

ORDINANCE NO. O2021-019

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Title 18 *Zoning* in the Tumwater Municipal Code to address emergency shelters and housing related items as more particularly described herein.

WHEREAS, in 2020, Engrossed Substitute House Bill 1023 modified the definition of adult family homes in RCW 70.128.010(2) to allow for an adult family home to provide services for up to eight adults, if the additional capacity is approved by the Department of Health and Services (DSHS); and

WHEREAS, in 2021, Engrossed Second Substitute House Bill 1220 modified Chapter 35A.21 RCW by adding a new section RCW 35A.21.430 so that a code city cannot prohibit transitional housing or permanent supportive housing in any zone districts in which residential dwelling units or hotels are allowed; and

WHEREAS, in 2021, Engrossed Second Substitute House Bill 1220 modified Chapter 35A.21 RCW by adding a new section RCW 35A.21.430 so that a code city cannot prohibit indoor emergency shelters and indoor emergency housing in any zone districts in which hotels are allowed; and

WHEREAS, in 2021, Engrossed Second Substitute House Bill 1220 modified RCW 35A.70A.030 to add new definitions for “emergency housing” and “emergency shelter”; and

WHEREAS, in 2021, Engrossed Substitute Senate Bill 5235 modified Chapter 35A.21 RCW by adding a new section RCW 35A.21.314 so that a code city may not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit, except for occupant limits on group living arrangements regulated under state law or on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by the city building code or ordinance; and

WHEREAS, the City is required to plan under Chapter 36.70A RCW, the Growth Management Act; and

WHEREAS, this Ordinance meets the goals and requirements of the Growth Management Act; and

WHEREAS, the City of Tumwater has adopted a Comprehensive Plan, in accordance with the GMA; and

WHEREAS, this Ordinance is consistent with the City's Comprehensive Plan;
and

WHEREAS, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent to the State of Washington Department of Commerce and to other state agencies on November 10, 2021 to allow for a sixty-day review and comment period, which comment period ended prior to adoption of this ordinance; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW) on November 10, 2021, pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance (DNS) was issued on November 26, 2021; and

WHEREAS, the Attorney General *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (September 2018) was reviewed and utilized by the City in objectively evaluating the proposed amendments; and

WHEREAS, the Planning Commission received a briefing on the proposed code amendments on October 26, 2021, held worksessions on November 9, 2020 and November 23, 2021, and held a public hearing on December 14, 2021; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended the proposed code amendments to the Tumwater Municipal Code to the City Council; and

WHEREAS, the General Government Committee held a briefing on the proposed code amendments on December 8, 2021; and

WHEREAS, the City Council discussed the proposed code amendments in a worksession on January 11, 2022; and

WHEREAS, the City Council considered the proposed code amendments January 18, 2022; and

WHEREAS, the City Council finds that the provisions of this Ordinance are in the best interest of and protect the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 18.04.010 of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.010 A definitions.

“A-board sign” or “sandwich board sign” means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make itself standing.

“Accessory building, structure, use” means the use of land, a subordinate building or structure, or a portion of a principal building or structure, such use being secondary or incidental to a permitted use, building, or structure.

“Accessory dwelling unit” means a dwelling unit that is an accessory use or structure subordinate to a single-family detached dwelling subject to the general land use regulations found in TMC 18.42.010.

“Accessory wireless communication antenna” means a ground mounted (freestanding) or building mounted (attached) antenna for the sole use of residents, patrons of a business, or other occupants of property for the original transmission or final reception of communications or data as an accessory to a permitted use on the property on which the antenna is located. Types of accessory wireless communication antennas include:

A. “Category I (radio and television)” means “receive-only” radio and television antennas, or parabolic (“dish”) antennas not exceeding one meter (approximately thirty-nine and one-half inches) in diameter, usually supported by a single pole, post, or mast, with an antenna height not exceeding fifteen feet above grade for freestanding antennas or ten feet above the height of the building upon which mounted for attached antennas;

B. “Category II (amateur radio antenna)” means “send and receive” citizen band radio antennas or similar antennas operated by a federally licensed amateur (“ham”) radio operator at a dwelling, with an antenna height not exceeding the maximum height for buildings on the property upon which the antenna is located, except as provided otherwise in TMC 11.20.070(F);

C. “Category III (accessory mobile antenna device)” means an antenna including, but not limited to, mobile test antennas and global positioning satellite (GPS) equipment, or mobile radio or television antennas which are less than twelve inches in height or width, excluding the support structure; or

D. “Category IV (minor telecommunications antenna)” means “send and receive” data transmission or communication antennas or parabolic (dish) antennas (other than Category I and II antennas) not exceeding one meter (approximately thirty-nine and one-half inches) in diameter, usually supported by a single pole, post, or mast, with an antenna height not exceeding fifteen feet above grade for freestanding antennas or the height of the building upon which mounted for attached antennas, and including small cell wireless facility antennas that meet the size requirements set forth in TMC Chapter 11.20.

Provided, however, that accessory wireless communications antennas or support structures shall be subject to the provisions of TMC Chapter 11.20, Wireless Communication Facilities, generally, and specifically to the location and landscaping requirements of TMC 11.20.070.

“Administrative official” means a duly appointed officer of the city or his appointed representative charged with the administration of building and occupancy permits, and for the interpretation and enforcement of this title.

“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 ~~four~~six adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of ~~six~~six-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).

“Advertising vehicle” means any vehicle or trailer placed on a public right-of-way, on public property, or on private property, having attached thereto or located thereon any sign or advertising device which advertises a product, business or service, or directs people to a business or activity located on the same or nearby property or any premises. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operated during the normal course of business. Franchised buses or taxis are specifically excluded from this definition.

“Agriculture” means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, beekeeping, and animal and poultry husbandry and the necessary accessory uses for selling, packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary. The term “agriculture” shall not include the operation or maintenance of a commercial stockyard or feed lot.

“Airport fueling facility” means a centralized aviation fuel storage facility where aviation fuel is transferred to aboveground storage tanks and various types of aircraft are fueled.

“Alley” means a public or private way, at the rear or side of property, permanently reserved as a secondary means of vehicular or pedestrian access to a property. Alleys are not considered streets for the purpose of calculating setbacks.

“Alterations” means any repair, reconstruction, or improvement of a structure, the cost of which does not equal or exceed fifty percent of the market value of the structure.

“Amendment” means any change, modification, deletion, or addition to the wording, text, or substance of the zoning ordinance, or any modification, deletion or addition

to the application of the zoning ordinance to property within the city, including any alteration in the boundaries of the zone when adopted by the city council.

“Animal clinic” or “animal hospital” means any medical facility except those designed and used for the care of human beings, maintained by or for the use of licensed veterinarians in the diagnosis, treatment, and prevention of animal diseases and ailments.

“Aquaculture” means activities relating to the fishing or harvesting of wild and planted fish stock for recreational and commercial purposes.

“Arcade” means a covered walk with shops along one side and a line of arches or columns on the other side.

“Articulation” means a design emphasis placed on a particular architectural feature through the use of one or more of the following: special details or materials; changes in building plane (recessed or extended from building surface); contrasting materials; or decorative artwork.

“Attached wireless communication facility” is a wireless communication facility that is affixed to an existing structure other than a wireless communication support structure. Examples of attached wireless communication facilities include antennas affixed to or erected upon existing buildings, water tanks, or other existing structures.

“Auto repair facilities” means any area of land, including the structures thereon, that is used for major auto repairs including, but not limited to, engine or transmission overhaul and replacement, collision services such as auto body and frame repair and painting, and the general servicing and replacement of parts. “Auto repair facilities” shall not include businesses, which exclusively perform minor servicing such as oil changes, car washes, tire installation services, stereo installation, etc.

“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; and which may or may not include washing, lubricating, and other minor servicing with the exception of automobile body work.

“Automobile wrecking” means the dismantling or wrecking of used motor vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of five or more motor vehicles, which for a period exceeding thirty days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an automobile wrecking yard.

“Aviation use” means any runway, taxiway, connector, apron or heliport designed for the landing and taking off of aircraft, transfer of passengers and/or cargo, surface access, and other support facilities typically associated with airports, including: hangars, control towers, communication and maintenance facilities, operations area, airport fueling facilities, fixed-based operators (FBO) and

passenger and cargo terminals (including retail and eating and drinking establishments located within a terminal or FBO building).

“Awning” means a rigid structure affixed to a building that extends over windows, sidewalks, or doors.

“Awning, illuminated” means a structure affixed to a building that extends over windows, sidewalks, or doors, which is designed to be illuminated from within.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-007, Amended, 11/05/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-014, Amended, 07/18/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2008-017, Added, 10/21/2008; Ord. O2004-009, Added, 12/07/2004; Ord. O2002-019, Amended, 01/07/2003; Ord. O97-019, Added, 06/17/1997; Ord. O95-037, Added, 12/05/1995; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Added, 06/04/1991; Ord. 883, Added, 05/06/1984. Formerly 18.04.010 – 18.04.042)

Section 2. Section 18.04.050 of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.050 E definitions.

“Easement” means a recorded right of interest in the land of another which entitles the holder thereof to some use, privilege or benefit out of or over such land.

“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.

“Emergency communication towers and antennas” means any structure not entirely within an enclosed building or vehicle, including antennas, guy wires, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory buildings, i.e., equipment storage buildings, energy power generating housing, and the land on which they are situated, that is used for the transmission or reception of electromagnetic waves for emergency communication purposes including but not limited to the Capitol Communications system (CAPCOM) or other public emergency communication systems.

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may provide individual rooms for sleeping and may have communal bathrooms and kitchen and dining areas. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter” means a facility that provides a temporary indoor shelter for individuals or families who are currently homeless. Emergency shelter may provide a mixture of individual rooms and common areas for sleeping and may have

communal bathrooms and kitchen and dining areas. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day cooling and warming centers that do not provide overnight accommodations.

“Energy systems” means those systems which serve to produce energy from nondepletable energy sources.

A. These sources of energy (excluding minerals) are derived from:

1. Incoming solar radiation, including, but not limited to, natural daylighting and photosynthetic and photovoltaic processes;
2. Energy sources resulting from wind, waves and tides, lake or pond thermal differences; and
3. Energy derived from the internal heat of the earth, including nocturnal thermal exchanges.

B. Neither natural gas, oil, coal, liquefied petroleum gas, nor any utility-supplied electricity shall be considered a nondepletable energy source. (See “solar energy system,” TMC 18.04.180.)

“Entertainment facility” means any establishment that is operated, maintained, or devoted to amusement of the general public, whether privately or publicly owned, where entertainment is offered by the facility. Entertainment facilities shall include, but not be limited to, the following: bowling alleys, theaters, dance halls or clubs, video arcades, skating rinks, batting cages, and miniature golf courses. Entertainment facilities shall not include sexually oriented businesses, taverns, pubs, golf courses, or parks.

“Equipment rental and sales facility” means any business establishment whose primary focus is the rental, leasing, and/or selling of tools and equipment.

“Essential public facilities” are those public facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities and group homes.

(Ord. O2019-007, Amended, 09/03/2019; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-015, Added, 09/07/2010; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Added, 07/18/2000; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984. Formerly 18.04.195 – 18.04.203)

Section 3. Section 18.04.060 of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.060 F definitions.

“Facade” means any exterior wall of a building or parking structure.

“Family” means an individual or two or more persons, related by blood, marriage or adoption, or two or more persons with functional disabilities as defined in TMC Chapter 18.53, or a group of ~~not more than six~~ unrelated persons, living together to share a single dwelling unit.

“Family child care home” means a facility in the family residence of the licensee providing regularly scheduled care for twelve or fewer children, within a birth-through-eleven-years-of-age range exclusively, for periods less than twenty-four hours.

“Farmers market” means a group of individual vendors primarily selling locally grown produce and products. This use typically is seasonal, may be temporary, and set up on closed streets or on portions of sites used for other primary uses.

“Fascia” means any relatively narrow vertical surface that is projected, or cantilevered, or supported on columns, or on an element other than a wall below.

“Feather flag” means a freestanding vertical sign consisting of a semi-rigid membrane or a loose poly knit, cloth, plastic, or similar material sign face that is attached to a harpoon-style pole or staff driven into the ground for support, or having a crossbar base suitable for standing or weighting the sign securely on a hard surface.

“Fence” means a wall or barrier for the purpose of enclosing space or separating parcels of land. “Fence” includes hedges and/or similar plantings.

“Fenestration” means the arrangement and design of windows and doors in a building or parking structure.

“Flag” means a piece of cloth hoisted on a pole permanently affixed to the ground or displayed using a pole bracket permanently affixed to a building. If any single dimension of a flag is more than three times greater than any other single dimension, for the purposes of this chapter such flag is classified and regulated as a banner, regardless of how it is anchored or supported.

Flood. As related to a stream, “flood” means a temporary rise in a stream’s flow, accompanied by a rise in water level that results in water overtopping its banks and inundating areas adjacent to the channel.

“Floodplain” means the area (usually lowlands) adjoining the channel of a river, stream or watercourse, or ocean, lake, or other body of standing water, which has been or may be covered by floodwater.

“Floodplain, five-hundred-year” or “five-hundred-year floodplain” means the areas which are subject to a 0.2 percent or greater chance of flooding in any year. These areas are identified as the “B” and “X” zones on the Flood Insurance Rate Maps from the Federal Emergency Management Agency. The “five-hundred-year floodplain” is usually lowlands adjoining the channel of a river, stream or watercourse, or ocean, lake, or other body of standing water.

“Floodplain, one-hundred-year” or “one-hundred-year floodplain” means the areas outside of the floodway which are subject to a one percent or greater chance of flooding in any given year. These areas are identified as the A, AE, AH, AO, A1-30, or A99 Zones on the Flood Insurance Rate Maps produced by the Federal Emergency Management Agency. The “one-hundred-year floodplain” is usually located within the lowlands adjoining the channel of a river, stream or watercourse, or ocean, lake, or other body of standing water.

“Floodproofing” means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents.

“Floodway” means the channel of a stream and adjacent land areas which are required to carry the discharge of a flood event that has a one percent chance of being equaled or exceeded in any given year. The “floodway” is designated on Flood Boundary and Floodway Maps from the Federal Emergency Management Agency. The “floodway” is usually characterized by water moving with a definite velocity and current during a flood event and a difference in soil conditions or vegetative ground cover when compared to other portions of the floodplain.

“Floor area ratio (FAR)” is determined by dividing the gross floor area of all buildings on a lot by the area of that lot. For example, a floor area ratio of two to one means two square feet of floor area for every one square foot of site area.

