

ZONING ORDINANCE #883
CITY OF TUMWATER, WA

July 1, 1984

ZONING ORDINANCE

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ORDINANCE NO. 883

AN ORDINANCE repealing and reenacting Title 18, Zoning, of the Tumwater Municipal Code.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Title 18, Zoning, of the Tumwater Municipal Code is hereby repealed and reenacted to read as follows.

CHAPTER 1. TITLE AND INTERPRETATION

A. Short Title.

This ordinance shall be known and may be cited as the Tumwater Zoning Ordinance.

B. Interpretation of Zoning Text and Zoning Boundaries.

1. Text.

In interpreting and applying the provisions of this Ordinance, these provisions shall be held to be the minimum requirements adopted for the promotion of the public health, safety, or general welfare. Whenever the requirements of this Ordinance differ from the requirements of any other laws, ordinances, regulations, or codes, the most restrictive shall apply. Regardless of any other provisions of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

2. Zoning Boundaries.

Where uncertainty exists as to any of the zone boundaries as shown on the zoning map, the following rules shall apply:

- a) Where such boundaries are indicated as approximately following the centerline of roads, streets, highways, alleys, railroads or rivers, the centerline shall be construed to be such boundaries.
- b) Where such boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be such boundaries.
- c) In unsubdivided land and where a zone boundary divides an ownership, the location of the boundary, unless it is indicated by dimensions shown on the map, shall be determined by the scale measurement.

CHAPTER 2. USE DISTRICTS CLASSIFIED

A. Establishment of the Districts.

In order to carry out the provisions of this Ordinance, the City of Tumwater is hereby divided into the following districts:

R-A, RESIDENTIAL/AGRICULTURAL ZONE DISTRICT
R-S, RESIDENTIAL SINGLE FAMILY ZONE DISTRICT
R-L, RESIDENTIAL LOW DENSITY ZONE DISTRICT
R-M, RESIDENTIAL MEDIUM DENSITY ZONE DISTRICT
R-H, RESIDENTIAL HIGH DENSITY ZONE DISTRICT
C-L, COMMERCIAL LOW INTENSITY ZONE DISTRICT
C-M, COMMERCIAL MEDIUM INTENSITY ZONE DISTRICT
C-H, COMMERCIAL HIGH INTENSITY ZONE DISTRICT
C-I, COMMERCIAL/INDUSTRIAL ZONE DISTRICT
H-C, HISTORIC COMMERCIAL ZONE DISTRICT
B-P, BUSINESS PARK ZONE DISTRICT
G-B, GREENBELT AREA ZONE DISTRICT
A-H, AIRPORT HAZARD AREA (Overlay Zone District)
PUD, PLANNED UNIT DEVELOPMENT (Overlay Zone District)
F-P, FLOODPLAIN ZONE DISTRICT (Overlay Zone District)
LIMITED ZONE DISTRICT (Overlay Zone District)

The location and boundaries of the zoning districts established by this Ordinance are set forth on the zoning map of the City of Tumwater, which accompanies this Ordinance, and which map, with all notations, references, and other information shown thereon, is incorporated herein and is as much a part of this Ordinance as if fully described and set forth herein.

CHAPTER 3. DEFINITIONS

A. General Rules.

1. Words, terms and phrases not specifically defined in this section shall have the meaning as defined in any standard American dictionary of the English language.
2. Words, terms and phrases defined herein may have meanings more specific than their meanings in common usage, standard dictionaries, or other ordinances.
3. Rules of Construction:
 - a) Illustration. In any case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.
 - b) Shall and May. "Shall" is always mandatory and not discretionary. "May" is discretionary.
 - c) Tenses and Numbers. Words used in the present tense include the future and words used in the singular include the plural and the plural the singular, unless the context clearly indicates the contrary.

4. General Terms:

- a) "Planning Commission" or "Commission" means the City Planning Commission of the City of Tumwater. The Planning Commission is appointed by and advisory to the City Council on all land use and zoning matters. Their actions are in the form of recommendations to the City Council who must ultimately make the final decisions.
- b) "Council" means the City Council of the City of Tumwater. The City Council is an elected body which makes all legislative decisions for the City of Tumwater.

B. Definitions.

For the purposes of this chapter, certain terms, words and phrases shall, whenever used in this chapter, have the meaning defined as follows.

1. Accessory Building/Structure/Use: The use of land or a subordinate building or a portion of a principal building, such use being secondary or incidental to a permitted use or structure, whether such permitted use is on the same lot as the proposed accessory building or use, or on a contiguous lot or lots under the same ownership, PROVIDED, that the accessory structure or use may be established prior to, in conjunction with, or after the establishment of the permitted structure or use.
2. Administrative Official: 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 Ordinance.
3. Alterations: Any repair, reconstruction, or improvement of a structure, the cost of which does not equal or exceed fifty percent (50%) of the market value of the structure.
4. Amendment: 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.
5. Animal Clinics or Hospitals: 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
6. Automobile Service Station: 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.
7. Automobile Wrecking: 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 (5) or more motor vehicles, which for a period exceeding 30 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.

8. Base Flood Elevation: That elevation, expressed in feet above mean sea level, determined by the Federal Insurance Administration, U.S. Department of Housing and Urban Development, to which flood water can be expected to rise on a frequency of once in every 100 years.
9. Boarding Home: Any home or institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three (3) or more aged persons not related by blood or marriage to the operator. An aged person is of the age of 65 or more, or a person of less than 65 years who by reason of infirmity requires domiciliary care. (See Rest Home, Group Home.)
10. Boarding House: (See Rooming House.)
11. Buffer: An area of land or a structure used or created for the purpose of insulating or separating a structure or land use from other land uses or structures, in such a manner as to reduce or mitigate any adverse impacts of one or the other.
12. Buildable Area: That portion of the land that remains after the required yards have been excluded from the building site.
13. Building: Any structure having a roof, but excluding all forms of vehicles, even though immobilized. (See Structure.)
14. Building Code: The code promulgated by the International Conference of Building Officials, as adopted by the City Council of the City of Tumwater.
15. Building Coverage: (See Lot Coverage.)
16. Building Height: The vertical distance from average grade level to the highest point of a building or structure excluding any chimney, antenna, or other uninhabitable vertical appurtenances.
17. Building Line: A line within the buildable area normally considered the outside of any bearing wall.
18. Building Site: A total horizontal area within the property lines, excluding external streets, public or private.
19. Business: Any person, firm, or corporation which operates any store or place for the sale of goods, services, wares, or merchandise, at retail or at wholesale, within the corporate limits of the City of Tumwater. Each such store or place shall be considered a separate business, even though more than one (1) such store or place is owned by the same person, firm, or corporation.
20. Carwash: A lot on which motor vehicles are washed and waxed, either by the patron or by others using machinery specially designed for that purpose.
21. Cemetery: Land used or intended to be used for the burial of human and animal remains and dedicated for cemetery purposes.

22. Church: A building wherein persons regularly assemble for religious worship and which is primarily used for such purposes, and those accessory activities as are customarily associated herewith.
23. Clinic: A place where medical or dental care is furnished to persons on an out-patient basis by professionals in the health care field.
24. Club: An organization of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business, or which is operated for profit.
25. Compact Car Parking Space: An area, normally measuring nine feet by fifteen feet (9'x15') 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.
26. Conditional Uses: Certain uses which because of special requirements or unusual characteristics related to the subject property, or because of possible detrimental effects on surrounding properties, may be permitted in use districts if found under the Conditional Use section, and after the granting of a Conditional Use Permit by the City Council. Conditional uses require a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones.
27. Convalescent Center: (See Rest Home, Boarding Home, Group Home.)
28. Corner Lot: (See Lot, Corner.)
29. Crematory: A furnace or place of incineration of a corpse, whether human or animal.
30. Density: The permissible number of dwelling units that may be developed on a specific amount of land area measured in number of dwelling units per acre.
31. Detached Dwelling: A dwelling surrounded on all sides by open space.
32. Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.
33. District: A portion of the incorporated area of the City of Tumwater within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
34. Duplex: A building designed exclusively for occupancy by two (2) families independent of each other having two (2) separate kitchen facilities where both dwelling units are located on the same lot.
35. Dwelling or Dwelling Unit: A building or a portion thereof designed for occupancy by one (1) family for residential purposes and having kitchen facilities.

36. Dwelling, Multiple: A building, designed and used for occupancy by two (2) or more families all living independent of each other and having separate kitchen facilities for each family where all dwelling units are located on the same lot.
37. Easement: 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 said land.
38. Energy Systems: Those systems which serve to produce energy from non-depletable energy sources. These sources of energy (excluding minerals) derived from: 1) incoming solar radiation, including, but not limited to, natural daylighting and photosynthetic 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. Neither natural gas, oil, coal, liquified petroleum gas, nor any utility-supplied electricity shall be considered a non-depletable energy source. Wood is to be considered as a non-depletable energy source. (See Solar Energy Systems.)
39. Family: An individual or two (2) or more persons, related by blood, marriage, or adoption; or a group of not more than five (5) persons, excluding servants, who are not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.
40. Fence: A wall or barrier for the purpose of enclosing space or separating parcels of land. The term "fence" shall include hedges and/or similar plantings.
41. Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
42. Flood Fringe: The flood fringe area is that land area which is outside of the stream's floodway, but is subject to periodic inundation due to flooding.
43. Floodplain: The area usually low lands, adjoining the channel of a river, stream, or water course or ocean, lake, or other body of standing water, which has been or may be covered by flood water.
44. Flood-proofing: 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.
45. Floodway: The channel of a stream and adjacent land areas which are required to carry and discharge the flood water or flood flows of any river or stream associated with the regulatory flood.
46. Free-Standing Sign: Any sign which is supported by one or more uprights, poles or braces in or upon the ground and not an integral part of or attached to a building.
47. Garage or Carport, Private: An accessory structure for parking or storage of no more than the number of vehicles required in connection with the permitted use of the principal building. In residential areas, the storage of no more than one (1) commercial vehicle is permitted.

48. Garage, Public: Any garage, other than a private garage, available to the public, operated for gain and used for storage, repair, rental, washing, sales, or general servicing of automobiles or other motor vehicles.
49. Grade: A ground elevation established for the purpose of regulating the height of the structure. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
50. Group Home: A facility which provides board and domiciliary care, and may provide personalized services, to a group of five (5) to twenty (20) developmentally disabled adults or children (DD Group Home) or a facility which provides board, domiciliary care, and social services to a group of five (5) or more dependent children (group foster care). (See Boarding Home, Rest Home.)
51. Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
52. Home Occupation: An occupation carried on entirely within a residence by the occupants thereof, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character thereof, is conducted in such a manner as to not give any outward appearance or manifest any characteristic of a business, and does not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which purpose the residential zone was created and primarily intended.
53. Hotel/Motel: A building, or group of buildings, containing, designed or used for transient rental of five (5) or more guest rooms which may or may not contain cooking facilities. A central kitchen and dining room and accessory shops and services catering to the general public can be provided. Motels are designed to accommodate the automobile tourist or transient, and parking spaces or garages are conveniently located near each guest room. Not included in this definition are institutions housing persons under legal restraint or requiring medically attention or care.
54. Household Pet: Animals or fowl customarily permitted in the house and kept for company or pleasure, including dogs, cats, canaries, and similar pets.
55. Interior Lot: (See Lot, Interior.)
56. Junkyard: An open area where used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to: scrap iron and other metals; paper; rags; rubber tires; and bottles. A "junkyard" includes automobile wrecking yards and any area of more than 200 square feet for storage or keeping of abandoned junk, but does not include uses established entirely within enclosed buildings. (See Automobile Wrecking.)
- 57.. Kennel: Any place where more than three (3) dogs or cats or other canines or felines, beyond the age of four (4) months, are kept. (See Animal Clinics or Hospitals.)

58. Kitchen: Any room or rooms or portion of a room or rooms used, intended or designed to be used, for cooking or the preparation of food. A kitchen design would include plumbing and electrical hookup for normal kitchen appliances.
59. Loading Space: An off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
60. Lot: A parcel of land occupied or intended to be occupied by a main building or group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance.
61. Lot Area: The total land space or area contained within the boundary lines of any lot, tract, or parcel of land, may be expressed in square feet or acres.
62. Lot, Corner: A lot that has frontage on or abuts two (2) or more intersecting streets. (See #131., Yard Determination Diagram, Chapter 3, B.)
63. Lot Coverage: The amount or percentage of ground area covered or occupied by building(s) usually expressed in square feet or percentage of land on the lot and measured horizontally at the foundation.
64. Lot, Interior: A lot that has frontage on one (1) street only. (See #131., Yard Determination Diagram, Chapter 3, B.)
65. Lot, Panhandle: An interior lot having at least ten (10) feet of frontage on one (1) street only. (See #131., Yard Determination Diagram, Chapter 3, B.)
66. Lot, Through: A lot that fronts on two (2) parallel or nearly parallel streets, other than a corner lot. (See #131., Yard Determination Diagram, Chapter 3, B.)
67. Lot Depth: The horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.
68. Lot of Record: A lot as shown on an officially recorded plat or subdivision or a parcel of land officially recorded as a unit of property and is described in metes and bounds.
69. Lot Width: The mean width of the lot measured at the front building line.
70. Mean Sea Level: The average height of the sea for all stages of the tide.
71. Mini-storage Facilities: A storage facility providing garages, rooms, closets, and lockers for rent on an individual basis, usually by month.
72. Mobile Home: A vehicle or structure constructed with wheels for transportation of the unit to the site, which has sleeping, washing, and plumbing facilities, is intended for human occupancy, and is being used for permanent residential purposes. A 'mobile home' is a structure that will not meet the requirements of the Uniform Building Code, but will comply with manufactured housing construction standards of the Federal Department of Housing and Urban

Development or the Washington State Department of Labor and Industries. A H.U.D. or Washington State Department of Labor and Industries certification tag will be attached to the mobile home.

73. Mobile Home Park: Any area that is occupied or designed for occupancy by two (2) or more mobile homes.
74. Modular Unit: A factory fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes. A modular unit will be built to comply with the Uniform Building Code.
75. Motel: (See Hotel/Motel.)
76. Multi-Family Dwelling: (See Dwelling, Multiple.)
77. Neighborhood Community Center: A facility which shall provide services of a social, and cultural nature to the neighborhood in which it is located. It shall be owned and operated by a public agency or by an association which is organized and operated on a non-profit basis. Although food, meals and beverages may be served on such premises, provided adequate facilities are available, this definition shall not include dormitories.
78. New Construction: Structures for which the "start of construction" commenced on or after the effective date of this Ordinance, as amended.
79. Non-Conforming Building or Use: A building or use, lawfully existing on the effective date of this Ordinance, which does not conform with the regulations of the zoning district in which it is located.
80. Nursing Home: (See Boarding Home, Group Home, Rest Home.)
81. Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.
82. Open Space: Unoccupied land that is open to the sky and which may or may not contain vegetation and landscaping structures. A Cemetery shall not mean open space under this definition.
83. Overlay Zone: Is a set of zoning regulations which is applied to the map and subsequently imposed in addition to regulations of the underlying district. Developments within the overlay zone must conform to the requirements of both zones.
84. Panhandle Lot: (See Lot, Panhandle.)

