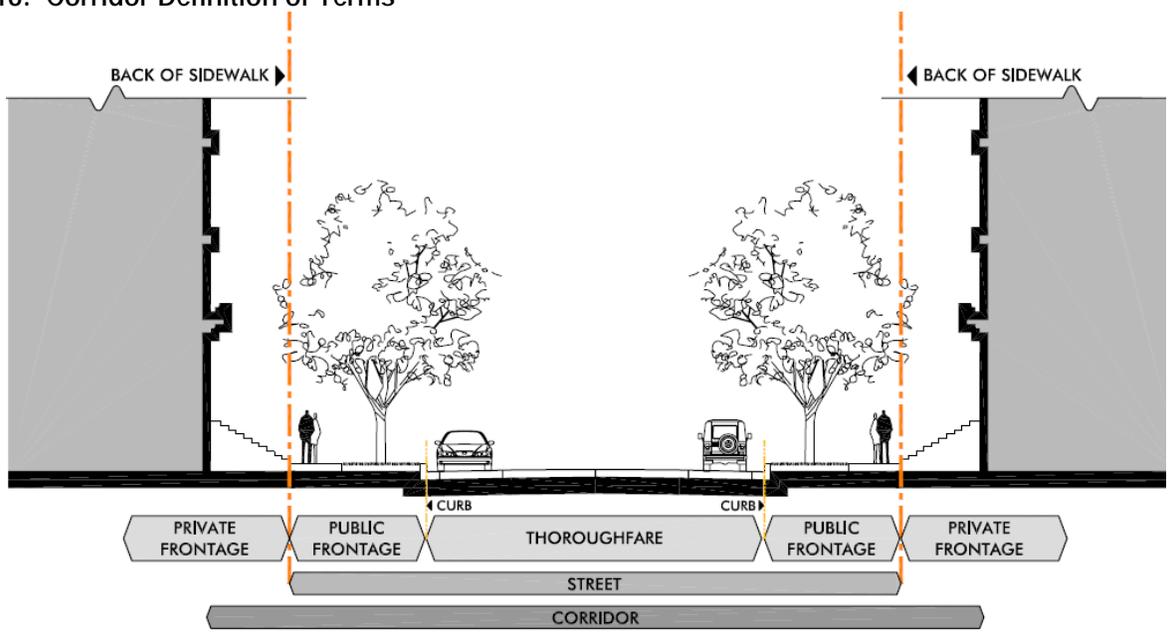


Figure 18-19: Corridor Type Map

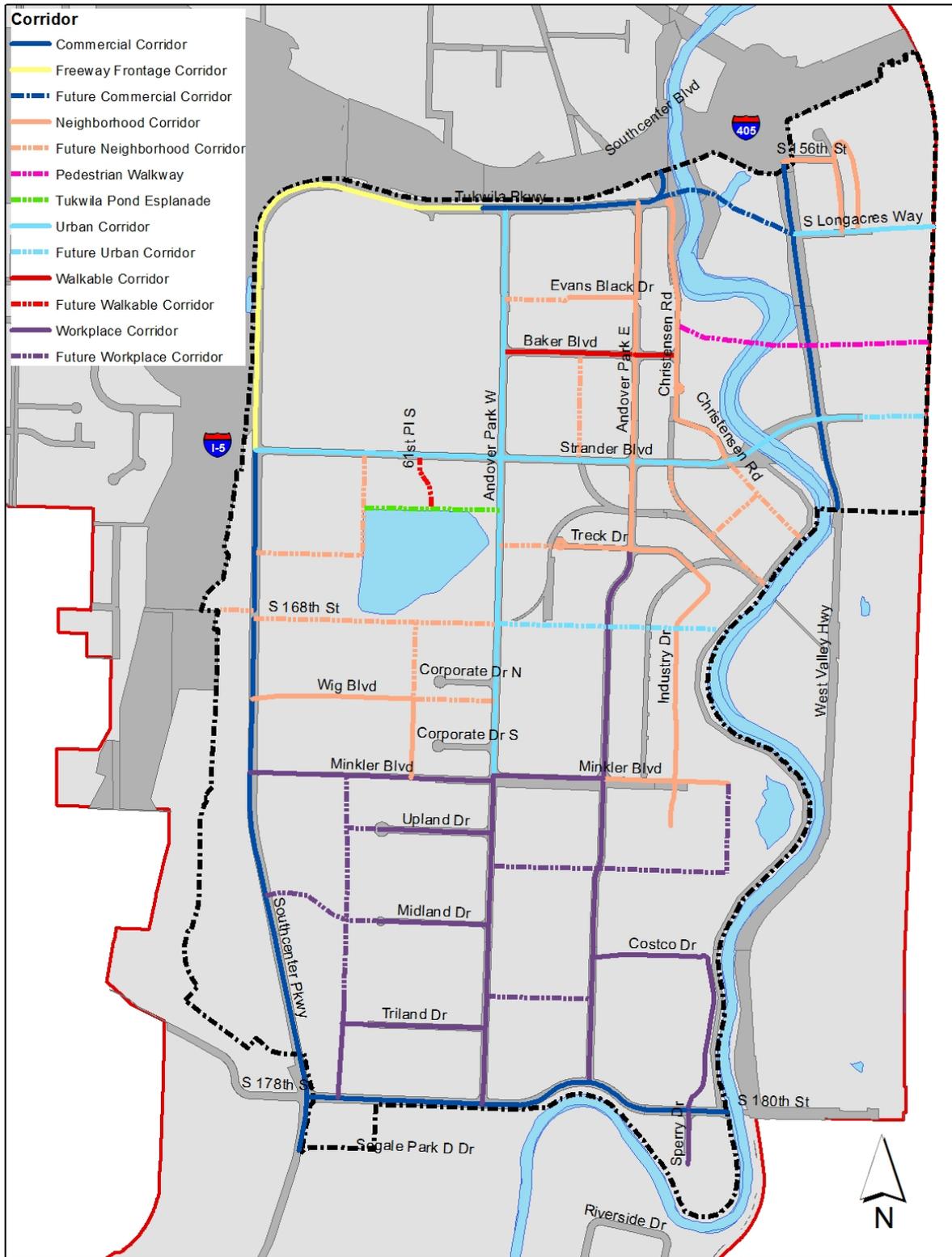


Figure 18-20: Walkable Corridor Standards

Walkable Corridor

Intent: To provide and support a high quality pedestrian realm for shopping and strolling along active retail, eating and entertainment uses.

APPLIED TO:

Existing Streets: Baker Blvd, 61st Place

New Streets: As indicated on Corridor Type Map

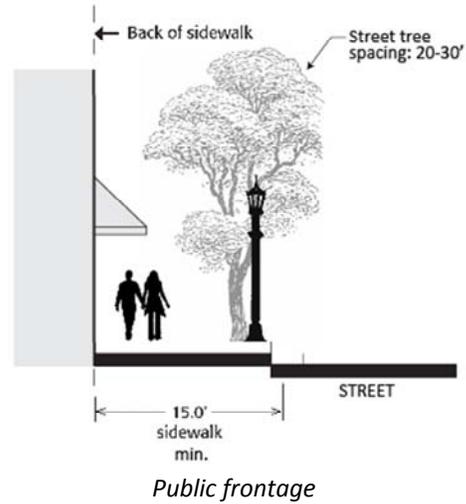
Note: This is a summary of key corridor standards. See 18.28.120 to .210 for supplemental details.

THOROUGHFARE CROSS-SECTION (See 18.28.140)

Existing street	No change
New street	Public frontage only

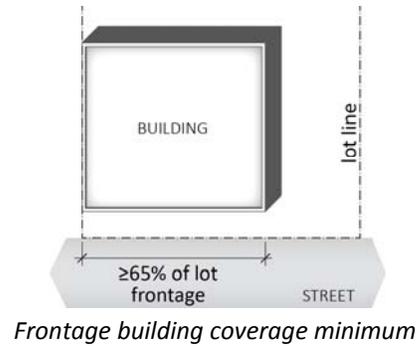
PUBLIC FRONTAGE STANDARDS (See 18.28.150)

Total required width	15 ft
Sidewalk width minimum	15 ft
Landscaping	Street trees, located at back of curb face. Also see 18.28.240 General Landscaping.
Tree spacing	20-30 ft, depending on species.
Lighting	Pedestrian and vehicular-scale decorative street lighting.



BUILDING ORIENTATION/PLACEMENT & LANDSCAPING (See 18.28.160 - .190)

Building orientation to street	Required
Frontage building coverage minimum	65%
Front yard setback maximum	10 ft
On-site surface parking locations	Side or rear of building
Front yard landscaping (waived if Public Frontage improvements are built to standard)	15 ft min of streetscape



ARCHITECTURAL DESIGN STANDARDS (See 18.28.200)

Façade articulation increment	
Commercial / mixed-use maximum	30 ft
Residential maximum	30 ft
Major vertical modulation maximum	120 ft
Ground level transparency	
Commercial-use minimum	75%



Figure 18-21: Pedestrian Walkway Corridor Standards

Pedestrian Walkways

Intent: To supplement the street network with non-motorized pathways, support and foster an alternative mode of travel to motorized vehicles within the area, and provide a safe, pleasant, and direct route for pedestrians between significant activity areas.

APPLIED TO:

Existing Streets: n/a

New Streets: As indicated on Corridor Type Maps

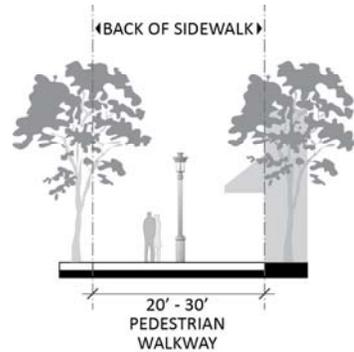
Note: This is a summary of key corridor standards. See 18.28.120 to .210 for supplemental details.

THOROUGHFARE CROSS-SECTION (See 18.28.140)

Existing street	n/a
New pedestrian walkway	See new cross-section

THOROUGHFARE STANDARDS (See 18.28.150)

Total required width	20-30 ft
Landscaping	Street trees, along outside edges of walkway. Also see 18.28.240 General Landscaping.
Tree spacing	20-30 ft, depending on species.
Lighting	Pedestrian-scale decorative street lighting.