“Food truck or trailer” means a truck or trailer that is licensed as a vehicle, approved by the Washington State Department of Labor and Industries, and bears their insignia to serve, vend, or provide food or nonalcoholic beverages for human consumption, where people work inside, customers stand on the outside and do not go inside, is self-contained, is no more than eight and one-half feet wide, has an electrical system one hundred twenty volts or greater, has a self-contained water or drain system, and has a propane gas piping system.

“Food truck or trailer court” means one permanent location, such as a parking lot, plaza, or lot, where four or more food trucks or trailers are approved to operate at one time.

“Fourplex” means a building designed for and used exclusively for occupancy by four families independent of each other where all four dwelling units are located on the same lot and are completely separated from each other, except for common stairwells or garages.

“Freestanding sign” means any sign that is supported by one or more uprights, poles, or braces permanently in or upon the ground and not an integral part of, or attached to, a building.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2017-007, Amended, 11/05/2018; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Added, 06/07/2011; Ord. O2003-001, Amended, 02/18/2003; Ord. O2002-

019, Added, 01/07/2003; Ord. O2000-024, Amended, 02/06/2001; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Amended, 06/04/1991; Ord. 1288, Added, 06/04/1991; Ord. 883, Added, 05/06/1984. Formerly 18.04.204 – 18.04.240)

Section 4. Section 18.04.160 of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.160 P definitions.

Panhandle Lot. See “lot, panhandle,” TMC 18.04.120.

“Parapet” means a low protective wall along the edge of a roof or balcony.

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

“Park and ride facility” means a parking structure or surface parking lot intended primarily for use by persons riding transit or carpooling and that is owned or operated by either Intercity Transit or another entity with the concurrence of Intercity Transit.

“Parking lot” means an open area, other than a street or alley, whether privately or publicly owned, which is used for the parking of more than four automobiles and is available to the public.

“Parking space” means an area which is improved, maintained, and used for the sole purpose of temporary accommodation of a motor vehicle, and having access to a public street or alley. (See Figure 18.50.060(A) for parking space design standards.)

“Parking structure” means a structure of two or more stories, whether privately or publicly owned, which is used for the parking of more than four automobiles.

“Pedestrian-oriented sign” means any sign intended to attract pedestrian traffic that is at a ninety-degree angle to the adjacent building face. The sign may either be suspended beneath a pedestrian weather protection structure or be attached to and project from the building wall.

“Pedestrian plaza or courtyard” means an area between a building or parking structure and a public right-of-way which promotes visual and pedestrian access onto the site and which provides pedestrian-oriented amenities and landscaping to enhance the public’s use of the space.

“Pennants” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other device, usually in series, designed to move in the wind.

“Pergola” means an open structure usually consisting of parallel colonnades supporting a roof of beams and crossing rafters or trellis work (similar to an arbor).

“Permanent supportive housing” means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to

entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW Residential Landlord-Tenant Act.

“Permitted use” means any authorized use allowed alone or in conjunction with other uses in a specified zoning district and subject to the limitations of the regulations of such use district.

“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.

“Planned unit development” means any development, whether residential, commercial or industrial, which is approved and developed in accordance with the terms of this title.

“Point-of-purchase sign” means any exterior sign placed at the location of purchase.

“Precision instrument runway” means a runway that is designed to provide an approach path for exact alignment and descent of an aircraft on final approach using vertical and horizontal navigational aid equipment.

“Preschool/child care facility” means an activity which would regularly provide care, whether for compensation or not, to a group of four or more but less than twelve children, twelve years of age or under, who are not related to the occupant of the facility.

“Prisons and prerelease facilities” means a public facility for the incarceration of people convicted of felony crimes serving a court imposed sentence. This includes minimum security facilities which house inmates with less than three years remaining to serve who meet stringent public safety placement criteria established by the Department of Corrections, medium security facilities which have strict security standards including a fenced and patrolled perimeter, and high security facilities which offer the greatest level of security to minimize the potential for escape.

“Private clubs and lodges” means a building in which members of a community or association may gather for social, educational, or cultural activities.

“Private post-secondary education facility” means a privately owned facility that provides a curriculum of post-secondary academic instruction including technical schools, junior colleges, colleges and universities.

“Profession” means an occupation which is distinguishable from other occupations by virtue of characteristics traditionally associated with its practice and/or with the conduct of the practitioner. A profession is the body of such qualified persons of one specific occupation or field. It conducts business on a client/appointment rather than customer/sales basis. A professional client relationship would stress the professional in an advisory and counseling rather than purely transacting role.

“Professional office” means an office used or suitable for use by a profession or professional having great skill in that particular profession and who receives compensation for the performance of that profession.

“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.

“Public facade” means any side of a commercial building having a doorway open for regular ingress and egress by customers. For purposes of determining sign size allowances on multiple tenant facilities having individual entrances for businesses, the “public facade” of a particular business shall mean that portion of the total public facade upon which the business has frontage.

“Public utility” means any person, firm or corporation, municipal department, board or commission, duly authorized to furnish to the public, under federal, state or municipal authority, services such as gas, steam, electricity, sewage disposal, water supply, communication or telegraph facilities.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2004-009, Amended, 12/07/2004; Ord. O2002-019, Amended, 01/07/2003; Ord. O2001-012, Amended, 03/19/2002; Ord. O98-009, Amended, 10/20/1998; Ord. O95-035, Amended, 12/19/1995; Ord. 1399, Added, 11/16/1993; Ord. 883, Added, 05/06/1984. Formerly 18.04.430 – 18.04.490)

Section 5. Section 18.04.180 of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.180 S definitions.

“School” means 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.

“Screening” means a continuous fence or wall supplemented with landscaping, or an evergreen hedge, or combination thereof, that effectively provides a sight-obscuring and sound-absorbing buffer.

“Secure community transition facility” means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative pursuant to Chapter 71.09 RCW. 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 Chapter 71.09 RCW and operated by the Secretary of Social and Health Services or the Secretary’s designee or under contract with the Secretary.

“Senior housing facility, assisted” or “assisted senior housing facility” means an assisted living facility, which is an establishment which provides living quarters and a variety of limited personal care and supportive health care to persons fifty-five years of age or older in accordance with 42 U.S.C. 3607 who are unable to live independently, but who do not need the skilled nursing care of a rest home, nursing home, or convalescent center. These facilities may consist of individual dwelling units of a barrier-free design, with separate bathroom facilities and a full kitchen. The facility may provide a minimal amount of supportive health care monitoring, such as assistance with medication, but is limited to health care services that do not require state or federal licensing. These facilities may have a communal dining area, recreation facilities (such as a library, lounge, or game room), laundry facilities, and open space.

“Senior housing facility, independent” or “independent senior housing facility” means an independent living facility consisting of dwellings designed for and occupied by persons fifty-five years of age or older in accordance with 42 U.S.C. 3607. These facilities may consist of individual dwelling units of a barrier-free design, with separate bathroom facilities and a full kitchen. These facilities may have a communal dining area, recreation facilities (such as a library, lounge, or game room), laundry facilities, and open space. No nursing staff or assisted living staff is provided in an independent living facility.

Service Station. See “automobile service station,” TMC 18.04.010.

“Setback” means the minimum required distance between the property line and building line subject to the limitations provided in TMC 18.42.040.

“Sewage treatment facilities” means sanitary sewer treatment services provided by a municipality or a special purpose district not including individual or community wastewater treatment systems.

“Sexually oriented businesses” means adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motion picture theaters, adult theaters, sexual encounter establishments, semi-nude model studios, escort agencies and adult motels. “Sexually oriented businesses” includes those businesses defined as follows:

A. “Adult arcade” means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

B. “Adult bookstore, adult novelty store, or adult video store” means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
2. An establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.
3. Video stores that sell and/or rent only video tapes or other photographic reproductions and associated equipment shall come within this definition as specified by Ordinance No. O94-020 if twenty percent or more of its stock-in-trade or revenues comes from the rental or sale of video tapes or other photographic reproductions or associated equipment which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

C. “Adult cabaret” means a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which features: (1) persons who appear nude or semi-nude; (2) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (3) films, motion pictures, video cassettes, slides, or other photographic

reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

D. “Adult motel” means a hotel, motel or similar commercial establishment which:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than twenty-four hours; or
3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four hours.

E. “Adult motion picture theater” means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of specified anatomical areas or specified sexual activities are regularly shown for any form of consideration.

F. “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear nude or semi-nude, or live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities.

G. “Escort agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

H. “Nude or semi-nude model studio” means any place where a person, who appears nude or semi-nude or displays specified anatomical areas, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons; provided, however, such uses if exempt under Ordinance No. O94-020 shall also be exempt from the provisions of the ordinance codified in this section.

(Note: Ordinance No. O94-020 which regulates the operation of sexually oriented businesses provides exemptions for the following activities:

1. Persons appearing in a state of nudity or semi-nudity in a modeling class operated by:
 - a. A proprietary school, licensed by the state of Washington; a college, junior college, or university supported entirely or partly by taxation.

b. A private college or university approved by a national accrediting association, which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.)

I. “Sexual encounter establishment” means a business or commercial establishment that, as one of its primary business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more persons are semi-nude. The definition of a sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

“Shopping center” means a group of retail and service establishments clustered on a contiguous site, designed and built as a unit or organized as a unified and coordinated shopping area.

“Shoreline” means a line determined by the ordinary high-water mark, as defined in the Shoreline Management Act of 1971 as follows:

Ordinary high-water mark on all lakes, streams, and tidal water is that mark that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in 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 the effective date of this chapter or as it may naturally change thereafter; provided, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.

(Or, as shown by markings of water surface contaminants on rocks, bulkheads, pilings, or other relatively permanent structure or natural feature.)

“Sign” means any visual communication device, structure, or fixture that generally utilizes graphics, symbols, numbers, or words to convey information.

“Sign of an official nature” means any sign posted by or required to be posted by a governmental agency that is necessary to protect and regulate the public health, safety, or welfare. Examples of such signs include traffic or pedestrian directional and control signs, public safety warnings or hazards signs, street banners and street pole banners in compliance with the Tumwater street banner and street pole banner policies, and official public notice signs.

“Sign structure” means any structure that supports or is capable of supporting any sign defined in this code.

Solar Energy System.

A. “Solar energy system” means any device or combination of devices or elements which rely upon direct sunlight as an energy source, including, but not limited to, any substance or device which collects sunlight for use in:

1. The heating or cooling of a structure or building;
2. The heating or pumping of water;
3. Industrial, commercial, or agricultural processes; or
4. The generation of electricity.

B. A solar energy system may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of a roof of a building or structure and serving as a window or wall. (See TMC 18.04.050.)

“Solid waste handling facilities” means facilities that receive, process, transfer, collect, or dispose of residential, industrial and commercial solid waste as defined by Chapter 70.95 RCW.

“Source of nonionizing electromagnetic radiation” means an RF facility emitting between one-hundredth MHz and one hundred thousand MHz of effective radiated power of more than or equal to one thousand watts.

“Sponsoring agency” means a church or faith based organization that joins in an application with a host agency for a city temporary use permit and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals and coordination of other needed donations and services.

“State education facilities” means education facilities that are of a statewide nature including but not limited to state colleges, universities and community colleges.

“Story” means that portion of a building represented by space between the top surface of any floor and the top surface of the floor next above, except the topmost story shall have the ceiling or roof above as the top surface of the floor next above. The height of a story shall be measured by the vertical distance between the top surfaces.

“Stream” shall mean all types of natural surface watercourses, including but not limited to rivers and creeks, that convey perennial or intermittent flows derived from precipitation runoff and/or groundwater discharge.

“Streamers” has the same meaning as pennants.

“Street” means any public thoroughfare or right-of-way which affords the principal means of access to abutting property.

“Street banner” means a banner that is suspended over a city street and mounted on either side to city-owned banner mounting facilities in compliance with the Tumwater street banner and street pole banner policies.

“Street pole banner” means a banner that protrudes over a public walkway or street and that is mounted to a government-owned pole located within the public right-of-way such as a light pole. Such banners must comply with the Tumwater street banner and street pole banner policies.

“Structure” means a manmade object of any kind, which is built or constructed, or any piece of work built up or composed of parts joined together in some definite manner and affixed to the earth. (See TMC 18.04.020.)

“Structure, landscaping” means a fence, wall, trellis, statue or other similar landscaping or ornamental object.

Substantial Improvement.

A. “Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:

1. Before the improvement or repairs are started; or
2. Before the damage occurred, if the structure has been damaged and is being restored.

B. This definition does not apply to:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

“Support facilities” means facilities such as streets, roads, highways, sidewalks, street lighting systems, traffic signals, fire stations, electrical switching substations, electrical power transmission towers, natural gas pipelines, telephone exchanges, natural gas gate stations and regulating stations, domestic water systems, storm and sanitary sewer systems, and wells or well fields, all of which are continuously related to public (or private) services.

“Supportive housing facilities” means a collective term for the following housing types: emergency housing, emergency shelters, permanent supportive housing, and transitional housing, as defined in TMC 18.04.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-007, Amended, 09/03/2019; Ord. O2017-007, Amended, 11/05/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2007-017, Added, 12/18/2007; Ord. O2006-019, Amended, 08/15/2006; Ord. O2002-013, Added, 08/20/2002; Ord. O98-001, Added, 09/15/1998; Ord. O95-035, Amended, 12/19/1995; Ord. O94-014, Added, 07/09/1994; Ord. 1144, Amended, 01/05/1988; Ord. 883, Added, 05/06/1984. Formerly 18.04.525 – 18.04.595)

Section 6. Section 18.04.190 of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.190 T definitions.

“Tavern” means an establishment where beer and/or wine is served to the public in accordance with a tavern license issued by the Washington State Liquor Control Board pursuant to RCW 66.24.330.

“Temporary sign” means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, or other light materials, with or without frames, not permanently mounted to the ground or a structure and displayed for a limited period.

Through Lot. See “lot, through,” TMC 18.04.120.

“Townhouse” or “rowhouse” means one of a line or row of dwelling units attached one to the other, having common walls between individual units, generally two stories in height (and sometimes three). Each unit occupies the space between common walls from the lowest level to the roof, where common walls are the property lines between units.

“Tract” means a lot usually held in common ownership by an association, or reserved for future development.

Trailer. See “mobile home” and “travel trailer,” TMC 18.04.130 and this section.