85. Parcel: A tract or plot of land of any size which may or may not be subdivided or improved.
86. Parking Facility: An open area, other than a street or alley, whether privately or publicly owned, which is used for the parking of more than four (4) automobiles and is available to the public.
87. Parking Space: An area normally measuring nine feet by nineteen feet (9'x19') 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 Compact Car Parking Space.)
88. Permitted Use: Any authorized use, allowed alone or in conjunction with another use, in a specified district, and subject to the limitations of the regulations of such use district.
89. Personal Service: 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.
90. Planned Unit Development: Any development, whether residential, commercial, or industrial, which is approved and developed in accordance with the terms of this Ordinance.
91. Planning Department: The department charged with the administration of the building and occupancy permits and for the interpretation of the Zoning Ordinance. The director of the Planning Department will also be recognized as the Administrative Official, City Planner.
92. Pre-School/Child Care Facility: An activity which would regularly provide care whether for compensation or not, to a group of four (4) or more, but less than 12 children, 12 years of age or under, who are not related to the occupant of the facility.
93. Profession: 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.
94. Professional Office: 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.
95. Public Utility: Any person, firm, or corporation, municipal department, board or commission, duly authorized and furnishing under federal, state or municipal authority to the public, services such as gas, steam, electricity, sewage disposal, water supply, communication or telegraph facilities.
96. Recreation Facilities: Facilities such as boat or yacht clubs, swimming pools, athletic clubs, golf and country clubs, for use by the general public.

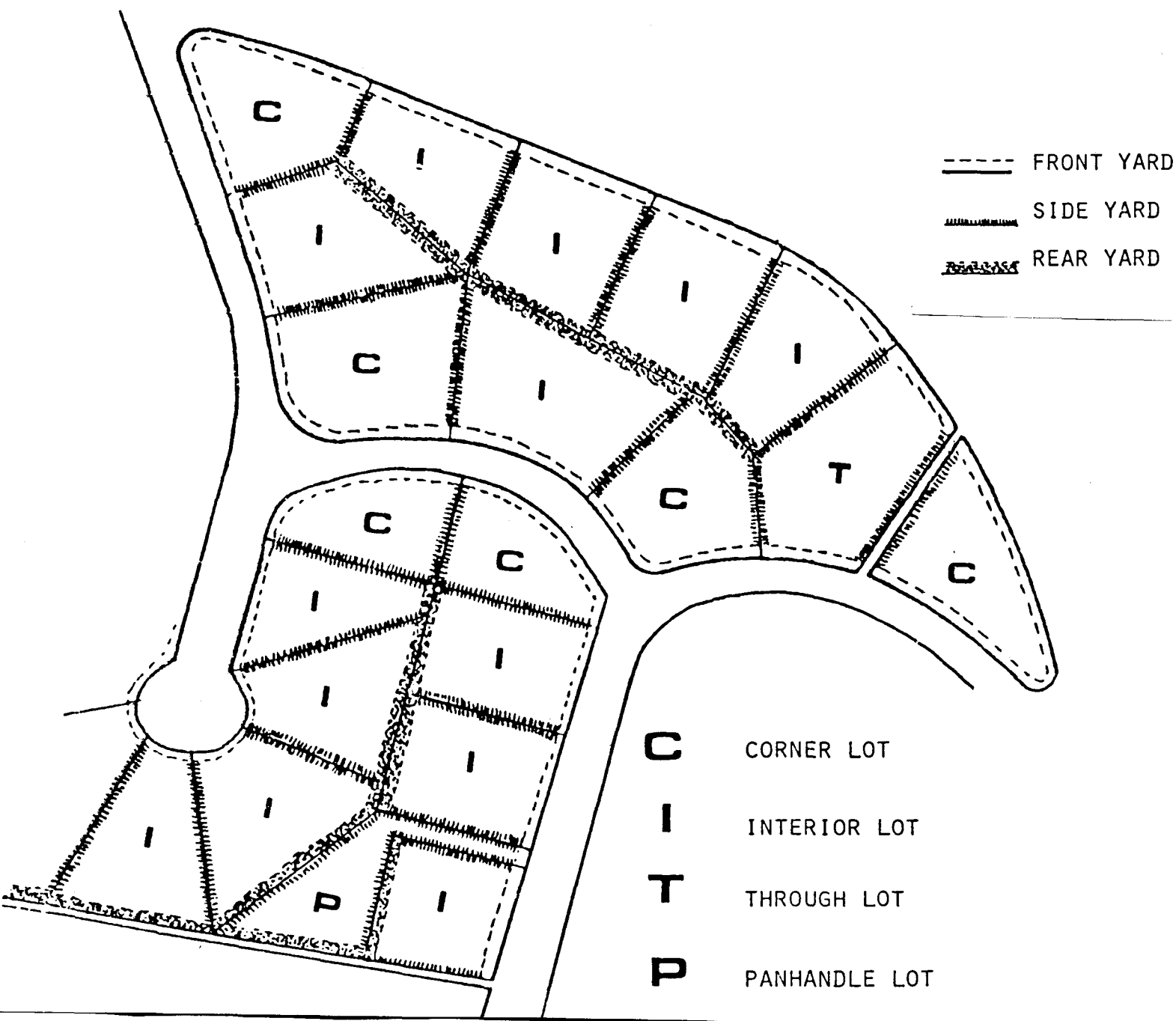
97. Rest Home, Convalescent Home, Nursing Home, etc.: A home operated similarly to a Boarding Home but not restricted to any number of guests or guest rooms, and the operator of which is licensed by the State to give special care or supervision to his or her charges; and in which nursing, dietary, and other personal services are furnished to convalescents, invalids, and aged persons. (See Boarding Home, Group Home.)
98. Rezone: A change in zoning classification of an area from one (1) use district to another.
99. Riding Academy: Any establishment where horses are kept for riding, driving, or stabling for compensation, or as an accessory use in the operation of a club, association, ranch, or similar establishment.
100. Roof: A structural covering over any portion of a building or structure including projections beyond the walls or supports of the building or structure.
101. Rooming House: A dwelling unit having only one (1) kitchen and used for the lodging (with or without meals) for compensation of persons other than the related family members or operator of such dwelling unit.
102. Schools: a) A school is an institution primarily engaged in academic instruction whether public, parochial, or private.
b) A Nursery School or Kindergarten is an institution primarily engaged in educational work with pre-school children and in which no child is enrolled on a regular basis for more than four (4) hours per day.
103. Screening: 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.
104. Service Station: (See Automobile Service Station.)
105. Setback: The distance required to obtain the front, side, or rear yard open space provisions of this Ordinance.
106. Shopping Center: 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.
107. Shoreline: 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.)

108. Sign: Any visual communication device, structure or fixture that is intended to aid an establishment in identification and to advertise and/or promote a business, service, activity or interest. A sign shall not be considered to be a building or structural design, but shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way.
109. Single Family Conversion: A self contained, independent dwelling unit, incorporated within an existing structure that was originally designed for a single family dwelling unit or accessory structure and will not substantially alter the exterior appearance.
110. Solar Energy Systems: 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:
- a) The heating or cooling of a structure or building;
 - b) The heating or pumping of water;
 - c) Industrial, commercial, or agricultural processes; or
 - d) The generation of electricity.
- 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 Energy Systems.)
111. Story: 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.
112. Street: Any public thoroughfare or right-of-way which affords the principal means of access to abutting property.
113. Structure, Landscaping: A fence, wall, trellis, statue, or other landscaping or ornamental object.
114. Structure: A man made 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 Building.)
115. Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either:
- a) Before the improvement or repairs are started; or
 - b) Before the damage occurred, if the structure has been damaged and is being restored.
- This definition does not apply to:
- a) 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
 - b) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

116. Support Facilities: Facilities such as fire stations, electrical substations, radio and electrical transmission towers, water or sewer facilities, and wells or well fields, all of which are continuously related to public (or private) services. The facilities are usually owned and maintained by public entities.
117. Through Lot: (See Lot, Through.)
118. Townhouse (or Rowhouse): One of a line or row of dwelling units attached one to the other having common walls between individual units. Generally, two (2) stories in height (and sometimes three (3)). Each unit occupies the space between common walls from the lowest level to the roof.
119. Tract: A lot usually several acres in area.
120. Trailer: (See Mobile Home or Travel Trailer.)
121. Travel Trailer: 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 Uniform Building Code, and for the purpose of this Ordinance, a travel trailer shall not be deemed a MOBILE HOME.
122. Uniform Building Code: (See Building Code.)
123. Unit: (See Dwelling.)
124. Use District: A specific zoned area or district, designated on the official zoning map. Such area is subject to all the regulations applicable to the district that are contained in this Ordinance.
125. Variance: A modification of the regulations because of the unusual nature, shape, exceptional topographic conditions, or extraordinary situation or conditions, connected with a specific piece of property, where the literal enforcement of this title would pose undue hardship on the applicant in carrying out the spirit or intent of this Ordinance.
126. Wrecking Yard: (See Automobile Wrecking, Junkyard.)
127. Yard, Front: An open area extending across the full width or depth of the lot and lying between the front line of the lot or front property line and the front setback line. (See #131., Yard Determination Diagram, Chapter 3, B.)
128. Yard, Rear: An open area extending across the full width and depth of the lot and lying between the rear line of the lot or rear property line and the rear setback line. (See #131., Yard Determination Diagram, Chapter 3, B.)
129. Yard, Side: An open area between the side line of the lot or side property line and extending from the front setback line to the rear setback line. In the case of a corner lot, there would be no rear yard, just the two side yards. (See #131., Yard Determination Diagram, Chapter 3, B.)

130. Zone: A land use area or district established by the City Council.

131. Yard Determination Diagram:



CHAPTER 4. GENERAL REGULATIONS (Land Use)

A. Single Family Conversions in Residential Districts.

It is the specific purpose and intent of allowing single family conversions within all residential districts to provide the opportunity and encouragement for the development of small, rental housing units designed, in particular, to meet the special housing needs of single persons and couples of low and moderate incomes, both young and old, and of relatives of families presently living in Tumwater. Furthermore, it is the purpose and intent of this provision to allow the more efficient use of Tumwater's existing stock of dwellings and accessory buildings, to provide economic support for present resident families of limited income, and to protect and preserve property values. To help achieve these goals and to promote the other objectives of this Ordinance, the following specific standards are set forth for such accessory apartment uses.

1. There shall be no more than one (1) single family conversion per lot.
2. The owner of the subject property upon which the single family conversion is located shall occupy at least one (1) of the dwelling units on the premises.
3. The house to which an accessory unit is to be added must have been owner-occupied for the 12 calendar months preceeding the date of the application.
4. Single family conversions may only be installed within existing structures, whether primary or accessory structures, subject to the following conditions:
 - a) The principal and attached accessory structures have at least 2,000 square feet of gross floor area;
 - b) Where all structures are at least two (2) years old;
 - c) Where no additional floor area has been added in the preceeding two (2) years; and
 - d) No additions to the existing floor area are necessary as a part of the conversion.
5. The accessory apartment conversion will require an additional parking space to total three (3) off-street parking stalls for the combined two-family structure.
6. Only one (1) entrance to the house shall be visible from the front yard and there shall be no external evidence of occupancy by more than one (1) family.
7. To insure that the accessory unit is clearly secondary to the primary dwelling unit, the floor area for the apartment shall in no case exceed 25% of the area of the principal and attached accessory structures in which it is located and shall contain no more than two (2) bedrooms.
8. All conversions shall conform to the Uniform Building Code and all other applicable codes and ordinances.

B. Exemption from Height Regulations

The height limitations contained in the Density Regulations of each zoning district do not apply to antennas; radio and electrical transmission towers; fire stations; electrical substations; and water or sewer facilities; chimneys; ventilators; energy systems, including solar energy collectors and equipment used for the mounting or operation of such collectors; or other appurtenances

usually required to be placed above the roof level and not intended for human occupancy.

C. Home Occupations

Home occupations, as defined by this Ordinance, are permitted as authorized by each particular zoning district, and shall continuously meet all of the following criteria:

1. There shall be no use of heavy mechanical equipment or machines which emit noise, dust, noxious odors, fumes, pollutant discharges, or electronic interference beyond the limits of the subject property;
2. The use shall not generate excessive pedestrian or vehicular traffic beyond that normal to the district in which it is located;
3. There shall be no unsightly storage of materials and/or supplies outdoors, for purposes other than those permitted in the district of which it is a part;
4. No portion of any garage or other area that is necessary for required parking shall be used for home occupational purposes, unless the necessary required parking spaces are provided elsewhere on the lot;
5. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a non-residential use either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.;
6. In the case of construction or related occupations, any outdoor storage and equipment yards must be maintained separate from the home occupation;
7. No stock in trade shall be sold or displayed on the premises out-of-doors, excepting the sale or display of seasonal items for a period not to exceed four (4) weeks total in any year;
8. No more than two (2) people outside the immediate family shall be employed on the site of the home occupation; and
9. Once a business registration has been obtained by the owner or operator of a home occupation, such permit is neither transferrable to another person, nor can it apply to any address other than that stated on the permit.

D. Landscaping, Screening and Fencing Regulations

1. Intent.

The intent of this section is to establish minimum requirements and standards for landscaping and fencing where needed to promote safety, provide screening between incompatible land uses, to safeguard privacy and to protect the aesthetic assets of the community in general and shall also apply to parking lots designed for four (4) or more spaces.

2. Fences.

a) General Requirements.

(1) No fence shall contain barbed wire, electrical current or charge of electricity, EXCEPT,

(a) In Residential Agricultural (R-A) zone districts for the containment of animals, or for the protection of property from animals, barbed wire or electrical current may be used; and

(b) In all commercial and industrial zone districts as long as such wire is located not less than six (6) feet above grade.

Broken glass or similiar hazardous materials shall not be used anywhere within the city.

(2) Swimming pools must be located behind the front yard setback line and the yard or area around them must be enclosed by a fence of not less than five (5) feet in height. Swimming pool fences (and pool locations) must comply with fence height restrictions as given below.

3. Height Restrictions for Fences on Property Lines or Within Setback Areas.

a) Residential Zones.

(1) Front Yard: 42 inches maximum height. On corner lots, fences shall be limited to 36 inches in height for a distance of 15 feet from the intersection of the property lines abutting the street, and to 42 inches in height for the remainder of the front yards facing on both streets.

