



2022 DEVELOPMENT CODE HOUSEKEEPING (O2022-013)
FINAL DOCKET
STAFF REPORT
CITY COUNCIL CONSIDERATION

Issue

During 2020 and 2021, staff gathered information on proposed minor housekeeping amendments to the development code in the Tumwater Municipal Code to be considered collectively in 2022. TMC 18.60.025(A) establishes a process for such development code amendments that is similar to the one the City follows for annual Comprehensive Plan amendments.

A preliminary docket of proposed amendments was reviewed in the spring Planning Commission and approved by the City Council to be considered as the final docket. The final docket contains fifteen amendments recommended by the Planning Commission after a public hearing on August 9, 2022.

The General Government Committee held a briefing on Ordinance No. O2022-013 on September 14, 2022. The City Council held a worksession on September 27, 2022, agreed with the General Government Committee's recommendation on 13 of the 15 amendments, and recommended changes to the two amendments below to address the concerns of the General Government Committee:

- K. Personal and Professional Services (See pages 17-20 of the staff report)
- M. School, Public Building, and Church Signs (See pages 22-24 of the staff report)

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Summary

The proposed amendments are intended make minor corrections to the City's development regulations to address the following:

- A. Accessory Dwelling Unit Entrances
- B. Adult Family Homes/Residential Care Facilities
- C. Bicycle Storage
- D. Capitol Boulevard Community – Multifamily Parking Requirements
- E. Car Washes
- F. Duplexes
- G. Impound Yards
- H. Mixed Use Overlay
- I. Nonconforming Signs
- J. Optometry Clinics
- K. Personal and Professional Services
- L. Residential Mechanical Equipment in Setbacks
- M. School, Public Building, and Church Signs
- N. Storage Shed Access
- O. Subdivision Dedication Code Language Update

Background

TMC 18.60.025(A) establishes a process by which the preliminary docket of annual development code housekeeping amendments undergoes an initial review by the Planning Commission for recommendation to the City Council. The City Council made the final determination on which of the proposed amendments will be included in the final docket in the spring of 2022.

After the docket was final, staff reviewed and analyzed the proposed amendments and has come back to the Planning Commission with a draft ordinance to start the final review and recommendation process.

The amendments are a part of the approved 2022 Long Range Planning work program.

In response to questions raised at the Planning Commission briefing on July 12, 2022, staff added information related to the following for the Planning Commission's July 26, 2022 worksession:

- Accessory Dwelling Unit Entrances. Changed the primary entrance to an accessory dwelling unit from "should" to "are encouraged to" not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.
- CBC – Parking Requirements. Raised the maximum parking ratios for multifamily dwellings from one space per dwelling to one off-street space per studio apartment, 1.5 spaces per one to two bedroom dwelling unit, two spaces per three or more bedroom dwelling units, and one guest space for every ten unit, which are the minimum prescribed spaces in TMC Figure 18.50.70(A).
- Car Washes. Added "electric vehicle charging stations" as an accessory use to an "automobile service station."

At the July 26, 2022 worksession, the Planning Commission requested the following changes to the ordinance:

- CBC – Parking Requirements. Further clarification of the amendment language proposed for TMC 18.21.060(N) in Section 20 of the ordinance.
- Optometry Clinics. Staff reviewed, added further background information to the staff report, but did not make any changes to the proposed amendments.
- School, Public Building, and Church Signs. Staff reviewed, added further background information to the staff report, and made minor changes to the proposed amendments.
- Storage Shed Access. Clarified the size and location of storage shed access for low-density residential zone districts.

At the end of the July 26, 2022 worksession, the Planning Commission scheduled a public hearing on Ordinance No. O2022-013 for the Commission's August 9, 2022 meeting.

At the August 9, 2022 public hearing, the Planning Commission requested the following changes to the ordinance and recommended approval of Ordinance No. O2022-013:

- Mixed Use Overlay. Staff added additional language to address building components on the first floor serving the residential uses above.
- School, Public Building, and Church Signs. Staff reviewed, added further background information to the staff report, and made minor changes to the proposed amendments and added a definition of "public buildings."

After a public hearing on August 9, 2022, the Planning Commission recommended the City Council approve Ordinance No. O2022-013.

