

2023 Annual Development Code Housekeeping Amendments

Final Docket



February 6, 2024
City Council Consideration

Issue

- During 2022 and 2023, staff gathered information on minor Tumwater Municipal Code development code housekeeping amendments to be considered collectively in 2023
- The proposed amendments are intended make minor corrections to the City's development regulations



Review Process

- TMC 18.60.025(A) establishes a process for development code housekeeping amendments that is like the one the City follows for annual Comprehensive Plan amendments
- On September 5, 2023, the City Council approved all the items on the preliminary docket of proposed amendments to move forward as part of the final docket



Review Process

- The Planning Commission held a public hearing on Ordinance No. 02023-012 on December 12, 2023, and recommended approval
- The City Council considered the Planning Commission's recommendation on January 10, 2024



Review Process

- At the work session, the City Council recommended one change to the proposed Conditional Use Permit criteria for building height increases in the Light Industrial and Heavy Industrial zone districts to minimize shade and shadow impacts on adjacent shadow-sensitive uses to the greatest extent possible



Staff Report

For each of the four amendments, the staff report includes:

- Summary of the amendment
- Code section(s) to be amended
- Proposed amendment language



Final Docket Amendments

- A. Undergrounding Utilities Requirements
- B. Town Center Mixed Use Subdistrict First Floor Uses
- C. Manufactured Home Parks – Open Space Requirements
- D. Building Heights Over Sixty-Five Feet for Specific Industrial Uses



Underground Utilities Requirements

Code Section to be amended:

TMC 17.12.200 – *General Design Standards – Underground utilities*

- Clarify the requirement that new and existing electrical power, telephone, cable television, fiber optics and other transmission lines shall be installed underground
- Any deviation would be addressed through the process in TMC Chapter 17.28 *Deviation from Requirements*



Underground Utilities Proposed Amendment

17.12.200 Underground utilities

A. Purpose. This section establishes the minimum requirements and procedures for the underground installation and relocation of electrical and communication facilities within the City of Tumwater. It is the policy of the City to require the underground installation of all new and relocated electrical and communication facilities, with certain minor exceptions.

B. Applicability.

1. All new facilities shall be installed underground.

2. All existing overhead utilities shall be installed or relocated underground if:

a. Ten or more dwelling units are being created;

b. Frontage improvements are required and the cumulative frontage length where existing overhead utilities exist is over 200 linear feet for properties in the SFL single-family low density residential, SFM single-family medium density residential, and RSR residential/sensitive resource zone districts or 100 linear feet for properties in other zone districts; or

c. The existing overhead utility is reconstructed, relocated, replaced, upgraded, or enhanced.

C. Any deviation or exception must be determined pursuant to TMC Chapter 17.28.

~~Electrical power, telephone, cable television, fiber optics and other transmission lines shall be installed underground.~~



Town Center Mixed Use Subdistrict – First Floor Uses

Code Section to be amended:

*TMC 18.23.050 – TC Town Center Zone District –
Development and design standards – Specific to properties
fronting main streets*

- The intent of the Town Center Mixed Use subdistrict is to create a pedestrian environment with first floor land uses that generate pedestrian activity
- Clarifies uses that are allowed on the first floor of commercial and residential developments along main streets in the Town Center Mixed Use subdistrict



Proposed Amendment Language

18.23.050 Development and design standards – Specific to properties fronting main streets.
[...]

E. First Floor Uses in Commercial and Residential Developments.

1. Intent. Create a pedestrian environment with first floor land uses that generate pedestrian activity which complement the wide sidewalks, street trees, pedestrian-level street lights, street furniture and mid-block crossings that characterize the pedestrian-oriented streetscape.

2. Requirement. For commercial and residential developments, a minimum of twenty percent of the gross floor area on the first floor shall be dedicated to one or more of the following: retail sales, restaurants, personal services, professional services, medical clinics, child day care centers, child mini-day care centers, museums, or art galleries. These uses may be located within mixed use structures or in separate structures within the development. For example, a professional office building may incorporate a restaurant on the first floor, or a building dedicated entirely to professional offices may be constructed adjacent to a single-use restaurant building within the same development.

First floor uses required by this section must be externally oriented. “Externally oriented” for the purpose of this regulation shall mean having a public entrance opening directly to the outside and facing the main street. A minimum finished ceiling height of ten feet is required.