“Transitional housing” means housing providing stability for residents for a limited time period, usually two weeks to 24 months, to allow them to recover from a crisis such as homelessness or domestic violence before transitioning into permanent housing. Transitional housing often offers supportive services, which enable a person to transition to an independent living situation.

“Translucent panels” means a method of illuminating signs in which the light source is obscured from view by a panel that allows light to pass through but diffuses it so that the lighting source cannot be distinguished.

“Transmission tower” means a structure that is constructed above ground or water, or is attached to or on top of another structure, and is intended to support an antenna and accessory equipment, or which is itself an antenna.

“Transportation facilities, large scale or regional,” means transportation facilities that are meant to serve Thurston County and/or the Puget Sound region as a whole that include but are not limited to heavy rail terminals, storage and maintenance facilities and large scale bus terminals, storage and maintenance facilities.

“Transportation terminal” means a facility which serves primarily as a transfer point for changing from one mode of transportation to another.

“Travel trailer” means a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation

purposes, or for intermittent road use, but not for permanent residential use. It shall have a visible manufacturer's certification tag showing it to be a travel trailer. A travel trailer is a structure that will not meet the requirements of the building code as adopted by TMC Title 15, and for the purpose of this title, a travel trailer shall not be deemed a mobile home.

“Triplex” means a building designed for and used exclusively for occupancy by three families independent of each other where all three dwelling units are located on the same lot and are completely separated from each other, except for common stairwells or garages.

“Truck stop” or “travel center” means a commercial facility that provides refueling, rest area, day or overnight parking and/or accommodation, maintenance of commercial vehicles, food, and other services for drivers traveling on the interstate highway system for personal, business, commercial, recreational, or other purposes. The vehicles serviced by a truck stop or travel center may include but are not limited to semi-trucks, haulers, recreational vehicles, campers, and automobiles.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2019-019, Amended, 07/23/2019; Ord. O2019-018, Amended, 04/02/2019; Ord. O2017-007, Amended, 11/05/2018; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-017, Amended, 12/21/2010; Ord. O2001-020, Added, 05/07/2002; Ord. O95-035, Amended, 12/19/1995; Ord. 1144, Amended, 01/05/1988; Ord. 883, Added, 05/06/1984. Formerly 18.04.597 – 18.04.620)

Section 7. Section 18.07.010 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.010 Residential zone districts permitted and conditional uses.

If there are any inconsistencies between Table 18.07.010 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

TABLE 18.07.010

RESIDENTIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFM	MFH	MHP	Applicable Regulations
Adult family homes, residential care facilities	P	P	P	P	P		18.53

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFM	MFH	MHP	Applicable Regulations
Agriculture up to 30 acres in size	P	P	P	P			18.42.070
Animals (the housing, care and keeping of)	P	P	P	P			6.08
Attached wireless communication facilities	P	P	P	P	P		11.20
Bed and breakfasts	C ¹	C ¹	C ¹	P		C ¹	18.56
Cemeteries	C	C	C	C	C	C	18.56
Child day care center	C	C	C	C	C	C	18.56
Churches	C	C	C	C	C	C	18.56
Community garden	P	P	P	P	P		
Cottage housing	P	P	P	P			18.51
Designated manufactured home parks				P			18.48; 18.49
Designated manufactured homes	P	P	P	P		P	18.48
Duplexes	P ²	P ²	P ³	P			
Emergency communication towers or antennas	C	C	C	C	C	C	18.56; 11.20
Family child care home, child mini-day care center	P	P	P	P	P	P	18.52
Fourplexes				P	P		
Group foster homes	C	C	C	C	C	C	18.56
Inpatient facilities				C	C		18.56
Medical clinics or hospitals				C	C		18.56
Mental health facilities				C	C		18.56
Multifamily dwellings				P	P		

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFM	MFH	MHP	Applicable Regulations
Manufactured home parks in accordance with the provisions of TMC Chapter 18.48						P	18.48
Mobile home parks which were legally established prior to July 1, 2008						P	18.48
Neighborhood community center	C	C	C	C	C	C	18.56
Neighborhood-oriented commercial center		C	C	C	C	C	18.56
Parks, trails, open space areas and recreational facilities	P	P	P	P	P	P	
<u>Permanent supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
Planned unit developments		P	P	P	P		18.36
Private clubs and lodges			C	C	C		18.56
Recreational vehicle parks				C			18.56
Schools	C	C	C	C	C	C	18.56
Senior housing facilities, assisted				C	C		18.56
Senior housing facilities, independent				P	P		
Single-family detached dwellings	P	P	P			P	
Single-family detached dwellings existing prior to April 15, 2021				P ⁴			
Single-family detached dwellings and duplexes as part of a PUD planned unit development overlay					P ⁵		18.36

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFM	MFH	MHP	Applicable Regulations
Support facilities	P	P	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	C	C	C	C	C	C	18.56
Townhouses and rowhouses			P ⁶	P	P		18.16.050 (F)(1)(a)
<u>Transitional housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
Triplexes				P	P		
Wildlife refuges and forest preserves	P	P	P	P	P		
Wireless communication towers	C	C	C	C	C	C	11.20; 18.56

LEGEND

P = Permitted Use

C = Conditional Use

RSR = Residential/Sensitive Resource

SFL = Single-Family Low Density Residential

SFM = Single-Family Medium Density Residential

MFH = Multifamily Medium Density Residential

MFH = Multifamily High Density Residential

MHP = Manufactured Home Park

Table 18.07.010 Footnotes:

(1) “Bed and breakfasts” with only one guest room are a permitted use, but are subject to the notice of application requirements in TMC Chapter 14.06 to allow for public notice for neighbors and an appeal of the administrative decision to the hearing examiner.

(2) “Duplexes” are allowed in the residential/sensitive resource (RSR) and single-family low density residential (SFL) zone districts. 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.

(3) “Duplexes” are allowed in the single-family medium density residential (SFM) zone district. 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.

(4) Single-family detached dwellings constructed after April 15, 2021, are not allowed in the multifamily medium density residential (MFM) zone district, except as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district.

(5) Single-family detached dwellings and duplexes are not allowed in the multifamily high density residential (MFH) zone district, except as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district.

(6) “Townhouses and rowhouses” are allowed within a residential planned unit development in the single family medium density residential (SFM) zone district.

Table 18.07.010 Explanatory Notes:

1. If the box is shaded, the use is not allowed in that zone district.
2. Accessory uses are listed in each zoned district chapter.

(O2020-005, Amended, 03/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Added, 07/18/2017)

Section 8. Section 18.07.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.020 Commercial zone districts permitted and conditional uses.

If there are any inconsistencies between Table 18.07.020 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

TABLE 18.07.020

COMMERCIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC¹	Applicable Regulations
Adult family homes, residential care facilities	P	P	P	P	P	P	P	18.53
Animal clinics or hospitals	C		C	C	P			18.56
Appliance equipment repair/sales					P			
Attached wireless communication facilities	P	P	P		P		P	11.20
Auto repair facility					P			
Automobile service stations			C ²		P		C	18.56
Breweries, wineries, distilleries				P	P	P	P	
Centers for senior citizens, youth, general community and similar groups	P	P	P	P	P	P	P	
Child day care center	P	P	P	P	P	P	P	18.52
Child mini-day care center	P	P	P	P	P	P	P	18.52
Churches		C	C	P	P		C	18.56
Civic center complex		P	P	P	P		P	
Community center		P					P	
Community gardens	P	P	P	P	P	P	P	
Convalescent centers, rest homes, nursing homes			P	P	P			
Cottage housing			P					18.51
Crematories								
Dance clubs				P				18.21.030

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Electric vehicle infrastructure	P	P	P	P	P	P	P	
Emergency communication towers or antennas		C	C		C		C	18.56
<u>Emergency housing</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
<u>Emergency shelter</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
Entertainment facility		P	P	P	P		P	
Equipment rental and sales facility					P			
Existing uses, legally established prior to adoption	P	P	P			P		
Family child care home	P	P	P	P	P	P	P	18.52
Farmers markets	P	P	P	P	P	P	P	
Fish hatcheries, associated appurtenances, and related interpretive centers						P		
Food truck or trailer courts	P	P	P	P	P	P	P	18.42.120
Food trucks or trailers	P	P	P	P	P	P	P	18.42.120
Freestanding wireless communication facilities		C	C		C			11.20; 18.56
Group foster homes	C	P	P	P	P		P	18.56
High-rise residential (five stories or more)				P	C			18.21
Inpatient facilities	C		C	C	C			18.56
Kennels					C			18.56
Library, museum, art gallery	P	P	P	P	P	P	P	
Manufacturing, assembly, processing and/or fabrication								

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
activities entirely within a building and ancillary to primary office use (less than 25 percent of building)								
Marijuana retailer				P	P			18.42.080
Medical clinics	P		P	P	P		P	
Mental health facilities	C		C	C	C			18.56
Mini-storage					C			18.56
Mixed use structures	P ³		P	P	P		P	
Motels, hotels			P	P	P	P	P	
Motor vehicle sales facilities					P			18.42.090
Motorsports sales facility					P			18.22.020
Movie theaters, playhouses and similar performance and assembly facilities				P	P		P	
Multifamily dwellings			P			P		
Multifamily dwellings (three or four stories)					P			18.22.020
Nurseries, retail			P	C	P			18.56; 18.21.050
Offices	P	P	P	P	P	P	P	
Parcel delivery facility		P						
Park and ride lots		P	C	P	P			18.56; 18.21.030(DD)
Parking lots, parking structures		P	C	P & C	P	P	P	18.19.020(R); 18.56; 18.21.030; 18.21.050

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Parks and open space areas	P	P	P	P	P	P	P	
<u>Permanent supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
Personal and professional services		P	P	P	P	P	P	
Personal and professional services or sales	P						P	
Planned unit developments	P	P	P	P	P		P	18.36
Post office	P	P	P	P	P	P	P	
Prisons, jails and other correctional facilities		C			C			18.56
Private clubs and lodges		C	P	P	P		P & C	18.56
Private post-secondary educational facilities				C	C			
Recreational facilities	P ⁴	P	P	P	P	P	P	
Recreational vehicle park					P			
Residential uses	P ⁵		P	P			P	18.20.030; 18.21.060; 18.23.020
Restaurants		P	P ⁶	P	P	P	P	
Restaurants (without drive-in windows)	P ⁷		P ⁸				P	
Retail sales			P	P	P	P	P	
Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P						P	

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Retail sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)	C						P	18.56
Retail sales (no more than 15,000 square feet)		P					P	
Riding academies					P			
Schools	C	P	C	P	C ⁹	P	P	18.56
Senior housing facilities, assisted	C		P	P	P		P	18.56
Senior housing facilities, independent	P		P	P	P		P	
Sewage treatment facilities								18.56
State education facilities		C	C	C	C		C	18.56
Support facilities	P	P	P	P	P	P	P	
Taverns, cocktail lounges	C ¹⁰	P	P	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	P	P	P	P	P	P	P	
<u>Transitional housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
Transportation facilities, large scale state or regional		C			C			18.56
Transportation terminals					C		C	18.56
Used motor oil recycling collection point			P		P			
Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment entirely within a building						P		

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Wildlife refuges and forest preserves		P				P		

LEGEND

P = Permitted Use

C = Conditional Use

NC = Neighborhood Commercial

CS = Community Services

MU = Mixed Use

CBC = Capitol Boulevard Community

GC = General Commercial

HC = Historic Commercial

TC = Town Center

Table 18.07.020 Footnotes:

(1) See TMC 18.23.020 for specific requirements for uses in the Town Center subdistricts.

(2) Automobile service stations are a conditional use for all parcels in the mixed use (MU) zone district in the city, except for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW where the use is prohibited.

(3) Mixed use structures subject to the size limitations for individual uses and TMC 18.18.050(D) and the density requirements for residential use in the neighborhood commercial (NC) zone district.

(4) Recreational facilities occupying no more than three thousand square feet in floor area in the neighborhood commercial (NC) zone district.

(5) Multifamily residential use as part of a mixed use development is allowed with a minimum density of four dwelling units per net acre and a maximum density of eight dwelling units per net acre, which is calculated by averaging the densities of all of the different types of housing provided within the development in

accordance with TMC 18.14.050(B), excluding the area of the building and parking associated with the commercial development.

(6) Restaurants are a permitted use for all parcels in the mixed use (MU) zone district in the city, except for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW. In that location, restaurants without drive-through windows are allowed, but restaurants with drive-through windows are prohibited.

(7) Restaurants without drive-in windows occupying no more than three thousand square feet in floor area and drive-through espresso stands/coffee shops occupying no more than five hundred square feet in floor area in the neighborhood commercial (NC) zone district.

(8) Restaurants (without drive-through windows) are a permitted use for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW.

(9) Except temporary expansions of schools, such as portable classrooms.

(10) Taverns, cocktail lounges occupying no more than three thousand square feet in floor area in the neighborhood commercial (NC) zone district.

Table 18.07.020 Explanatory Notes:

1. If the box is shaded, the use is not allowed in that zone district.
2. Accessory uses are listed in each zoned district chapter.

(O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-029, Amended, 01/15/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-024, Amended, 01/16/2018; Ord. O2017-017, Amended, 09/19/2017; Ord. O2017-006, Added, 07/18/2017)

Section 9. Section 18.07.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.030 Industrial zone districts permitted and conditional uses.

