





City of Tukwila

Washington

Ordinance No. 2581

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING VARIOUS ORDINANCES AND TABLE 18-6, "LAND USES ALLOWED BY DISTRICT," AS CODIFIED IN TITLE 18, "ZONING," OF THE TUKWILA MUNICIPAL CODE, AND ADDING NEW SECTIONS TO TITLE 18, PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila's Zoning Code, codified at the Tukwila Municipal Code, Title 18, contains provisions pertaining to accessory dwelling units ("ADU"); and

WHEREAS, the Tukwila City Council desires to update the Zoning Code to make modifications to the City's regulations for ADUs; and

WHEREAS, the City wishes to provide more affordable housing for its residents; and

WHEREAS, the City wishes to minimize impact on surrounding single family homes by limiting attached ADUs and detached ADUs to one per lot and requiring documented homeowner occupancy of at least one of the units 100% of the time; and

WHEREAS, the Zoning Code includes a "Definitions" section and the City wishes to update it to include a definition of accessory dwelling unit; and

WHEREAS, the Zoning Code includes standards for the design of single family dwellings and the City wishes to update them to address accessory dwelling units; and

WHEREAS, the City wishes to provide exceptions to the single family design standards for high quality, innovatively designed ADUs; and

WHEREAS, the City wishes to adopt a new section of the Zoning Code with standards for the location, size, height, and use of accessory dwelling units; and

WHEREAS, the City wishes to adopt a new section of the Zoning Code with new requirements for the registration of accessory dwelling units; and

WHEREAS, the City wishes to encourage the registration of existing accessory dwelling units by offering additional flexibility during a one-year amnesty period; and

WHEREAS, the City wishes to remove accessory dwelling units as accessory uses in non-residential zones; and

WHEREAS, on October 18, 2017, the City was informed by the Washington State Department of Commerce that it had met the Growth Management Act notice requirements under RCW 36.70A.106; and

WHEREAS, on October 26, 2017, the Tukwila Planning Commission, following adequate public notice, including notice mailed to all owners and tenants of Low Density Residential-zoned parcels, held a public hearing to receive testimony concerning amending the Tukwila Municipal Code as described herein; and

WHEREAS, on January 24, 2018, the City's State Environmental Policy Act (SEPA) Responsible Official issued a Determination of Non-Significance on these proposed amendments; and

WHEREAS, on February 15, 2018, the Tukwila Planning Commission adopted a motion recommending the proposed amendments; and

WHEREAS, on April 9, 2017 the Tukwila City Council, following adequate public notice, held a public hearing to receive a testimony concerning the recommendations of the Planning Commission; and

WHEREAS, the City Council finds that the proposed amendments serve to further implement the planning goals of the adopted Comprehensive Plan and the Growth Management Act, bear a substantial relation to the public health, safety or welfare, and promote the best long-term interests of the Tukwila community;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. TMC Section Adopted. A new section is hereby added to Tukwila Municipal Code (TMC) Chapter 18.06, "Definitions," to read as follows:

Accessory Dwelling Unit

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

Section 2. Ordinance Nos. 2518 §7, 1971 §4, and 1758 §1 (part), as codified at TMC Section 18.10.060, "Basic Development Standards," are hereby amended to read as follows:

18.10.060 Basic Development Standards

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

LDR BASIC DEVELOPMENT STANDARDS

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

Section 3. Ordinance Nos. 2199 §12, 1976 §23, and 1758 §1 (part), as codified at TMC Section 18.12.070, "Basic Development Standards," are hereby amended to read as follows:

18.12.070 Basic Development Standards

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

MDR BASIC DEVELOPMENT STANDARDS

Lot area, minimum	8,000 sq. ft. (Applied to parent lot for townhouse plats)
Lot area per unit (multi-family)	3,000 sq. ft. (For townhouses the density shall be calculated based on one unit per 3000 sq. ft. of parent lot area. The "unit lot" area shall be allowed to include the common access easements).
Average lot width (min. 20 ft. street frontage width), minimum	60 feet (Applied to parent lot for townhouse plats)
Setbacks, minimum:	Applied to parent lot for townhouse plats
• <i>Front - 1st floor</i>	15 feet
• <i>Front - 2nd floor</i>	20 feet
• <i>Front - 3rd floor</i>	30 feet (20 feet for townhouses)
• <i>Second front - 1st floor</i>	7.5 feet
• <i>Second front - 2nd floor</i>	10 feet
• <i>Second front - 3rd floor</i>	15 feet (10 feet for townhouses)
• <i>Sides - 1st floor</i>	10 feet
• <i>Sides - 2nd floor</i>	20 feet (10 feet for townhouses unless adjacent to LDR)
• <i>Sides - 3rd floor</i>	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses unless adjacent to LDR)
• <i>Rear - 1st floor</i>	10 feet
• <i>Rear - 2nd floor</i>	20 feet (10 feet for townhouses unless adjacent to LDR)
• <i>Rear - 3rd floor</i>	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses unless adjacent to LDR)
Townhouse building separation, minimum	
• <i>1 and 2 story buildings</i>	10 feet
• <i>3 story buildings</i>	20 feet