Thoroughfare cross-section

BUILDING ORIENTATION/PLACEMENT & LANDSCAPING (See 18.28.160 - .190)

Building orientation walkway	Not required
Front yard setback minimum	0 ft
On-site surface parking locations	Front, side or rear of building
Front yard landscaping (<i>waived if Public Frontage improvements are built to standard</i>)	Required, except where buildings are adjacent to walkways

ARCHITECTURAL DESIGN STANDARDS (See 18.28.200)

Façade articulation increment	
Commercial/mixed-use maximum	30 ft
Residential maximum	30 ft
Major vertical modulation maximum	120 ft
Ground level transparency	
Commercial-use minimum	75%



Facade articulation and ground level transparency

Figure 18-22: Tukwila Pond Esplanade Standards

Tukwila Pond Esplanade

Intent: To provide a public esplanade along the northern edge of Tukwila Pond Park that is a focal point and central gathering spot suitable for strolling providing a place for public activity to augment the shopping, dining, and other uses in the vicinity.

Note: This is a summary of key corridor standards. See 18.28.120 to .210 for supplemental details.

APPLIED TO:

Existing Streets: n/a

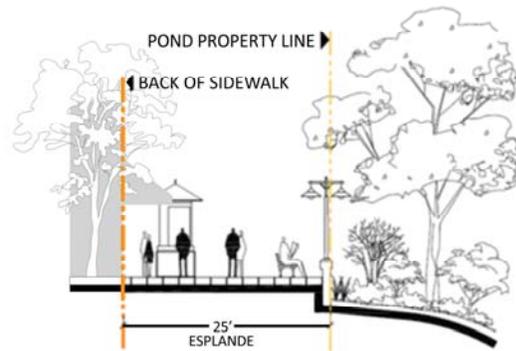
New Streets: Tukwila Pond Esplanade¹ – North Edge

THOROUGHFARE CROSS-SECTION (See 18.28.140)

Existing streets	n/a
New esplanade	See new cross-section

THROUGHFARE STANDARDS (See 18.28.150)

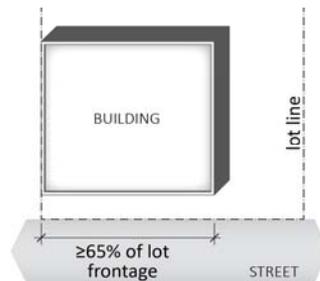
Total required width minimum	25 ft
Landscaping	Street trees in grates, except where buildings are adjacent to esplanade. Also see 18.28.240 and 18.28.250 Open Space Regulations.
Lighting	Pedestrian-scale decorative street lighting.



Thoroughfare cross-section

BUILDING ORIENTATION/PLACEMENT & LANDSCAPING (See 18.28.160 - .190)

Building orientation to esplanade	Required
Frontage building coverage minimum	65%
Front yard setback maximum	0 ft
On-site surface parking locations	Permitted rear of building.



Frontage building coverage

ARCHITECTURAL DESIGN STANDARDS

Façade articulation increment

Commercial/mixed-use maximum	30 ft
Residential maximum	30 ft
Major vertical modulation maximum	120 ft

Ground level transparency

Commercial-use minimum	75%
------------------------	-----



Facade articulation and ground level transparency

¹ These standards are not applicable until the City invests in design & construction of the esplanade (in part or in its entirety). In addition, for those properties bordering the esplanade that are already developed with structures and improvements oriented away from the pond and esplanade, the Corridor Standards will be applied only when a complete redevelopment of the property is proposed.

Figure 18-23: Neighborhood Corridor Standards

Neighborhood Corridor

Intent: To provide an intimately-scaled pedestrian environment within northern Southcenter’s higher density mixed-use neighborhoods, in a “complete streets” setting with on-street parking and bicycles sharing the roadway with vehicles.

APPLIED TO:

Existing Streets: Andover Park E. (Tukwila Pkwy to Trek Christensen), Trek Dr, Industry Dr, Minkler (Andover Park E.), to River, Wig Dr, Bauch Dr, Nelson Pl, S. 156th St

New Streets: As indicated on Corridor Type Map

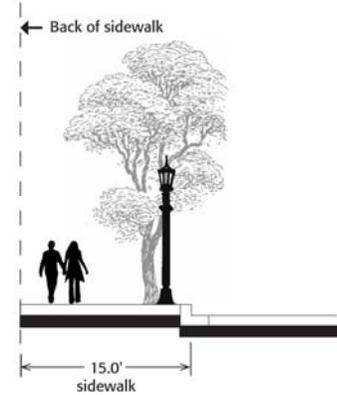
Note: This is a summary of key corridor standards. See 18.28.120 to .210 for supplemental details.

THOROUGHFARE CROSS-SECTION (See 18.28.140)

Existing street	No change
New street	See new cross-section

PUBLIC FRONTAGE STANDARDS (See 18.28.150)

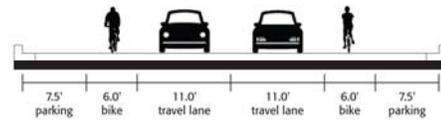
Total required width minimum	15 ft; 10 ft on Minkler
Landscaping	Street trees, located at back of curb face. On Minkler, trees in a continuous landscaped strip a minimum of 5 ft wide located at back of curb face. Also, see 18.28.240 General Landscaping.
Tree spacing	20-30 ft, depending on species.
Lighting	Pedestrian and vehicular-scale decorative street lighting.



Public frontage

BUILDING ORIENTATION/PLACEMENT & LANDSCAPING (See 18.28.160 - .190)

Building orientation to streets/ open spaces	Required
Front yard setback minimum	15 ft
On-site surface parking locations	Side or rear of building. Street Front: 1 double-loaded aisle of parking between building and primary street (maximum 63 ft in width). ²
Front yard landscaping minimum (waived if Public Frontage Improvements are built to standard)	15 ft of streetscape



New thoroughfare cross-section



Facade articulation and ground level transparency

ARCHITECTURAL DESIGN STANDARDS

Façade articulation increment

Commercial/mixed-use maximum	50 ft
Residential maximum	30 ft
Major vertical modulation maximum	120 ft

Ground level transparency

Commercial-use minimum	50%
------------------------	-----

² New street south of Tukwila Pond shall only have on-street parking on the south side of the street.

Figure 18-24: Urban Corridor Standards

Urban Corridor

Intent: To provide safe and supportive pedestrian facilities and an attractive streetscape along the crossroads in the urban center that provide greater capacity for transit and auto traffic.

Note: This is a summary of key corridor standards. See 18.28.120 to .210 for supplemental details.

APPLIED TO:

Existing Streets: Andover Park W. (Tukwila Pkwy S. to Minkler), Longacres Way, Strander Blvd

New Streets: As Indicated on Corridor Type Map

THOROUGHFARE CROSS-SECTION (See 18.28.140)

Existing street	No change
New street	See new cross-section

PUBLIC FRONTAGE STANDARDS (See 18.28.150)

Total required width	15 ft
Sidewalk width minimum	8 ft
Landscaping	Trees in a continuous landscaped strip 7 ft wide located at back of curb on existing streets; trees in wells on new streets. Also see 18.28.240 General Landscaping
Street tree spacing	20-30 ft, depending on species.
Lighting	Pedestrian and vehicular-scale decorative street lighting.

BUILDING ORIENTATION/PLACEMENT & LANDSCAPING (See 18.28.160 - .190)

Building orientation to street	Required
Front yard setback minimum	15 ft
On-site surface parking locations	Side or rear of building. Street Front: 1 double-loaded aisle of parking between building and primary street (max 63 ft in width).
Front yard landscaping minimum (waived if Public Frontage Improvements are built to standard)	15 ft of Streetscape

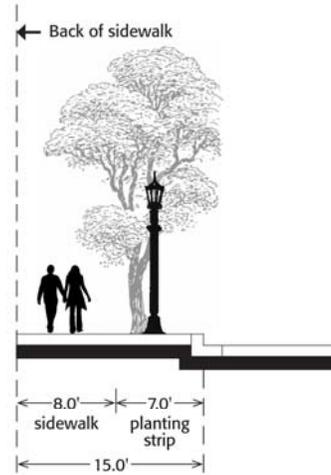
ARCHITECTURAL DESIGN STANDARDS

Façade articulation increment

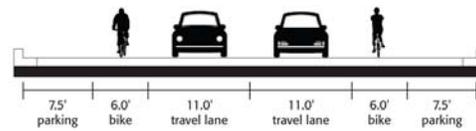
Commercial/mixed-use maximum	50 ft
Residential maximum	30 ft
Major vertical modulation maximum	200 ft

Ground level transparency

Commercial-use minimum	60%
-------------------------------	-----



Public frontage



New thoroughfare cross-section



Facade articulation and ground level transparency

Figure 18-25: Commercial Corridor Standards

Commercial Corridor

Intent: To provide safe and supportive pedestrian facilities, greater capacity for vehicles, and attractive streetscapes along heavily travelled roadways serving auto-oriented commercial uses.

APPLIED TO:

Existing Streets: Tukwila Pkwy, Southcenter Pkwy, S. 180th St, West Valley Hwy

New Streets: As Indicated on Corridor Type Map

Note: This is a summary of key corridor standards. See 18.28.120 to .210 for supplemental details.

THOROUGHFARE CROSS-SECTION (See 18.28.140)

Existing street	No change
New street	See new cross-section

PUBLIC FRONTAGE STANDARDS (See 18.28.150)

Total required width	15 ft
Sidewalk width minimum	6 ft
Landscaping	Street trees in a continuous landscaped strip 9 ft wide located at back of curb. Also see 18.28.240 General Landscaping.
Street tree spacing	20-30 ft, depending on species.
Lighting	Vehicular-scale decorative street lighting.