After reviewing the Planning Commission's August 9, 2022 recommendation at their September 14, 2022 briefing, the General Government Committee had questions on two of the 15 amendments for the City Council to discuss at their worksession:

- K. Personal and Professional Services (See pages 17-20 of the staff report)
- M. School, Public Building, and Church Signs (See pages 22-24 of the staff report)

After a discussion at their September 27, 2022 worksession, the City Council recommended changes to two of the 15 amendments for the City Council to discuss at their worksession:

- K. Personal and Professional Services (See pages 17-20 of the staff report)
- M. School, Public Building, and Church Signs (See pages 22-24 of the staff report)

Development Code Housekeeping Final Docket

The following is a summary of the proposed amendments that make up the development code housekeeping final docket:

A. Accessory Dwelling Unit Entrances

Address accessory dwelling unit primary entrance language. Accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence. In some cases, it is not possible for the primary entrance to an accessory dwelling unit not to be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located. In addition, making the primary entrance to an accessory dwelling unit not to be visible from the yard can create unintended accessibility issues. The amendment would change this from a requirement to an option.

Consistent with Sections 1.A.1 *Purpose* and 1.A.2 *Administrative Procedures of the Citywide Design Guidelines*.

Code Section to be amended:

- TMC 18.42.010 – Accessory dwelling units – General Land Use Regulations

Proposed amendment language:

18.42.010 Accessory dwelling units.

It is the specific purpose and intent of allowing accessory dwelling units within all residential districts, to provide the opportunity and encouragement for the development of small housing units designed, in particular, to meet the housing needs of persons of low and moderate incomes who might otherwise have difficulty finding homes within Tumwater. Furthermore, it is the purpose and intent of this provision to allow the more efficient use of Tumwater's existing stock of dwellings and accessory buildings to provide economic support of present resident families of limited income, and to protect and preserve property values. To help achieve these goals and to promote the other objectives of this title, the following specific standards are set forth for such accessory dwelling unit uses:

[...]

D. An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence.

- 1. If the accessory dwelling unit extends beyond the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding, and windows.*
- 2. If an accessory unit is detached from the main building, it must also be consistent with the existing roof pitch, siding, and windows of the principal residence.*
- 3. The primary entrance to an accessory dwelling unit ~~shall~~ are encouraged to not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.*

[...]

B. Adult Family Homes/Residential Care Facilities

Address consistency of adult family home and residential care facilities as permitted and conditional uses with state law and internally in TMC Title 18 *Zoning* in individual zone districts and TMC 18.53 *Housing for the Functionally Disabled*.

RCW 70.128.140 states:

Compliance with local codes and state and local fire safety regulations.

(1) Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family residence. It is the responsibility of the home to check with local authorities to ensure all local codes are met.

(2) An adult family home must be considered a residential use of property for zoning and public and private utility rate purposes. Adult family homes are a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.

TMC 18.04.010 defines an “adult family home” as:

“Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board, under a license issued pursuant to RCW 70.128.060, to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of eight adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010).

TMC 18.04.170 defines a “residential care facility” as:

“Residential care facility” means a facility, licensed by the state, that cares for at least five but not more than fifteen people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.060.

Code Sections to be amended:

- TMC 18.07.010 – Residential zone districts permitted and conditional uses – Summary Tables of Uses
- TMC 18.07.030 – Industrial zone districts permitted and conditional uses – Summary Tables of Uses
- TMC 18.07.040 – Greenbelt/open space zone districts permitted and conditional uses – Summary Tables of Uses
- TMC 18.27.040 – Uses – BD Brewery District zone district
- TMC 18.30.030 – Permitted uses – GB Greenbelt zone district
- TMC 18.30.050 – Conditional uses – GB Greenbelt zone district
- TMC 18.31.020 – Permitted uses – OS Open Space zone district

- TMC 18.31.040 – Conditional uses – OS Open Space zone district
- TMC 18.49.020 – Permitted uses – MFP Manufactured Home Park zone district
- TMC 18.53.020 – Adult family home – Housing for the Functionally Disabled
- TMC 18.53.030 – Residential care facility – Housing for the Functionally Disabled

Proposed amendment language:

- Added “Adult family homes, residential care facilities” as a permitted use to the MFP Manufactured Home Park zone district in Table 18.07.010 Residential Zone Districts Permitted and Conditional Uses and to TMC 18.49.020.
- Removed “Residential care facilities” as a permitted use to the LI Light Industrial and ARI Airport related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses.
- Added “Adult family homes, residential care facilities” as a permitted use in existing residences and as a conditional use in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres to the Greenbelt and Open Space zone districts in Table 18.07.040 Greenbelt and Open Space Zone Districts Permitted and Conditional Uses and to TMC 18.30.030, TMC 18.30.050, TMC 18.31.020, and TMC 18.31.040.
- Added “Residential care facilities” as a permitted use to the BD Brewery District zone district in Table 18.27.040.
- Amended TMC 18.53.020 as follows:

18.53.020 Adult family home.

An adult family home shall be a permitted use in the following zoning districts: GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC, BD, NC, MU, GC, LI, CS, HC, and TC and ~~ARI~~.