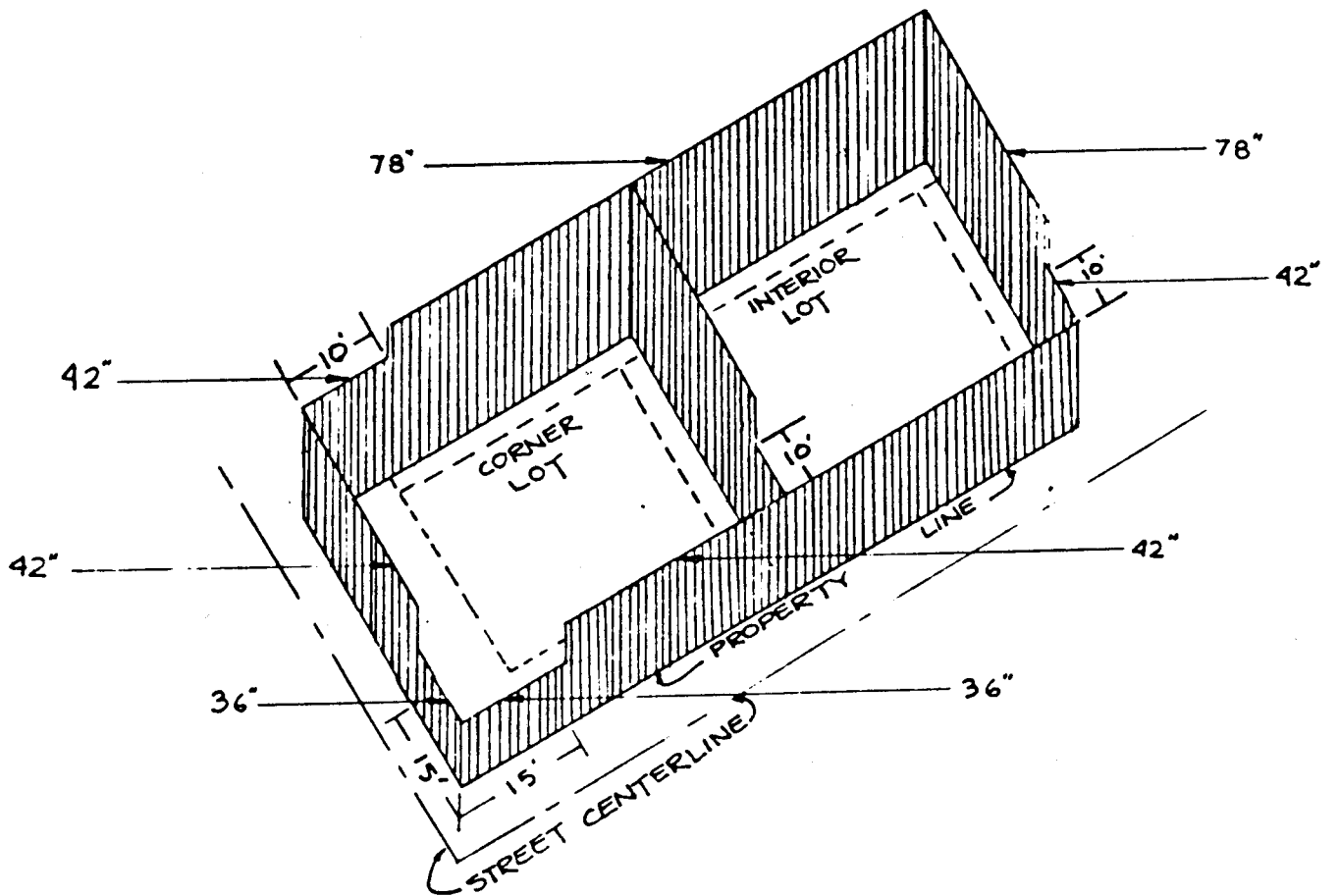
(2) Side Yards: 78 inches.

(3) Rear Yards: 78 inches.

b) Commercial and/or Industrial Zones.

Front Yard: 42 inches maximum height. On corner lots, fences shall be limited to 36 inches in height for a distance of 15 feet from the intersection of the property lines abutting the street, and to 42 inches in height for the remainder of the front yards facing on both streets. There is no maximum fence height limitation on fences located on the side or rear property lines.

c) Diagram illustrating Sections 3. (a) and 3. (b) above.



4. Landscaping/Buffer.

a) Screening of Parking Areas.

Where any parking area of four (4) cars or more, is located adjacent to property boundaries, screening shall be required to consist of a continuous fence, wall, evergreen hedge, landscape planting or combination thereof so as to effectively screen the parking area from immediate adjoining properties and public right-of-way and to be maintained in good condition. In cases where physical characteristics of the parcel or surrounding parcels make actual screening from adjoining properties impossible or unreasonable, this requirement may be completely or partially waived by the City Council after public hearing and review as required by Variance process. (See Chapter 21. F.)

b) Abutting Districts.

Where commercial or industrial districts are adjacent to residential zones, screening as described in a. above shall be required along the adjacent boundary.

c) Outdoor Storage.

Where a storage yard in connection with a permitted commercial or industrial use is located adjacent to a residential zone, 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 to 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 City Council after public hearing and review as required by the Variance process. (See Chapter 21. F.)

d) Maintenance.

All shrubs, trees, fencing, etc., used in the landscaping and screening shall be maintained in a healthy growing condition. Dead or dying plants shall be replaced as soon as possible and the planting area shall be maintained reasonably free of weeds and trash.

e) Landscape Planting Materials.

All landscape planting materials located within yard areas shall not impair pedestrian or vehicular safety.

E. Mobile Homes and Mobile Home Park Standards

I. General.

a) Permits.

- 1) Prior to the location, relocation, establishment or occupancy of any mobile home, the mobile home owner or authorized representative shall obtain a permit from the Planning Department. Application for the permit will be made on forms prescribed and furnished by the Department.
- 2) The fee for the permit shall be \$25.00 for units on individual lots or \$10.00 for units within mobile home parks. This fee is in addition to any other fees required for health or electrical permits. Where a mobile home is established as a residence without a permit as required herein, the fee shall be doubled, but the payment of such double fee shall not relieve any person

from fully complying with the requirements of this Ordinance nor from any other penalties prescribed herein. Except, in circumstances where it is necessary to install a mobile home on a weekend or holiday, the permit shall be obtained on the next regular business day.

- 3) Each permit issued by the Department of Planning and Community Development for a mobile home shall be valid until the mobile home is moved to another location whether on the same or different property. Any permit may be transferred from one person to another.
 - b) Commercial Structures Standards. Mobile homes shall not be used for commercial purposes unless they meet the factory built commercial structures standards as provided in R.C.W. 43.22.450 through 43.22.490.
2. Individual Mobile Home Standards.
- a) The mobile home shall conform to the minimum zoning regulations in effect for the district in which it is to be located.
 - b) Skirting. All mobile homes shall have an approved skirting around the entire perimeter of the mobile home. Skirting shall be noncombustible or self-extinguishing and unaffected by decay or oxidation for a minimum distance of six (6) inches above finish grade. Skirting above six (6) inches from finish grade may be weather-resistant material that will blend with the exterior siding of the mobile home. Installation shall be according to manufacturer's recommendations or approved equal, but in all cases shall be capable of resisting a 15-pound per square foot wind load. Wood used as backup framing which has not been pressure treated shall be a minimum of two (2) inches above the interior grade and bottom of the skirting, except wood framing used for ground set skirting shall all be pressure treated.
 - c) Ventilation. The area underneath the mobile home floor shall be ventilated by openings in the skirting. The openings shall have a net area of not less than one and one-half (1½) square feet for each 25 linear feet of exterior perimeter. Openings shall be located as close to corners as practicable and shall provide cross ventilation on at least two (2) approximately opposite sides. The openings shall be covered with corrosion-resistant wire mesh not less than one-quarter (¼) inch or more than one-half (½) inch in any dimension. Exceptions to this requirement may be made by the Inspector where other suitable ventilation methods are available which meet the standards of this section.
 - d) Water and Sewage Hook-ups. Water and sewage hookups shall be inspected and approved prior to occupancy.
 - e) Access Crawl Hole. The area under the floor shall be provided with an 18-inch by 24-inch minimum size access crawl hole. Pipe, ducts or other nonstructural construction shall not interfere with the accessibility to or within underfloor areas.
 - f) Smoke Detectors. All mobile homes shall have or be provided with an approved smoke detector, conforming to the Uniform Building Code Standard No. 43-6. The detector shall be mounted on or near the ceiling at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Detectors not factory

installed may be either self-contained or plug-in types so that no alteration of the mobile home is required for their installation.

g) Structural Support System. The mobile home shall have a structural support system meeting the following conditions:

- 1) Mobile home with installation instruction. Individual footers and loading and load bearing piers or listed supports shall be sized and located to support the loads specified in the manufacturer's installation instructions. Size of footers shall conform to Table A herein. A minimum clearance of 12 inches should be maintained beneath the underside of the main frame (I-beam or channel beam).
- 2) Mobile homes for which installation instructions are not available. Mobile homes which are not provided with manufacturer's installation instructions for support systems shall meet the following requirements unless the entire proposed support system is designed by a registered professional engineer or architect.

General. Supports shall be placed not more than eight (8) feet apart, beginning from the front wall of the mobile home, with not more than two (2) feet open end spacing at the area of the main frame. Supports shall be installed directly under the main frame or chassis of the mobile home. (See Table A.) Methods other than those specified herein may be approved by the Building Department. The required load bearing capacity of individual load bearing supports and footings shall be calculated at not less than actual live and dead loads combined but in no case less than 70 pounds per square foot.

Footers shall be solid concrete, a minimum of three and one-half (3½) inches thick. They shall be located at a minimum depth of 12 inches below grade, and have all grass and organic material removed and the footer evenly bedded and leveled on firm undisturbed soil. As an alternate, two (2) solid concrete blocks can be used as footers provided the joint between the blocks is parallel to the Steel I Beam Frame (See Table A.). Maximum assumed soil bearing designed capacity shall be 1,200 pounds per square foot unless higher values are justified by soil analysis. Minimum soil bearing capacity shall be 1,000 pounds per square foot unless special design is submitted. Designs which have footings or footers on the exterior perimeter of the mobile home shall have the bottom of the footings 12 inches below finish grade.

Piers. Piers or load bearing supports or devices shall be designed and constructed to evenly distribute the loads. Piers shall be securely attached to the frame of the mobile home or shall extend at least six (6) inches from the centerline of the frame member. Manufactured load bearing supports or devices shall be listed or approved for the use intended or piers shall be constructed as follows:

- (a) Single eight (8) inch by 16-inch blocks shall not exceed three (3) high. Blocks shall be capped with two (2) inch by eight (8) inch by 16-inch material.

- (b) Four (4) high and five (5) high block piers shall be double tiers with interlocking blocks.
- (c) Piers more than 40 inches high, shall be double piers with interlocking blocks, with No. 3 reinforcing steel in the four (4) corners and poured solid with 2,500 psi concrete. (See Illustrations A, B and C.)

Plates and Shims. A cushion of wood plate not exceeding one and one-half (1½) inches in thickness and shims not exceeding one (1) inch in thickness may be used to fill any gap between the top of the pier and the main frame. Two (2) inch or four (4) inch solid concrete blocks may be used to fill the remainder of any gap. Shims shall be at least three and one-half (3½) inches wide and six (6) inches long and shall be fitted and driven tight between the wood plate or pier and main frame.

- h) Installation shall be approved by the Building Inspector prior to occupancy.

3. Mobile Home Park Standards.

In order to insure the development of well-planned mobile home facilities and to insure the compatibility of such facilities with adjacent existing and planned uses, the following standards shall apply to all mobile home park development, as approved by the City Council:

- a) The minimum site area and density regulations shall be the same as established in each zone district where the mobile home development would be located;
- b) Mobile home parks shall be complete developments and are required to include facilities such as paved streets, pedestrian/bike ways, storm drainage, sanitary sewage disposal and perimeter and entrance landscaping, as approved by the City Engineer and Administrative Official;
- c) If the land and mobile home locations within a proposed mobile home park are intended to be sold to more than one (1) person, firm, or corporation, or are to include the dedication of land as regulated by the subdivision ordinance, then the proposed mobile home park shall be subject to the short and major subdivision proceedings in addition to the requirements of this Ordinance;
- d) Information to be submitted to the Planning Department before the issuance of applicable permits shall include:
 - 1) Overall site plan showing the location of all mobile home pads, accessory buildings, internal pedestrian and vehicle circulation and ingress/egress points;
 - 2) Storm drainage plan showing existing vegetation, slopes, and drainage conditions, as well as proposed alterations and drainage control devices;
 - 3) Landscaping plans for the perimeter and entrance showing the existing and proposed vegetation and method of maintenance.
- e) If development is by phase, a graphic breakdown of each phase as it relates to the entire project and its timetable for completion must be provided;
- f) Individual mobile homes located within the mobile home park shall be installed per the standards established by this Ordinance;

- g) The developer/applicant shall either install the required improvements and repair any existing streets and other public facilities damaged in the development of the project, or furnish the City with a performance bond or other security, as approved by the City Attorney, to insure the installation of public improvements and landscaping;
- h) Each mobile home park which proposes to provide overnight rental of parking space for travel trailers shall provide one (1) or more buildings adequately equipped with flush-type toilet fixtures. Dependent travel trailers shall be parked not more than 200 feet or less than 15 feet from the service building, and walkways to such buildings shall be well lighted at night. Each service building shall further:
 - 1) Be located 15 feet or more from any mobile home space, and be of permanent construction;
 - 2) Have adequate heating, lighting, sanitation and ventilation facilities in accordance with other State and local codes and ordinances;
 - 3) Provide sewage disposal facilities for park occupants only.

TABLE "A"

SPACING OF MOBILE HOME PIERS BASED ON 1200# SQUARE FOOT SOIL BEARING
& 70# SQUARE FOOT MOBILE HOME WEIGHT.