BUILDING ORIENTATION/PLACEMENT & LANDSCAPING (See 18.28.160 - .190)

Building orientation to streets	Not required
Front yard setback minimum	15 ft
On-site surface parking locations	Front, side or rear of building
Front yard landscaping minimum (waived if Public Frontage Improvements are built to standard)	15 ft of Streetscape

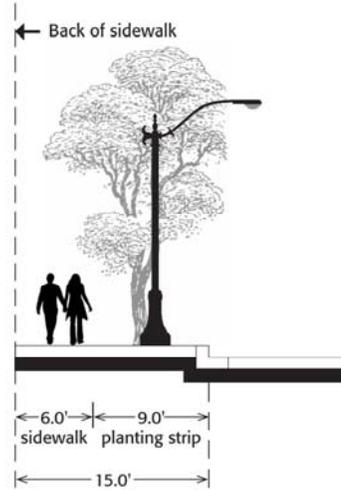
ARCHITECTURAL DESIGN STANDARDS

Façade articulation increment

Commercial/mixed-use maximum	50 ft
Residential maximum	30 ft
Major vertical modulation maximum	200 ft

Ground level transparency

Commercial-use minimum	50%
------------------------	-----



Public frontage



Facade articulation and ground level transparency

Figure 18-26: Freeway Frontage Corridor Standards

Freeway Frontage Corridor

Intent: To provide safe and supportive pedestrian facilities along heavily travelled parkways oriented towards both the area's freeways and Westfield Southcenter Mall.

APPLIED TO:

Existing Streets: Tukwila Parkway (Southcenter Pkwy to 185' west of Andover Park West), Southcenter Pkwy (Tukwila Pkwy to Stander Blvd)

New Streets: n/a

Note: This is a summary of key corridor standards. See 18.28.120 to .210 for supplemental details.

THOROUGHFARE CROSS-SECTION *(See 18.28.140)*

Existing street	No change
New street	NA

PUBLIC FRONTAGE STANDARDS *(See 18.28.150)*

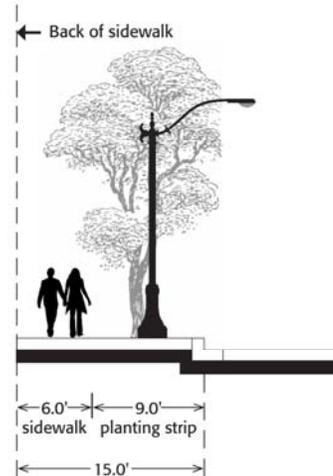
Total required width	15 ft
Sidewalk width minimum	6 ft
Landscaping	Street trees in a continuous landscaped strip 9 ft wide located at back of curb or a combination of curb landscaping and street trees integrated into sidewalk, provided total public frontage meets required width. Also see 18.28.240 General Landscaping.
Street tree spacing	30-50 ft, depending on species.
Lighting	Vehicular-scale decorative street lighting.

BUILDING ORIENTATION/PLACEMENT & LANDSCAPING *(See 18.28.160 - .190)*

Building orientation to street	Not required
Front yard setback minimum	15 ft
On-site surface parking locations	Front, side or rear of building
Front yard landscaping minimum <i>(waived if Public Frontage Improvements are built to standard)</i>	15 ft of streetscape

ARCHITECTURAL DESIGN STANDARDS

Façade articulation increment	
Commercial/mixed-use maximum	100 ft
Major vertical modulation maximum	200 ft
Ground level transparency**	
Commercial-use minimum	20%



Public frontage



Facade articulation and ground level transparency

****** Minimum ground-level transparency requirements do not apply when: 1) the sidewalk grade is 10 feet or more above the finished grade of the structure; or 2) there is another building located directly between the street frontage and the proposed building, screening the view of the proposed building from the street.

Figure 18-27: Workplace Corridor Standards

Workplace Corridor

Intent: To provide safe and supportive pedestrian facilities along streets serving truck loading and parking access for primarily warehouse/distribution uses in the southern part of the Southcenter area.

APPLIED TO:

Existing Streets: Minkler Blvd (Southcenter Pkwy to APW, Costco Dr), Upland Dr, Midland Dr, Triland Dr, N./W. between Costco Dr and S. 180th St, Andover Park W. (Minkler to S. 180th St), Andover Park E. (Trek to S. 180th St), Sperry Dr

New Streets: As indicated on Corridor Type Map

Note: This is a summary of key corridor standards. See 18.28.120 to 2.10 for supplemental details.

THROUGHFARE CROSS-SECTION *(See 18.28.140)*

Existing street	No change
New street	See new cross-section

PUBLIC FRONTAGE STANDARDS *(See 18.28.150)*

Total required width	15 ft
Sidewalk width minimum	6 ft
Landscaping	Street trees in a continuous landscaped strip 9 ft wide located at back of curb. Also see 18.28.240 General Landscaping.
Street tree spacing	30-50 ft, depending on species.
Lighting	Vehicular-scale street lighting.

BUILDING ORIENTATION/PLACEMENT & LANDSCAPING *(See 18.28.160 - .190)*

Building orientation to street	Not required
Front yard setback minimum	15 ft
On-site surface parking locations	Front, side or rear of building
Front yard landscaping minimum <i>(waived if Public Frontage Improvements are built to standard)</i>	15 ft of streetscape

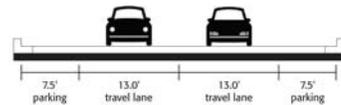
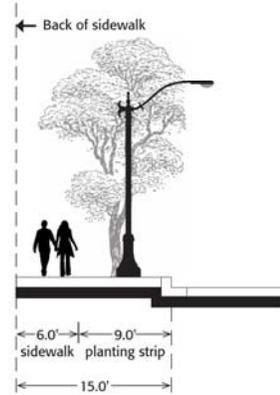
ARCHITECTURAL DESIGN STANDARDS

Façade articulation increment

Non-residential maximum	140 ft
Residential maximum	30 ft
Major vertical modulation maximum	280 ft