Manufactured Home Parks – Open Space Requirements

Code Section to be amended:

18.42.130 – General Land Use Regulations – Park and open space area standards for development without divisions of land

As the code is written currently, manufactured home parks that are not subject to the land division would not be required to provide open space

Manufactured Home Parks – Open Space Requirements

If land division were not required pursuant to TMC 17.12.210, then the requirements of TMC 18.42.130 would apply. TMC 18.42.130(A) states:

*For new residential developments in which the majority of the dwelling units will be **multifamily dwellings or roominghouses, or five or more dwelling units as rowhouses or townhomes**, and the land is not being divided, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area.*



Proposed Amendment Language

18.42.130 Park and open space area standards for development without divisions of land.

A. For new residential developments in which the majority of the dwelling units will be multifamily dwellings or roominghouses, or five or more dwelling units as rowhouses or townhomes, or manufactured home parks with five or more dwelling units, and the land is not being divided, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area.

[...]

E. The community development director in consultation with the parks and recreation director may accept a fee in lieu for park and open space area subject to the following:

1. The fee in lieu for park and open space area is only allowed where the amount of land required to be set aside for park or open space area in the development is smaller than one acre in size and the development consists of:

a. Less than or equal to any combination of sixty dwelling units in multifamily, roominghouses, rowhouses, ~~or townhomes-dwellings~~, or manufactured home park developments;

[...]

F. For all new residential developments in which the majority of the dwelling units will be multifamily dwellings or roominghouses, or five or more dwelling units as rowhouses, ~~or townhomes~~, or manufactured home parks with five or more dwelling units, and the land is not being divided, at least fifty percent of the area set aside for park and open space area must be for active recreation, with the remainder set aside for passive recreation. For all nonresidential subdivisions, all the area set aside for park and open space area must be for passive recreation.

[...]

Building Heights Over 65 Feet for Specific Industrial Uses

- Establish a conditional use permit process for specific industrial uses that exceed 65 feet in the LI Light Industrial and HI Heavy Industrial zone districts

Building Height Over 65 Feet for Specific Industrial Uses

Code Sections to be amended:

- TMC 18.24.040 – *LI Light Industrial Zone District – Conditional uses*
- TMC 18.25.040 – *HI Heavy Industrial Zone District – Conditional uses*
- TMC 18.56.110 – *Conditional Use Permits – “B” uses*

Current maximum building height is 65 feet



Proposed Amendment Language

18.24.040 Conditional uses.

Conditional uses in the LI district are as follows:

A. Cemeteries;

[...]

F. Impound yards;

G. The maximum building height may be exceeded upon approval of the hearing examiner for specific uses. Requests for such approval shall be processed in accordance with the conditional use procedure of TMC 18.56 and additional minimum conditions outlined in TMC 18.56.110(B).

Proposed Amendment Language

18.25.040 Conditional uses.

Conditional uses in the HI district are as follows:

A. Cemeteries;

[...]

I. Impound yards;

J. The maximum building height may be exceeded upon approval of the hearing examiner for specific uses. Requests for such approval shall be processed in accordance with the conditional use procedure of TMC 18.56 and additional minimum conditions outlined in TMC 18.56.110(B).

Proposed Amendment Language

18.56.110 “B” uses.

“Bed and breakfasts”

[...]

“Building Height Increases in the LI and HI zone districts.”

A. Minimum Conditions.

- 1. The height increase shall only be to accommodate equipment, structures or buildings that contain special equipment primarily related to manufacture, assembly, processing of goods or products;*
- 2. The functional need for a height increase shall be demonstrated by the applicant;*
- 3. The proposed height increase shall be compatible with the general purpose, goals, objectives and standards of the Comprehensive Plan, the zoning regulations and any other plan, program, map, or regulation of the City;*

Proposed Amendment Language

4. Building heights shall not result in substantial or undue adverse effects on adjacent and abutting property. When a building in excess of the maximum height is proposed adjacent to or abutting a lot with a maximum height less than the subject property, increased setbacks and/or step-backs may be appropriate to reduce adverse effects on adjacent or abutting property;

5. Upper floor step-backs, varied tower heights with separation, and/or other architectural methods shall be integrated into the design to provide a human-scaled building edge along the street with access to sky views. Bulk reduction methods such as varied building geometry, variety in materials, texture, pattern or color, architectural rooftop elements, and/or other techniques shall be provided;

6. Building(s) shall be designed so that light and glare impacts upon streets, public facilities, and public open spaces are minimized;

7. Building(s) shall be designed so that shade and shadow impacts on adjacent shadow-sensitive uses (e.g., residential, outdoor restaurants, open spaces, and pedestrian areas) are minimized to the greatest extent possible;

8. The maximum building height allowed under this process shall be no more than ninety feet; and

9. No structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.



Request

- Approve Ordinance No. 02023-012