WIDTH OF MOBILE				
Single	8'-0"	10'-0"	12'-0"	14'-0"
Double		20'-0"	24'-0"	28'-0"
Spacing of Piers	Footing Size	Footing Size	Footing Size	Footing Size
4'-0"	16" x 16"	16" x 16"	16" x 16"	16" x 16"
5'-0"	16" x 16"	16" x 16"	16" x 16"	18" x 16"
6'-0"	16" x 16"	16" x 16"	18" x 18"	20" x 18"
7'-0"	16" x 16"	18" x 16"	18" x 10"	20" x 20"
8'-0"	18" x 16"	18" x 20"	20" x 20"	20" x 24"

ILLUSTRATION A

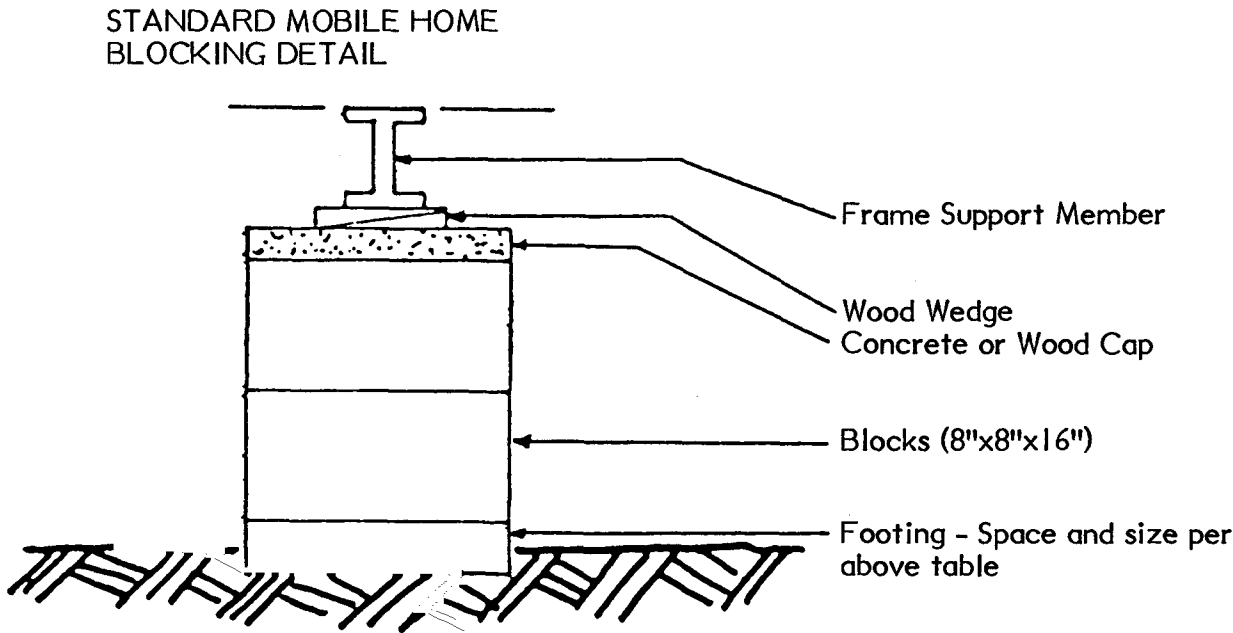
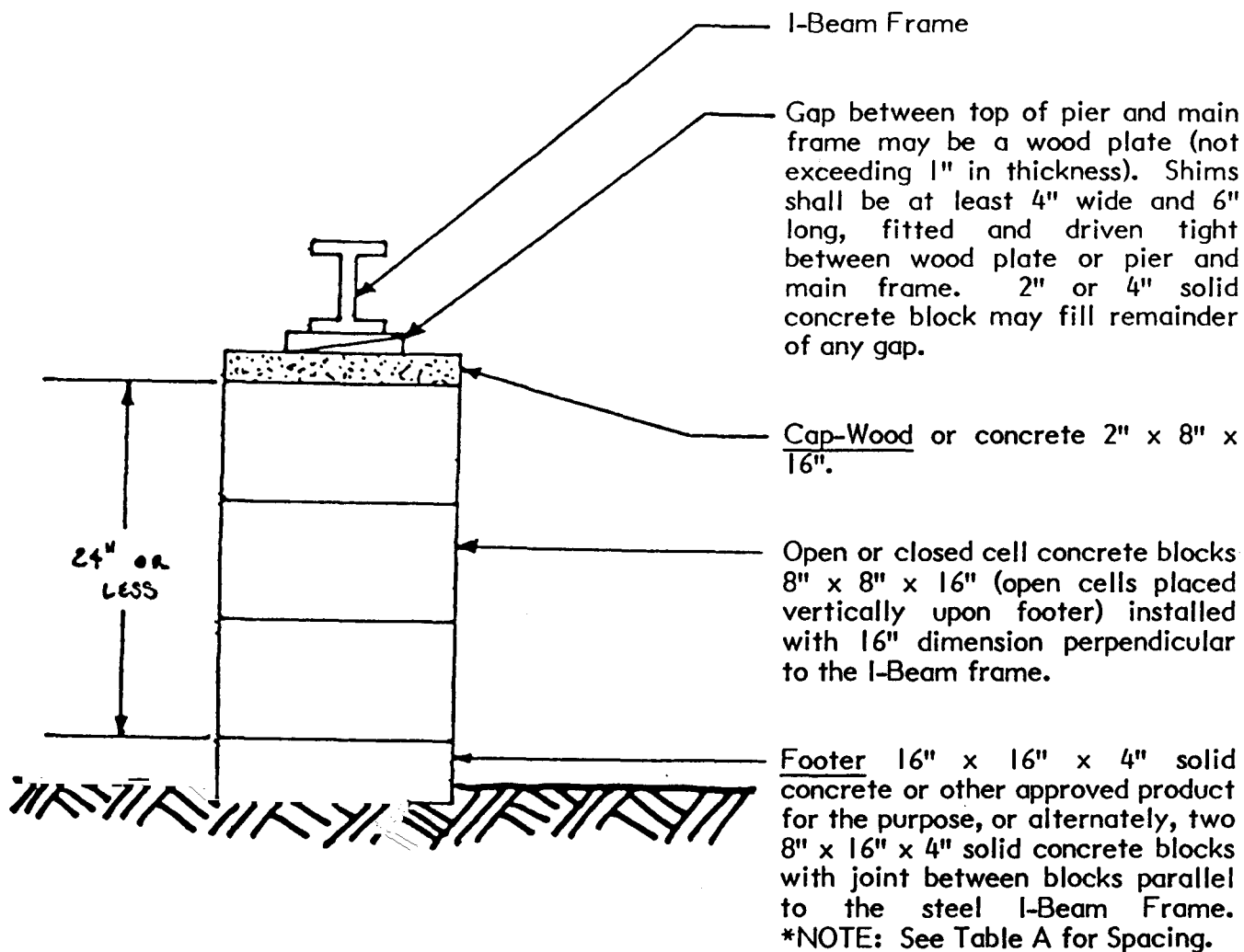
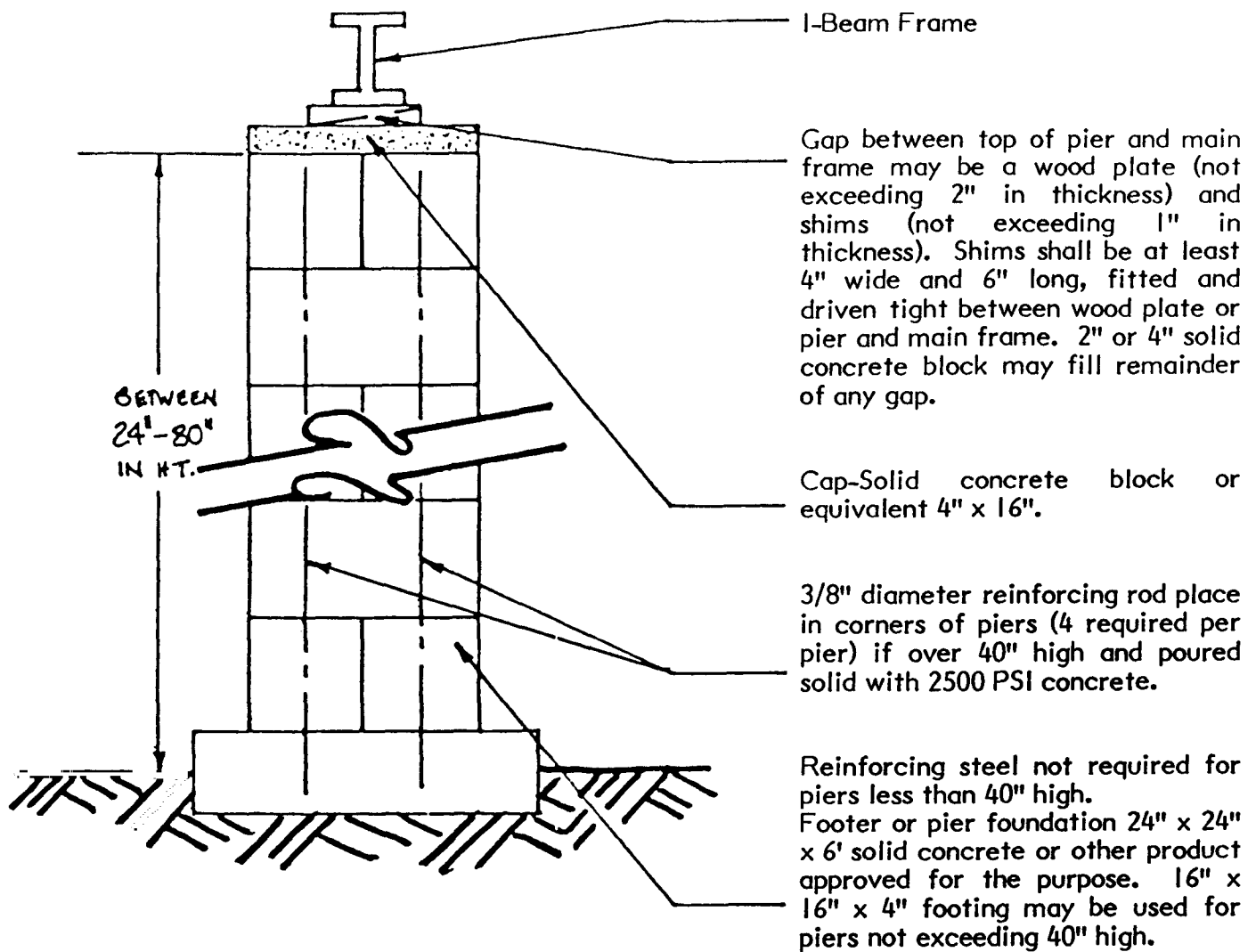


ILLUSTRATION B



Footer placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 1200 PSF. Piers shall be securely attached to the frame of the mobile home or shall extend at least 6" from the centerline of the frame.

ILLUSTRATION C



Footer placed on firm undisturbed soil or on a controlled fill free of grass and organic materials compacted to a minimum load bearing capacity of 1200 PSF. Piers shall be securely attached to the frame of the mobile home or shall extend at least 6" from the centerline of the frame member.

F. Off-Street Parking and Loading

1. Intent.
To reduce the need for parking on streets and the traffic congestion and hazards caused thereby, and to provide for off-street parking and loading areas, adequate to each type of land use.
2. Off-Street Parking Regulations.
 - a) General Regulations.
 - 1) Required off-street parking shall be located on the same lot or on an adjacent lot which has legal binding for continued use of the property for parking purposes.
 - 2) Residential off-street parking spaces shall consist of an uncovered parking area, garage, carport, or combination thereof, shall be located on the premises they are intended to serve, and shall have a hard surface as approved by staff, such as concrete, asphalt, or turfstone.
 - 3) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
 - 4) When it is desirable to combine two (2) or more uses into a single structure or development, the total off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking for one (1) use shall not be considered as providing required parking facilities for any other use. EXCEPT, where adjoining parking facilities of two (2) or more ownerships, uses or facilities can be developed and designed as one (1) facility, and where efficiency of parking and circulation and economy of space will result from joint development, the following reduction in the total number of required parking spaces shall be permitted: 30 - 50 parking spaces a 10% reduction, provided that there shall be a minimum of 30 spaces; for 50 or more spaces a 20% reduction.
 - 5) It shall be the duty of the owner of a required parking area to maintain the area in an adequate and safe condition.
 - 6) The off-street parking requirements for uses not specifically listed in this section shall be the same as that listed use most similar to the unlisted use from the standpoint of parking needs, as determined by the Administrative Official.
 - 7) Where parking areas are located adjacent to the property boundaries and four (4) or more spaces are required, screening shall be required on the boundary side to consist of a continuous fence supplemented with landscape planting or a continuous wall, evergreen hedge or combination thereof so as to effectively screen the parking area which it encloses, and is to be maintained in good condition.
 - 8) Whenever a building or piece of land is put to use different from the immediately preceding use, or when a building is remodeled, reconstructed or expanded, adequate off-street parking shall be provided consistent with the new use, reconstruction or expansion of the premises.
 - 9) The requirements for off-street parking and loading facilities and their design shall be regarded as the minimum; however,

the owner, developer, or operator of the premises for which the parking facilities are intended shall be responsible for adequate amounts and arrangement of space for the particular premises, even though such space or its arrangement is in excess of this ordinance.

- 10) Off-street parking spaces and driveways shall not be used at any time for purposes other than the temporary storage of motor vehicles.
- 11) When required by the State of Washington "Rules and Regulations Setting Barrier-Free Design Standards" (Washington Administration Code 51-10), all off-street parking facilities shall include parking space(s), access ramp(s), signing, etc., meeting those standards.
- 12) All off-street parking areas are required to be constructed in compliance with the parking and loading requirements of Chapter 4, F., of this Ordinance.
- 13) Off-street parking spaces shall not be allowed within required yard areas.

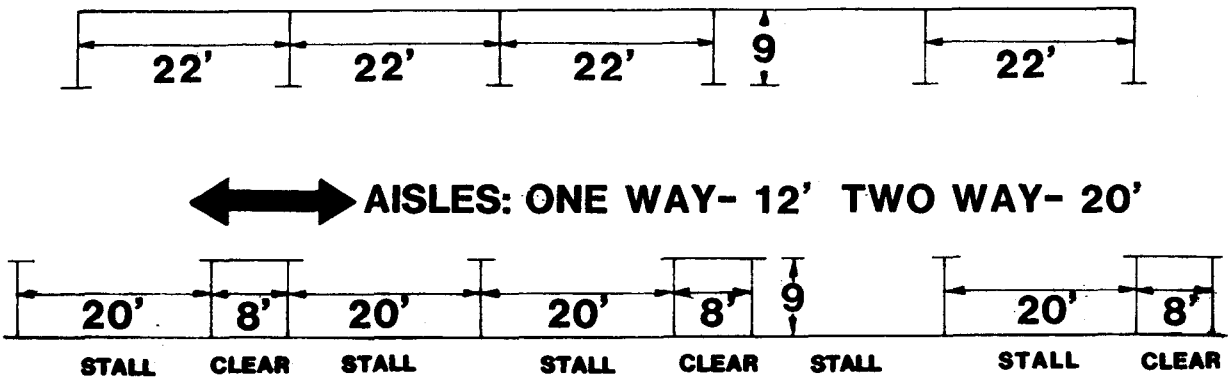
b) Design Requirements for Off-Street Parking Areas.

The following requirements shall apply to all parking areas of four (4) or more vehicles:

- 1) All parking spaces shall be nine (9) feet in width and 19 feet in length, EXCEPT a compact car space shall be nine (9) feet in width and 15 feet in length, ALSO EXCEPT a handicap parking space shall be 12½ feet in width and 20 feet in length as provided by the State of Washington "Rules and Regulations Setting Barrier Free Design Standards" (Washington Administration Code 51-10).
- 2) At the option of the developer, 25% of the overall required parking spaces may be determined to be compact spaces and shall be designated as such to help maintain an orderly parking arrangement. When compact spaces are desired, they shall be designed and constructed in compliance with the basic City of Tumwater - Parking Standards.
- 3) Each parking space shall have vehicular access from an aisle in the parking area, and each parking area shall be designed to prohibit ingress or egress by backing over property lines or onto any roadway.
- 4) All parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement.
- 5) Sidewalks or walkways will be required to insure pedestrian safety by separating any driveway or parking area from a building or roadway.
- 6) The surface of all parking areas shall have an approved hard surface such as asphalt, concrete, or turfstone.
- 7) Landscaped islands or dividers may be required at the ends of parking bays in order to clearly define lane and turning patterns.
- 8) All parking facilities shall comply with the provisions for landscaping, as set forth in Chapter 4, D., 4., of this Ordinance.
- 9) All parking facilities shall comply with the design standards as follows:

(a) Parallel Parking

PARALLEL PARKING **THROUGH AISLES ONLY**



(b) 90 Degree Parking.