- Amended TMC 18.53.030 as follows:

18.53.030 Residential care facility.

A residential care facility shall be a permitted use in the following zoning districts: GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC,

~~*BD, NC, MU, GC, CS, HC, and TC-LI and ARI. It shall be a conditional use in the following zone district: III.*~~

C. Bicycle Storage

Clarifying whether residential uses require one long-term bike storage spot per unit (TMC 18.50.120(C)(3)) or one per four units as shown in the table (TMC 18.50.120(A)) at the end of TMC 18.50 *Off-Street Parking*. TMC 18.50.120 *Required bicycle facilities* and TMC Figure 18.50.120(A) establish bicycle parking spaces requirements for both short-term (Class 2) bicycle facilities and long-term (Class 1) bicycle facilities.

Code Section to be amended:

- TMC 18.50.120 – Required bicycle facilities – Off-Street Parking

Proposed amendment language:

18.50.120 Required bicycle facilities.

The following requirements shall apply to any off-street parking area designed to accommodate ten or more vehicles and any non-single-family/duplex development over three thousand square feet. This requirement excludes auxiliary buildings that are not a primary arrival location for employees, visitors, or residents, such as storage buildings.

[...]

C. Long-term (class 1) bicycle facilities shall protect bicycles and their components from theft, unauthorized access, and weather. Examples include a lockable bike cage or class 1 bicycle lockers.

- 1. Each bicycle must be able to be individually locked or secured unless the facility is designed to only be used by an individual or family (such as in a private garage). If racks are used, they must be compliant with subsection B of this section.*
- 2. Bicycle lockers are encouraged, but no site should depend solely on bicycle lockers for long-term storage. Bicycle lockers should have a see-through window or view-hole to discourage improper use.*
- 3. Each residential unit shall have access to ~~a~~ the required long-term bicycle ~~space~~ facilities.*
- 4. Long term bicycle facilities shall be provided as specified in Figure 18.50.120(A).*

[...]

D. Capitol Boulevard Community – Multifamily Parking Requirements

Adjust the 1.0 parking space per dwelling unit limit for multifamily dwellings in the Capitol Boulevard Community to relieve off-street parking impacts on adjacent neighborhoods.

Code Section to be amended:

- TMC 18.21.060(N) – Development Standards – CBC Capitol Boulevard Community Zone District

Proposed amendment language:

18.21.060 Development standards.

Development standards in the Capitol Boulevard Community zone district are intended to achieve a human-scale, pedestrian- and transit-oriented environment:

[...]

N. Notwithstanding the requirements of TMC 18.50.070 ~~notwithstanding~~, the number of required parking spaces for multifamily dwellings shall not be more than one off-street space per studio apartment, 1.5 spaces per one to two bedroom dwelling unit, two spaces per three or more bedroom dwelling units, and one guest space for every ten units ~~dwelling~~.

E. Car Washes

Adding “carwash” to General Commercial uses through an amendment to the Title 18 *Zoning* definitions, instead of a specifically listed use.

Code Section to be amended:

- TMC 18.04.010 – A definitions – Definitions

Proposed amendment language:

18.04.010 A definitions.

[...]

“Automobile service station” means any area of land, including the structures thereon, that is used for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories, including but not limited to transmission and lube service, tire sales, electric vehicle charging stations, and car washes as an accessory use; and which may or may not include washing, lubricating, and other minor servicing as accessory uses with the exception of automobile body work.

[...]

F. Duplexes

Clarifying the language for when “duplexes” are a permitted use in the three single-family zone districts.

Code Sections to be amended:

- TMC 18.07.010 – Residential zone districts permitted and conditional uses – Summary Table of Uses.
- TMC 18.08.020 – Permitted uses – RSR Residential/ Sensitive Resource zone district
- TMC 18.10.020 – Permitted uses – SFL Single-Family Low Density Residential zone district
- TMC 18.12.020 – Permitted uses – SFM Single-Family Medium Density Residential zone district

Proposed amendment language:

- Amended TMC 18.07.010 as follows:

18.07.010 Residential zone districts permitted and conditional uses.

[...]

Table 18.07.010 Footnotes:

[...]

(2) *“Duplexes” are allowed in the residential/sensitive resource (RSR) and single-family low density residential (SFL) zone districts on individual lots legally established before or on April 15, 2021. Such*

~~uses~~ Duplexes shall not occupy more than twenty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

(3) “Duplexes” are allowed in the single-family medium density residential (SFM) zone district on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes shall not occupy more than thirty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

[...]

- Amended TMC 18.08.020 as follows:

18.08.020 Permitted uses.

Permitted uses in the RSR zone district are as follows:

[...]

B. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~Such uses~~ *shall not occupy more than twenty percent of the total lots in a new short plat or subdivision which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas;*

[...]

- Amended TMC 18.10.020 as follows:

18.10.020 Permitted uses.

Permitted uses in the SFL district are as follows:

[...]

I. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~Such uses~~ *shall not occupy more than twenty percent of the total lots in a new short plat or subdivision,*

which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas;

[...]

- Amended TMC 18.12.020 as follows:

18.12.020 Permitted uses.

Permitted uses in the SFM district are as follows:

[...]

C. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~Such uses~~ shall not occupy more than thirty percent of the total lots in a new short plat or subdivision which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas;

[...]

G. Impound Yards

Addressing the “impound yards” use, which is not currently permitted in any zone districts in the City.

Creating a new “impound yards” use with a new definition in TMC 18.04.090, adding as a conditional use to the zone districts listed below, and adding minimal conditions through the conditional use process.

Code Sections to be amended:

- TMC 18.04.090 – I Definitions – Definitions
- TMC 18.24.040 – Conditional uses – LI Light Industrial Zone District
- TMC 18.25.040 – Conditional uses – HI Heavy Industrial Zone District
- TMC 18.34.040 – Conditional uses – ARI Airport Related Industry Zone District
- TMC 18.56.180 – “T” Uses – Conditional Use Permits

Proposed amendment language:

- Amended TMC 18.04.090 as follows:

18.04.090 I definitions.

[...]

“Impound yards” means the private or public storage in a secure facility of a vehicle legally taken under RCW 46.55 for 30 days or less that does not involve the sale of vehicles and their parts.

[...]

- Added “impound yards” as a conditional use in the LI Light Industrial, HI Heavy Industrial and ARI Airport Related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses and to TMC 18.24.040, TMC 18.25.040, and TMC 18.34.040.
- Amended TMC 18.56.180 as follows:

18.56.180 “I” uses.

“Impound yards”

A. Minimum Conditions.

- 1. No off-street parking or loading areas will be allowed in any required yard area;*
- 2. All outdoor storage or handling areas must be screened in accordance with the requirements of TMC Chapter 18.47;*
- 3. All parking, storage, or maneuvering areas shall be paved with an impervious material such as asphalt or concrete;*
- 4. The facility shall comply with all applicable federal, state, and county regulations concerning the handling, storage, or disposal of hazardous waste and/or materials. In addition, the requirements of TMC Chapter 18.40, Environmental Performance Standards, and TMC Title 16, Environment, shall be adhered to.*

H. Mixed Use Overlay

Clarifying the intent of TMC 18.33 *MUO Mixed Use Overlay* to require commercial or office uses along primary roadways rather than 20% of every building.

Code Section to be amended:

- TMC 18.33.060 – Development standards – MUO Mixed Use overlay zone district

Proposed amendment language:

18.33.060 Development standards.

~~Buildings entirely or partially located more than two hundred feet from the Tyee Drive/Israel Road intersection right of way and that contain a commercial and/or residential use shall meet the density standards below and the applicable development standards in TMC 18.20.060(B) through (H) of the underlying mixed use zone district. See Diagram 18.33.060. All other uses shall meet the applicable development standards of TMC 18.20.060(A) through (H).~~

~~A. Each parcel in the mixed use overlay shall contain residential and commercial uses. The entire gross floor area of the first floor of building(s) facing existing or new public right-of-way frontage shall be dedicated to commercial uses with the exception of required building features serving the residential uses on the upper floors, such as a residential lobby, stairways, mechanical equipment, and elevators. A minimum of twenty percent of each building shall be commercial and a minimum of twenty percent shall be residential; provided, that n No less than eight thousand five hundred square feet of gross floor area of a building and no more than fifty thousand square feet of gross floor area of a building shall be dedicated to commercial uses. The percentage shall be calculated by determining the percent of square feet devoted to each type of use.~~

[...]

[Delete Diagram 18.33.060]

I. Nonconforming Signs

Addressing a conflict in nonconforming signs requirements in TMC 18.44.090 *Existing signs* in the TMC 18.44 *Signs*.

Code Section to be amended:

- TMC 18.44.090 – Existing signs – Signs

Proposed amendment language:

18.44.090 Existing signs.

Any existing sign may continue to be in operation and be maintained after the effective date of the ordinance codified in this chapter and shall be a legal nonconforming sign provided:

[...]

B. A nonconforming sign may not be structurally altered or relocated. However, if such alteration or relocation is required as a result of government action, then said action is exempt.