If there are any inconsistencies between Table 18.07.030 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

TABLE 18.07.030

INDUSTRIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Agriculture	P		P	

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
All industrial activities involving the manufacture, assembly, bulk storage, processing, repair, recycling or servicing of goods or products		P		
Animal clinics or hospitals	P	C		18.56
Attached wireless communication facilities	P	P	P	11.20
Automobile repair facilities	P		P	
Automobile service stations	P	P	P	
Aviation, aviation related uses, aviation fueling facilities			P	18.34.020(A); 18.34.020(F)
Breweries, wineries, distilleries, and associated restaurants	P		P	
Cemeteries	C	C		18.56
Child day care center	P	C	P	18.52; 18.56
Child mini-day care center	P	C	P	18.52
Community gardens	P	P	P	
Crematories	P	P	P	
Cross-dock facilities, 50,000 square feet or smaller in size	P	P	P	
Electric vehicle infrastructure	P	P	P	
Emergency communication towers or antennas	C	C	C	18.56
<u>Emergency housing</u>			<u>P</u>	<u>18.42.150</u>
<u>Emergency shelter</u>			<u>P</u>	<u>18.42.150</u>
Energy systems			P	
Equipment rental and sales	P	P	P	
Family child care home	P	C		18.52; 18.56
Farmers markets	P	P	P	
Food truck or trailer courts	P	P	P	18.42.120
Food trucks or trailers	P	P	P	18.42.120

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Hotel/motel and conference facilities			P	
Kennels	P		P	
Marijuana retailer	P		P	18.42.080
Marijuana processor, within a fully enclosed secure indoor structure only	C		C	18.42.080
Marijuana producer, within a fully enclosed secure indoor structure only	C		C	18.42.080
Mineral extraction		P		
Mini-storage	P		P	
Motor freight terminals, 50,000 square feet or smaller in size	P	P	P	
Motor pool and equipment parking	P		P	
Motor vehicle sales facilities	P		P	18.42.090
Motorsports facility – Indoor	P		P	
Motorsports sales facility	P		P	
Nurseries, retail or wholesale	P		P	18.24.020(P)
Offices	P		P	
Off-site hazardous waste treatment and storage facilities	P	P	C	18.24.020(L); 18.56
Park and ride facilities	P	P	P	
Parks, open space areas and recreational facilities	P	C	P	18.56
<u>Permanent supportive housing</u>			<u>P</u>	<u>18.42.150</u>
Personal and professional services	P		P	
Planned unit developments not including residential uses	P	P		18.36
Post offices, museum, library, art gallery	P		P	
Prisons, jails or other correctional facilities	C	C	C	18.56
Private post-secondary education facilities			C	18.56

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Recycling collection centers	C	P		18.25.020(A); 18.56
Residential care facilities	P		P	18.34.020(O)
Restaurants	P		P	
Retail sale of goods or products manufactured on the premises, or utilized in manufacturing, repairing, or servicing activities which are permitted in the same zoning district		P	P	
Schools, other than through the eighth grade	P			
Schools on parcels abutting residential zones and outside of air hazard areas			P	
Secure community transition facilities	C			18.56
Sewage treatment facilities	C	C	C	18.56
Sexually oriented businesses	P		P	18.04; 18.42.050
Solid waste handling facilities	C	C	C	18.56
State education facilities	C		C	18.56
Storage, manufacture or sale of highly volatile or extremely hazardous substances or materials other than airport fueling facilities			C	18.56
Support facilities	P	P	P	
Taverns, cocktail lounges	P			
Temporary expansions of schools, such as portable classrooms	P		P	
The raising of crops, including trees			P	18.34.020(J)
Transit facilities	P		P	
<u>Transitional housing</u>			<u>P</u>	<u>18.42.150</u>
Transportation facilities, large scale or regional	C	C	C	18.56
Transportation terminal facilities	P	P	P	
Truck stops or travel centers ³	P ³			

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Uses having to do with buying, selling, and personal and professional services or offices, or of a general commercial nature	P			
Warehouse distribution centers ⁴	P		P	18.42.110
Warehouses, nondistribution, 200,000 sq. ft. or smaller in size	P	P	P	
Warehouses, nondistribution, larger than 200,000 sq. ft. in size ⁴	P		P	18.42.110
Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment	P	P	P	
Wildlife refuges and forest preserves	P		P	
Wireless communication towers	P	P	P	11.20
Wrecking yards and junk yards		C		18.56

LEGEND

P = Permitted Use

C = Conditional Use

LI = Light Industrial

HI = Heavy Industrial

ARI = Airport Related Industrial

Table 18.07.030 Explanatory Notes:

1. If the box is shaded, the use is not allowed in that zone district.
2. Accessory uses are listed in each zoned district chapter.
3. Truck stops or travel centers are limited to an area within one-half mile of the Interstate 5 and 93rd Avenue SW interchange.
4. All warehouse distribution centers regardless of size and nondistribution warehouses that are larger than 200,000 sq. ft. in size are subject to the requirements of TMC 18.42.110.

(O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2019-019, Amended, 07/23/2019; Ord. O2019-018, Amended, 04/02/2019; Ord.

O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Added, 07/18/2017)

Section 10. Section 18.07.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.040 Greenbelt/open space zone districts permitted and conditional uses.

If there are any inconsistencies between Table 18.07.040 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

**TABLE 18.07.040
GREENBELT/OPEN SPACE ZONE DISTRICTS PERMITTED AND
CONDITIONAL USES**

GREENBELT/OPEN SPACE DISTRICTS	GB	OS	Applicable Regulations
Agricultural uses subject to the requirements of TMC Chapter 16.08 and the drainage design and erosion control manual for Tumwater	P	P	16.08
Camp facilities		P	
Campgrounds, recreational vehicle parks		C	
Cemeteries, located outside of the one-hundred-year floodplain, subject to the standards in TMC Chapter 18.56		P	18.56
Community gardens		P	
Farmers markets		P	
Fish hatcheries, associated appurtenances, and related interpretive centers		P	
Food trucks or trailers		P	18.42.120
Golf courses		P	
Parks and other related active and passive recreation facilities		P	
Passive recreation facilities	P		
<u>Permanent supportive housing in a residence existing prior to January 1, 1996</u>		<u>P</u>	<u>18.42.150</u>
<u>Permanent supportive housing in a residence existing prior to the adoption of TMC 18.30</u>	<u>P</u>		<u>18.30; 18.42.150</u>

GREENBELT/OPEN SPACE DISTRICTS	GB	OS	Applicable Regulations
<u>Permanent supportive housing in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres</u>	<u>C</u>	<u>C</u>	<u>18.42.150; 18.56</u>
Residences existing prior to January 1, 1996		P	
Residences existing prior to the adoption of TMC 18.30	P		18.30
Single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres	C	C	
Structures as an accessory use to agricultural uses	C		
Support facilities		P	
Temporary research and education facilities related to water-dependent wetland oriented research and education	P		
Trails	P		
<u>Transitional housing in a residence existing prior to January 1, 1996</u>		<u>P</u>	<u>18.42.150</u>
<u>Transitional housing in a residence existing prior to the adoption of TMC 18.30</u>	<u>P</u>		<u>18.30; 18.42.150</u>
<u>Transitional housing in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres</u>	<u>C</u>	<u>C</u>	<u>18.42.150; 18.56</u>
Utility support facilities	P		
Wells and wellfields	P		
Wildlife and nature preserves	P	P	

LEGEND

P = Permitted Use

C = Conditional Use

GB = Greenbelt

OS = Open Space

Table 18.07.040 Explanatory Notes:

1. If the box is shaded, the use is not allowed in that zone district.
 2. Accessory uses are listed in each zoned district chapter.
- (O2019-020, Amended, 11/19/2019; Ord. O2017-006, Added, 07/18/2017)

Section 11. Section 18.08.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.08.020 Permitted uses.

Permitted uses in the RSR zone district are as follows:

- A. Single-family detached dwellings;
- B. 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;
- C. Cottage housing;
- D. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;
- E. Parks, trails, open space areas, and other related passive recreation facilities;
- F. Wildlife refuges and forest preserves;
- G. Support facilities;
- H. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- I. Adult family homes, residential care facilities;
- J. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;
- K. Agriculture up to thirty acres in size, subject to TMC 18.42.070;
- L. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- M. Community gardens;
- N. Permanent supportive housing, subject to 18.42.150;
- O. Transitional housing, subject to 18.42.150.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for

wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Amended, 12/19/1995; Ord. O95-014, Added, 07/18/1995)

Section 12. Section 18.08.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.08.030 Accessory uses.

Accessory uses in the RSR zone district are as follows:

- A. Structures for the storage of equipment and/or produce, including but not limited to greenhouses, barns, toolsheds, and storage sheds, subject to TMC 18.42.015;
- B. Detached garages or carports, subject to TMC 18.42.015;
- C. Home occupations, subject to TMC 18.42.030;
- D. Noncommercial recreational structures which could include swimming pools and recreational ball courts;
- E. Energy systems;
- F. Accessory dwelling units, provided they meet the requirements of TMC 18.42.010;
- G. Accessory wireless communication antenna;*
- H. Electric vehicle infrastructure;
- I. Accessory buildings or structures to a permitted use on a contiguous lot or lots under the same ownership within the same zone district;
- J. Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord.

O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Amended, 12/19/1995; Ord. O95-014, Added, 07/18/1995)

Section 13. Section 18.10.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.10.020 Permitted uses.

Permitted uses in the SFL district are as follows:

- A. Single-family detached dwellings;
- B. Cottage housing;
- C. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;
- D. Parks, trails, open space areas, and recreational facilities;
- E. Support facilities;
- F. Planned unit developments;
- G. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- H. Adult family homes, residential care facilities;
- I. 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;
- J. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- K. Agriculture up to thirty acres in size, subject to TMC 18.42.070;
- L. Community gardens;
- M. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;
- N. Wildlife refuges and forest preserves;
- O. Permanent supportive housing, subject to 18.42.150;
- P. Transitional housing, subject to 18.42.150.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for

wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 14. Section 18.10.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.10.030 Accessory uses.

Accessory uses in the SFL district are as follows:

- A. Storage sheds, toolsheds, greenhouses, subject to TMC 18.42.015;
- B. Detached garages or carports, subject to TMC 18.42.015;
- C. Home occupations, subject to TMC 18.42.030;
- D. Noncommercial recreational structures, which could include but are not limited to swimming pools and recreational ball courts;
- E. Energy systems;
- F. Accessory dwelling unit, in accordance with the provisions of TMC 18.42.010;
- G. Accessory wireless communication antenna;*
- H. Electric vehicle infrastructure;

I. Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 15. Section 18.12.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.12.020 Permitted uses.

Permitted uses in the SFM district are as follows:

- A. Single-family detached dwellings;
- B. Townhouses and rowhouses, within a residential planned unit development;
- C. 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;
- D. Cottage housing;
- E. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;
- F. Parks, trails, open space areas, and recreational facilities;
- G. Support facilities;
- H. Planned unit developments;
- I. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- J. Adult family homes, residential care facilities;
- K. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- L. Agriculture up to thirty acres in size, subject to TMC 18.42.070;
- M. Community gardens;
- N. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;
- O. Wildlife refuges and forest preserves;
- P. Permanent supportive housing, subject to 18.42.150;
- Q. Transitional housing, subject to 18.42.150.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord.

O98-009, Amended, 10/20/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 16. Section 18.12.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.12.030 Accessory uses.

Accessory uses in the SFM district are as follows:

- A. Storage sheds, toolsheds, greenhouses, subject to TMC 18.42.015;
- B. Detached garages or carports, subject to TMC 18.42.015;
- C. Home occupations, subject to TMC 18.42.030;
- D. Noncommercial recreational structures, which could include but are not limited to swimming pools and recreational ball courts;
- E. Energy systems;
- F. Accessory dwelling unit, in accordance with the provisions of TMC 18.42.010;
- G. Accessory wireless communication antenna;*
- H. Electric vehicle infrastructure;

I. Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 17. Section 18.14.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.14.020 Permitted uses.

Permitted uses in the MFM district are as follows:

- A. Single-family detached dwellings which were legally established prior to April 15, 2021;*
- B. Duplexes;

- C. Triplexes;
- D. Fourplexes;
- E. Townhouses and rowhouses;
- F. Multifamily dwellings;
- G. Cottage housing;
- H. Designated manufactured homes on single lots of record, and in designated manufactured home parks, in accordance with the provisions of TMC Chapter 18.48;
- I. Designated manufactured home parks;
- J. Senior housing facilities, independent;
- K. Parks, trails, open space areas, and recreational facilities;
- L. Support facilities;
- M. Planned unit developments;
- N. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- O. Adult family homes, residential care facilities;
- P. Any combination of the permitted uses listed in this section may be combined on one site, in accordance with the provisions of TMC 18.14.050;
- Q. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;**
- R. Bed and breakfasts;
- S. Agriculture uses up to thirty acres in size which were established prior to January 1, 2011, subject to TMC 18.42.070;
- T. Community gardens;
- U. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;
- V. Wildlife refuges and forest preserves;
- W. Permanent supportive housing, subject to 18.42.150;
- X. Transitional housing, subject to 18.42.150.

*Single-family detached dwellings constructed after April 15, 2021, are not allowed in the multifamily medium density residential (MFM) zone district, except as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district.

****Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.**

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O2005-011, Amended, 07/05/2005; Ord. O2001-012, Amended, 03/19/2002; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 18. Section 18.14.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.14.030 Accessory uses.

Accessory uses in the MFM district are as follows:

- A. Storage sheds, toolsheds, greenhouses;
- B. Private parking garages or carports;
- C. Home occupations, subject to TMC 18.42.030;
- D. Noncommercial recreational structures, which could include but are not limited to swimming pools and recreational ball courts;
- E. Energy systems;
- F. Accessory dwelling unit, in accordance with the provisions of TMC 18.42.010;
- G. Boardinghouses and roominghouses;
- H. Neighborhood community center;
- I. Accessory wireless communication antenna;*
- J. Electric vehicle infrastructure;

K. Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord.

O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 19. Section 18.16.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.16.020 Permitted uses.

Permitted uses in the MFH district are as follows:

- A. Single-family detached dwellings and duplexes are permitted only as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district;
- B. Triplexes;
- C. Fourplexes;
- D. Multifamily dwellings;
- E. Parks, trails, open space areas, and recreational facilities;
- F. Support facilities;
- G. Planned unit developments;
- H. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- I. Adult family homes, residential care facilities;
- J. Senior housing facilities, independent;
- K. Any combination of the permitted uses listed in this section may be combined on one site, in accordance with the provisions of TMC 18.16.050;
- L. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- M. Townhouses and rowhouses;
- N. Community gardens;
- O. Wildlife refuges and forest preserves;
- P. Permanent supportive housing, subject to 18.42.150;
- Q. Transitional housing, subject to 18.42.150.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord.

O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O98-001, Amended, 09/15/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 20. Section 18.16.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.16.030 Accessory uses.

Accessory uses in the MFH district are as follows:

- A. Storage sheds, toolsheds, greenhouses;
- B. Private parking garages or carports;
- C. Home occupations, as approved by the director of community development;
- D. Noncommercial recreational structures, which could include but are not limited to swimming pools and recreational ball courts;
- E. Energy systems;
- F. Accessory dwelling unit, in accordance with the provisions of TMC 18.42.010, where there is an existing single-family dwelling unit, which was legally established prior to January 1, 1996;
- G. Boardinghouses and roominghouses;
- H. Neighborhood community center;
- I. Accessory wireless communication antenna;*
- J. Electric vehicle infrastructure;
- K. Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 21. Section 18.18.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.18.020 Permitted uses.