Height, maximum	30 feet
Landscape requirements (minimum): <i>See Landscape, Recreation, Recycling/ Solid Waste Space requirements chapter for further requirements</i>	Applied to parent lot for townhouse plats
• <i>Front(s)</i>	15 feet
• <i>Sides</i>	10 feet
• <i>Rear</i>	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:	
• <i>Residential</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations.
• <i>Accessory dwelling unit</i>	See TMC Section 18.50.220
• <i>Other uses</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations

Section 4. Ordinance Nos. 2199 §14, 1976 §27, 1830 §3, and 1758 §1 (part), as codified at TMC Section 18.14.070, “Basic Development Standards,” are hereby amended to read as follows:

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
• <i>Front - 1st floor</i>	15 feet
• <i>Front - 2nd floor</i>	20 feet
• <i>Front - 3rd floor</i>	30 feet (20 feet for townhouses)
• <i>Front – 4th floor</i>	45 feet (20 feet for townhouses)

• <i>Second front - 1st floor</i>	7.5 feet
• <i>Second front - 2nd floor</i>	10 feet
• <i>Second front - 3rd floor</i>	15 feet (10 feet for townhouses)
• <i>Second front – 4th floor</i>	22.5 feet (10 feet for townhouses)
• <i>Sides - 1st floor</i>	10 feet
• <i>Sides - 2nd floor</i>	20 feet (10 feet for townhouses unless adjacent to LDR)
• <i>Sides - 3rd floor</i>	20 feet (30 feet if adjacent to LDR) (10 feet for townhouses unless adjacent to LDR)
• <i>Sides – 4th floor</i>	30 feet (20 feet for townhouses unless adjacent to LDR)
• <i>Rear - 1st floor</i>	10 feet
• <i>Rear - 2nd floor</i>	20 feet (10 feet for townhouses unless adjacent to LDR)
• <i>Rear - 3rd floor</i>	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses unless adjacent to LDR)
• <i>Rear – 4th floor</i>	30 feet (20 feet for townhouses unless adjacent to LDR)
Townhouse building separation, minimum	
• <i>1 and 2 story buildings</i>	10 feet
• <i>3 and 4 story buildings</i>	20 feet
Height, maximum	45 feet
Development area coverage	50% maximum (except senior citizen housing), (75% for townhouses)
Landscape requirements (minimum): <i>See Landscape, Recreation, Recycling/ Solid Waste Space requirements chapter for further requirements</i>	Applied to parent lot for townhouse plats
• <i>Front(s)</i>	15 feet
• <i>Sides</i>	10 feet
• <i>Rear</i>	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:	
• <i>Residential (except senior citizen housing)</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations.
• <i>Accessory dwelling unit</i>	See TMC Section 18.50.220
• <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.	

Section 5. Ordinance Nos. 2251 §22, 1976 §30, 1872 §1, 1865 §18, 1830 §7, and 1758 §1 (part), as codified at TMC Section 18.16.080, "Basic Development Standards," are hereby amended to read as follows:

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>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.	

Section 6. Ordinance Nos. 1976 §35, 1872 §2, and 1758 §1 (part), as codified at TMC Section 18.18.080, "Basic Development Standards," are hereby amended to read as follows:

18.18.080 Basic Development Standards

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

OFFICE BASIC DEVELOPMENT STANDARDS

Setbacks to yards, minimum:	
• <i>Front</i>	25 feet
• <i>Second front</i>	12.5 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
- <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>	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
Off-street parking:	
• <i>Residential</i>	See TMC 18.56, Off-street Parking/Loading Regulations
• <i>Office, minimum</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail, minimum</i>	2.5 per 1,000 sq. ft. usable floor area
• <i>Other uses</i>	See TMC 18.56, Off-street Parking & Loading Regulations

Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.

Section 7. Ordinance Nos. 2518 §8, 1976 §39, 1872 §3, and 1758 §1 (part), as codified at TMC Section 18.20.080, "Basic Development Standards," are hereby amended to read as follows:

18.20.080 Basic Development Standards

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

RCC BASIC DEVELOPMENT STANDARDS

Lot area, minimum	5,000 sq. ft.
Lot area per unit (multi-family), minimum	3,000 sq. ft.
Setbacks to yards, minimum:	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Rear</i>	10 feet
Height, maximum	3 stories or 35 feet
Landscape requirements (minimum): All setback areas shall be landscaped. Required landscaping may include a mix of plant materials, bioretention facilities, pedestrian amenities and features, outdoor cafe-type seating and similar features, subject to approval. <i>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>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.	