C. ~~A nonconforming sign will cease to be a legal nonconforming sign if a structural alteration or relocation increases its nonconforming status. An increase in nonconforming status will be construed to be a violation of this chapter and such sign will be subject to removal as provided in this chapter and TMC Chapter 18.54. Changes in the sign face wording of a nonconforming sign shall not be deemed an alteration under this section.~~

J. Optometry Clinics

Addressing the “optometry clinics” use, which does not fit well with either the existing “medical clinic” use or “professional services” use.

A state Attorney General opinion determined that optometry services are not considered health care services, such as medical, surgical, hospital and other therapeutic services, so optometry clinics should not be classified as a medical clinic (Attorney General Opinion (AGO) 1960 No. 141- September 13,1960, Optometry - Services As Within The Definition Of Health Care Services Under RCW 48.44.010. The services rendered by a licensed and qualified optometrist are not properly included as "health care services" within the definition of RCW 48.44.010.).

Creating a new “optometry clinics” use with a new definition in TMC 18.04.150 and adding as a permitted use to the zone districts listed below.

Code Sections to be amended:

- TMC 18.04.150 – O Definitions – Definitions
- TMC 18.07.020 – Commercial zone districts permitted and conditional uses– Summary Tables of Uses

- TMC 18.07.030 – Industrial zone districts permitted and conditional uses– Summary Tables of Uses
- TMC 18.18.020 – Permitted Uses – NC Neighborhood Commercial zone district
- TMC 18.19.020 – Permitted Uses – CS Community Services zone district
- TMC 18.20.030 – Permitted Uses – MU Mixed Use zone district
- TMC 18.21.030 – Permitted Uses – CBC Capitol Boulevard Community zone district
- TMC 18.22.020 – Permitted Uses – GC General Commercial zone district
- TMC 18.23.020 – Permitted Uses – TC Town Center zone district
- TMC 18.24.020 – Permitted Uses – LI Light Industrial zone district
- TMC 18.26.020 – Permitted Uses – HC Historic Commercial zone district
- TMC 18.27.040 – Uses – BD Brewery District zone district
- TMC 18.34.020 – Permitted Uses – ARI Airport Related Industry zone district

Proposed amendment language:

- Amended TMC 18.04.150 as follows:

18.04.150 O definitions.

[...]

“Optometry clinic” means a health-care professional office concerned especially with examining the eye for defects and faults of refraction, with prescribing correctional lenses or eye exercises, with diagnosing diseases of the eye, and with treating such diseases or referring them for treatment.

[...]

- Added “optometry clinics” as a permitted use in all commercial zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Uses and to TMC 18.18.020, TMC 18.19.020, TMC 18.20.030, TMC 18.21.030, TMC 18.22.020, TMC 18.23.020, and TMC 18.26.020.

- Added “optometry clinics” as a permitted use to the LI Light Industrial and ARI Airport related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses and to TMC 18.24.020 and TMC 18.34.020.
- Added “optometry clinics” as a permitted use to all subdistricts except the Bluff subdistrict in the BD Brewery District zone district in Table 18.27.040.

K. Personal and Professional Services

For consistency and understanding, splitting “personal and professional services” into “personal services” and “professional services” and removing “personal and professional and services and sales” from the TMC 18.07.020 Table Commercial zone districts permitted and conditional uses – Summary Tables of Uses.

Personal service is defined in TMC 18.04.160 as:

“Personal service” means a business which is neither the practice of a profession, nor dealing primarily with the sale of products as stock-in-trade on the premises. Such businesses include, but are not limited to, barber and beauty shops, tailoring, shoe repairing, photographic studios, tanning parlors, and pet grooming and obedience training.

Professional service is defined in TMC 18.04.160 as:

“Professional service” means a business which is operated by a profession or professional who receives compensation for the performance of that profession on an appointment/client basis rather than customer/sales basis. A professional client relationship would stress the professional in an advisory and counseling rather than purely transacting role. Such businesses include, but are not limited to, law firms, architecture and/or engineering firms, real estate agencies, mortgage brokerages, accounting firms, and insurance agencies.

Code Sections to be amended:

- TMC 18.07.020 – Commercial zone districts permitted and conditional uses – Summary Tables of Uses
- TMC 18.07.030 – Industrial zone districts permitted and conditional uses – Summary Tables of Uses

- TMC 18.19.020 – Permitted Uses – CS Community Services zone district
- TMC 18.23.020 – Permitted Uses – TC Town Center zone district
- TMC 18.24.020 – Permitted Uses – LI Light Industrial zone district
- TMC 18.26.020 – Permitted Uses – HC Historic Commercial zone district
- TMC 18.27.040 – Uses – BD Brewery District zone district
- TMC 18.34.020 – Permitted Uses – ARI Airport Related Industry zone district

Planning Commission proposed amendment language:

- Amended TMC 18.04.160 as follows:

18.04.160 P definitions.

[...]