90° PARKING THROUGH OR DEAD END AISLES

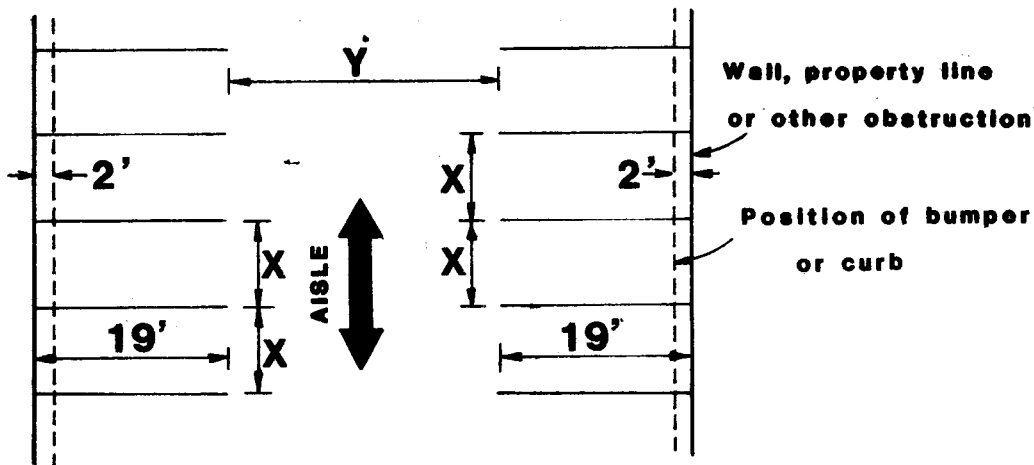


TABLE OF DIMENSIONS (FEET)						
Stall width with corresponding aisle width						
X - Stall width	9	9.5	10	11	12	
Y - Aisle width	24	23	22	21	20	

NOTES:

BUMPERS MUST BE INSTALLED ALONG STREET PROPERTY LINE WHERE PAVED AREAS ABUT STREET RIGHT - OF - WAY (EXCEPT AT DRIVEWAYS).

NO STALLS SHALL BE SUCH THAT CARS MUST BACK OVER THE PROPERTY LINE TO ENTER OR LEAVE STALL.

STALLS MUST BE CLEARLY MARKED AND THE MARKINGS MUST BE MAINTAINED IN GOOD CONDITION.

ANGLE PARKING THROUGH AISLES ONLY

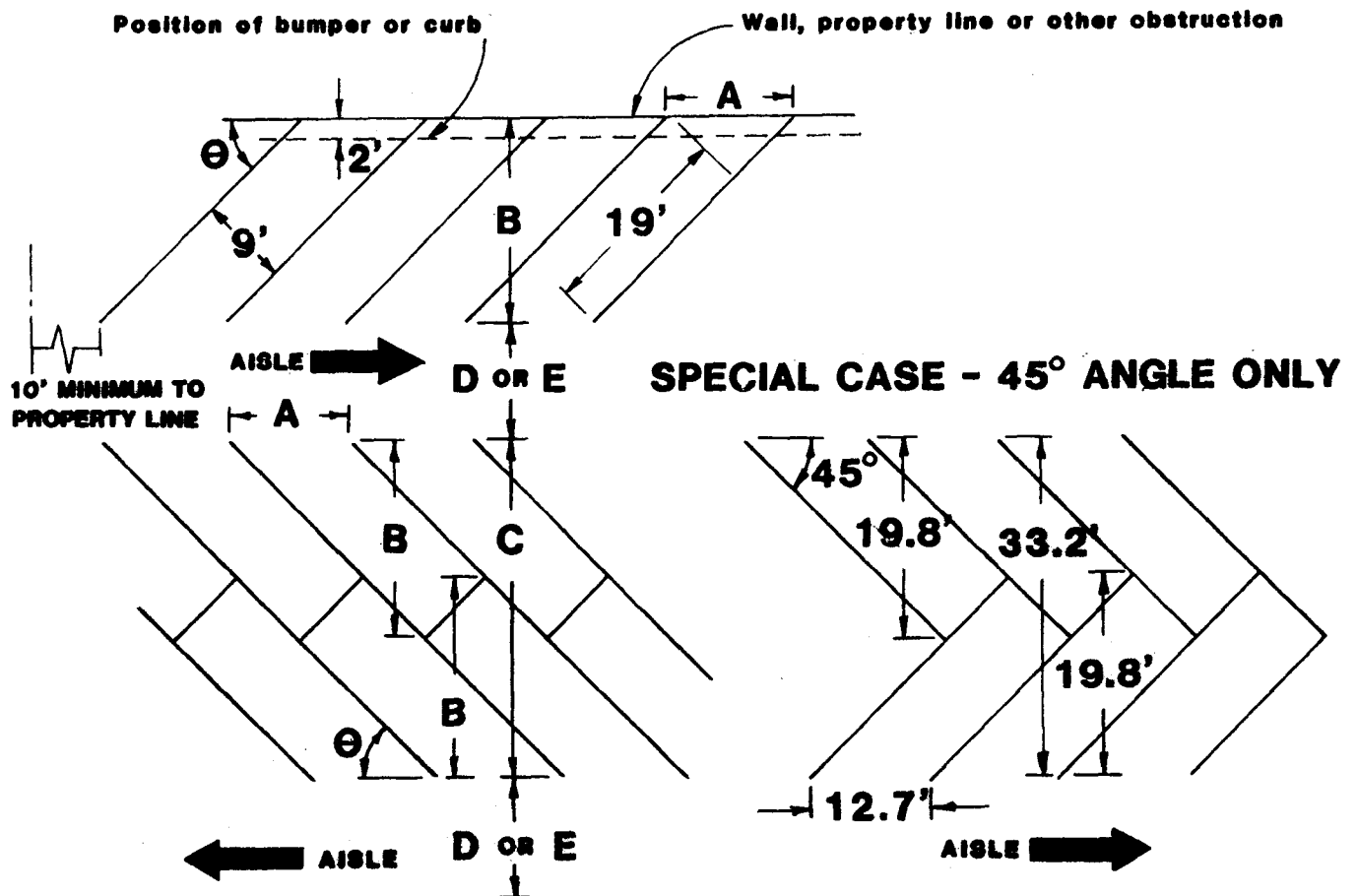


TABLE OF DIMENSIONS (FEET)					
BASIC STALL			BACK TO BACK	AISLES	
ANGLES- θ	A	B	C	D - ONEWAY	E - TOWAY
30°	18.0	17.3	26.8	10	20
35°	15.7	18.3	29.2	11	20
40°	14.0	19.1	31.3	12	20
45°	12.7	19.8	33.2	13	20
50°	11.8	20.3	34.9	14	20
60°	10.4	21.0	37.4	16	20
70°	9.6	20.9	38.8	18	20
80°	9.1	20.3	39.0	22	22

c) Off-Street Parking - Minimum Required Spaces.

The minimum number of required off-street parking spaces shall be based on the type of use and determined prior to any new occupancy within the City of Tumwater.

1) Residential

<u>Use</u>	<u># of Spaces</u>	<u>Per Unit of Measure</u>
Residential Dwelling	2	Per dwelling unit
Rooming/Boarding Houses	2 plus 1 plus 1	For first two rental rooms For each additional rental room
Single Family Conversion	3	Per dwelling unit

2) Commercial/Industrial

A request for a parking need determination shall be submitted on an application form available at the Tumwater Planning Department. Each application shall be accompanied by a proposed site plan. The Administrative Official shall review the application within ten (10) days of its receipt and determine the number of parking stalls based on submitted information.

The application form for parking needs determination shall be approved by the Tumwater City Council who will consider that the following factors are necessary to determine the actual parking needs of a particular proposed business:

- (a) Building size;
- (b) Lot size;
- (c) Number of employees;
- (d) Number of customers;
- (e) Frequency of customer traffic and length of customer stay;
- (f) Percentage of building used for customer traffic;
- (g) Percentage of building used for storage, office, non-customer uses;
- (h) Anticipated growth in business, employees and customers;
- (i) Shared parking areas;
- (j) Delivery and loading/unloading needs;
- (k) Frequency of change in tenant or use of building;
- (l) Potential impact on neighboring properties.

The Administrative Official may not require more parking stalls than deemed necessary by the process. If the Administrative Official feels there are unusual circumstances relating to the proposed activity or subject property which may justify more or less parking than is required by the process he may refer the request to the Council for review and action. Any determination of the Administrative Official may be appealed to the Council as per Chapter 21, A., 3, of this Ordinance.

G. Pre-School/Child Care Facilities

In order to insure the compatibility of child care facilities with existing and planned uses, the following standards shall apply to all child care facilities:

1. All pre-school/child care facilities must comply with applicable State and local regulations;
2. Hours of operation be limited to the hours between 6:00 a.m. to 9:00 p.m.;
3. All child care facilities shall be accessory to residential uses, and there shall be no outward manifestation or change of primary use other than that of a dwelling.

H. Signs

1. Purpose and Intent.

The purpose of this Ordinance is to control the proliferation of all exterior signs.

It is the intent of these regulations to protect the economic base, preserve the natural beauty and enhance the overall environment of the city in order to attract non-residents to the area, and to protect public and/or private investments and property values.

It is the intent of this Ordinance to ensure that signing works to the advantage of all citizens by reasonable control of the size, number, and location of signs.

This ordinance shall not regulate traffic and directional signs installed by a government entity; signs not intended to be viewed from and not readable from a public right-of-way; window merchandise displays; point-of-purchase advertising displays, such as products dispensers; legal notices required by law; barber poles; historic site plaques; gravestones; structures intended for a separate use, such as phone booths, Goodwill containers and recycling containers; lettering or symbols painted directly on or attached to an operable motor vehicle operating in the normal course of business.

2. Permits Required.

- a) No sign shall be erected, altered or relocated without a sign permit issued by the City Planning Department, EXCEPT, where only the actual sign face or wording is changed, repainted, cleaned, repaired or maintained without structural or size alterations. The signs listed in this section under EXEMPT SIGNS are exempt from the requirements of this paragraph.
- b) State electrical permits shall be obtained for all electric signs.
- c) No permit for any sign shall be issued unless the sign complies with all regulations of this section and applicable regulations of the Uniform Building Code.

3. Permit Application.

The application for a sign permit shall be filed with the Planning Department on forms furnished by the City. The application shall

contain the location of the sign structure, the name and address of the sign owner and of the sign erector, drawings or photographs showing the design and location of the sign and such other pertinent information as deemed necessary by the Administrative Official to insure compliance with the ordinance of the City. The sign permit fee shall be paid in accordance with the schedule established by the City Council and based on the value of construction.

4. General Sign Regulations.

- a) No sign shall be permitted in the City of Tumwater unless it conforms to the provisions of this Ordinance.
- b) This ordinance does not prohibit off-premise signs.
- c) Signs located within the front or side yard setback area shall comply with fence height regulations as outlined in Chapter 4, D., 3. of the zoning ordinance.

5. Exempt Signs.

The following signs shall be permitted anywhere within the City and are exempt from the permit requirements of this Ordinance, and shall not be included in the computation of sign size area for regulated signs. This shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with any other applicable law or ordinance. Exempt signs are:

- a) Construction signs which identify the architects, engineers, contractors, and other individuals or firms involved with the construction, but not including advertisement of any products, during the construction period, to a maximum area of 64 square feet.
- b)
 - 1) Signs pertaining to the sale, lease or rental of developed residential property or buildings up to eight (8) square feet in area, limited to one (1) sign per street frontage.
 - 2) Signs advertising undeveloped residential property for sale or the sale, lease or rental of commercial or industrial property or buildings up to 32 square feet in sign area.
- c) Names of buildings, commemorative tablets and the like when carved into stone, concrete or similar material, or made of bronze, aluminum or other permanent type construction, made an integral part of the structure, and projecting no more than two (2) inches.
- d) Signs directing traffic movement into a premise or within a premise, not exceeding four (4) square feet in area, and no more than 30 inches in height for each sign. Such sign may include an identification logo, but no wording except as related to directions. Direction signs include horizontal directional signs on and flush with paved areas.
- e) Signs not exceeding four (4) square feet in area, attached flat against the building, stationary and not lighted, announcing only the names or occupation of the building tenant;
- f) Official notices or governmental flags, emblems, or insignias;
- g) Signs which are within a ball park or other similar public or private recreational use and cannot be viewed from outside the facility;
- h) Signs displayed for the direction or convenience of the public, installed by and approved by the City Council;

- i) Seasonal displays and decorations not advertising a product, service or entertainment;
 - j) Signs warning the public against hunting, fishing, trespassing, dangerous animals, swimming, or the like;
 - k) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties;
 - l) Political campaign signs advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot may be erected on any privately owned lot or parcel. Each sign may not be erected more than 90 days prior to the election, and shall be removed within 15 days after that election. For a successful candidate in a primary election, the sign may remain until the final election but shall be removed within 15 days after that election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this Ordinance;
 - m) Any sign, banner, valance, searchlights, balloons or other air or gas filled figures or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials with or without frame, intended to be displayed for a limited period of time only and announcing a campaign, drive or event of a civic, philanthropic, educational or religious organization, or announcing such happenings as "Grand Opening", "Under New Management", or "Going out of Business". Such signs may remain in place for a period not to exceed 60 days;
 - n) Signs flush mounted or painted directly on the a wall of a building, or erected against the wall of a building being parallel or approximately parallel to said wall and does not extend further than 15 inches from said wall; and
 - o) Protest or picket signs.
6. Prohibited Signs.
The following signs are prohibited:
- a) Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hides from view any traffic or street sign or signal, or which obstructs the view in any direction at a street or road intersection;
 - b) Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, and which bear the words, "stop," "caution," "danger," "warning," or similiar words;
 - c) Signs which contain or consist of pennants, flags, (except governmental, religious, fraternal and service organization flags) ribbons, streamers, spinners, strings of light bulbs, blinking or fluctuating lights, or other similiar or moving devices, except public service signs, changing message center signs or electronically or electrically controlled signs where different automatic changing messages are shown on the same lampbank;
 - d) Signs which are pasted or attached to utility poles, trees, fences, other signs, rocks, or other natural features;

- e) Any sign which is not permanently anchored or affixed to the ground, structure or building, and which does not permanently identify or contain the name of the service or business on whose property the sign is located, excepting signs which also serve as a point-of-purchase advertising display such as product dispensers, but including any sign displayed on an abandoned vehicle or trailer. This regulation shall not be deemed to prohibit advertising on moving vehicles on public streets;
 - f) Signs erected upon, against or directly above the roof or on top of or above the parapet of a building;
 - g) Signs which are the primary use of the land, EXCEPT those allowed under Chapter 4 of this Ordinance; EXCEPT ALSO those allowed by Conditional Use Permit;
 - h) Any sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be related; and
 - i) Signs, except those of an official nature, which are located upon or projecting over public streets, sidewalks or rights-of-way.
7. Existing Signs (Non-Conforming).
Any existing sign may continue to be in operation and be maintained after the effective date of this Ordinance and shall become a legal non-conforming sign provided:
- a) The burden of establishing a sign to be legally non-conforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign;
 - b) A non-conforming sign may be structurally altered or relocated on the same premises and will continue to be a legal non-conforming sign if the structural alteration or relocation diminishes its non-conforming status in terms of size or location; and
 - c) A non-conforming sign will cease to be a legal non-conforming sign if a structural alteration or relocation increases its non-conforming status. An increase in non-conforming status will be construed to be a violation of this Ordinance and such sign will be subject to removal as provided in Chapter 4 and 21 of this Ordinance. Changes in the sign face wording of a non-conforming sign shall not be deemed an alteration under this paragraph.
8. Inspection.
Signs may be inspected periodically by the Administrative Official for compliance with this and other codes of the municipality.
9. Maintenance.
All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.
10. Removal.
When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any provisions of this section, the owner or the person or firm maintaining same, shall upon written notice by the Administrative Official make such sign conform to the provisions of this section, or shall remove it within thirty (30) days. If the order is not complied with,

the Administrative Official may remove such sign at the expense of the owner or lessee.