Ground level transparency

Warehouse/light industrial buildings minimum	20%
Commercial-use minimum	50%



New thoroughfare cross-section



Facade articulation and ground level transparency

Figure 18-28: Examples of public frontages

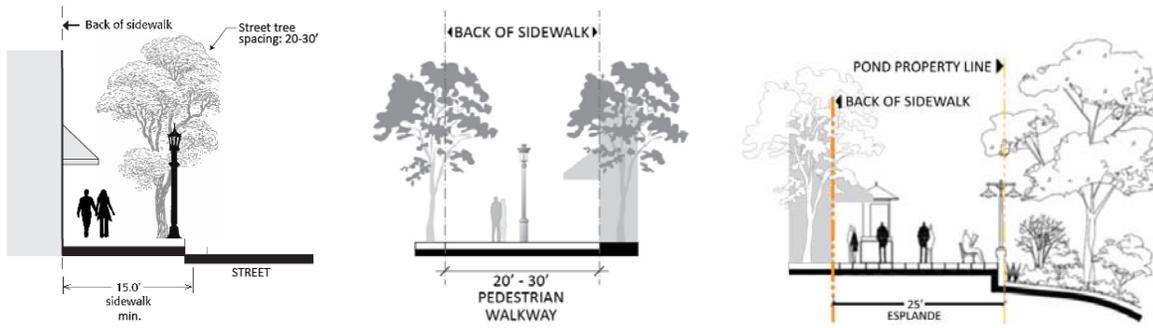


Figure 18-29: Example of a building oriented to the street

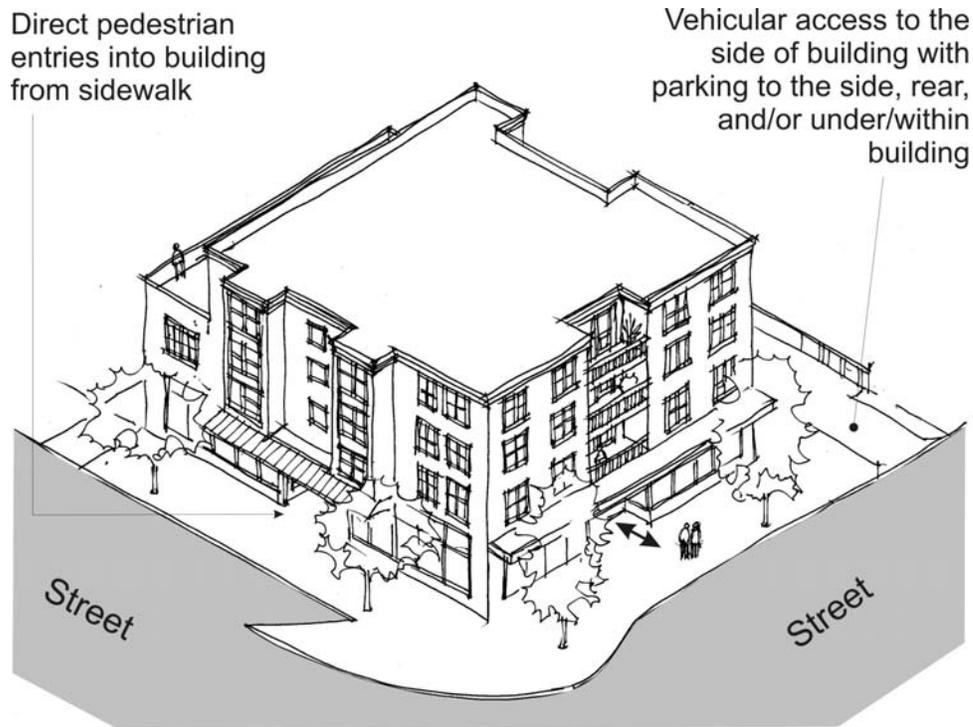


Figure 18-30: Example of features on a building oriented to street

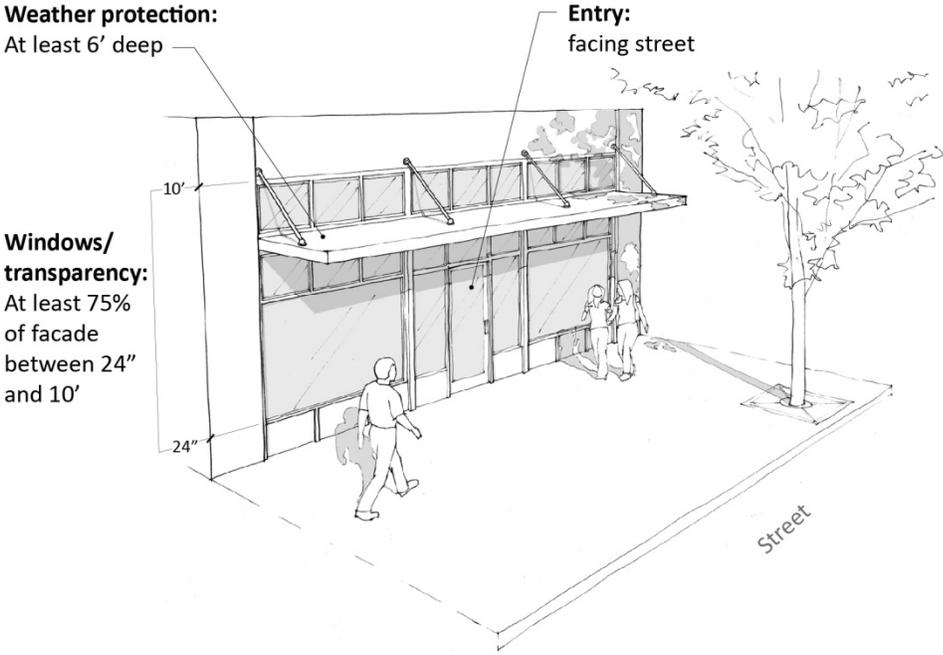


Figure 18-31: Examples of Building Orientation to Streets/Open Space Treatments



Figure 18-32: Frontage Building Coverage

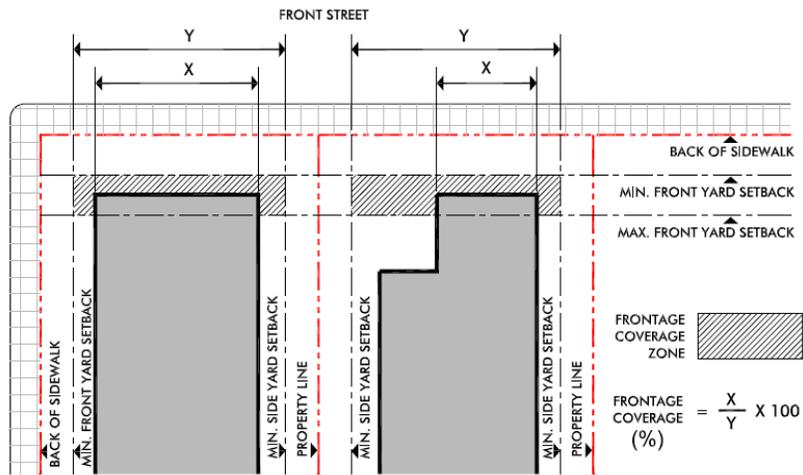


Figure 18-33: Example of exceeding maximum building setbacks to provide pedestrian space



Figure 18-34: Surface Parking – Front

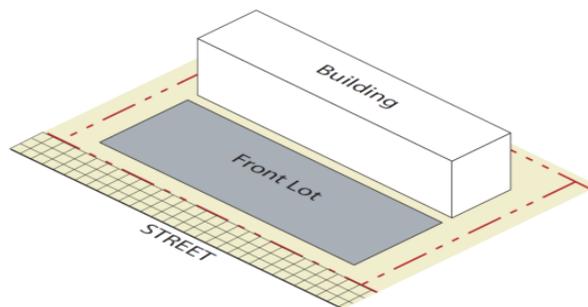


Figure 18-35: Street Front Parking Examples

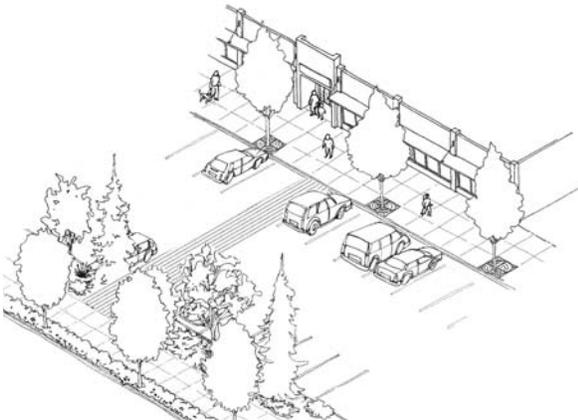


Figure 18-36: Surface Parking – Side

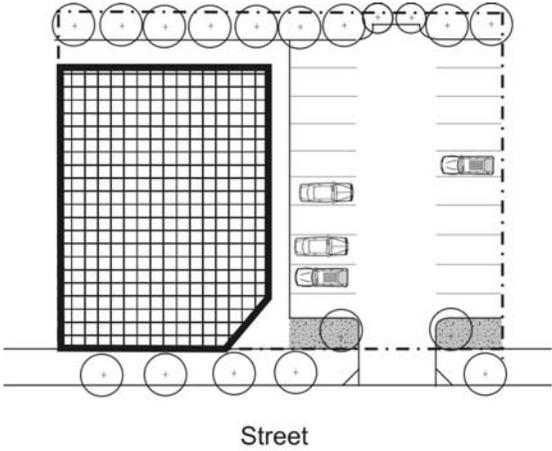
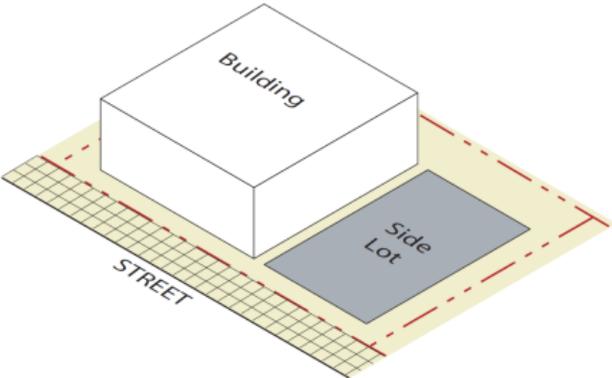


Figure 18-37: Surface Parking – Rear

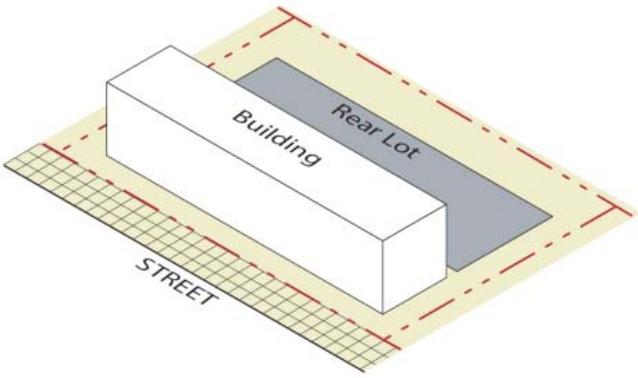


Figure 18-38: Example of vertical modulation and horizontal modulation

Horizontal modulation (upper level stepback)



Figure 18-39: Façade articulation example for a mixed-use building

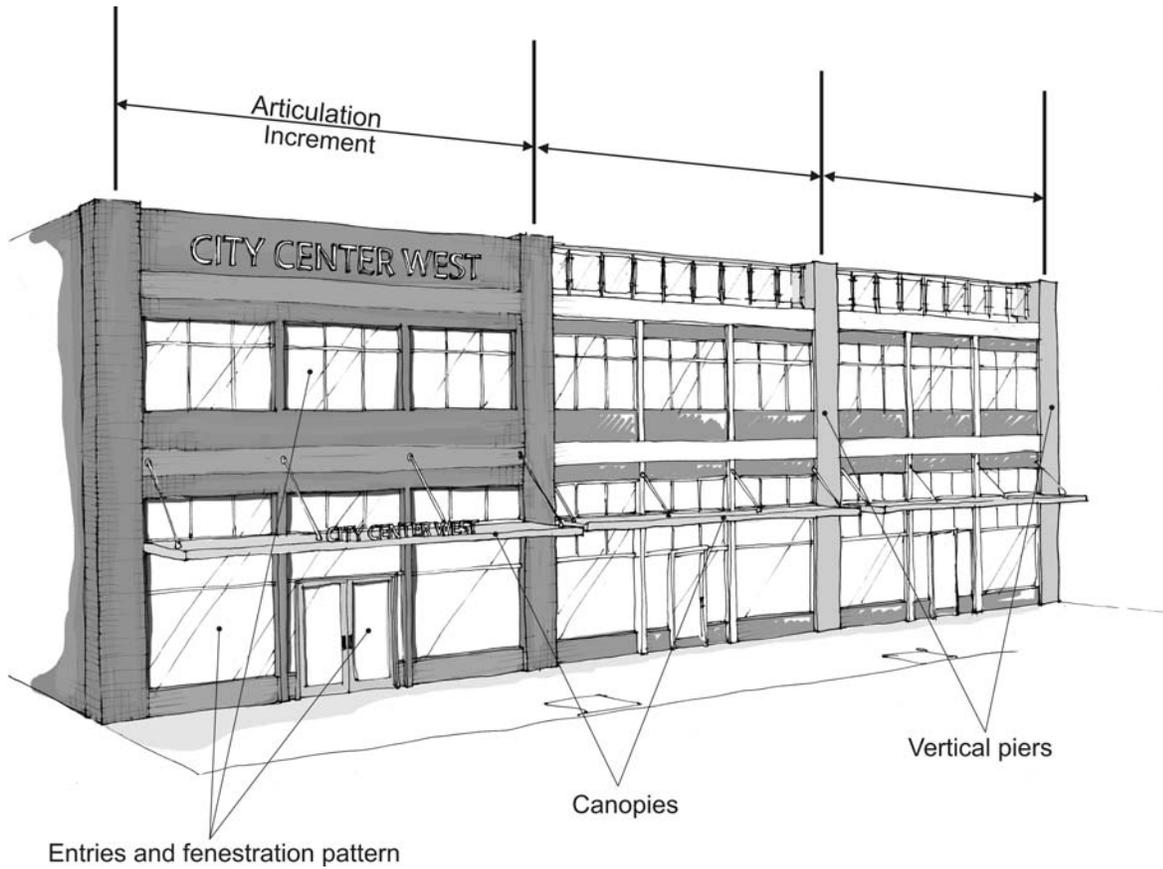


Figure 18-40: Example of articulating the façade of a residential building



Figure 18-41: Major Vertical Modulation Example

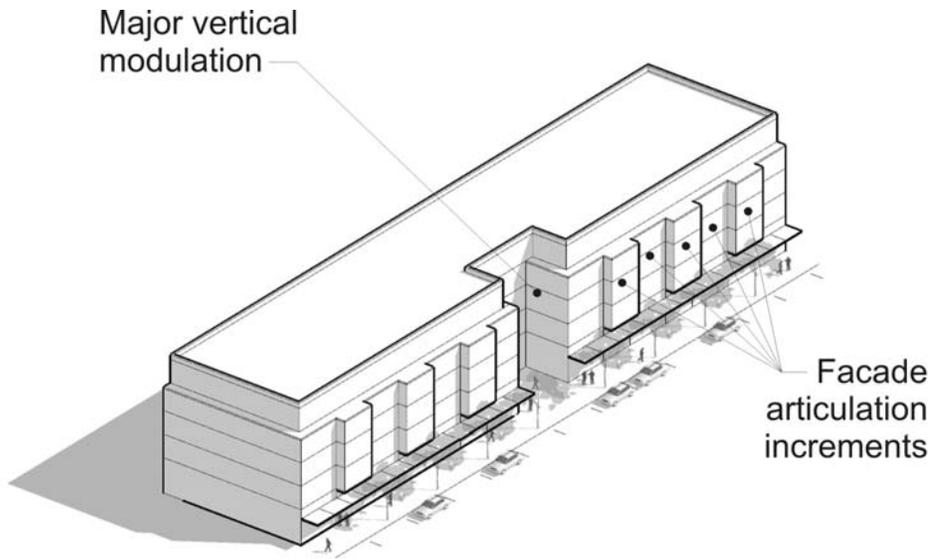


Figure 18-42: Ground level transparency requirements apply to the transparency percentage for the area between the height of 2 and 10 feet along the length of a building façade