“Personal service” means a business which is neither the practice of a profession, nor dealing primarily with the sale of products as stock-in-trade on the premises. Product sales shall not occupy more than twenty-five percent of the gross floor area of the business. Such businesses include, but are not limited to, barber and beauty shops, tailoring, shoe repairing, photographic studios, tanning parlors, and pet grooming and obedience training.

[...]

- Changed “personal and professional services” to “personal services” and added the use to the NC Neighborhood Commercial zone district and amended the name of the use in the CS Community Services, MU Mixed Use, CBC Capitol Boulevard Community, GC General Commercial, HC Historic Commercial, and TC Town Center zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Uses and amended TMC 18.19.020, TMC 18.22.020, TMC 18.23.020, TMC 18.26.020, and TMC 18.27.040.
- Deleted the combined “personal and professional services or sales” from the NC Neighborhood Commercial and TC Town Center zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Use.
- Changed “personal and professional services” to “personal services” in the LI Light Industrial and ARI Airport Related Industry zone

districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses and amended TMC 18.24.020 and TMC 18.34.020.

- Added “professional services” as a standalone permitted use in all commercial zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Uses and to TMC 18.19.020, TMC 18.23.020, and TMC 18.26.020.
- Added “professional services” as a standalone permitted use in the LI Light Industrial and ARI Airport Related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses and to TMC 18.24.020 and TMC 18.34.020.
- Added “professional services” as a permitted use to all subdistricts except the Bluff subdistrict in the BD Brewery District zone district in Table 18.27.040.

General Government Committee September 14, 2022 discussion:

- The General Government Committee asked that the City Council discuss the following at their September 27, 2022 worksession:
 - The General Government Committee questioned the need for limiting product sales for Personal Services to no more than twenty-five percent of the gross floor area of the business.
 - The General Government Committee asked if the Retail Sales use could be added to the Neighborhood Commercial (NC) and Community Services (CS) zone districts. Retail Sales are permitted in the other commercial zone districts in the City.

City Council September 27, 2022 discussion:

- City Council recommended the following changes to the ordinance at their September 27, 2022 worksession:
 - The City Council asked that the limit of product sales for Personal Services to no more than 25 percent of the gross floor area of the business be removed from the ordinance.
 - The City Council asked that the Retail Sales use be added to the Neighborhood Commercial (NC) and Community Services (CS) zone districts be added to the ordinance. Retail Sales are permitted in the other commercial zone districts in the City.

Staff review after the City Council September 27, 2022 discussion:

- After the City Council worksession, staff reviewed the current code more closely. Staff found that in the Neighborhood Commercial (NC) zone district “Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)” is a permitted use and “Retail Sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)” is a conditional use.
- In addition, staff found that in the Community Service (CS) zone district “Retail sales (no more than 15,000 square feet)” is a permitted use.
- Because of this, staff believes the City Council intent is already met and staff does not recommend any changes to how Retail Sales are addressed currently in the Neighborhood Commercial (NC) and Community Service (CS) zone districts.

L. Residential Mechanical Equipment in Setbacks

Allowing “residential mechanical equipment” in the three single-family zone districts rear setbacks.

Code Sections to be amended:

- TMC 18.08.050 – Development standards – RSR Residential/Sensitive Resource zone district
- TMC 18.10.050 – Development standards – SFL Single-Family Low Density Residential zone district
- TMC 18.12.050 – Development standards – SFM Single-Family Medium Density Residential zone district

Proposed amendment language:

- Amended TMC 18.08.050 as follows:

18.08.050 Development standards.

Development in the RSR zone district must meet the following requirements:

[...]

*I. Yards.**

1. *For lots less than nine thousand five hundred square feet in area, yards shall be as follows:*

[...]

c. Rear: ten feet, minimum, from rear property line; twenty-five feet minimum from rear property line abutting streets classified in the Tumwater transportation plan as urban collectors, minor arterials, and major arterials. Exception: Storage, garden, and tool sheds two hundred square feet in area or less, and residential mechanical equipment may be located a minimum of ~~ten~~ five feet from the property line.

[...]

2. *For lots greater than or equal to nine thousand five hundred square feet in area, yards shall be as follows:*

[...]

c. Rear: twenty feet, minimum, from rear property line; twenty-five feet minimum from rear property line abutting streets classified in the Tumwater transportation plan as urban collectors, minor arterials, and major arterials. Exception: Storage, garden, and tool sheds two hundred square feet in area or less, and residential mechanical equipment, may be located a minimum of ten feet from the property line.

[...]