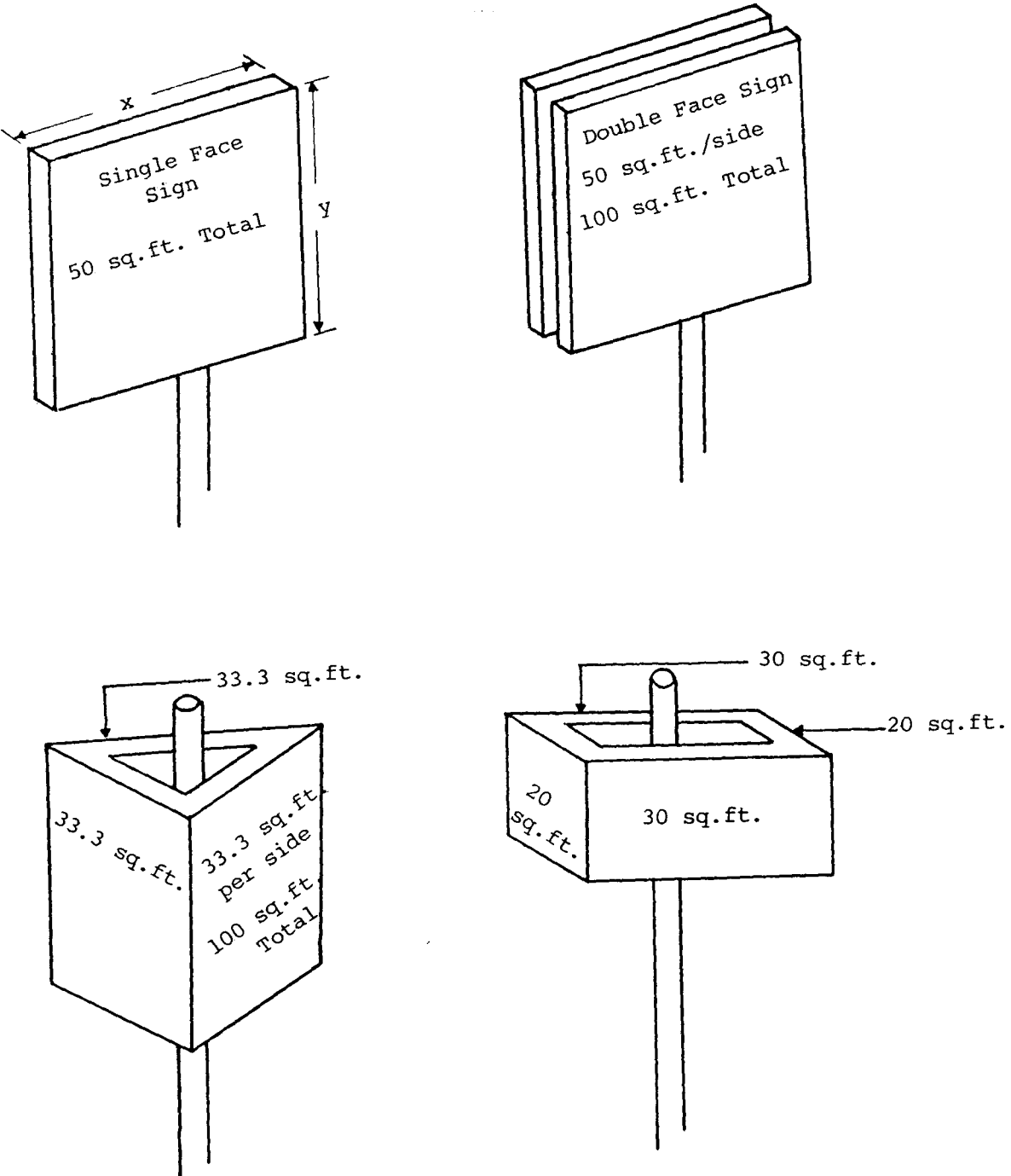
Signs which the Administrative Official finds upon public streets, sidewalks, rights-of-way, or other public property may be immediately removed by the Administrative Official without prior notice. Hazardous signs shall be removed in accordance with the Uniform Building Code.

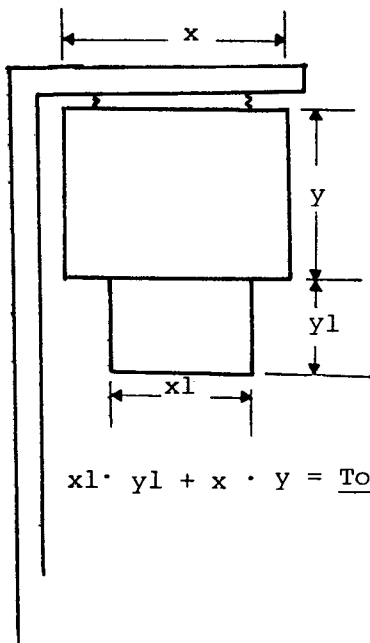
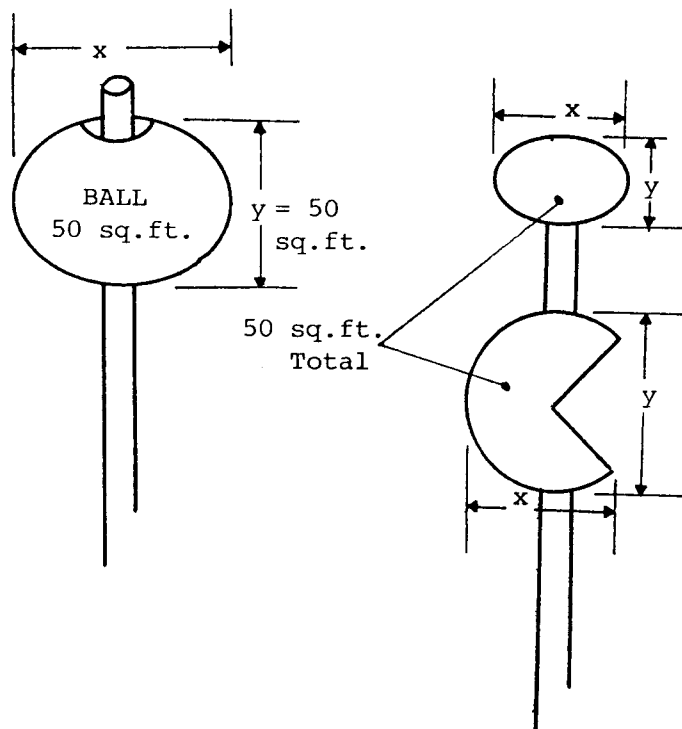
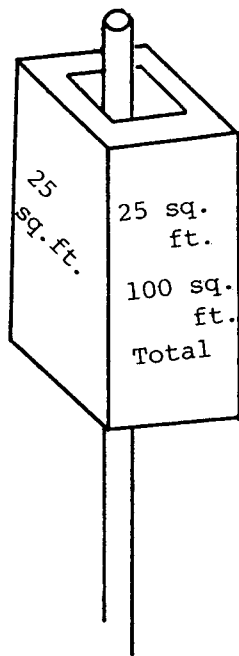
II. Sign Measurements.

- a) Sign area. Sign area is the entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy shall not be included. Sign area shall be calculated by measuring the perimeter enclosing the extreme limits of the module or background containing the advertising or identifying message.

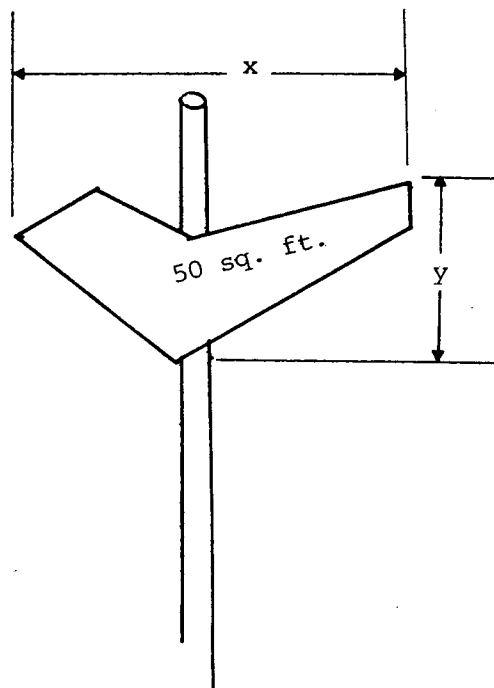
b) FREE-STANDING SIGNS

Of the total area of a free standing sign, no more than 50% may be on one face.
The following examples are based on a total of 100 square feet (or %).





$$x1 \cdot y1 + x \cdot y = \frac{\text{Total sq. ft.}}{2}$$



Structures requiring separate building permits for architectural and identifications for access entrance to long plat housing projects, commercial parks, industrial parks (none of which are parks only), shall be considered buildings.

12. Sign Height, Number and Size Regulations.

a) Residential Uses.

The following regulations shall apply to all residential zone districts (R-S, Residential Single Family Zone District; R-L, Residential Low Density Zone District; R-M, Residential Medium Density Zone District; R-H, Residential High Density Zone District; and the R-A, Residential/Agricultural Zone District):

- 1) A sign may be permitted to identify the occupant, home occupation and address;
- 2) One (1), 32 square foot sign may be permitted for each street frontage to identify the name of the residential development or multiple unit residential building;
- 3) Any sign located within the front or side yard area shall comply with fence height regulations, as outlined in Chapter 4, D., 3, of this Ordinance; and
- 4) One sign having a total of 12 square feet may be permitted to identify each non-residential use; EXCEPT, home occupations which are limited by 1)above.

b) Commercial and Industrial Uses (Free Standing).

1) The following general regulations shall apply to the CL, Commercial Low Intensity Zone District; the CM, Commercial Medium Intensity Zone District; the CH, Commercial High Intensity Zone District; the CI Commercial/Industrial Zone District; and the BP, Business Park Zone District.

- (a) Any sign located within the front yard area shall comply with fence height regulations, as outlined in Chapter 4, D., 3., of this Ordinance.
 - (b) Signs shall be located at least two (2) feet from the curb line or a service drive or travel lane.
 - (c) All building mounted signs shall be flush against the building and shall not project above the roof line.
 - (d) No free-standing sign shall be permitted to be higher than the principal building on the lot, EXCEPT for businesses providing gas, food, or lodging within 400 feet, measured from the centerline of a limited access state highway interchange, provided that no sign shall be higher than 75 feet.
- 2) Signs in the CL, Commercial Low Intensity Zone District, shall be limited to a total of 80 square feet on all faces of all signs, provided that no one sign face is larger than 50% of the total allowable sign area.
 - 3) Signs in the CM, Commercial Medium Intensity Zone District, shall be limited to a total of 140 square feet on all faces of all signs, provided that no one sign face is larger than 50% of the total allowable sign area.
 - 4) Signs in the CH, Commercial High Intensity Zone District, shall be limited to a total of 200 square feet on all faces of all signs, provided that no one sign face is larger than 50% of the total allowable sign area.

- 5) Signs in the CI, Commercial/Industrial Zone District, shall be limited to a total of 200 square feet on all faces of all signs, provided that no one sign face is larger than 50% of the total allowable sign area.

In combined use commercial and/or industrial developments where two (2) or more businesses jointly establish an identifying sign, the total allowable area of the combined identifying sign shall be the total allowable area of each business, plus 15%.

c) Greenbelt Area Zone District.

The following regulations shall apply to the G-B, Greenbelt Area Zone District:

- 1) One, 32 square foot sign may be permitted for each street frontage to identify the name of the development or building;
- 2) Any sign located within the front yard shall comply with fence height regulations, as outlined in Chapter 4, D., 3., of this Ordinance, relating to residential zones;
- 3) All signs other than those regulated by (1.) above shall be limited to a total of 12 square feet on all faces of all signs; and
- 4) No sign shall be higher than 30 feet.

I. Lighting Regulations

The use of exterior lighting shall be subject to the following regulations:

1. In conjunction with any commercial use, an exterior light source shall not be located above the building height of the nearest commercial building to which the light pertains;
2. Light which either prevents or tends to prevent proper interpretation of traffic control lighting or signs shall not be permitted; and
3. Signs may be illuminated except that such illumination shall not blink, fluctuate, or move. Light rays shall directly shine only upon the sign or upon the property within the premises.

J. Utility Substations

In order to insure the compatibility of such facilities with adjacent existing and planned land uses, the following standards shall apply to all utility substations:

1. Utility substations are recognized as a necessary part of all uses of land and are therefore permitted under the provisions of this section in all zoning districts;
2. A utility substation must be completely enclosed within buildings which conform to and harmonize with surrounding buildings as to type or architecture and landscaping, and comply with the setback requirements of the zone in which it is located; and
3. If the station is of an outdoor nature, it shall be completely enclosed by a view obscuring fence or hedge, with the exterior grounds landscaped and the enclosure is to meet the following setback requirements:
Front Yard: 30 feet;

Side Yard: 20 feet; and
Rear Yard: 10 feet if abutting an alley, otherwise 20 feet.