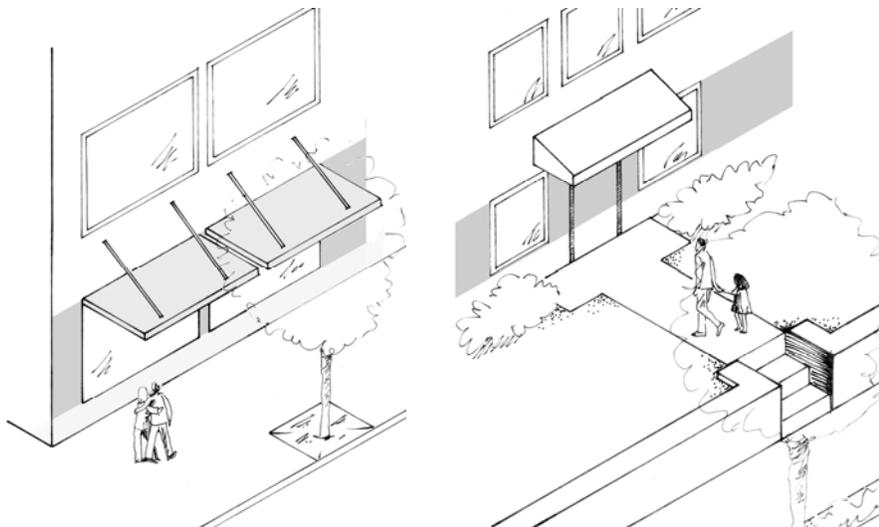


Figure 18-43: Examples of percentage of transparency between 2-10' along the length of a building façade



75% Transparency



50% Transparency

Figure 18-44: Display window example

This example meets the criteria.



This does not.



Figure 18-45: Encroachment provisions for building overhangs or weather protection features

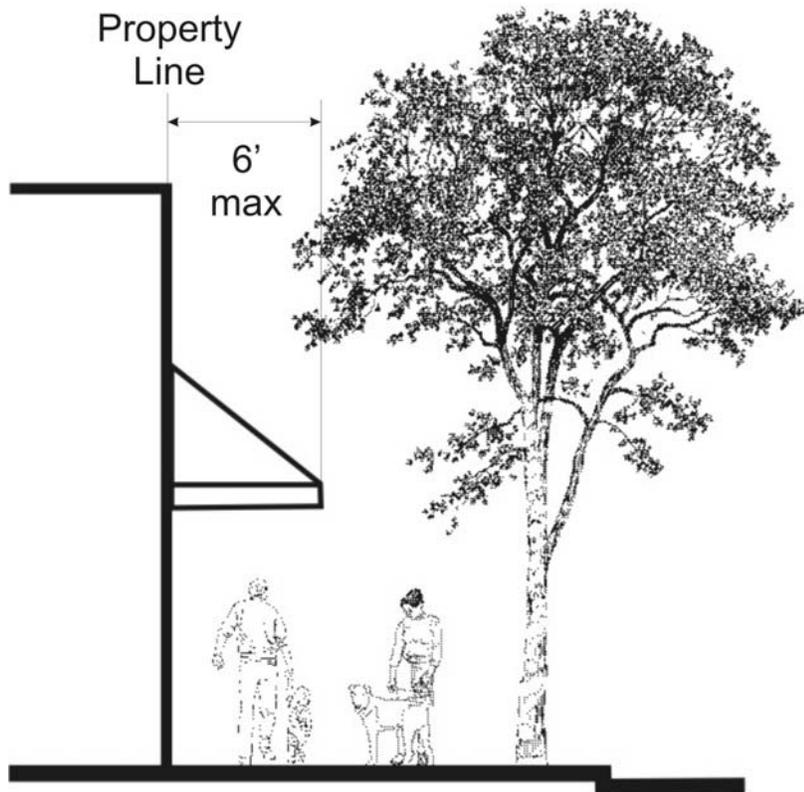


Figure 18-46: Illustrating the various side and rear yard treatment standards and options.

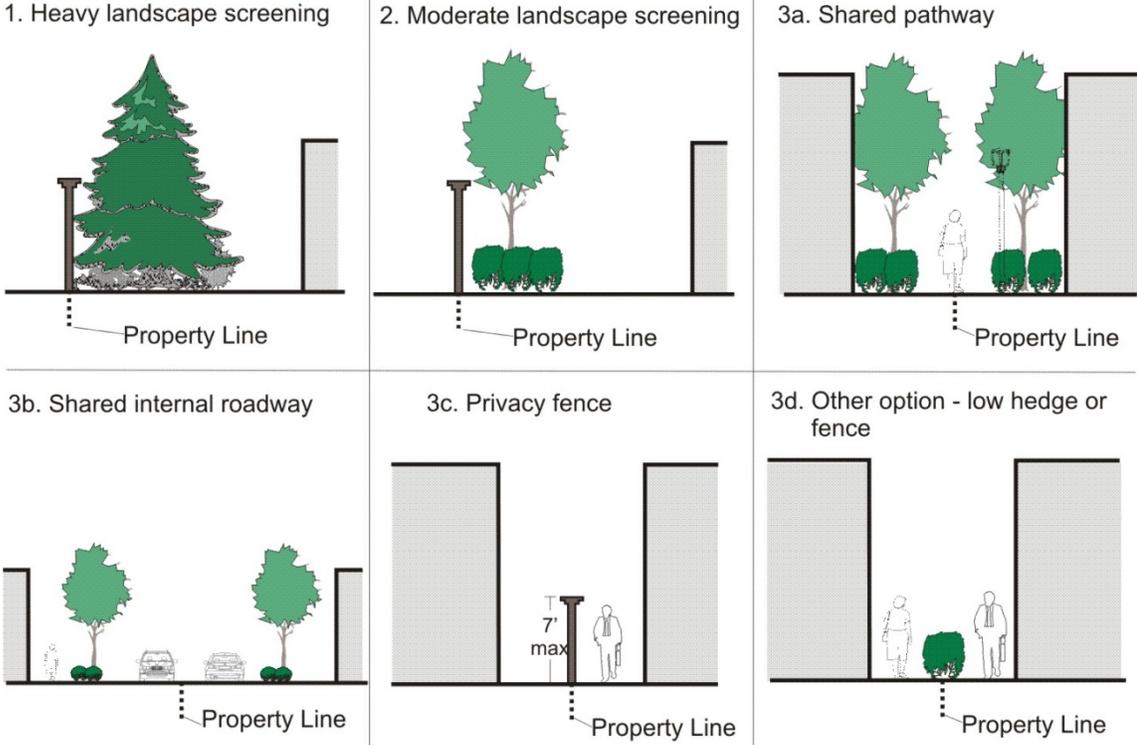


Figure 18-47: Not OK – A single tree planted with no other materials and little room for viability.



Figure 18-48: Using evergreen landscaping to screen utilities



Figure 18-49: Examples of landscaped tree wells



Figure 18-50: Examples of Pedestrian Spaces



Figure 18-51: Examples of pedestrian passages



Figure 18-52: Common open space examples



Figure 18-53: Rooftop Garden



Figure 18-54: Example of Driveway level with the height of the sidewalk



Figure 18-55: *Not OK* – Not enough room on-site to exit loading area, resulting in disruption of traffic movements



Figure 18-56: Parking lot walkway standards and example

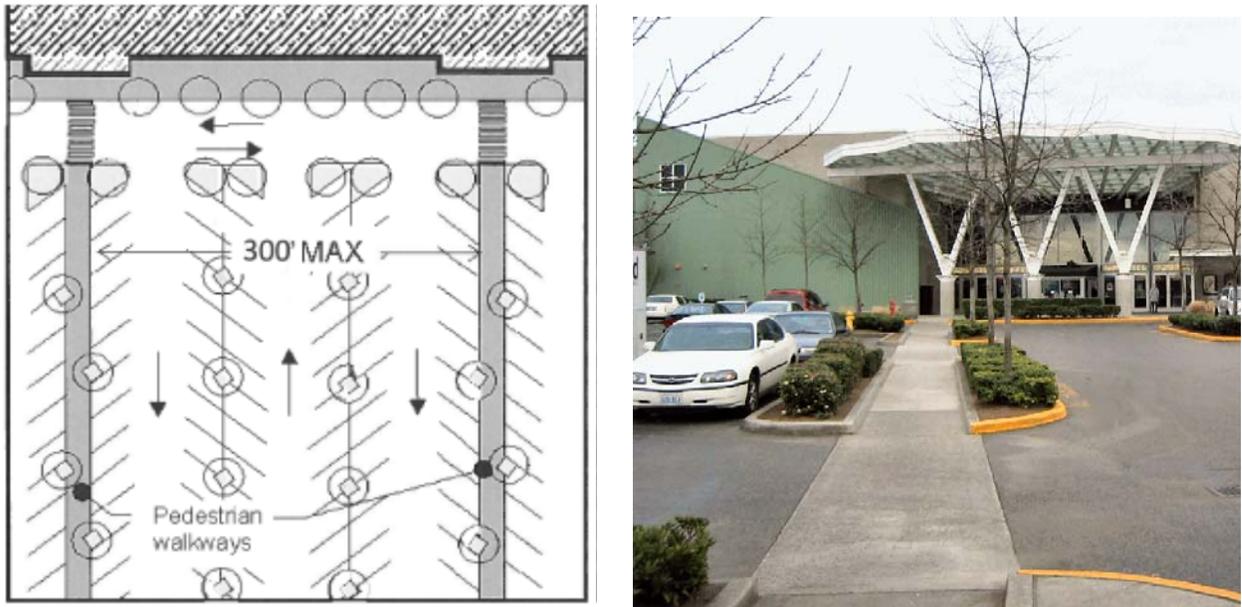


Figure 18-57: Example of good internal pedestrian circulation. Note connections from the street, between buildings and through parking lots