Permitted uses in the NC district are as follows:

- A. Personal services;
- B. Professional services;
- C. Recreational facilities occupying no more than three thousand square feet in floor area;
- D. Support facilities;
- E. Post office, library, museum, art gallery;
- F. Parks and open space areas;
- G. Planned unit development;
- H. Retail sales occupying no more than three thousand square feet in floor area and for which operating hours are limited to between 6:00 a.m. and 10:00 p.m.;
- I. Medical clinics;
- J. Child day care center, child mini-day care center;
- K. Adult family homes, residential care facilities;
- L. All uses which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;
- M. Restaurants without drive-in windows occupying no more than three thousand square feet in floor area;
- N. Offices;
- O. Family child care homes;
- P. Mixed use structures subject to the size limitations for individual uses and TMC 18.18.050(D) and the density requirements for residential use in the NC district found in subsection W of this section;
- Q. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- R. Electric vehicle infrastructure;
- S. Community gardens;
- T. Farmers markets;
- U. Centers for senior citizens, youth, general community and similar groups;
- V. Temporary expansions of schools, such as portable classrooms;
- W. Multifamily residential use as part of a mixed use development with a minimum density of four dwelling units per net acre and a maximum density of eight dwelling units per net acre, which is calculated by averaging the densities of all of the different types of housing provided within the development in accordance

with TMC 18.14.050(B), excluding the area of the building and parking associated with the commercial development;

X. Drive-through espresso stands/coffee shops occupying no more than five hundred square feet in floor area;

Y. Food trucks or trailers in accordance with TMC 18.42.120;

Z. Food truck or trailer courts in accordance with TMC 18.42.120.

AA. Senior housing facilities, independent;

BB. Permanent supportive housing, subject to 18.42.150;

CC. Transitional housing, subject to 18.42.150.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-029, Amended, 01/15/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 22. Section 18.19.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.19.020 Permitted uses.

Uses permitted in the CS district are as follows:

A. General offices, personal and professional services;

B. Schools;

C. Community center;

D. Parks and open space areas;

E. Personal and professional services;

F. Entertainment facilities;

G. Recreational facilities;

H. Post office, parcel delivery facility;

I. Museum, library, art gallery;

J. Child day care center; child mini-day care center;

K. Group foster homes;

L. Support facilities;

- M. Family child care home;
- N. General retail sales limited to fifteen thousand square feet or less;
- O. Planned unit development;
- P. Restaurants;
- Q. Parking structures;
- R. Parking lots as separate, primary uses are permitted. The proposed parking lot shall exclusively serve specifically identified uses in or adjacent to the district to accommodate shared employee or customer parking or off-site employee parking. The uses served by the lot may change over time. Parking lots are prohibited on corner lots;
- S. Park and ride lots;
- T. All uses which were legally established prior to January 1, 1997, except where there is a cessation of the use for three or more years;
- U. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- V. Adult family homes, residential care facilities;
- W. Electric vehicle infrastructure;
- X. Community gardens;
- Y. Farmers markets;
- Z. Centers for senior citizens, youth, general community and similar groups;
- AA. Civic center complex;
- BB. Taverns, cocktail lounges;
- CC. Wildlife refuges and forest preserves;
- DD. Temporary expansions of schools, such as portable classrooms;
- EE. Food trucks or trailers in accordance with TMC 18.42.120;
- FF. Food truck or trailer courts in accordance with TMC 18.42.120;
- GG. Permanent supportive housing, subject to 18.42.150;
- HH. Transitional housing, subject to 18.42.150.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord.

O2010-015, Amended, 09/07/2010; Ord. O2001-020, Amended, 05/07/2002; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 23. Section 18.19.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.19.030 Accessory uses.

Accessory uses in the CS district are as follows:

- A. Off-street parking and loading areas;
- B. Home occupations, as approved by the director of community development;
- C. Preschool childcare facilities;
- D. Noncommercial recreational structures, which could include swimming pools and recreational ball courts;
- E. Energy systems;
- F. Storage, if less than fifty percent of the gross floor area of the primary structure;
- G. On-site hazardous waste treatment and storage facilities;~~and~~
- H. Accessory wireless communication antenna~~;~~.*

I. Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2011-002, Amended, 03/01/2011; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1230, Added, 11/20/1990)

Section 24. Section 18.20.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.20.030 Permitted uses.

Uses permitted in the mixed use district are as follows:

- A. Professional services;
- B. Retail sales;

- C. General offices;
- D. Support facilities;
- E. Parks, open space areas and recreational facilities;
- F. Restaurants;*
- G. Restaurants (without drive-through windows);**
- H. Post offices;
- I. Motels, hotels;
- J. Planned unit development (PUD) (see TMC Chapter 18.36);
- K. Medical clinics;
- L. Child day care center; child mini-day care center;
- M. Adult family homes, residential care facilities;
- N. Group foster homes;
- O. Private clubs and lodges;
- P. Family child care home;
- Q. All residential uses, provided the minimum density standards in TMC 18.20.060 are met;
- R. Personal services;
- S. Used motor oil recycling collection point;
- T. Nurseries, retail;
- U. Museum, library, art gallery;
- V. All uses not permitted which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;
- W. Civic center complex;
- X. Centers for senior citizens, youth, general community and similar groups;
- Y. Entertainment facilities;
- Z. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;***
- AA. Senior housing facilities, independent and assisted;
- BB. Electric vehicle infrastructure;
- CC. Community gardens;
- DD. Farmers markets;
- EE. Animal clinics or hospitals;

- FF. Churches;
- GG. Civic center complex;
- HH. Convalescent centers, rest homes, nursing homes;
- II. Taverns, cocktail lounges;
- JJ. Temporary expansions of schools, such as portable classrooms;
- KK. Food trucks or trailers in accordance with TMC 18.42.120;
- LL. Food truck or trailer courts in accordance with TMC 18.42.120;
- MM. Cottage housing;
- NN. Permanent supportive housing, subject to 18.42.150;
- OO. Transitional housing, subject to 18.42.150;
- PP. Emergency housing, subject to 18.42.150;
- QQ. Emergency shelter, subject to 18.42.150.

*Restaurants are a permitted use for all parcels in the mixed use (MU) zone district in the city, except for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW. In that location, restaurants without drive-through windows are allowed, but restaurants with drive-through windows are prohibited.

**Restaurants (without drive-through windows) are a permitted use for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW.

***Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-024, Amended, 01/16/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 25. Section 18.20.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.20.040 Accessory uses.

Accessory uses in the mixed use district are as follows:

- A. On-site hazardous waste treatment and storage facilities;

- B. Cocktail lounges as an accessory use to restaurants;
- C. All uses customarily accessory to permitted uses;
- D. Home occupation, as approved by director of community development;
- E. Accessory wireless communication antenna;.*

F. Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

*Emergency communication towers and antennas, wireless communication facilities, and building heights greater than fifty feet are subject to Federal Aviation Administration (FAA) standards and approval if they apply, and furthermore emergency communication towers and antennas and wireless communication facilities are also subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2011-002, Amended, 03/01/2011; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 26. Section 18.21.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.21.030 Permitted uses.

Uses permitted in the Capitol Boulevard Community zone district are as follows:

- A. Professional services;
- B. Retail sales;
- C. General offices;
- D. Support facilities;
- E. Parks, open space areas and recreational facilities;
- F. Restaurants, taverns, cocktail lounges, brew pubs and similar dining and drinking establishments;
- G. Post offices;
- H. Motels, hotels;
- I. Planned unit development (PUD) (see TMC Chapter 18.36);
- J. Medical clinics;
- K. Child day care center, child mini-day care center;
- L. Adult family homes, residential care facilities;

- M. Group foster homes;
- N. Private clubs and lodges;
- O. Family child care home;
- P. All residential uses, provided the minimum density standards in TMC 18.21.060 are met;
- Q. Personal services;
- R. Schools;
- S. Churches, synagogues, mosques and similar places of worship;
- T. Library, museum, art gallery and similar institutions;
- U. All uses not permitted which were legally established prior to January 1, 2013, except where there is a cessation of the use for two or more years. A legal nonconforming use, established prior to January 1, 2013, that is required to relocate under threat of eminent domain shall be allowed as a permitted use consistent with this subsection;
- V. Civic center complex;
- W. Centers for senior citizens, youth, general community and similar groups;
- X. Entertainment facilities;
- Y. Senior housing facilities, independent and assisted;
- Z. Electric vehicle infrastructure;
- AA. Community gardens;
- BB. Farmers markets;
- CC. Dance clubs, provided they are located north of Lee Street;
- DD. Detached parking structures;
- EE. Movie theaters, playhouses and similar performance and assembly facilities;
- FF. Marijuana retailers;
- GG. Breweries, wineries, distilleries;
- HH. Animal clinics or hospitals;
- II. Centers for senior citizens, youth, general community and similar groups;
- JJ. Convalescent centers, rest homes, nursing homes;
- KK. Temporary expansions of schools, such as portable classrooms;
- LL. Food trucks or trailers in accordance with TMC 18.42.120;
- MM. Food truck or trailer courts in accordance with TMC 18.42.120;
- NN. Permanent supportive housing, subject to 18.42.150;

OO. Transitional housing, subject to 18.42.150;

PP. Emergency housing, subject to 18.42.150;

RR. Emergency shelter, subject to 18.42.150.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2013-025, Added, 01/07/2014)

Section 27. Section 18.21.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.21.040 Accessory uses.

Accessory uses in the Capitol Boulevard Community zone district are as follows:

- A. All uses customarily accessory to permitted uses;
- B. Home occupation, as approved by the community development director;
- C. Accessory parking structures;

D. Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

(Ord. O2013-025, Added, 01/07/2014)

Section 28. Section 18.22.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.22.020 Permitted uses.

Uses permitted in the GC district are as follows:

- A. Professional services;
- B. General retail sales;
- C. General offices;
- D. Appliance equipment repair;
- E. Support facilities;
- F. Parks and open space areas;
- G. Recreational facilities;
- H. Restaurants;
- I. Automobile service stations including car washes;
- J. Post offices;

- K. Motels, hotels;
- L. Planned unit developments (PUD);
- M. Medical clinics;
- N. Child day care center, child mini-day care center;
- O. Adult family homes, residential care facilities;
- P. Group foster homes;
- Q. Private clubs and lodges;
- R. Family child care home;
- S. Mixed use structures;
- T. Multifamily residential structures consisting of a minimum of three and a maximum of four stories on sites within one-quarter mile of a degree-granting state education facility. A minimum density of fourteen dwelling units per acre shall be provided. Calculation of density is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs; open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:
 - 1. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.
 - 2. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment and infiltration facilities);
- U. Personal services;
- V. Used motor oil recycling collection point;
- W. Parking lots as separate, primary uses are permitted. The proposed parking lot shall exclusively serve specifically identified uses in or adjacent to the district to accommodate shared employee or customer parking or off-site employee parking. The uses served by the lot may change over time;
- X. Parking structures;
- Y. Park and ride lots;
- Z. Museum, library, art gallery;
- AA. Recreational vehicle parks;
- BB. Riding academies;

- CC. Entertainment facilities;
- DD. Nurseries, retail;
- EE. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- FF. Equipment rental and sales facilities;
- GG. Motorsports sales facility, provided outdoor displays or visible storage of vehicles does not cover an area larger than ten percent of the gross floor area of the facility;
- HH. Electric vehicle infrastructure;
- II. Community gardens;
- JJ. Farmers markets;
- KK. Marijuana retailer;
- LL. Motor vehicle sales facilities located west of Interstate 5 and south of Bishop Road subject to the requirements set forth in TMC 18.42.090;
- MM. Breweries, wineries, distilleries;
- NN. Auto repair facilities;
- OO. Churches;
- PP. Temporary expansions of schools, such as portable classrooms;
- QQ. Animal clinics or hospitals;
- RR. Convalescent centers, rest homes, nursing homes;
- SS. Movie theaters, playhouses and similar performance and assembly facilities;
- TT. Senior housing facilities, independent and assisted;
- UU. Taverns, cocktail lounges;
- VV. Food trucks or trailers in accordance with TMC 18.42.120;
- WW. Food truck or trailer courts in accordance with TMC 18.42.120;
- XX. Permanent supportive housing, subject to 18.42.150;
- YY. Transitional housing, subject to 18.42.150;
- ZZ. Emergency housing, subject to 18.42.150;
- AAA. Emergency shelter, subject to 18.42.150.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2015-001, Amended, 10/20/2015; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2012-003, Amended, 07/17/2012; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2003-001, Amended, 02/18/2003; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 29. Section 18.22.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.22.030 Accessory uses.

Accessory uses in the GC district are as follows:

- A. Storage, if less than fifty percent of gross floor area of the primary structure;
- B. Energy systems;
- C. On-site hazardous waste treatment and storage facilities;
- D. All uses customarily accessory to permitted uses;
- E. Cocktail lounge as an accessory use to restaurants;
- F. Living or residential quarters as an accessory use including, but not limited to, security guards' quarters where such quarters are customarily provided for security and/or insurability of the premises and other residential uses directly related to the operation of the primary permitted use;
- G. Off-street parking and loading areas;

H. Accessory wireless communication antenna;*

I. Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval if they apply, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 30. Section 18.23.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.23.020 Uses.

Land uses allowed for each subdistrict are listed in Figure 18.23.020. Permitted uses are identified with a “P,” conditional uses with a “C,” and accessory uses with an “A.”