CHAPTER 5. R-A, RESIDENTIAL/AGRICULTURAL ZONE DISTRICT

- A. Intent.
To establish and preserve areas for agriculture, conservation, low-density residential, and outdoor recreation use, without permitting an intensity of development which would require the provision of urban facilities and services.
- B. Permitted Uses.
1. The housing, care and keeping of livestock, EXCEPT, it shall be unlawful to house livestock within 50 feet of any dwelling, residence, hotel, rooming house or place of business.
 2. Commercial riding stables.
 3. The raising of crops, including trees.
 4. Wildlife refuges and forest preserves.
 5. Single family dwellings.
 6. Cemeteries.
 7. Golf courses.
 8. Playgrounds and parks.
 9. The slaughtering, dressing and rendering only of animals raised on the premises.
 10. Support facilities.
- C. Accessory Uses.
1. Parking garage.
 2. Structures for storage of equipment and/or produce.
 3. Structures directly related to the housing, care and keeping of livestock, including commercial riding stables.
 4. Home occupation, as approved by Administrative Official.
 5. Non-commercial recreational structures which could include swimming pools and recreational ball courts.
 6. Greenhouse, yard tool shed.
 7. Dams and reservoirs, after review and approval of the City Engineer.
 8. Energy systems.
- D. Conditional Uses.
1. Individual mobile homes.
 2. Churches.
- E. Density Regulations.
1. Site Area. One (1) dwelling per one (1) acre.
 2. Lot Coverage. 25% maximum for all structures.
 3. Structure Height. 40 feet, maximum.
 4. Yards. (See Chapter 3, B., for Yard Determination Diagram.)
 - a) Front: 25 feet from frontage property line.
 - b) Side: 25 feet from property line, minimum.
 - c) Rear: 25 feet from property line, minimum.

CHAPTER 6. R-S, RESIDENTIAL SINGLE FAMILY ZONE DISTRICT

- A. Intent.
To establish and preserve single family neighborhoods, free from other uses except those which are compatible with the residents of such a district.

- B. Permitted Uses.
1. Single family, detached dwellings.
 2. Parks and open space areas.
 3. Support facilities.
 4. Residential planned unit development.
- C. Accessory Uses.
1. Parking garage.
 2. Storage shed, tool shed, greenhouse.
 3. Home occupation, as approved by Administrative Official.
 4. Non-commercial recreational structures which could include swimming pools and recreational ball courts.
 5. Pre-school child care facilities, conducted within the principal structure.
 6. Energy systems.
 7. Single family conversions, per Chapter 4, A., of this ordinance.
- D. Conditional Uses. (Permitted only after review and approval by the City Council.)
1. Churches.
 2. Public and/or private schools.
 3. Neighborhood community center.
 4. Neighborhood-oriented retail center.
 5. Cemeteries.
- E. Density Regulations.
1. Site Area. 6,000 square feet minimum per dwelling unit. No minimum lot width required. A single family structure shall be allowed on any lot of record; PROVIDED, nothing in this chapter shall prohibit the creation of individual lots, per Tumwater Municipal Code Title 19, with less than the above required minimum site area, provided that the difference in land area between the subdivided lot and the required site area shall be used to create permanent open space area which would be in addition to any open space area required of the subdivision under normal conditions.
 2. Lot Coverage. No maximum.
 3. Structure Height. 35 feet, maximum.
 4. Yards. (See Chapter 3, B., for Yard Determination Diagram.)
 - a) Front: 10 feet from frontage property line; EXCEPT, that buildings located on corner lots shall observe minimum setback footage equal to 15 feet times the number of street frontages, with no individual setback being less than 10 feet.
 - b) Side: 5 feet from property line, or if on an alley located to the side, the setback shall be 10 feet from side property line.
 - c) Rear: 5 feet minimum, or if on an alley located to the rear, the setback shall be 10 feet from the rear property line.
 5. YARDS EXCEPTION.

Any side or rear yard, not abutting on a public or private street, may be reduced to zero, provided:

 - a) That the yard area reduced by this procedure is added to the required setback on the opposite side of the site.
 - b) The opposite side yard setback is not less than 10 feet after the yard area has been added from a.) above, and is perpetually maintained free and clear from any obstructions other than a three (3) foot eave encroachment: decks, swimming pools and spas/hot tubs, normal landscaping, removable patio covers which may extend

- no closer than 5 feet to the side property line; or walls or fences crossing said setback provided they are equipped with a gate.
- c) Where zero yard setback is used, the abutting site must be held under the same ownership at the same time of initial construction or the owners of the abutting property(ies) record agreements or deed restrictions and consent in writing to such zero yard setback.
- d) The adjacent setback for such abutting property(ies) is not less than ten (10) feet.
- e) All structures proposed for inclusion under this chapter shall conform to the requirements of the Uniform Building Code and other applicable codes and ordinances.

CHAPTER 7. R-L, RESIDENTIAL LOW DENSITY ZONE DISTRICT

- A. Intent.
To preserve and establish peaceful low density neighborhoods free from uses other than those which prove to be compatible and convenient to the residents of such a district.
- B. Permitted Uses.
 - 1. Single family dwellings.
 - 2. Duplex on at least 9,600 square feet of land area.
 - 3. Support facilities.
 - 4. Residential planned unit development.
 - 5. Parks and open space areas.
- C. Accessory Uses.
 - 1. Parking garage.
 - 2. Storage shed, tool shed, greenhouse.
 - 3. Home occupation, as approved by Administrative Official.
 - 4. Non-commercial recreational structures which could include swimming pools and recreational ball courts.
 - 5. Pre-school child care facilities, conducted within the principal structure.
 - 6. Boarding and rooming houses.
 - 7. Energy systems.
 - 8. Single family conversions, per Chapter 4, A., of this ordinance.
- D. Conditional Uses. (Permitted only after review and approval by the City Council.)
 - 1. Churches.
 - 2. Public and/or private schools.
 - 3. Neighborhood community center.
 - 4. Neighborhood-oriented retail center.
 - 5. Private clubs and lodges.
 - 6. Cemeteries.
- E. Density Regulations.
 - 1. Site Area. 6,000 square feet minimum per dwelling unit. No minimum lot width. A single family structure shall be allowed on any lot of record; PROVIDED, nothing in this chapter shall prohibit the creation of individual lots, per Tumwater Municipal Code Title 19, with less than the above required minimum site area, provided that the difference in land area between the subdivided lot and the required site area shall be used to create permanent open space area which would be in addition to any open space area required of the subdivision under normal conditions.

2. Lot Coverage. No maximum.
3. Structure Height. 35 feet, maximum.
4. Yards. (See Chapter 3, B., for Yard Determination Diagram.)
 - a) Front: 10 feet from frontage property line; EXCEPT, that buildings located on corner lots shall observe minimum setback footage equal to 15 feet times the number of street frontages, with no individual setback being less than 10 feet.
 - b) Side: 5 feet from property line, or if on an alley located to the side, the setback shall be 10 feet from side property line.
 - c) Rear: 5 feet minimum, or if on an alley located to the rear, the setback shall be 10 feet from the rear property line.
5. YARDS EXCEPTION.

Any side and/or rear yard, not abutting on a public or private street, may be reduced to zero, provided:

 - a) The opposite side yard setback is not less than 10 feet and is perpetually maintained free and clear from any obstructions other than a 3 foot eave encroachment; decks, swimming pools and spas/hot tubs, normal landscaping, and removable patio covers which may extend no closer than 5 feet to the side property line; or walls or fences crossing said setback provided they are equipped with a gate.
 - b) Where zero yard setback is used, the abutting site must be held under the same ownership at the same time of initial construction or the owners of the abutting property(ies) record agreements or deed restrictions and consent in writing to such zero yard setback.
 - c) The adjacent setback for such abutting property(ies) is not less than 10 feet.
 - d) All structures proposed for inclusion under this chapter shall conform to the requirements of the Uniform Building Code and other applicable codes and ordinances.

CHAPTER 8. R-M, RESIDENTIAL MEDIUM DENSITY ZONE DISTRICT

- A. Intent.

To establish and preserve quiet neighborhoods, free from other uses except those which are compatible with and convenient to the residents of such a district.
- B. Permitted Uses.
 1. Single and multi-family dwellings.
 2. Parks and open space areas.
 3. Support facilities.
 4. Residential planned unit development.
 5. Mobile home parks and mobile home subdivisions, with site plan review by the City Council.
- C. Accessory Uses.
 1. Private parking garage or carport.
 2. Storage shed, tool shed, greenhouse.
 3. Home occupation, as approved by Administrative Official.
 4. Pre-school child care facilities, conducted within the principal structure.
 5. Boarding and rooming houses.

6. Non-commercial recreational structures which could include swimming pools and recreational ball courts.
 7. Energy systems.
 8. Single family conversions, per Chapter 4, A., of this Ordinance.
- D. Conditional Uses. (Permitted only after review and approval by the City Council.)
1. Church.
 2. Public and/or private school.
 3. Medical clinic or hospital.
 4. Group home, convalescent center, rest home, nursing home, boarding home.
 5. Neighborhood community center.
 6. Neighborhood-oriented retail center.
 7. Individual mobile homes.
 8. Private clubs and lodges.
 9. Cemeteries.
- E. Density Regulations.
1. Site Area. 3,000 square feet minimum per dwelling unit. No minimum lot width. A single family structure may be built on any lot of record; PROVIDED, nothing in this chapter shall prohibit the creation of individual lots, per Tumwater Municipal Code Title 19, with less than the above required minimum site area, provided that the difference in land area between the subdivided lot and the required site area shall be used to create permanent open space area which would be in addition to any open space area required of the subdivision under normal conditions.
 2. Lot Coverage. No maximum.
 3. Structure Height. 40 feet maximum.
 4. Yards. (See Chapter 3, B., for Yard Determination Diagram.)
 - a) Front: 10 feet from frontage property line; EXCEPT, that buildings located on corner lots shall observe a minimum setback footage equal to 15 feet times the number of street frontages, with no individual setback being less than 10 feet.
 - b) Side: 5 feet from property line, or if on an alley located to the side, the setback shall be 10 feet from side property line.
 - c) Rear: 5 feet minimum, or if on an alley located to the rear, the setback shall be 10 feet from the rear property line.
Where structures or portions of structures are adjacent to any lower density residential zoning district, and where structures are constructed over 1 story or 20 feet, the setback from the adjacent property line or lines shall be increased by 10 feet for every story or additional 10 feet of height.
 5. YARDS EXCEPTION.
Any side and/or rear yard, not abutting on a public or private street, may be reduced to zero, provided:
 - a) The opposite side yard setback is not less than 10 feet, and is perpetually maintained free and clear from any obstructions other than a three (3) foot eave encroachment; decks, swimming pools and spas/hot tubs, normal landscaping, and removable patio covers which may extend no closer than five (5) feet to the side property line; walls or fences crossing said setback provided they are equipped with a gate.
 - b) Where zero yard setback is used, the abutting site must be held under the same ownership at the same time of initial construction or

- the owners of the abutting property(ies) record agreements or deed restrictions and consent in writing to such zero yard setback.
- c) The adjacent setback for such abutting property(ies) is not less than 10 feet.
 - d) All structures proposed for inclusion under this chapter shall conform to the requirements of the Uniform Building Code and other applicable codes and ordinances.

CHAPTER 9. R-H, RESIDENTIAL HIGH DENSITY ZONE DISTRICT

- A. Intent.
To establish and preserve highest density residential districts, including uses which are compatible with residential uses, but permitting certain non-residential uses which are of particular convenience to residents of the district.
- B. Permitted Uses.
 - 1. Single and multi-family dwellings.
 - 2. Parks and open space areas.
 - 3. Support facilities.
 - 4. Residential planned unit development.
 - 5. Mobile home parks and subdivisions, with site plan review by the City Council.
 - 6. Individual mobile homes on individual lots.
- C. Accessory Uses.
 - 1. Parking garage.
 - 2. Storage shed, tool shed, greenhouse.
 - 3. Home occupation, as approved by Administrative Official.
 - 4. Pre-school child care facilities.
 - 5. Boarding or rooming houses.
 - 6. Non-commercial recreational structures which could include swimming pools and recreational ball courts.
 - 7. Energy systems.
 - 8. Single family conversions, per Chapter 4, A., of this Ordinance.
- D. Conditional Uses. (Permitted only after review and approval by the City Council.)
 - 1. Church.
 - 2. Public and/or private school.
 - 3. Medical clinic or hospital.
 - 4. Group home, convalescent center, rest home, nursing home, boarding home.
 - 5. Neighborhood community center.
 - 6. Neighborhood-oriented retail center.
 - 7. Private clubs and lodges.
 - 8. Cemeteries.
- E. Density Regulations.
 - 1. Site Area. 1,500 square feet minimum per dwelling unit. No minimum lot width required. A single family structure may be built on any lot of record; PROVIDED, nothing in this chapter shall prohibit the creation of individual lots, per Tumwater Municipal Code Title 19, with less than the above required minimum site area, provided that the difference in land area between the subdivided lot and the required site area shall be used

- to create permanent open space area which would be in addition to any open space area required of the subdivision under normal conditions.
2. Lot Coverage. No maximum.
 3. Structure Height. No maximum.
 4. Yards. (See Chapter 3, B., for Yard Determination Diagram.)
 - a) Front: 10 feet from frontage property line; EXCEPT, buildings located on corner lots shall observe a minimum setback footage equal to 15 feet times the number of street frontages, with no individual setback being less than 10 feet.
 - b) Side: 5 feet from property line, or if on an alley located to the side, the setback shall be 10 feet from side property line.
 - c) Rear: 5 feet minimum, or if on an alley located to the rear, the setback shall be 10 feet from the rear property line.
Where structures or portions of structures are adjacent to any lower density residential zoning district, and where structures are constructed over 1 story, the setback from the adjacent property line or lines shall be increased by 10 feet for every story or additional 10 feet of height.
 5. YARDS EXCEPTION.
Any side and/or rear yard, not abutting on a public or private street, may be reduced to zero, provided:
 - a) The opposite side yard setback is not less than 10 feet and is perpetually maintained free and clear from any obstructions other than a three (3) foot eave encroachment; decks, swimming pools and spas/hot tubs, normal landscaping, and removable patio covers which may extend no closer than 5 feet to the side property line; walls or fences crossing said setback provided they are equipped with a gate.
 - b) Where zero yard setback is used, the abutting site must be held under the same ownership at the same time of initial construction or the owners of the abutting property(ies) record agreements or deed restrictions and consent in writing to such zero yard setback.
 - c) The adjacent setback for such abutting property(ies) is not less than 10 feet.
 - d) All structures proposed for inclusion under this chapter shall conform to the requirements of the Uniform Building Code and other applicable codes and ordinances.

CHAPTER 10. C-L, COMMERCIAL LOW INTENSITY ZONE DISTRICT

- A. Intent.
To establish and preserve an area suitable for transitional uses between more intensive commercial activities and residential uses. The uses are intended to be those which provide professional and personal services, and general retail sales which generate small numbers of people and small volumes of traffic.
- B. Permitted Uses.
 1. Personal and professional services or sales.
 2. Public and private schools.
 3. Any residential use.
 4. Recreational facilities, whether private or public, such as theaters, bowling alleys, and private clubs or lodges.