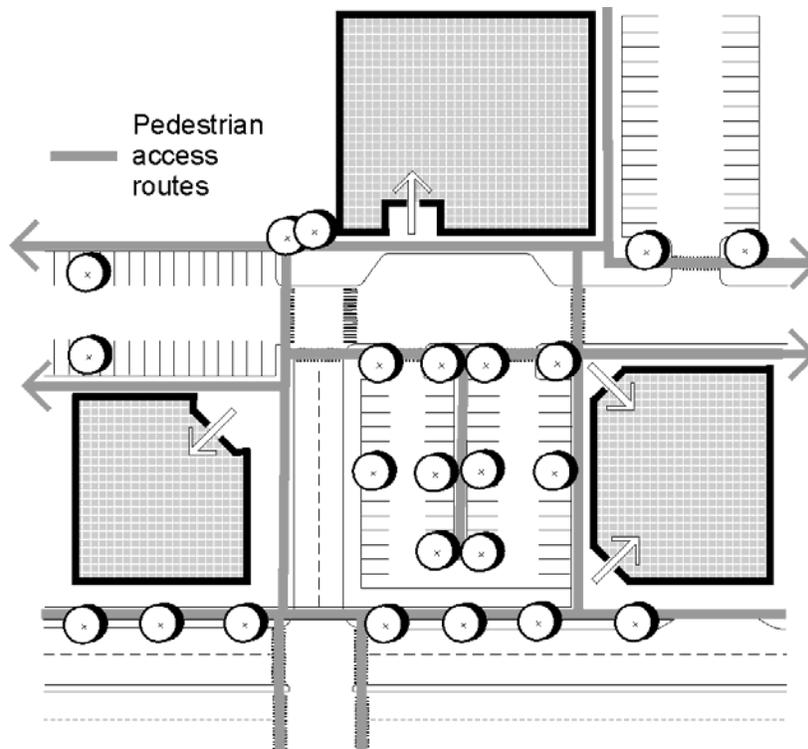


Figure 18-58: Internal walkway standards and an example along retail or mixed-use buildings

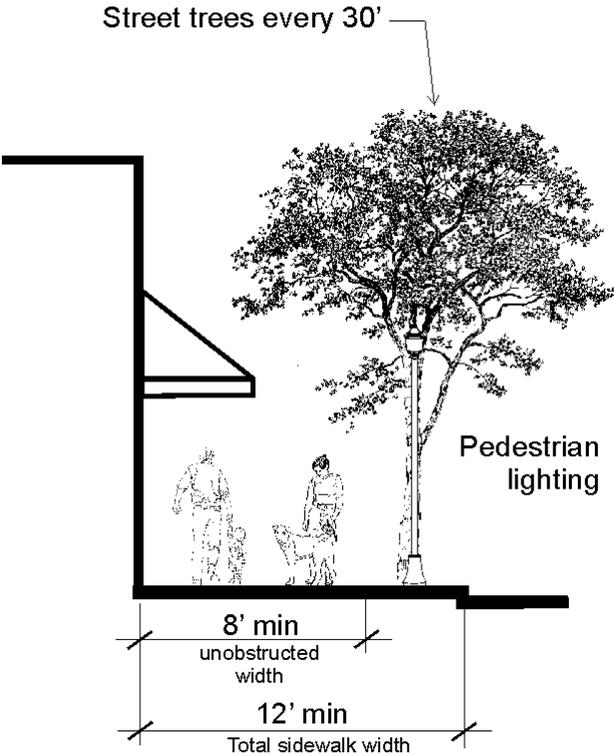


Table 18-1:
Summary of applicable review process and standards/guidelines.
 See subsection 18.28.030 (D) for detailed provisions.

Project Type	Review Type	Applicable Standards/Guidelines				
		District-Based Standards	Corridor-Based Standards	Supplemental Standards	Southcenter Design Manual	Design Review Criteria in TMC 18.60.050
Projects located in the TUC-RC, TUC-TOD, TUC-P, or TUC-CC Districts						
Minor remodels or very small projects see subsection (D)(1)(d)	Type 1	●	● *	●		
Major remodels and small-scale projects see subsection (D)(1)(b)	Type 2	●	●	●	●	
Large-scale projects see subsection (D)(1)(c)	Type 4 (BAR)	●	●	●	●	
Projects located in the TUC-Workplace District						
Residential/mixed-use building – small scale project see subsection (D)(2)(a)(1)	Type 2	●	●	●	●	
Residential/mixed-use building – major remodel see subsection (D)(2)(a)(2)	Type 2	●	●	●	●	
Residential/mixed-use building – large scale project see subsection (D)(2)(a)(3)	Type 4 (BAR)	●	●	●	●	
Other small scale new construction or exterior expansions, see subsection (D)(2)(b)(1)	Type 2	●	●	●		●
Other major remodels see subsection (D)(2)(b)(2)	Type 2	●	●	●		●
Other large-scale new construction or exterior expansions –see subsection (D)(2)(b)(3)	Type 4 (BAR)	●	●	●		●
Minor remodels or very small projects see subsection (D)(2)(c)		●	● *	●		

* Not required to meet corridor-based architectural design standards

Table 18-2: Tukwila Urban Center Land Uses Allowed By District**

Business license	P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit <i>For parking requirements see Table 18-5 or Figure 18-7</i>	Regional Center	TOD	Pond District	Commercial Corridor	Work-Place
Retail[†]						
60	Animal Kennels and Shelters, including doggy daycare				C	C
810A	Athletic or Health Clubs	P	P	P	P	P
90	Automotive Service and Repair	P ²				P
400	Banks, Financial, Insurance, and Real Estate Services	P	P	P		
1030	Bar & Nightclubs	P	P ³	P	P	
Ref. above [†]	Brew Pubs, On-Site Brewing, Cocktail Lounges, & Pool Halls	P	P	P	P	
	Bulk Retail	P			P	P
	Business Services (e.g. copying, fax and mailing centers)	P	P	P		P
Ref. above [†]	Drive Through Facilities or Services	P	P ³		P	P
360A	Electric Vehicle Charging Station L1&2	P	P	P	P	P
360B	Electric Vehicle Charging State L3	A	P ³	A	A	A
90	Gas Stations, including Car Wash		P ³		P	P
	General Retail	P	P	P	P	P
Ref. above [†]	Laundries, Tailors, and Dry Cleaners	P	P	P	P	P
Ref. above [†]	Personal Services (e.g. beauty & barber shops, nail salons, spa, travel agencies)	P	P	P	P	
Ref. above [†]	Recreation Facilities (commercial indoor)	P	P	P		P
810C	Recreation Facilities (commercial outdoor)					P
Ref. above [†]	Repair Shops (small scale goods: bicycle, appliance, shoe, computer)	P	P	P		P
Ref. above [†]	Restaurants with associated cocktail lounges and sidewalk cafes	P	P	P	P	P ⁶
Ref. above [†]	Theaters except adult entertainment	P		P	P	
840	Vehicle Rental and Sales (not requiring a commercial DL)	P	P ³	P ⁵		P
70	Veterinary Clinic with temporary indoor boarding and grooming	P	P	P	P	P
Office						
	Professional, Outpatient Medical, Dental, Governmental Services, and Research	P	P	P	P	P
630	Medical and Dental Laboratories	P	P	P		P
Lodging						
Ref. above [†]	Hotel, Motel, Extended Stay, Bed and Breakfasts	P	P	P		
Civic & Institutional						
290	Convention & Exhibition Facilities, including multipurpose arena facilities	P	P ³	P		

Ref. above†	Cultural Facilities, including: libraries, museums, art galleries, performing arts centers	P	P	P		
Ref. above†	Daycare Centers	P	P	P	P	P
Ref. above†	Education and Instructional Facilities, public and private including college and universities	P	P	P		
Ref. above†	Parks, Trails, Picnic Areas, Playgrounds, and Public Community Centers	P	P	P	P	P
410	Police and Fire Stations	C	C	C	P	P
Business license	P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit <i>For parking requirements see Table 18-5 or Figure 18-7</i>	Regional Center	TOD	Pond District	Commercial Corridor	Work-Place
	Post Office	P	P	P		
820B	Religious Institutions, greater than 750 sf assembly area	C	C	C	C	C
820A	Religious Institutions, less than 750 sf assembly area	P	P	P	P	P
Industrial, Manufacturing, & Warehouse						
190	Cargo Containers subject to TMC 18.50.060					A
550	Industrial Commercial Services (e.g. etching, film processing, lithography, printing & publishing)					P
Ref. above†	Light Industrial: Manufacturing, Processing and Assembling uses that have little potential for creating off-site noise, smoke, dust, vibration or other external impacts or pollution. Manufacturing and processing of food and beverages including fermenting and distilling; with or without a tasting room, provided the tasting room occupies less than 50% of the total area of the building occupied by the tenant but no more than 3500 square feet; and the manufacturing process does not cause off-site impacts to neighboring properties or create a public nuisance.					P
990A/B	Outdoor storage of materials to be manufactured or handled as part of a permitted use within the Zone, screened pursuant TMC 18.52					A
960	Self-Storage Facilities					P
1110	Warehouse Storage and Wholesale Distribution Facilities					P
Transportation, Communication, & Infrastructure						
240	Commercial Parking , day use only	P	P	P	P	P
370	Essential Public Facilities, except those listed separately	UUP	UUP	UUP	UUP	UUP
	Intermodal Transit Stations, Rail transit facilities	UUP	UUP	UUP	UUP	UUP
Ref. above†	Internet Data Centers & Telephone Exchanges					P
7100	Park and Ride Lots	UUP	UUP	UUP		UUP
720	Parking Areas	A	A	A	A	A
	Public Transit Facilities and Stations (Bus)	P	P	P	P	P
780	Radio, Television, Microwave, or Observation Stations and Towers	C	C	C	C	C
Ref. above†	Utility Facilities, above ground/ not in ROW	C	C	C	C	P
Ref. above†	Utility Facilities, underground/in ROW	P	P	P	P	P
1140	Wireless Communication Facilities	p ⁷	p ⁷	p ⁷	p ⁷	p ⁷

Residential						
320	Dormitories		A	A		
Ref. above [†]	Dwelling: Multi-family, Townhouses, Mixed Use, Senior Citizen Housing	P	P	P		p ⁴
510	Home Occupation	A	A	A		p ⁴
270	Continuing Care Retirement Community		P	P		

[†] Reference the above general zoning code use matrix for specific business license code.