Figure 18.23.020

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Accessory wireless communication antennas	A ¹	A ¹	A ¹	A ¹
Adult family homes, residential care facilities	P		P	
Attached wireless communication facilities	P ¹	P ¹	P ¹	P ¹
Automobile service station legally established prior to June 9, 2002	C ²			
Breweries, wineries, distilleries	P			
Centers for senior citizens, youth, general community and similar groups	P	P		P
Child day care center; child mini-day care center	P	P	P	P
Churches	C		C	
Civic center complex	P			P
Community center	P	P		P
Community gardens	P	P	P	P
Distribution, fabrication, and assembly facilities occurring within buildings lawfully constructed on Port of Olympia property on or before January 1, 2000	C ⁴			
Drive-through uses	P ¹²			

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Electric vehicle infrastructure	P	P	P	P
Emergency communication antennas (essential public facility)	C ^{1, 5}	C ^{1, 5}	C ^{1, 5}	C ^{1, 5}
<u>Emergency housing</u>	<u>P¹⁵, A¹⁶</u>		<u>A¹⁶</u>	
<u>Emergency shelter</u>	<u>P¹⁵, A¹⁶</u>		<u>A¹⁶</u>	
Entertainment facilities	P ⁶			
Family child care homes	P		P	
Farmers markets	P	P	P	P
Food truck or trailer courts	P ¹³	P ¹³		P ¹³
Food trucks or trailers	P ¹⁴	P ¹⁴		P ¹⁴
Group foster homes	P	P	P	P
Home occupations	A		A	
Library, museum, art gallery	P			P
Medical clinics	P	P		
Mixed use commercial/residential developments	P			
Motels, hotels	P			
Movie theaters, playhouses and similar performance and assembly facilities	P			P
Noncommercial recreational structures including but not limited to swimming pools and recreational ball courts			A	
Offices	P	P		P
Parking lots	A ⁷	A	A	A
Parking structures	P ⁸	P	P	P
Parks and open space areas	P	P	P	P

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
<u>Permanent supportive housing</u>	<u>P¹⁵, A¹⁶</u>		<u>P¹⁵, A¹⁶</u>	
Personal and professional services	P	P		P
Planned unit development (see TMC Chapter 18.36)	P	P	P	P
Post offices	P	P		P
Preschool childcare facilities	A	A	A	A
Private clubs and lodges	P	P	C	
Recreational facilities	P	P	P	P
Residential uses approved after June 9, 2002, provided the minimum density standards in TMC 18.23.030(B)(2) are met			P	
Residential uses which were legally established prior to June 9, 2002			P	
Restaurants	P	A ⁹	A ¹⁰	
Retail sales	P	A	A ¹⁰	
Roominghouses	A			
Schools	P			
Senior housing facilities, independent and assisted	P		P	
State education facilities (essential public facility)	C			
Storage sheds, tool sheds, greenhouses, carports			A	
Support facilities	P ¹¹	P ¹¹	P ¹¹	P ¹¹
Taverns, cocktail lounges	P ³			
Temporary expansions of schools, such as portable classrooms	P			

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
<u>Transitional housing</u>	<u>P¹⁵, A¹⁶</u>		<u>P¹⁵, A¹⁶</u>	
Transportation terminals	C	C		

Figure 18.23.020 Footnotes:

- (1) Emergency communication antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.
- (2) Any alteration to the site or building that requires a conditional use permit shall meet the minimum conditions provided in TMC Chapter 18.56. An application for a conditional use permit shall be processed pursuant to TMC Title 14, Development Code Administration, and TMC Chapter 2.58, Hearing Examiner.
- (3) Cocktail lounges are also permitted as accessory uses within restaurants.
- (4) The cumulative amount of future expansions shall not exceed fifty percent of the covered floor space existing on January 1, 2000, for each site. See TMC Chapter 18.56.
- (5) Antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.
- (6) Motorized go-cart facilities are not permitted.
- (7) See TMC 18.23.040(F) for surface parking lot siting requirements on properties fronting main streets.
- (8) In the Town Center Mixed Use subdistrict, a parking structure may be located along a main street, provided the portion of the first floor fronting the main street is designed to accommodate a use allowed by this chapter other than parking.
- (9) Restaurants may be allowed as accessory uses within a general or professional office building in the Town Center Professional Office subdistrict.
- (10) Restaurants and retail sales are allowed as accessory uses in the Town Center Residential subdistrict when located on the first floor of a multistory residential building, provided the gross floor area dedicated to restaurant and/or retail sales use shall not exceed one thousand five hundred square feet per building or twenty-five percent of the first floor of each building, whichever is greater, and

provided the residential portion of the development meets the density standards described in TMC 18.23.030.

(11) Electrical switching substations, electrical power transmission towers, natural gas pipelines, natural gas gate stations and regulating stations, and park and ride facilities are not permitted.

(12) Drive-through uses for espresso stands less than five hundred square feet in floor area, pharmacies, and banks and credit unions are allowed in the areas specified on Figure 18.23.010. Properties with drive-through uses in the Town Center zone district shall not have direct vehicular access onto either Capitol Boulevard or Tumwater Boulevard. The director may allow temporary vehicular access to Capitol Boulevard in order to accommodate changes to the street grid. Drive-through uses shall also meet the drive-through design guidelines of TMC Chapter 18.43. Where conflicts occur between this chapter and TMC Chapter 18.43, the more restrictive requirement shall apply.

(13) Food truck or trailer courts are subject to the requirements of TMC 18.42.120.

(14) Food trucks or trailers are subject to the requirements of TMC 18.42.120.

(15) Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are subject to the requirements of TMC 18.42.150.

(16) Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

Figure 18.23.020 Explanatory Note:

1. If the box is shaded, the use is not allowed in that zone district.

(O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-019, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2013-025, Amended, 01/07/2014; Ord. O2011-006, Amended, 11/15/2011; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2006-034, Amended, 07/17/2007; Ord. O2001-020, Added, 05/07/2002)

Section 31. Section 18.26.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.26.020 Permitted uses.

Permitted uses in the HC district are as follows:

- A. Parks and open space areas;
- B. All uses which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;
- C. Multifamily dwellings;
- D. Personal and professional services;
- E. General retail sales;
- F. Offices;
- G. Hotel/motel and conference facilities;
- H. Restaurants, taverns, cocktail lounges;
- I. Post office, library, museum, art gallery or cultural center;
- J. Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment entirely within a building;
- K. Support facilities;
- L. Child day care center, child mini-day care center;
- M. Adult family homes, residential care facilities;
- N. Family day care homes;
- O. Schools;
- P. Fish hatcheries, associated appurtenances, and related interpretive centers;
- Q. Electric vehicle infrastructure;
- R. Recreational facilities;
- S. Community gardens;
- T. Farmers markets;
- U. Breweries, wineries, distilleries;
- V. Centers for senior citizens, youth, general community and similar groups;
- W. Wildlife refuges and forest preserves;
- X. Parking lots, parking structures;
- Y. Temporary expansions of schools, such as portable classrooms;
- Z. Food trucks or trailers in accordance with TMC 18.42.120;
- AA. Food truck or trailer courts in accordance with TMC 18.42.120;
- BB. Permanent supportive housing, subject to 18.42.150;
- CC. Transitional housing, subject to 18.42.150;
- DD. Emergency housing, subject to 18.42.150;

EE. Emergency shelter, subject to 18.42.150.

(Ord. O2019-020, Amended, 11/19/2019; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2007-004, Amended, 09/04/2007; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Amended, 06/04/1991; Ord. 1288, Amended, 06/04/1991; Ord. 883, Added, 05/06/1984)

Section 32. Section 18.27.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.27.040 Uses.

Land uses allowed for each subdistrict are listed in Table 18.27.040. Permitted uses are identified with a “P,” conditional uses with a “C,” and accessory uses with an “A.”

Table 18.27.040

Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Accessory dwelling units	A	A	A	A	A	A	A
Accessory wireless communication antenna (2)	A	A	A	A	A		A
Adult family homes	P	P	P	P	P	P	P
Agriculture, indoor						P	
All existing uses legally established prior to September 1, 2014, except where there is a cessation of the use for two or more years	P	P	P	P	P	P	P
Animal clinics or hospitals (6)	P	P	P	P	P	P	
Attached wireless communications facilities (3)	P	P	P	P	P	P	P
Bed and breakfasts	P	P	P	P	P		P

Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Breweries, wineries, distilleries	P	P			P	P	
Child day care centers; child mini-day care centers	P	P	P	P	P	P	P
Churches	C	C	C		C	P	C
Community gardens	P	P	P	P	P	P	P
Convalescent center, rest home, nursing home	P	P	P	P	P		
Cottage housing	P	P		P			P
Electric vehicle infrastructure	P	P	P	P	P	P	P
<u>Emergency housing (11)(12)</u>	<u>P/A</u>	<u>P/A</u>			<u>P/A</u>		
<u>Emergency shelter (11)(12)</u>	<u>P/A</u>	<u>P/A</u>			<u>P/A</u>		
Energy systems	A	A	A	A	A	A	A
Entertainment facilities	P	P	P	P	P	P	
Family child care homes	P	P	P	P	P		P
Farmers markets	P	P	P	P	P	P	
Fish hatcheries, associated appurtenances and related interpretive centers						P	
Food truck or trailer courts (9)	P	P	P		P	P	
Food trucks or trailers (10)	P	P	P		P	P	
General offices	P	P	P	P	P	P	
Group foster homes	P	P	P	P			

Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Home occupations	P	P	P	P	P	P	P
Large scale state or regional transportation facilities (essential public facility)						C	
Medical clinics	P	P	P	P	P		
Motels, hotels	P	P			P		
Movie production; movie studio					P	P	
Museums, libraries, art galleries	P	P	P	P	P		
Noncommercial recreational structures associated with a residential use which include but are not limited to swimming pools and recreational ball courts	A	A	A	A	A	A	A
Off-street parking and loading	A	A	A	A	A	A	A
Parking structures	P	P	P	P	P	P	P
Parks, open space areas and recreational facilities	P	P	P	P	P	P	P
<u>Permanent supportive housing (11)(12)</u>	<u>P/A</u>	<u>P/A</u>	<u>P/A</u>	<u>P</u>	<u>P/A</u>	<u>P/A</u>	<u>P/A</u>
Personal and professional services	P	P	P	P	P	P	
Planned unit developments	P	P	P	P	P	P	P
Post offices	P	P			P		
Private clubs and lodges	P	P	P		P	P	
Private garages and carports	A	A	A	A	A	A	A

Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Public parking lot as a primary use	P	P	P	P	P	P	
Residential	P	P	P	P	P	P	P
Restaurants, taverns, cocktail lounges, brew pubs and similar dining and drinking establishments	P	P	P	P	P	P	
Retail sales	P	P	P	P	P	P	
Schools	P	P			P	P	
Senior housing facilities, independent and assisted	P	P	P	P	P		
State education facilities (essential public facility)					C	C	
Storage sheds, toolsheds, greenhouses (8)	A	A	A	A	A	A	A
Support facilities	P	P	P	P	P	P	P
Temporary expansions of schools, such as portable classrooms	P	P			P	P	
<u>Transitional housing (11)(12)</u>	<u>P/A</u>	<u>P/A</u>	<u>P/A</u>	<u>P</u>	<u>P/A</u>	<u>P/A</u>	<u>P/A</u>
Transportation terminals	C						
Wholesaling, manufacturing, assembling, repairing, fabricating, nondistribution warehousing (4)						P	

Table 18.27.040 Footnotes:

(1) Along the Cleveland Avenue Main Street, active ground floor uses are required in accordance with TMC 18.27.080(B)(1)(e).

- (2) Emergency communication antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.
- (3) Antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.
- (4) Warehousing must be for product for use in or production resulting from on-site manufacturing, assembly, repair or fabrication.
- (5) Drive-through uses are prohibited in the Bates North and Bates South subdistricts. For all other subdistricts, drive-through uses are limited to espresso stands less than five hundred square feet in floor area, pharmacies, banks, credit unions, and the reuse of permitted drive-through facilities in existence as of the effective date of O2014-007 (September 1, 2014) for restaurant uses.
- (6) All animals must be kept at all times within a fully enclosed building with adequate controls so that animal noise and odor cannot be detected on adjoining property or in adjoining units with shared walls.
- (7) South of Custer Way, development must consist of two or more of the listed uses; provided, that each use shall occupy a minimum of twenty percent of the gross floor area of the project.
- (8) Buildings or structures for storage, a greenhouse, detached garage, or carport in the Bates South subdistrict accessory to a permitted use are subject to the provisions in TMC 18.42.015.
- (9) Food truck or trailer courts in accordance with TMC 18.42.120.
- (10) Food trucks or trailers in accordance with TMC 18.42.120.
- (11) Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are subject to the requirements of TMC 18.42.150.
- (12) Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

Table 18.27.040 Explanatory Note:

1. If the box is shaded, the use is not allowed in that zone district.
(Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord.

O2018-007, Amended, 10/16/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2014-007, Added, 07/15/2014)

Section 33. Section 18.30.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.30.030 Permitted uses.

Permitted uses in the GB district are as follows:

- A. Passive recreation facilities;
- B. Trails;
- C. Wildlife and nature preserves;
- D. Wells and wellfields;
- E. Agricultural uses subject to the requirements of TMC Chapter 16.08 (Protection of Trees and Vegetation) and the drainage design and erosion control manual for Tumwater;
- F. Temporary research and education facilities related to water-dependent wetland-oriented research and education;
- G. Residences existing prior to the adoption of this chapter;
- H. Utility support facilities;

I. Permanent supportive housing in a residence existing prior to the adoption of TMC 18.30, subject to 18.42.150;

J. Transitional housing in a residence existing prior to the adoption of TMC 18.30, subject to 18.42.150.

(Ord. O2017-006, Amended, 07/18/2017; Ord. O2003-001, Amended, 02/18/2003; Ord. O95-035, Added, 12/19/1995)

Section 34. Section 18.30.050 of the Tumwater Municipal Code is hereby amended to read as follows:

18.30.050 Conditional uses.

Conditional uses in the GB district are as follows:

- A. Structures as an accessory use to agricultural uses;
- B. Single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres;

C. Transitional housing in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres, subject to 18.42.150.

(Ord. O2017-006, Amended, 07/18/2017; Ord. O95-035, Added, 12/19/1995)

Section 35. Section 18.31.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.31.020 Permitted uses.

Permitted uses in the OS district are as follows:

- A. Parks and other related active and passive recreation facilities;
- B. Agricultural uses subject to the requirements of TMC Chapter 16.08 (Protection of Trees and Vegetation) and the drainage design and erosion control manual for Tumwater;
- C. Support facilities;
- D. Cemeteries, located outside of the one-hundred-year floodplain, subject to the standards in TMC Chapter 18.56;
- E. Golf courses;
- F. Camp facilities;
- G. Residences existing prior to January 1, 1996;
- H. Fish hatcheries, associated appurtenances, and related interpretive centers;
- I. Community gardens;
- J. Farmers markets;
- K. Wildlife and nature preserves;
- L. Food trucks or trailers in accordance with TMC 18.42.120
- M. Permanent supportive housing in a residence existing prior to January 1, 1996, subject to 18.42.150;
- N. Transitional housing in a residence existing prior to January 1, 1996, subject to 18.42.150.

(Ord. O2019-020, Amended, 11/19/2019; Ord. O2017-006, Amended, 07/18/2017; Ord. O2013-025, Amended, 01/07/2014; Ord. O2010-029, Amended, 06/07/2011; Ord. O2007-004, Amended, 09/04/2007; Ord. O95-035, Added, 12/19/1995)

Section 36. Section 18.31.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.31.040 Conditional uses.

- A. Single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres.
- B. Campgrounds, recreational vehicle parks;
- C. Transitional housing in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres, subject to 18.42.150.