Section 8. Ordinance Nos. 1976 §42, 1872 §4, 1865 §25, 1830 §13, and 1758 §1 (part), as codified at TMC Section 18.22.080, "Basic Development Standards," are hereby amended to read as follows:

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 Section 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 bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 20 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 20 feet
Height, maximum	3 stories or 35 feet (4 stories or 45 feet in the NCC of the Tukwila International Boulevard, if a mixed use with a residential and commercial component)
Landscape requirements (minimum): <i>See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for further requirements</i>	
• <i>Front</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 18.56, Off-street Parking/Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area
• <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 18.56, Off-street Parking & Loading Regulations
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

Section 9. Ordinance Nos. 2500 §23, and 2098 §2, as codified at TMC Section 18.50.050, "Single-Family Dwelling Design Standards," are hereby amended to read as follows:

18.50.050 Single-Family Dwelling Design Standards

All new single-family dwellings, as well as accessory dwelling units and other accessory structures that require a building permit, must:

1. Be set upon a permanent concrete perimeter 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 current edition of the Washington State Energy Code with amendments.
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. This requirement does not apply to ADUs or accessory structures.

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

Section 10. Ordinance Nos. 2368 §52, and 2098 §3, as codified at TMC Section 18.50.055, "Single-Family Design Standards Exceptions," are hereby amended to read as follows:

18.50.055 Single-Family Design Standard Exceptions

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

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

- a. The structure exhibits a high degree of design quality, including a mix of exterior materials, detailing, articulation and modulation; and
- b. The proposed siding material is durable with an expected life span similar to the structure; and
- c. The siding material enhances a unique architectural design.

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

- a. The proposed roof pitch is consistent with the style of the house (for example modern, southwestern);
- b. If a flat roof is proposed, the top of the parapet may not exceed 25 feet in height;
- c. If a sloped roof is proposed, it must have at least 24-inch eaves; and
- d. The house exhibits a high degree of design quality, including a mix of exterior materials, detailing, articulation and modulation.

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

- a. The topography of the lot is such that pedestrian access is safer or more convenient from the side or rear yard;
- b. The house will be set back at least twice the minimum front yard setback;
- c. The entrance is oriented to take advantage of a site condition such as a significant view; or
- d. The entry feature is integral to a unique architectural design.

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

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

Section 11. TMC Section Adopted. TMC Section 18.50.220, "Accessory Dwelling Unit (ADU) Standards," is hereby established to read as follows:

18.50.220 Accessory Dwelling Unit (ADU) Standards

A. General Standards.

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

2. Only one ADU, either attached or detached, is permitted per parcel containing a single-family dwelling.

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

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

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

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

7. Detached ADUs must be set back at least as far from the street as the primary single-family dwelling. This does not apply to the second front of a through or corner lot, where the unit is incorporated into an existing structure, or where there is at least 60 feet between the existing single-family dwelling and the front property line.

8. ADUs should be designed and located in a manner that minimizes the impact on adjacent development. This can be achieved by avoiding window and door placement directly across from openings on neighboring structures or where that is not

practical using clerestory windows or obscure glass. Screening with fences and landscaping can be used to limit visibility of ADUs and enhance privacy.

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

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

B. Parking.

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

2. These ADU parking spaces are in addition to any parking spaces required for the primary single-family dwelling.

3. Tandem spaces are permitted.

C. Owner Occupancy Requirement.

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

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

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

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

a. Re-occupy one of the units, or

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

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

Section 12. TMC Section Adopted. TMC Section 18.50.230, "Accessory Dwelling Unit (ADU) Registration Procedures," is hereby established to read as follows:

18.50.230 Accessory Dwelling Unit (ADU) Registration Procedures

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

B. All ADUs existing prior to the enactment of these requirements shall apply for registration within one year after the effective date of Ordinance No. 2581. Within the

one-year amnesty period existing ADUs may be registered without meeting one or more of the following standards:

1. Exceeding the permitted height for a detached ADU.
2. Exceeding the permitted area for an attached or detached ADU up to a maximum of 1,200 square feet.
3. Only providing one parking space when the ADU requires more.
4. Having a roof pitch of less than 5:12.
5. Location of the ADU on the lot.

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

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

Section 13. Table 18-6: “Land Uses Allowed by District,” as codified in TMC Title 18, relating to “Dwelling unit—Accessory,” and footnote 17, are hereby amended as set forth below. The amended Table 18-6 is attached as Exhibit 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
17 Dwelling unit – Accessory	A	A	A	A	A	A	A								A	A	

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

Section 14. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 15. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 16. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 2nd day of July, 2018.

ATTEST/AUTHENTICATED:

Christy O'Flaherty
Christy O'Flaherty, MMC, City Clerk

Allan Ekberg
Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Rachel B. Turpin
Rachel B. Turpin, City Attorney

Filed with the City Clerk: 6-27-18
Passed by the City Council: 7-2-18
Published: 7-6-18
Effective Date: 7-11-18
Ordinance Number: 2581

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