** See TMC 18.28.260 for District specific parking standards.

1. Minimum interior height for ground level retail of all types is 18 feet from floor to floor plate. Use conversions in existing buildings are not required to meet this standard.
2. New businesses are limited to locations within the Freeway Frontage Corridor. See additional design standards in the Southcenter Design Manual.
3. East of the Green River only.
4. Only on properties fronting the Green River or Minkler Pond.
5. Excludes vehicle storage or maintenance.
6. 3,500 sf max per use.
7. Subject to TMC 18.58.

Table 18-3 District Standards:

District Standards	Regional Center	TOD	Pond District	Corridor Comm.	Workplace
18.28.070 Structure Height ¹					
Minimum Height	25 ft fronting Baker Bl.	25 ft fronting Baker Bl.	n/a	n/a	n/a
Maximum Height without Incentives	85 ft	45 ft	45 ft	45 ft	45 ft
Frontal Improvement Height Incentive	115 ft, or 214 ft w/in 300 ft of Tukwila Pkwy & Southcenter Pkwy	70 ft, 115' if combined with MF, LEED or Affordable Housing Incentive	70 ft, no increase w/in 150 ft of Pond edge	n/a	n/a
Multi-Family Height Incentive	115 ft, or 214 ft w/in 300 ft of Tukwila Pkwy & Southcenter Pkwy	70 ft, 115' if combined with Frontal Imp., LEED or Affordable Housing Incentive	70 ft, no increase w/in 150 ft of Pond edge	n/a	70 ft River adjacent parcels only
18.28.080 Maximum Block Face Length					
Provision of New Streets	850 ft max ²	700 ft max	700 ft max	900 ft max	900 ft max
18.28.090 Permitted Corridor Types for New Streets					
Pedestrian Corridor	-	permitted	permitted	-	
Walkable Corridor	permitted	permitted	-	-	
Neighborhood Corridor	permitted	permitted	permitted	-	permitted ³
Urban Corridor			permitted	permitted	permitted
Commercial Corridor				permitted	permitted
Workplace Corridor	-		-	permitted	permitted
Tukwila Pond Esplanade	-		permitted		
Pedestrian Walkway		permitted			
18.28.100 Side and Rear Setbacks					
Side and Rear Yards	5 ft ⁴	5 ft ⁴	5 ft ⁴	5 ft	5 ft
18.28.110 Side and Rear Landscaping Requirements					
Side and Rear Yards	5 ft ⁴	5 ft ⁴	5 ft ⁴	0 ft	0 ft
18.28.220 Special Corner Feature					
Special Corner Feature on Building	permitted	permitted	permitted		

1) Portions of the building that extend above the primary building mass, such as non-habitable space (clock towers, roof-top cupolas, elevator and mechanical equipment enclosures), unenclosed space (roof deck trellises, gazebos), and other special architectural features, shall not exceed the maximum height requirement by more than 20 feet, provided they are set back a minimum of 10 feet from the edge of the roof (see also TMC 18.50.080).

2) Does not apply to Freeway Frontage Corridors

3) Permitted adjacent to residential uses.

4) May be waived as part of design review if Building and Fire Code requirements are met.

Table 18-4 Provision of Open Space

Districts	Regional Center	TOD Neighborhood & Pond	Commercial Corridor & Workplace
Use Type	Required Type/Amount of Open Space (minimums)		
Retail	Pedestrian space: 30 sf/1,000 sf of building footprint; min 100 sf	Pedestrian space: 30 sf/1,000 sf of building footprint; min 100 sf and max 3,000 sf per site	--
Civic & Institutional	--	--	--
Office	Pedestrian space: 50 sf/1,000 sf of building footprint	Pedestrian space: 50 sf/1,000 sf of building footprint	Pedestrian space: 50 sf/1,000 sf of building footprint
Lodging	Pedestrian space: 50 sf/1,000 sf of building footprint	Pedestrian space: 50 sf/1,000 sf of building footprint	--
Residential	10% of residential unit floor area, may be any combination of common or private open space	10% of residential unit floor area, may be any combination of common or private open space	10% of residential unit floor area, may be any combination of common or private open space
Transportation, Communication & Infrastructure	--	--	--
Industrial, Manufacturing & Warehouse	--	--	--

Legend

-- Open Space Not Required

Table 18-5 Provision of Parking

Districts	Regional Center, TOD Neighborhood & Pond District	Commercial Corridor & Workplace	All Districts
Use	Required Minimum Vehicular Parking	Required Minimum Vehicular Parking	Required Minimum Bicycle Parking
Retail, except as listed below	3.3 spaces/1,000 sf of ufa	See TMC Figure 18-7 Required Number of Parking Spaces for Automobiles and Bicycles	See TMC Figure 18-7 Required Number of Parking Spaces for Automobiles and Bicycles
Eating & Drinking Establishments	6 spaces/1,000 sf of ufa		
Planned Shopping Center 100,000 – 500,000 sf of ufa	4 spaces/1,000 sf of ufa		
Planned Shopping Center 500,000 – 1,000,000 sf of ufa	5 spaces/1,000 sf of ufa		
Planned Shopping Center over 1 million square feet gross leasable floor area including pad buildings ¹	4 spaces/1,000 sf of gross leasable floor area		
Entertainment & Recreation	6 spaces/1,000 sf of ufa, or as determined by DCD Director		
Business & Personal Services	3 spaces/1,000 sf of ufa		
Civic & Institutional	As determined by DCD Director		
Office	3 spaces/1,000 sf of ufa		
Lodging	1 space/guest room		
Residential			
1 bedroom unit or studio	1 space/unit		
2+ bedroom unit	1.5 plus .5 space for each additional bedroom over 2		
Home occupation	1 space/employee in addition to spaces otherwise required		
Senior Citizen Housing	1 space per unit for the first 15 units, .5 space per unit for additional units		
Industrial, Manufacturing & Warehouse	Not permitted		
Essential Public Facilities	As determined by DCD Director		

¹ Parking for office and residential uses within Regional Mall shall be calculated separately according to Table 5.

Table 18-6: Land Uses Allowed by District

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

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

P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S=Special Permission (Administrative approval by the Director)	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
Adult day care	A	A	A	A	A			A	A							P	
Adult entertainment (subject to location restrictions ¹)										P	P	P	P	P	P	P	
Airports, landing fields and heliports (except emergency sites)										U	U	U	U	U	U	U	
Amusement Parks								C	C	C	C	C			C	P	
Animal rendering											U					P	
Animal shelters and kennels, subject to additional State and local regulations (less than 4 cats/dogs =no permit)								C	C	C	C	C			C		
Animal Veterinary, including associated temporary indoor boarding; access to an arterial required	P	P	P	P		P	P	P	P	P					P		
Automobile, recreational vehicles or travel trailer or used car sales lots ²								P	P	P	P	P			P	P	
Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building), and alternate fueling station (not wholesale distribution facilities).							P	P	P	P	P	P	P	P	P	P	
Beauty or barber shops				P	P	P	P	P	P	P	P	P	C ³	C 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	
Billiard or pool rooms				P			A	P	P	P	P	P			P	P	
Boarding Homes		C	C														
Brew Pubs				P	P	C	P	P	P	P	P	P	P	P	P	P	
Bus stations							P	P	P	P	P	P	P	P	P	P	
Cabinet shops or carpenter shops employing less than five people							P	P	P	P	P	P			P	P	
Cargo containers (*see also 18.50.060)	A&S	A&S	A&S					A&S	A&S	A&S	P	P	P	P	P		
Cement manufacturing										U	U	U	U	U	U		
Cemeteries and crematories	C	C	C	C	C			C	C	C	C	C			C	C	

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	C ⁶	C ⁶	C	P	
Commercial laundries								P	P	P	P	P	P		P		
Commercial Parking				P ⁷	P ⁷			P ⁷	P ⁷	P ⁷	P ⁸	P ⁸			P ⁸		
Computer software development and similar uses				P	P	P	P	P	P	P	P	P	P ⁹ C ¹⁰	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					U ¹¹						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	A ¹³			A ¹³	A ¹³									
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	P ¹⁴	
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					P ¹⁵								P ¹⁴	
Dwelling – Multi-family units above office and retail uses				P		P	P		P						C ¹⁶ 22/ ac	P ¹⁴	
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 standards	P 60/ac	P 60/ac			P 60/ ac	P 60/ ac	P 60/ac						C ¹⁶ 100/ ac	P ¹⁴	
Dwelling unit – Accessory ¹⁷	A	A	A	A	A	A	A								A	A	