(Ord. O95-035, Added, 12/19/1995)

Section 37. Section 18.34.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.34.020 Permitted uses.

Permitted uses in the ARI district are as follows:

- A. Aviation and aviation-related uses;
- B. Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment;
- C. Warehouse distribution centers, subject to the requirements of TMC 18.42.110;
- D. General retail, personal and professional services;
- E. Offices;
- F. Aviation fueling facilities;
- G. Motor pool and equipment parking;
- H. Park and ride facilities;
- I. Transit facilities;
- J. The raising of crops, including trees;
- K. Hotel/motel and conference facilities;
- L. Support facilities;
- M. Parks, open space areas, and recreational facilities;
- N. Post offices;
- O. Child day care center, child mini-day care center;
- P. Schools on parcels abutting residential zones and outside of the airport hazard area subject to the provisions of TMC Chapter 18.56;
- Q. Sexually oriented businesses subject to the provisions of TMC 18.42.050;
- R. Retail and wholesale nurseries or greenhouses;
- S. Museums, libraries, art galleries;
- T. Transportation terminal facilities;
- U. Restaurants;
- V. Automobile service stations;
- W. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*

- X. Wireless communication towers;*
- Y. Motor vehicle sales facilities, subject to the requirements set forth in TMC Chapter 18.42;
- Z. Equipment rental and sales facilities;
- AA. Motorsports facility – indoor;
- BB. Motorsports sales facility;
- CC. Auto repair facilities;
- DD. Crematories;
- EE. Electric vehicle infrastructure;
- FF. Agriculture;
- GG. Community gardens;
- HH. Farmers markets;
- II. Marijuana retailer;
- JJ. Breweries, wineries, distilleries;
- KK. Kennels;
- LL. Mini-storage;
- MM. Wildlife refuges and forest preserves;
- NN. Temporary expansions of schools, such as portable classrooms;
- OO. Cross-dock facilities, fifty thousand square feet or smaller in size;
- PP. Motor freight terminals, fifty thousand square feet or smaller in size;
- QQ. Warehousing, nondistribution, two hundred thousand square feet or smaller in size;
- RR. Warehousing, nondistribution, larger than two hundred thousand square feet in size, subject to the requirements of TMC 18.42.110;
- SS. Energy systems;
- TT. Food trucks or trailers in accordance with TMC 18.42.120;
- UU. Food truck or trailer courts in accordance with TMC 18.42.120;
- VV. Permanent supportive housing, subject to 18.42.150;
- WW. Transitional housing, subject to 18.42.150;
- XX. Emergency housing, subject to 18.42.150;
- YY. Emergency shelter, subject to 18.42.150.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for

wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-023, Amended, 01/03/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2008-016, Amended, 09/16/2008; Ord. O2006-037, Amended, 03/04/2008; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 38. A new Section 18.42.150, Supportive housing facilities standards, of the Tumwater Municipal Code is hereby created and is to read as follows:

18.42.150 Supportive Housing Facilities Standards

A. Purpose and Applicability.

1. The purpose of this section is to establish reasonable standards for the safe operation and appropriate siting of supportive housing facilities within the city, to protect the public health and safety for both supportive housing facility residents and the broader community.

As defined in TMC 18.04.180, “supportive housing facilities” includes emergency housing, emergency shelters, permanent supportive housing, and transitional housing in buildings or other permanent structures.

B. Performance Standards.

1. General Requirements for All Supportive Housing Facilities.

a. General.

- i. When a site includes more than one (1) type of supportive housing facility, the more restrictive requirements of this section shall apply.
- ii. Specific needs of each supportive housing facility will be reviewed through the development review process in TMC Title 14.
- iii. The community development director may modify one (1) or more of the standards in this subsection, only when the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe supportive housing facility and benefit the community under the specific circumstances of the application. In considering whether the modification should be granted, the community development director shall first consider the effects on the health and

- safety of supportive housing facility residents and the neighboring communities. Modifications will not be granted if they would result in adverse impact on residents of the supportive housing facility and/or neighboring communities. The applicant must demonstrate the benefits of the modifications to the community development director.
- iii. All supportive housing facilities must comply with the provisions of the building and construction code under TMC Title 15 including American disabilities act requirements.
- b. Site and Transit.
- i. Supportive housing facilities shall match the bulk and scale of residential uses allowed in the zone district where the supportive housing facility is located. The design, construction, appearance, physical integrity, and maintenance of the supportive housing facility shall provide an environment that is attractive, sustainable, functional, appropriate for the surrounding community, and conducive to tenants' stability.
- ii. If provided, exterior lighting must comply with the standards in TMC 18.40.035 and elsewhere in TMC Title 18 and be directed downward, and glare must be contained within the supportive housing facility site to limit the impact on neighboring properties.
- iii. The use shall meet landscaping and off-street parking standards in TMC Chapters 18.47 and 18.50.
- iv. A description of transit, pedestrian, and bicycle access from the subject site to services must be provided at time of application by the sponsor and/or managing agency.
- c. Separation and Distance Conditions. Supportive housing facilities shall meet the following separation and distance conditions:
- i. Different types of supportive housing facilities may collocate on the same property with the same or different sponsors or managing agencies.
- ii. With the exception of collocated supportive housing facilities on the same property described in subsection (i), no supportive housing facility shall be located closer than four hundred feet to another supportive housing facility whether such supportive housing facility is located within or outside the city limits. The distance shall be measured by following a straight line from the nearest point of public entry into the structure, which will house the proposed emergency housing and shelter to the nearest point of public entry into the structure housing another supportive housing facility. In the case of any supportive housing facility utilizing leased area or facilities, "property line" shall refer only to such leased area or facility.
- d. Supportive Housing Facility Operations.

- i. The sponsor or managing agency shall comply with all federal, state, and local laws and regulations, including Thurston County Department of Health regulations. The sponsor or managing agency shall be subject to inspections by local agencies and/or departments to ensure compliance and shall implement all directives resulting therefrom within the specified time.
 - ii. The sponsor or managing agency must provide an operation plan at the time of the application that adequately addresses the following elements:
 - (A) 24 hours emergency contact information;
 - (B) Roles and responsibilities of key staff;
 - (C) Site/facility management, including security policies and an emergency management plan;
 - (D) Site/facility maintenance, including provisions for a regular trash patrol in the immediate vicinity of the site;
 - (E) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;
 - (F) Provision for human and social services, including staffing plan, credentials or certification, and outcome measures;
 - (G) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and
 - (H) Procedures for maintaining accurate and complete records.
 - (I) Provide a minimum and maximum time limit for occupation for transitional housing in the range of 2 weeks to 24 months. If the proposed time limit for the use is outside this range, the applicant shall follow the modification process in 18.42.150(B)(1)(a)(iii).
 - iii. Sponsors or managing agencies shall demonstrate applicable experience providing similar services to people experiencing homelessness.
 - iv. Sponsors or managing agencies shall demonstrate a stable funding source for the supportive housing facility and any on-site or off-site human and social services offered as part of the operations plan.
 - v. Managing agencies and the Tumwater Police Department shall establish reasonable requirements for appropriate coordination with the subject supportive housing facility and its residents.
2. Additional Requirements for Emergency Housing and Emergency Shelters.

In addition to the requirements under subsection (B)(1) of this section, emergency housing and emergency shelters are required to comply with the following:

- a. Facility Standards.
 - i. In all zone districts, no less than the minimum area per occupant established by the Building Code is allowed, up to eighty (80) residents.
- b. Facility Operations.
 - i. Trash receptacles must be provided in multiple locations throughout the facility and site.
 - ii. No children under the age of eighteen (18) are allowed to stay overnight in the facility, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a child under the age of eighteen (18) without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.
 - iii. No person under court supervision or under sex offender registration requirements can receive services from a provider, unless providing such services is consistent with the laws, regulations, and/or supervisory requirements related to such persons.
- c. Facility Services.
 - i. Residents shall have access to the following services on site; if not provided on site, transportation shall be provided:
 - (A) For all supportive housing facilities, medical services, including mental and behavioral health counseling.
 - (B) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.
 - (C) For emergency shelter facilities, substance abuse assistance.
 - ii. All functions associated with the facility, including adequate waiting space, must take place within a building or on the site proposed to house the facility.
 - iii. The number of toilets and other hygiene facilities required for each facility will be determined by the building official on a case-by-case basis in consultation with the Thurston County Health Department after a review of factors such as the potential number and composition of residents.

- iv. Facilities serving more than five (5) residents shall have dedicated spaces for residents to meet with service providers.
 - v. The sponsor or managing agency shall coordinate with the homelessness service providers for referrals to their program and with other providers of facilities and services for people experiencing homelessness to encourage access to all appropriate services for their residents.
3. Additional Requirements for Permanent Supportive and Transitional Housing. In addition to the requirements under subsection (B)(1) of this section, permanent supportive housing and transitional housing are required to comply with the following:
- a. Facility Standards.
 - i. In the RSR residential/sensitive resource, SFL single-family low density residential, SFM single-family medium density residential, and MHP manufactured home park zone districts, the following additional standards apply to permanent supportive and transitional housing:
 - (A) Occupancy Limits. Permanent supportive and transitional housing shall be limited by the minimum area per occupant established by the Building Code for a single family detached residence.
 - (B) Occupancy Limit Exceptions. Additionally, special exceptions to the limit on the number of occupants of a permanent supportive and transitional housing may be granted for persons with disabilities.
 - (C) Appearance. Permanent supportive and transitional housing are required to be a single-family structure compatible with the surrounding area.
 - (D) Parking. Any parking spaces in excess of two (2) shall be screened from public streets.
 - (E) The single-family housing design standards of the citywide design guidelines shall apply to all facilities.
 - ii. In the MFM multifamily medium density residential and MFH multifamily high density residential, zone districts, the following additional standards apply to permanent supportive housing:
 - (A) Appearance. Permanent supportive housing facilities are required to maintain residential character.
 - (B) Individual facilities shall not have more than forty (40) dwelling units and are subject to the density standards of residential uses allowed in the zone district where the facility is located.

(C) The multifamily housing design standards of the citywide design guidelines shall apply to all facilities with more than five (5) dwelling units.

b. Facility Services.

i. All residents shall have access to appropriate cooking and hygiene facilities.

ii. Facilities serving more than five (5) dwelling units shall have dedicated spaces for residents to meet with service providers.

iii. Residents shall have access to the following services on site or shall be provided transportation to such services by the sponsor or managing agency:

(A) Medical services, including mental and behavioral health counseling.

(B) Employment and education assistance.

Section 39. Section 18.47.050 of the Tumwater Municipal Code is hereby amended to read as follows:

18.47.050 Types of landscaping.

All multifamily residential, commercial, and industrial projects shall be required to provide landscaping that satisfies the functions and specific requirements of this section. Single-family housing, individual manufactured homes (not part of a manufactured home park), and duplex housing are specifically exempted from the requirements of this chapter.

A. Type 1 Landscaping – Sight Barrier Buffers.

1. Purpose. To provide a very dense sight barrier and physical barrier to significantly separate abutting incompatible zones (see Table 18.47).

Landscaping of this type shall be used around the perimeter of the site, except where access for autos and pedestrians is required. Zones separated by public streets are not considered abutting and do not require vegetative separation in accordance with this section, except for proposed land uses listed under subsection C of this section that require type 1 landscaping on all sides.

2. Description.

a. A minimum of ten feet in width shall be required for each planting area.

b. A screen of at least six feet in height at time of planting, that results in a noise and sight obscuring buffer that is any one or a combination of the following methods:

i. A solid row of evergreen trees or shrubs.

- ii. A solid row of evergreen trees and shrubs planted on an earthen berm an average of three feet high along its midline.
 - iii. A combination of trees or shrubs and fencing (metal or wood) or wall (brick, masonry or textured concrete).
 - c. Trees and shrubs should be spaced to grow together within four years from planting, and ground cover be provided to attain seventy-five percent coverage within four years.
- B. Type 2 Landscaping – Visual Separation Buffers.
 - 1. Purpose. To provide visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevation (see Table 18.47). Landscaping of this type may be used around the perimeter of the site, except where auto and pedestrian access is required. Zones separated by public streets are not considered abutting and do not require vegetative separation in accordance with this section, except for proposed land uses listed under subsections (C)(3) and (4) of this section that require type 2 landscaping on all sides. See TMC 18.47.020(F) for additional requirements that pertain to type 2 landscaping.
 - 2. Description.
 - a. Trees shall be any combination of deciduous and evergreen (with no more than fifty percent being deciduous). One tree shall be provided for each twenty-five lineal feet of landscaped area.
 - b. A minimum planting area of eight feet in width shall be required.
 - c. Evergreen shrubs and ground cover must provide seventy-five percent coverage of the designated area within four years from planting.
- C. Planting Requirements for Specific Uses.
 - 1. The following uses require type 1 landscaping on all sides when located aboveground and not housed within a building or accessory to another use; and if located outside the public right-of-way:
 - a. Utility substation;
 - b. Sewage pumping station;
 - c. Water distribution facility;
 - d. Wireless communication tower; and
 - e. Wireless communication facility.
 - 2. The following uses require type 1 landscaping on all sides not abutting a public street:
 - a. Medical clinic or hospital;
 - b. Mental health facility;

- c. Inpatient facility;
- d. Campgrounds/RV park;
- e. Transportation facility, large scale or regional; and
- f. Prison, jail, other corrections facilities, juvenile detention facility.

Note: Landscaping within fenced security areas and parking lots of facilities listed under subsection (C)(2)(f) of this section should not exceed a height of twenty-four inches at maturity. Proposed landscaping plans should be reviewed by facility personnel to ensure landscaping does not interfere with facility security measures.

3. The following uses require type 2 landscaping on all sides:

- a. School;
- b. Church;~~and~~
- c. Neighborhood community center;
- d. Emergency housing and emergency shelter; and
- e. Permanent supportive housing and transitional shelter.

4. The following uses require type 2 landscaping on all sides. Type 1 landscaping must be used in place of type 2 landscaping for any side bordering a mixed use zoning district or any residential zoning district:

- a. Industrial uses (wholesaling, manufacturing, assembling, storing, repairing, fabricating and distribution of goods and other handling of products and equipment) within the LI and ARI zoning districts.