- Amended TMC 18.10.050 as follows:

18.10.050 Development standards.

Development in the SFL zone district must meet the following requirements:

[...]

I. Yards.*

[...]

3. Rear: twenty feet from property line, minimum. Exceptions: Structures on existing lots of record with rear structural setbacks or rear yards between five and twenty feet shall be considered conforming. Accessory dwelling units may be located a minimum of five feet from property line. Storage, garden, or tool sheds two hundred square feet or less in area, and a residential mechanical

equipment may be located a minimum of five feet from property line.

[...]

- Amended TMC 18.12.050 as follows:

18.12.050 Development standards.

Development in the SFM zone district must meet the following requirements:

[...]

*I. Yards.**

[...]

3. Rear: twenty feet from property line, minimum. Exceptions: Structures on existing lots of record with rear structural setbacks or rear yards between five and twenty feet shall be considered conforming. Accessory dwelling units may be located a minimum of five feet from property line. Storage, garden, or tool sheds two hundred square feet or less in area, and residential mechanical equipment may be located a minimum of five feet from property line.

[...]

M. School, Public Building, and Church Signs

Adding exemptions for the size and number of signs for schools, public buildings, and churches located in residential zone districts.

“Church” is defined in TMC 18.04.030 as “...a building wherein persons regularly assemble for religious worship and which is primarily used for such purposes, and those accessory activities as are customarily associated therewith.”

“School” is defined in TMC 18.04.180 as “... an institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, or university.”

Code Sections to be amended:

- TMC 18.04.160 – P definitions
- TMC 18.44.140 – Residential zone districts – Signs

Proposed amendment language:

- Amended TMC 18.04.160 as follows:

18.04.160 P definitions.

[...]

“Public building” means any structure or facility owned or leased, and principally used by a governmental agency.

[...]

- Amended TMC 18.44.140 as follows:

18.44.140 Residential zone districts.

The following regulations shall apply to all residential zone districts (RSR residential/sensitive resource, SFL single-family low density residential, SFM single-family medium density residential, MFM multifamily medium density residential, MFH multifamily high density residential, and MHP manufactured home park zone districts):

[...]

F. In all residential zone districts, the height of any freestanding sign shall not exceed six feet; ~~and~~

G. Agriculture uses on lots less than one acre in size are allowed a single sign, twelve square feet in area. Agriculture uses on lots one acre and larger are allowed a single sign thirty-two square feet in area for each street frontage; ~~and~~

H. Schools, public buildings, and churches located in residential zone districts are allowed up to fifty-five square feet of signage. Signs may be freestanding or wall mounted. The allowed square footage may be applied to more than one sign, but the overall amount may not exceed fifty-five square feet.

General Government Committee September 14, 2022 discussion:

- The General Government Committee asked that the City Council discuss the following at their September 27, 2022 worksession:

- The General Government Committee questioned whether the recommended increase in height to 15 feet and size to 55 square feet for signs allowed for schools, public buildings, and churches in residential zone districts was too much.
 - The General Government Committee asked if churches should have reduced standards for sign regulations in residential zone districts than schools and public buildings.
- The General Government Committee asked for examples of signage for comparison.

City Council September 27, 2022 discussion:

- City Council recommended the following changes at their September 27, 2022 worksession:
 - The City Council asked that the proposed height for freestanding signs in residential zone districts be limited to six feet for all uses, including schools, public buildings, and churches.
 - The City Council did not recommend changing the proposed 55 total square footage limit for all signs for schools, public buildings, and churches.

N. Storage Shed Access

Addressing driveway surface for storage sheds in low-density residential zone districts. Currently, if a property owner wants to build a detached storage shed in a low density residential property having a gravel driveway, TMC 18.50.020(A)(1) requires compliance with the current parking regulations. In this case, TMC 18.50.030(B) requires property owner in a low density residential property to convert the driveway to a hard surface, such as asphalt or concrete

The amendment would add an exemption for storage sheds smaller than five hundred square feet in the Green Belt (GB), Open Space (OS), Residential/Sensitive Resource (RSR), Single-Family Low Density Residential (SFL), or Single-Family Medium Density Residential (SFM) zone districts from driveway surface requirements.

Code Section to be amended:

- TMC 18.50.020 – Parking, loading and bicycle facility general regulations – Off-Street Parking

Proposed amendment language:

18.50.020 Parking, loading and bicycle facility general regulations.

A. Off-street parking, loading spaces, and bicycle facilities shall be provided in accordance with the provisions of this chapter when any of the following situations occur. These provisions apply to all uses and structures in all land use districts unless otherwise specified by this chapter.