P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S=Special Permission (Administrative approval by the Director)	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
Electrical Substation – Distribution	C	C	C	C	C		C	C	C	C	C	C	C	C	C	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								P	P	P	P	P			P	P	
Farming and farm-related activities															P	P	
Financial, banking, mortgage, other services				P	P		P	P	P	P	P	P	P ⁹ / C ³	C ⁴	P	P	
Fire & Police Stations	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 sq./ft	A	A	A	A													
Greenhouses or nurseries (commercial)						P	P	P	P	P	P	P			P	P	
Hazardous waste treatment and storage facilities (off-site) subject to compliance with state siting criteria (RCW Chapter 70.105) (See TMC 21.08)												C		C			
Heavy equipment repair and salvage										P	P	P	P	P	P		
Helipads, accessory																C	
Home Occupation *see definition and accessory use	A	A	A	A	A	A	A		A						A	A	
Hospitals				C	C			C	C	C	C	C			C	P	
Hospitals, sanitariums, or similar institutes															C		
Hotels								P	P	P	P	P	C	C	P	P	
Hydroelectric and private utility power generating plants								U	U	U	U	U	U	U	U		
Industries involved with etching, film processing, lithography, printing and publishing								P	P	P	P	P	P	P	P	P	
Internet Data/Telecommunication Centers								C		P	P	P	P	P	P	P	
Landfills and excavations which the responsible official, acting pursuant to the State Environmental Policy Act, determines are significant environmental actions	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U		
Laundries; self-serve, dry cleaning, tailor, dyeing				P	P	P	P	P	P	P	P	P	P	P	P	P	
Libraries, museums, or art galleries (public)	C	C	P	P	P	C	P	P	P	P	P	P	P	P	P	P	
Manuf./Mobile home park ¹⁸		C	P														

P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S=Special Permission (Administrative approval by the Director)	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
<i>Manufacturing and industrial uses that have little potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts or pollution:</i>																	
A) Manufacturing, processing and/or packaging pharmaceuticals and related products, such as cosmetics and drugs							p ¹⁹	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							p ¹⁹	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							p ¹⁹	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) i) Fermenting and distilling included											P	P	P	P			
ii) No fermenting and distilling							p ¹⁹	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		
D) Manufacturing, processing, assembling and/or packaging of electrical										P	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
or mechanical equipment, vehicles and machines including, but not limited to, heavy and light machinery, tools, airplanes, boats or other transportation vehicles and equipment																	
E) Heavy metal processes such as smelting, blast furnaces, drop forging or drop hammering													C	P			
<i>Manufacturing, refining or storing highly volatile noxious or explosive products (less than tank car lots) such as acids, petroleum products, oil or gas, matches, fertilizer or insecticides; except for accessory storage of such materials</i>												U		U	U	U	
Marijuana producers, processors, or retailers (with state issued license)												P			P	p ²⁰	
Mass transit facilities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Medical and dental laboratories				P	P			P	P	P	P	P			P	P	
Minor expansion of an existing warehouse ²¹																S	
Mortician and funeral homes								P	P	P	P	P			P	C	
Motels								P	P	P	P	P	C	C	P	P	
Movie theaters with three or fewer screens																P	
Movie theaters with more than 3 screens ²²																S	
Offices including: medical, dental, government (excluding fire & police stations), professional, administrative, business, e.g. travel, real estate & commercial				p ²³	P	p ²³	p ²⁴	P	P	P	P	P	P ⁹ C ¹⁰	P ²⁵ C ²⁶	P	P	
Office or sample room for wholesale or retail sales, with less than 50% storage or warehousing							P										
Outpatient and emergency medical and dental services													C ³	C ⁴			
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	
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	p ²⁷	
Plumbing shops (no tin work or outside storage)							P	P	P	P	P	P			P	P	
Radio, television, microwave, or observation stations and towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Railroad freight or classification yards												U	U	U	U		
Railroad tracks (including lead, spur, loading or storage)										P	P	P	P	P	P		
Recreation facilities (commercial – indoor) – athletic or health clubs				P	P		P	P	P	P	P	P	C ³	P	P	P	
Recreation facilities (commercial – indoor), including bowling alleys, skating rinks, shooting ranges							C	P	P	P	P				P	P	

P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S=Special Permission (Administrative approval by the Director)	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
Recreation facilities (commercial – outdoor), including golf courses, golf driving ranges, fairgrounds, animal race tracks, sports fields										C	C	C			C		
Recreation facilities (public), including, but not limited to sports fields, community centers and golf courses	C	C	C	C	C		C	C	C	C	C	C	C	C	C		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				P	P	P	P	P	P	P	P	P			P	P	
Religious facilities with an assembly area greater than 750 sq ft and community center buildings				C	C	C	C	C	C	C	C	C			C	C	
Religious facility and community center buildings.	C	C	C														
Removal and processing of sand, gravel, rock, peat, black soil and other natural deposits together with associated structures										U	U	U	U	U	U		
Rental of vehicles not requiring a commercial driver’s license								P	P	P	P	P	P	P	P	P	
Rental of commercial trucks and fleet rentals requiring a commercial driver’s license										P	P	P	P	P	P	P	
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 including drive through, sit down, cocktail lounges in conjunction with a restaurant								P	P	P	P	P	P	P	P	P	
Restaurants including cocktail lounges in conjunction with a restaurant				P	P	C	P										
Retail sales of furniture appliances, automobile parts and accessories, liquor, lumber/bldg. materials, lawn & garden supplies, farm supplies							P	P	P	P	P	P			P	P	
Retail sales, e.g. health/ beauty aids/ prescription drugs/ food/hardware/notions/crafts/supplies/housewares/ electronics/photo-equip/film processing/ books/magazines/ stationery/ clothing/shoes/flowers/plants/pets/jewelry/ gifts/rec. equip/ sporting goods, and similar items.				P		P	P	P	P	P	P	P	C ³	C ⁴	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 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	P ⁹ C ¹⁰	P ²⁸	P	P	

P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S=Special Permission (Administrative approval by the Director)	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
Schools, preschool, elementary, junior & senior high schools (public), and equivalent private schools	C	C	C	C	C	C	C	C	C						C	C	P (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)	A ³⁰	A ³⁰	A ³⁰													P	
Storage (outdoor) of materials allowed to be manufactured or handled within facilities conforming to uses under this chapter; and screened pursuant to 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	P ³¹	P ³¹	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			P	P ³²	
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	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 18.58)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Note: The Director of Community Development will make a determination for uses not specifically listed in the Zoning Code. The Director will consider whether the proposed use is:

- a. Similar in nature to and compatible with other uses permitted outright within a similar zone; and**
- b. Consistent with the stated purpose of the zone; and**
- c. Consistent with the policies of the Tukwila Comprehensive Plan.**

1. Adult entertainment establishments are permitted, subject to the following location restrictions:
 - a. No adult entertainment establishment shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:
 - (1) In or within 1,000 feet of any LDR, MDR, HDR, MUO, O, NCC, RC, RCM or TUC zone districts or any other residentially-zoned property;
 - (2) In or within one-half mile of:
 - (a) Public or private school with curricula equivalent to elementary, junior or senior high schools, or any facility owned or operated by such schools; and
 - (b) Care centers, preschools, nursery schools or other child care facilities;
 - (3) In or within 1,000 feet of:
 - (a) public park, trail or public recreational facility; or
 - (b) church, temple, synagogue or chapel; or
 - (c) public library.
 - b. The distances specified in TMC Section 18.30.020.1.a shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
 - c. No adult entertainment establishment shall be allowed to locate within 1,000 feet of an existing adult entertainment establishment. The distance specified in this section shall be measured by following a straight line between the nearest points of public entry into each establishment.
2. No dismantling of cars or travel trailers or sale of used parts allowed.
3. Retail sales of health and beauty aids, prescription drugs, food, hardware, notions, crafts and craft supplies, housewares, consumer electronics, photo equipment, and film processing, books, magazines, stationery, clothing, shoes, flowers, plants, pets, jewelry, gifts, recreation equipment and sporting goods, and similar items; retail services such as beauty and barber shops, outpatient and emergency medical/dental services, and recreation/health clubs. Retail sales and services are limited to uses of a type and size that clearly intend to serve other permitted uses and/or the employees of those uses.
4. Retail sales of health and beauty aids, prescription drugs, food, hardware, notions, crafts and craft supplies, housewares, consumer electronics, photo equipment, and film processing, books, magazines, stationery, clothing, shoes, flowers, plants, pets, jewelry, gifts, recreation equipment and sporting goods, and similar items; retail services such as beauty and barber shops, financial services, outpatient and emergency medical/dental services, and recreation/health clubs. Retail sales and services are limited to uses of a type and size that clearly intend to serve other permitted uses and/or the employees of those uses.
5. Bed and breakfast facilities, provided:
 - a. the manager/owner must live on-site,
 - b. the maximum number of residents, either permanent or temporary, at any one time is twelve,
 - c. two on-site parking spaces for the owner and permanent residents and one additional on-site parking space is provided for each bedroom rented to customers,
 - d. the maximum length of continuous stay by a guest is 14 days,
 - e. breakfast must be offered on-site to customers, and
 - f. all necessary permits or approvals are obtained from the Health Department.
6. Colleges and universities with primarily vocational curriculum if associated with an established aviation, manufacturing or industrial use.
7. Commercial parking; provided it is:
 - a. located within a structure having substantial ground floor retail or commercial activities and designed such that the pedestrian and commercial environments are not negatively impacted by the parking use; or
 - b. located at least 175 feet from adjacent arterial streets and behind a building that, combined with appropriate Type III landscaping, provides effective visual screening from adjacent streets.
8. Commercial parking subject to TMC Chapter 18.56, Off-Street Parking and Loading Regulations.
9. Offices including, but not limited to, software development and similar uses, financial services, schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use, less than 20,000 square feet. This category does not include outpatient medical and dental clinics.

10. Offices including, but not limited to, software development and similar uses, financial services, schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use, 20,000 square feet and over.
11. Correctional institution operated by the City of Tukwila
12. Family child care homes, provided the facility shall be licensed by the Department of Early Learning or its successor agency and shall provide a safe passenger loading zone.
13. Dormitory as an accessory use to other uses that are otherwise permitted or approved conditional uses such as churches, universities, colleges or schools.
14. Allowed after 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. Accessory dwelling unit, provided:
 - a. minimum lot of 7,200 square feet;
 - b. accessory dwelling unit is no more than 33% of the square footage of the primary residence and a maximum of 1,000 square feet, whichever is less;
 - c. one of the residences is the primary residence of a person who owns at least 50% of the property,
 - d. dwelling unit is incorporated into the primary detached single-family residence, not a separate unit, so that both units appear to be of the same design as if constructed at the same time;
 - e. minimum of three parking spaces on the property with units less than 600 square feet, and a minimum of four spaces for units over 600 square feet; and
 - f. the units are not sold as condominiums.
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.