D. Landscaping between Parking Lots and Public Rights-of-Way.

1. Purpose. To provide visual relief and separation of parking areas from public rights-of-way. The following requirements apply to all parking lots located adjacent to a public right-of-way, except those provided for, and on the same lots with, single-family dwellings, and except for those land uses listed in subsection C of this section, which require type 1 landscaping on all sides. When a parking lot in any zone is located adjacent to a public right-of-way, a landscape strip as described below shall be provided on the property between the parking lot and the right-of-way. The landscaped strip may not include any paved area except pedestrian sidewalks or trails which cross the landscaped strip. Pedestrian access may be required to facilitate transit usage. Shrubs must be maintained at a maximum height of thirty-six inches. Any of the following landscaped strip treatments may be used singly or in combination:

- a. Provide a minimum ten-foot-wide landscape strip between the right-of-way and the parking lot to be planted with a minimum of one shade tree and ten shrubs per thirty-five linear feet of frontage, excluding driveway openings.

b. Provide a berm, the top of which is at least two and one-half feet higher than the elevation of the adjacent parking lot pavement. The slope of the berm shall not exceed thirty-three percent for lawn areas. Berms planted with ground covers and shrubs may be steeper. However, no slope shall exceed fifty percent. Berms should be graded to appear smooth, rounded, naturalistic forms. Avoid narrow bumps, which result from creating too much height for width of the space. Plant with a minimum of one shade tree and five shrubs per thirty-five linear feet of frontage, excluding driveway openings.

c. Provide a minimum six-foot-wide landscaped strip and a minimum three-foot grade drop from the right-of-way line to the adjacent parking lot pavement. Plant the resulting embankment with a minimum of one shade tree and five shrubs per thirty-five linear feet of frontage, excluding driveway openings. Ground cover or low shrubs shall be planted to attain seventy-five percent coverage within four years.

d. Provide a minimum five-foot-wide landscaped strip between the right-of-way line and the parking lot, with a minimum three-foot-high brick, stone or finished concrete wall to screen the parking lot. The wall shall be located adjacent to but entirely outside the five-foot landscaped strip. Plant with a minimum of one shade tree per thirty-five linear feet of frontage, excluding driveway openings.

e. Provide a minimum twenty-five-foot-wide strip of existing native vegetation, unless the creation of such a strip creates a hazard of existing trees as determined by a certified landscaper or forester.

E. Parking Area Interior Buffers.

1. Purpose. To provide visual relief and shade in parking areas. All parking areas with more than ten parking spaces are required to have landscaping as provided below.

2. Description.

a. Design.

i. Live planting material shall be provided throughout each landscaping area, and may be any combination of grass, shrubs and trees that provide the desired effect of providing visual relief and green space within the parking area.

ii. Each planting area shall contain at least one tree. Up to one hundred percent of the trees proposed for the planning area may be deciduous.

iii. Landscaping islands must be placed in every parking row at a maximum spacing of every ten parking spaces. Landscaping islands shall be a minimum of eight feet in width and shall extend the length of the

parking stall. The minimum required width may be reduced for landscaping islands located in angled parking areas. In cases where no more than two parking rows wide are proposed for the entire parking lot, the maximum spacing requirement (ten spaces) may be varied as part of the site plan review process provided the total requirements for total landscaping area are met.

iv. To provide for vehicle overhang, curbs need to be located at least three feet from the trunk of the tree.

b. Required Amount.

i. If the parking area contains more than ten but no more than fifty parking spaces, at least seventeen and one-half square feet of landscape development must be provided for each parking stall proposed.

ii. If the area contains more than fifty but no more than one hundred parking spaces, at least twenty-five square feet landscape development must be provided for each parking stall proposed.

iii. If the parking area contains more than one hundred spaces, at least thirty-five square feet of landscape development must be provided for each parking stall proposed.

The above requirements are considered a minimum. Additional landscape area may be necessary to meet design requirements above.

F. Street Buffers.

1. Purpose. Provide visual relief along pedestrian corridors and to separate pedestrians from streets.

2. Description. Shall be in accordance with the development guide manual.

G. Outdoor Storage Buffers.

1. Purpose. Provide visual relief surrounding storage areas.

2. Description. A storage yard in connection with a permitted commercial or industrial use shall require visual screening from adjacent properties and public rights-of-way. Visual screening shall be required to consist of a continuous fence, wall, evergreen hedge, landscape planting or combination thereof so as to effectively screen the storage yard which it encloses, and be maintained in good condition. In cases where the physical characteristics of the parcel or surrounding parcels make actual screening from adjacent properties impossible or unreasonable, this requirement may be completely or partially waived by the hearing examiner after public hearing and review as required by the variance process.

H. Stormwater Facility Buffers.

1. Purpose. Provide buffers around aboveground stormwater detention/retention areas.

2. Description. The buffers must be provided according to the standards referenced and adopted in TMC Chapter 13.12.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2008-014, Amended, 10/21/2008; Ord. O99-001, Amended, 04/20/1999; Ord. O97-024, Added, 03/03/1998)

Section 40. Section 18.50.070 of the Tumwater Municipal Code is hereby amended to read as follows:

18.50.070 Off-street parking space standards.

A. Off-street parking spaces shall be calculated using the standards outlined in Figure 18.50.070(A). Standards represent minimum and maximum numbers unless otherwise noted. Standards may be modified in accordance with TMC 18.50.075.

B. Parking spaces provided within a parking structure or underneath a building shall be exempt from maximum parking requirements.

C. All vehicle parking standards are based on gross square feet of building area, unless otherwise noted.

D. Preexisting Conditions.

1. Uses legally established on or before December 31, 1998, that have an insufficient number of parking spaces to comply with this chapter shall be considered in compliance with vehicular requirements for this chapter. Required bicycle facilities must still be provided.

2. If a use legally established on or before December 31, 1998, changes or expands, the additional parking that would be required as a result of the change or expansion will still be required at the rate specified in this chapter. For example:

A use providing eight spaces instead of the ten required by code and which meets the requirements of this chapter is thus in compliance. If the use changes or expands to one that would require twenty spaces (ten more than the current use) the parking generator is required to provide only ten more spaces instead of the twelve spaces that would otherwise be required.

E. Up to fifteen percent of off-street parking stalls may be compact stalls. Compact stalls shall be eight feet in width by seventeen feet in length.

(Ord. O2017-022, Amended, 12/05/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2014-008, Amended, 10/07/2014; Ord. O97-015, Added, 03/03/1998)

Figure 18.50.070(A)

RESIDENTIAL	NUMBER OF PRESCRIBED SPACES
Single-family dwelling (includes duplex and townhouse and designated manufactured homes)	Minimum of 2.0 spaces per dwelling unit.

Accessory dwelling	1.0 space per dwelling unit, if no on-street parking is available within 300 feet of the unit.
Studio apartment	1.0 space per dwelling unit.
Multifamily dwelling	1.5 spaces per 1 – 2 bedroom dwelling unit, 2.0 spaces per 3+ bedroom dwelling units, plus 1.0 guest space for every 10 units. ¹
Triplex and fourplex	1.5 spaces per 1 – 2 bedroom dwelling unit, 2.0 spaces per 3+ bedroom dwelling units, plus 1.0 guest space for every 10 units. ¹
Senior citizen apartment	1.0 space per 2 bedroom unit plus 1.0 guest spaces for every 10 units.
Rooming/boarding house and bed and breakfasts	1.0 space for each guest bedroom and 2.0 spaces for the operator.
Group foster home	1.0 space for each staff member plus 1.0 space for every 5 residents. Additionally, 1.0 space shall be provided for each vehicle used in connection with the facility.
Adult family home	1.0 space in addition to the space(s) required for the residential unit.
Residential care facility	1.0 space for each staff member plus 1.0 space for every 5 residents. Additionally, 1.0 space shall be provided for each vehicle used in connection with the facility.
Designated manufactured home park	1.0 spaces per lot or unit, whichever is greater. In addition, if recreation facilities are provided, 1.0 space per 10 units or lots, whichever is greater.
Home occupation	1.0 space for each employee outside of the immediate family in addition to the spaces required for the dwelling unit. If the occupation requires any customers and/or clients to visit the premises, at least 2.0 additional spaces shall be provided.

(1) Can be reduced to 1.0 spaces per 1 – 2 bedroom dwelling unit and 1.5 spaces per 3+ bedroom unit if within one-half mile of a transit stop by sidewalk or paved path.

COMMERCIAL	NUMBER OF PRESCRIBED SPACES
Banks with drive-through windows/ATM units	3.0 per 1,000 square feet.
Beauty salon, barber shop	See Retail use.
Carpet and furniture showrooms	1.25 spaces per 1,000 square feet of gross showroom floor area. Each store shall have a minimum of 4.0 spaces.

Family child care home, child mini-day care center, child day care center	1.0 space for each staff member plus 1.0 space per 10 children. A facility located in a family residence must also provide required parking for a dwelling unit.
Hardware and building materials retailer	2.75 spaces per 1,000 square feet.
Hotel and motel	1.0 space for each room or suite and 1.0 space per manager's unit. Banquet and meeting rooms shall provide 6.0 spaces for 1,000 square feet of seating area. Restaurants are figured separately.
Laundromat, dry cleaner	See Retail use.
Market, shopping center, and large retail/wholesale outlet	Less than 20,000 square feet = 3.5 spaces per 1,000 square feet of gross floor area. Greater than 20,000 square feet = 3.25 spaces per 1,000 square feet of gross floor area.
Mini-storage facility	1.0 space for every 100 storage units and 2.0 spaces for permanent on-site managers with a minimum of 3.0 spaces for all facilities, regardless of size.
Mixed use	Shared or combined parking standards shall be used to calculate needed parking. This calculation is based upon the gross leasable area for each shop or business and does not include atriums, foyers, hallways, courts, maintenance areas, etc. See Shared and combined parking facilities, TMC 18.50.090.
Mortuary and funeral parlor	1.0 space per 75 square feet of assembly area or 13.0 stalls per 1,000 square feet of gross area, whichever is greater.
Offices, general	Gross floor area up to 2,000 square feet = 4.0 spaces per 1,000 square feet. GFA 2,001 to 7,500 square feet = 3.3 spaces per 1,000 square feet. GFA 7,501 to 40,000 square feet = 2.8 spaces per 1,000 square feet. GFA greater than 40,000 square feet = 2.5 spaces per 1,000 square feet.
Offices, government	3.5 spaces per 1,000 square feet.
Retail use	3.5 spaces per 1,000 square feet.
Automotive services (e.g., tire installation, lubrication, repair)	The community development director may require a parking demand study or determine the standards that should be applied to the use in question.
Warehouse distribution center, cross-dock facility, or motor freight terminal	1.0 space per 2,000 square feet, or the community development director may require a parking demand study or determine the

	standards that should be applied to the use in question.
Warehouse, storage	10,000 square feet or less = 1.0 space per 2,000 square feet, 10,001 to 20,000 square feet = 10.0 spaces plus 0.75 spaces for each additional 2,000 square feet, Over 20,000 square feet = 18.0 spaces plus 0.5 space for each additional 2,000 square feet; or the community development director may require a parking demand study or determine the standards that should be applied to the use in question.

RESTAURANT	NUMBER OF PRESCRIBED SPACES
Drive-up stands (espresso, etc.)	2.0 spaces plus 1 lane for each drive-up window with stacking space for 3 vehicles. See TMC 18.43.020 for additional stacking lane requirements.
Cafe, bar and other drinking establishments	10.0 spaces per 1,000 square feet.
Car hop (auto-borne customers served outside of building only)	1.0 space per 15 square feet.
Fast food	10.0 spaces per 1,000 square feet plus 1 lane for each drive-up window. See TMC 18.43.020 for stacking lane requirements.
Restaurant with seats	1.0 space per 100 square feet of dining area.

INDUSTRIAL	NUMBER OF PRESCRIBED SPACES
Manufacturing use	1.0 space for each employee on the largest shift, with a minimum of 5.0 spaces, or the community development director may require a parking demand study or determine the standards that should be applied to the use in question.

EDUCATIONAL	NUMBER OF PRESCRIBED SPACES
Elementary and middle schools	1.0 space per 6 students at design capacity.
High school	1.25 spaces per classroom or office, plus 1.0 space per 4 students. Public assembly areas, such as auditoriums, stadiums, etc., that are primary uses may be considered a separate use.
Library and museum	5.0 spaces per 1,000 square feet of public floor area.

HEALTHCARE	NUMBER OF PRESCRIBED SPACES
Nursing home, congregate care, rest home, hospice care home and mental health facility	1.0 space per 4 regular beds, plus 1.0 space for every regular employee on the largest shift.
Medical clinics	5.0 spaces per 1,000 square feet.
<u>Emergency housing, emergency shelter, permanent supportive housing, and transitional shelter.</u>	<u>A parking plan based on population served and projected needs should be submitted and approved by the Community Development Director.</u>

PLACES OF ASSEMBLY	NUMBER OF PRESCRIBED SPACES
Church	1.0 space per 4 seats or 1.0 space per 6 feet of bench or other seating. 6.0 spaces per 1,000 square feet of assembly area where seats or pews are not provided or when circumstances warrant increased parking, such as a church which attracts a large, regional congregation or one which has multiple functions. See Shared and combined parking facilities, TMC 18.50.090.
Private club or lodge	6.0 spaces per 1,000 square feet.
Theater and auditorium	1.0 space per 4.5 fixed seats. If the theater or auditorium is a component of a larger commercial development, the above parking standard may be modified to account for shared or combined parking; TMC 18.50.090.
Theater and auditorium without fixed seats	1.0 space per 3 permitted occupants.

RECREATION AND AMUSEMENT	NUMBER OF PRESCRIBED SPACES
Bowling alley	5.0 spaces per alley.
Health club	5.0 spaces per 1,000 square feet.
Skating rink and other commercial recreation	5.0 spaces per 1,000 square feet.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2014-008, Amended, 10/07/2014; Ord. O2011-006, Amended, 11/15/2011)

Section 41. Section 18.53.010 of the Tumwater Municipal Code is hereby amended to read as follows:

18.53.010 Definitions.

A. “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 ~~four~~six adults who are not

related by blood or marriage to the person or persons providing the services; except that a maximum of ~~six~~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).

B. “Housing for people with functional disabilities” means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes and residential care facilities herein defined.

C. “People with functional disabilities” means:

1. A person who, because of recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:
 - a. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or
 - b. Needing support to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or
 - c. Having a physical or mental impairment which substantially limits one or more of such person’s major life activities, or
 - d. Having a record of having such an impairment; or
2. Being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

D. “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 care home pursuant to RCW 70.128.060.

(Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Added, 06/04/1991)

Section 42. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 43. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 44. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 45. Effective Date. This Ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this ____day of _____, 2022.

CITY OF TUMWATER

Pete Kmet, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____