1. When a principal or accessory building, except a storage shed smaller than five hundred square feet in the GB green belt, OS open space, RSR residential/sensitive resource, SFL single-family low density residential, or SFM single-family medium density residential zone districts, is erected.

2. When a principal or accessory building, except a storage shed smaller than five hundred square feet in the GB green belt, OS open space, RSR residential/sensitive resource, SFL single-family low density residential, or SFM single-family medium density residential zone districts, is relocated or expanded.

[...]

O. Subdivision Dedication Code Language Update

Update the subdivision dedication code language update to change “men” to “persons.”

Code Section to be amended:

- TMC 17.24.030(D)(2) – Format and content of application – Final Land Divisions

Proposed amendment language:

17.24.030 Format and content of application.

[...]

D. Content.

[...]

2. *Acknowledgments and Certificates. Acknowledgments and certificates required by this title shall be in language substantially indicated in the following subsections:*

a. *Dedications. The intention of the owner shall be evidenced by his/her presentation for filing of a final land division clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:*

Dedication Certificate:

Known to all ~~men~~ persons present that _____, the undersigned owner, in fee simple of the land hereby divided, and _____, the mortgagee thereof, hereby declare this land division and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the division and the use for any and all public purposes not inconsistent with the use thereof for public highway purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said roads.

IN WITNESS WHEREOF we set our hands and seals this _____ day of _____, 20____

In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language:

Access to _____ street from lots numbered _____ is hereby waived, and dedication to the public shall in no way be construed to permit a right of direct access to _____ street from lots numbered _____, nor shall the City of Tumwater or any other local governmental agency within which the property is or may become located ever be required to grant a permit to build or construct an access of approach to said street from said lots.

[...]

Public Approval Process

Consistent with TMC 18.60.025, the Planning Commission held a briefing on the preliminary docket on April 26, 2022 and a worksession on May 10, 2022. At the end of the worksession, the Planning Commission sent a recommendation to the General Government Committee on the items to go forward to the final docket for more review.

The General Government Committee discussed the Planning Commission's recommendation on the items to go forward to the final docket for more review at their June 8, 2022 meeting. The General Government Committee recommended that the preliminary docket be placed on the City Council's consent agenda for their June 21, 2022 meeting. The City Council approved the items to go forward to the final docket on June 21, 2022.

An Environmental Checklist for a non-project action was prepared on June 10, 2022 under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance was issued on July 7, 2022.

The ordinance was sent to the Washington State Department of Commerce on June 10, 2022 for the required 60-day review before the proposed text amendments were adopted, in accordance with RCW 36.70A.106.

The Planning Commission received a briefing on the final docket of proposed code amendments on July 12, 2022. The Planning Commission held a worksession on the final docket July 26, 2022.

A Notice of Public Hearing for the Planning Commission was issued on July 29, 2022 prior to a public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*.

The Planning Commission held a public hearing for the proposed amendments on August 9, 2022. Following the public hearing and deliberations, the Planning Commission made a recommendation that Council on the proposed amendments.

The General Government Committee reviewed the proposed amendments in a briefing on September 14, 2022 and recommended that the ordinance be discussed at a City Council worksession. The City Council reviewed the amendments at a worksession on September 27, 2022. The City Council will consider the amendments on October 4, 2022.

Public Notification

A Notice of Public Hearing was issued, posted, mailed to interested parties, and published in *The Olympian* on July 29, 2022, after the Planning Commission set the public hearing date.

Staff Conclusions

1. The proposed text amendments are consistent with the goals of the Washington State Growth Management Act.

- a. This ordinance will need to be consistent with Goal 7 of the Growth Management Act which states:

“Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.”

The Ordinance establishes concise requirements for the application, review process, and approval of planned unit developments.

2. The proposed amendments are consistent with the Economic Development Plan because the proposed amendments improve the clarity and specificity of the regulations for submittal, review, and approval of planned unit developments.

- a. Goal #1 of the Economic Development Plan states:

“Establish a development climate that stimulates economic activity and desirable investment.”

- b. The text of the Economic Development Plan states that one of the ways to support Goal #1 is:

“...by making ongoing improvements to existing development regulations, systems, and processes.”

- c. Action item 1.D. of the Economic Development Plan states:

“Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater.”

This Ordinance will need to be improve the existing regulations for the application, review process, and approval of planned unit developments.

3. Based on the above review and analysis, staff concluded that the proposed text amendments are consistent with the requirements of the Washington State Growth Management Act and the Tumwater Comprehensive Plan.

Planning Commission Recommendation

The Planning Commission recommends approval of Ordinance No. O2022-013.

Effects of the Proposed Amendments

The proposed text amendments would necessitate changes to the Tumwater Municipal Code.

Staff Contact

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