5. Support facilities.
 6. Post office, library, museum, art gallery.
 7. Parks and open space areas.
 8. Planned unit development.
 9. General retail sales occupying no more than 3,000 square feet in floor area.
 10. A single four vehicle gas pump island in conjunction with general retail sales occupying no more than 3,000 square feet in floor area.
- C. Accessory Uses.
1. Residential uses.
 2. Off-street parking and loading areas.
 3. Storage, if less than 50% of gross floor area of the primary structure.
 4. Home occupation, as approved by Administrative Official.
 5. Pre-school child care facility.
 6. Energy systems.
- D. Conditional Uses. (Permitted only after review and approval by the City Council.)
1. Medical clinic or hospital.
 2. Animal clinic, hospital, or kennel.
 3. Group home, convalescent center, rest home, nursing home, boarding home.
 4. Off-premises signs.
 5. Cemeteries.
- E. Density Regulations.
1. Site Area. No minimum; EXCEPT the lot shall be adequate to provide for required parking, yards, and landscaping.
 2. Lot Coverage. No maximum; EXCEPT, adequate space must be provided for required parking, yards, and landscaping.
 3. Structure Height. No maximum.
 4. Yards. (See Chapter 3, B., for Yard Determination Diagram.)
 - a) Front: 10 feet from frontage property line, except buildings on corner lots shall observe a minimum setback totaling 15 times the number of street frontages.
 - b) Side: 5 feet from property line, or if on an alley located to the side, the setback shall be 10 feet from side property line.
 - c) Rear: 5 feet, or if an alley is located to the rear, the setback shall be 10 feet from the rear property line.

Where structures or portions of structures are adjacent to any lower density residential zoning district, and where structures are constructed over 1 story, the setback from the adjacent property line or lines shall be increased by 10 feet for every story of the proposed new building, and be completely screened from view in accordance with Chapter 4, D., 4., of this Ordinance.

CHAPTER II. C-M, COMMERCIAL MEDIUM INTENSITY ZONE DISTRICT

- A. Intent.
To establish and preserve areas for those commercial facilities which are useful in close proximity to residential areas while minimizing the undesirable impact of such uses on the neighborhoods which they serve.

B. Permitted Uses.

1. Personal and professional services or sales.
2. General retail sales.
3. Appliance equipment repair and sales.
4. Support facilities.
5. Parks and open spaces.
6. Public or private schools other than through the 8th grade.
7. Recreation facilities, whether private or public, such as theaters, bowling alleys, and private clubs or lodges.
8. Restaurants, taverns, cocktail lounges.
9. Automobile service station with appertaining uses, provided that no vehicles shall be painted, rented, built or sold upon or from the premises.
10. Transportation terminals.
11. Planned unit development.
12. Post office, library, museum, art gallery.

C. Accessory Uses.

1. Off-street parking and loading areas.
2. Storage, if less than 50% of gross floor area of the primary structure.
3. Energy systems.

D. Conditional Uses. (Permitted only after review and approval by the City Council.)

1. Medical clinic or hospital.
2. Animal clinic, hospital or kennel.
3. Group home, convalescent center, rest home, nursing home, boarding home.
4. Residential uses.
5. Off-premises signs.
6. Cemeteries.

E. Density Regulations.

1. Site Area. No minimum; EXCEPT, the lot shall be adequate to provide for required parking, yards, and landscaping.
2. Lot Coverage. No maximum; EXCEPT, adequate space must be provided for required parking, yards, and landscaping.
3. Structure Height. No maximum.
4. Yards. (See Chapter 3, B., for Yard Determination Diagram.)
 - a) Front: 10 feet minimum setback on all street frontages.
 - b) Side: No minimum.
 - c) Rear: No minimum.

Where structures or portions of structures are adjacent to any residential zoning district, the minimum setback shall be 20 feet. Where structures are constructed over 1 story, the setback from the adjacent property line or lines shall be increased by 10 feet for every story of the proposed new building, and be completely screened from view in accordance with Chapter 4, D., 4., of this Ordinance.

CHAPTER 12. C-H, COMMERCIAL HIGH INTENSITY ZONE DISTRICT

A. Intent.

To establish and preserve general commercial areas located along major roadways and highway intersections where customers reach individual business establishments primarily by automobile.

B. Permitted Uses.

1. Personal and professional services and sales.
2. General retail/wholesale sales.
3. General offices.
4. Support facilities.
5. Appliance/equipment repair and sales.
6. Parks and open space areas.
7. Recreation facilities, whether public or private, such as theaters, bowling alleys, and private clubs or lodges.
8. Transportation terminals.
9. Restaurants, taverns, cocktail lounges.
10. Automobile service station, with appertaining uses.
11. Motels and hotels.
12. Mobile home, trailer, R.V., auto and/or marine sales, including service, rental and repair.
13. Planned unit developments.
14. Post office, library, museum, art gallery.
15. Recreational vehicle parks for travel trailers.
16. Public or private schools other than through the 8th grade.
17. Medical clinic or hospital.
18. Animal clinic, hospital or kennel.

C. Accessory Uses.

1. Off-street parking and loading areas.
2. Storage, if less than 50% of the gross floor area of the primary structure.
3. Energy systems.

D. Conditional Uses.

1. Residential uses.
2. Mini-storage facilities.
3. Off-premises signs.
4. Cemeteries.

E. Density Regulations.

1. Site Area. No minimum; EXCEPT, the lot shall be adequate to provide for required parking, yards, and landscaping.
2. Lot Coverage. No maximum; EXCEPT, adequate space must be provided for required parking, yards, and landscaping.
3. Structure Height. No maximum.
4. Yards. (See Chapter 3, B., for Yard Determination Diagram.)
 - a) Front: 10 feet minimum setback on all street frontages.
 - b) Side: No minimum.
 - c) Rear: No minimum.Where structures or portions of structures are adjacent to any residential zoning district, the minimum setback shall be 20 feet. Where structures are constructed over 1 story, the setback from the adjacent property line or lines shall be increased by 10 feet for every story of the proposed new building, and be screened from view in accordance with Chapter 4, D., 4., of this Ordinance.

CHAPTER 13. C-I, COMMERCIAL/INDUSTRIAL ZONE DISTRICT

- A. Intent.
To establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to make provisions for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses, or which are necessary to service immediate needs of people in these areas.
- B. Permitted Uses.
1. All uses having to do with buying, selling, and personal and professional services or of a general commercial nature.
 2. The wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating or other handling of products and equipment.
 3. Recreational facilities.
 4. Support facilities.
 5. Parks and open spaces.
 6. Transportation terminals.
 7. Planned unit developments.
 8. Post offices.
 9. Public or private schools other than through the 8th grade.
- C. Accessory Uses.
1. Off-street parking and loading.
 2. Energy systems.
- D. Conditional Uses.
1. Residential uses.
 2. Off-premises signs.
 3. Cemeteries.
- E. Density Regulations.
1. Site Area. No minimum; EXCEPT, adequate space must be provided for required parking, yards and landscaping.
 2. Lot Coverage. No maximum; EXCEPT, adequate space must be provided for required parking, yards and landscaping.
 3. Structure Height. No maximum.
 4. Yards. (See Chapter 3, B., for Yard Determination Diagram.)
 - a) Front: 10 feet minimum setback on all street frontages.
 - b) Side: No minimum.
 - c) Rear: No minimum.
Where structures or portions of structures are adjacent to any residential zoning district, the minimum setback shall be 20 feet. Where structures are constructed over 1 story, the setback from the adjacent property lines shall be increased by 10 feet for every story of the proposed new building and be completely screened from view in accordance with Chapter 4, D., 4., of this Ordinance.

CHAPTER 14. H-C, HISTORIC COMMERCIAL ZONE DISTRICT

- A. Intent.
Recognizing that Tumwater was the first American settlement on Puget Sound, and one of the industrial and commercial centers of Washington Territory, this zone is created to help re-establish and preserve the built

environment of the Tumwater Historic District as it once existed, thereby promoting the general welfare of the citizens of Tumwater, and the economy of Tumwater by developing and maintaining the City's commerce and vacation-travel industry.

B. Permitted Uses.

1. Parks and green space.
2. Single family and multi-family residences.
3. Personal and professional services.
4. General retail sales.
5. Restaurants, taverns, cocktail lounges.
6. Post office, library, museum, art gallery.
7. The wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or handling of products entirely within the building.
8. Support facilities.

C. Density Regulations.

1. Site Area. Subject to approval by the City Council.
2. Lot Coverage. Subject to approval by the City Council.
3. Structure Height. Subject to approval by the City Council.
4. Yards.
 - a) Front: Subject to approval by the City Council.
 - b) Side: Subject to approval by the City Council.
 - c) Rear: Subject to approval by the City Council.

D. Development Regulations.

1. No building or structure shall be erected, reconstructed, altered or restored within the Tumwater Historic District unless and until an application for a certificate of appropriateness shall have been approved by the City Council.
2. No building or structure within the Tumwater Historic District shall be razed without first obtaining a demolition permit approved by the Tumwater City Council. The Council shall be empowered to refuse such a permit for any building or structure of architectural or historic interest, the removal of which in the opinion of the Council would result in adverse impact to the environment and be otherwise detrimental to the general welfare of the City of Tumwater.
3. The City Council shall review all plans, elevations, and other information made available by the applicants that is deemed necessary by the Council to determine the appropriateness of any building, including signs, proposed to be erected, reconstructed, altered or restored within the Tumwater Historic District.

The Council, in passing upon the appropriateness of any said proposal, shall consider, among other things, the extent to which the proposed building helps recreate the ambience and landscape of the Historic District as it existed from 1845 to 1906, based on the following criteria:

- a) Placement;
- b) General design, scale, gross volume, size and height; and
- c) Exterior texture, color, and materials of construction.

Historical photographs in the possession of local or state historical repositories shall be the objective standard of what constitutes the ambience and landscape of the Tumwater Historic District as it existed from 1845 to 1906.

4. Upon approval of the plans, the City Council shall cause a certificate of appropriateness, dated and signed by the Mayor, to be issued to the applicant.
5. The building inspector shall promptly stop any work attempted to be done without, or contrary to, a permit issued under this chapter, and shall promptly prosecute any person responsible for such a violation of this chapter or engaged in such violation.

CHAPTER 15. B-P, BUSINESS PARK ZONE DISTRICT

A. Intent.

To provide for the establishment of business parks which permit a wider variety of uses than other commercial zones and a greater degree of protection to the surrounding community due to coordinated development of large parcels of land.

B. Permitted Uses.

1. Business and professional offices, including financial institutions.
2. Wholesale business establishments, including warehousing and storage located entirely within an enclosed building but not more than 50% of any one building.
3. Restaurants.
4. Manufacturing, assembly, processing and/or fabrication activities conducted entirely within an enclosed building and ancillary to the primary office use (less than 25% of the floor area of the building).
5. All public and utility facilities.

C. Accessory Uses.

1. Residential.
2. Off-street parking and loading.
3. Energy systems.

D. Prohibited Uses.

1. Any use not specified in this chapter.
2. Outdoor storage areas other than a designed parking area used for short-term parking of vehicles regularly used by a business.
3. Any outdoor storage of materials and/or equipment.
4. Extractive industries.

E. Development Regulations.

1. Site Area.

- a) All development shall be consistent with a master plan for the property approved in accordance with Chapter 18 of this Ordinance pertaining to PUD's.

- b) Business park master plans shall cover not less than 10 acres.
- 2. Lot Coverage.
Buildings and structures shall occupy no more than 50% of a lot zoned B-P. Buildings, structures, parking, maneuvering and other surfaced areas shall, in total, occupy no more than 75% of a tract zoned B-P.
- 3. Building Height Limit.
55 feet maximum.
- 4. Yards.
 - a) Front: 15% of the property depth to a maximum requirement of 30 feet.
 - b) Side: None.
 - c) Rear: None.
 - d) Any yard, front, side or rear, adjoining significant waterways shall be a minimum of 100 feet from the building line to the top of the bank. (The more restrictive provision of Chapter 19 shall apply.)
 - e) No building shall be located closer than 100 feet from external roads.
- 5. Access.
All access to business within a business park shall be from an internal road network. Direct access to arterial streets shall be through a limited number of public streets designed to provide adequate traffic flow. No individual business shall access streets external to the business park.

CHAPTER 16. G-B, GREENBELT AREA ZONE DISTRICT

- A. Intent.
To assure permanent open space within public utility easement corridors, land preserves, watershed areas, settling basins, natural greenbelts and land use buffers, wherein intensive urban development would adversely affect public use and natural environment benefits.
- B. Appropriate Areas and Permitted Uses.
 - 1. Drainage or flood control channels; those areas subject to flooding or inundation from storm water.
 - 2. Creeks, rivers, and other water courses and land which abut both sides of creeks, streams, rivers, etc.
 - 3. Areas which would serve as land use buffers or screens between more and less intensive land uses, or land use zoning districts as specified in this Ordinance.
 - 4. Agricultural, horticultural, tree farming uses, with the exception of structural construction.
 - 5. Parks and/or recreational facilities.
 - 6. Wildlife refuges and forest preserves.
 - 7. Support facilities.

- C. Accessory Uses.
 - 1. Related structures, except residential.
- D. Conditional Uses.
 - 1. Energy generating facilities, including hydroelectric facilities.
 - 2. Cemeteries.

CHAPTER 17. A-H, AIRPORT HAZARD ZONE DISTRICT (Overlay Zoning District)

- A. Intent.
 - 1. To identify and establish those areas of the City which are most affected by the Olympia Airport activities and to designate those areas on an overlay, adopted as part of the zoning map.
 - 2. To protect the Airport users when traveling over the identified Airport Hazard Area in the interests of public health, safety, and general welfare.
 - 3. To provide maximum protection of health and safety for those citizens working and residing within the Airport Hazard Zone.
- B. Permitted Uses.
 - 1. Those of the underlying zone; EXCEPT that no land use shall be permitted which would:
 - a) Create electrical interference with navigational signals or radio communications between the Airport and aircraft;
 - b) Make it difficult for pilots to distinguish between Airport lights;
 - c) Result in glare in the eyes of pilots using the Airport;
 - d) Impair visibility in the vicinity of the Airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the Airport;
 - e) Would promote or provide for large congregations of people; or
 - f) Would promote or necessitate above ground storage of flammable substances.

CHAPTER 18. PLANNED UNIT DEVELOPMENT (Overlay Zoning District)

- A. Intent.

To encourage new development not limited by the strict application of this Ordinance. Based upon recommendations by the Planning Commission, the City Council may approve, disapprove, or modify the proposal submitted by an applicant.

More specifically, it is the purpose of this chapter to:

- 1. Encourage flexibility in design and development that will result in a more efficient and desirable use of land;
- 2. Permit flexibility of design, placement of buildings, use of required open spaces, circulation facilities, off-street parking areas, and otherwise better utilize the potential of sites characterized by special features, such as geography, topography, size or shape;

3. Provide for maximum efficiency in layout of streets, utility networks, and other public improvements;
4. Produce an integrated or balanced development of mutually supportive uses that might otherwise be inharmonious or incongruous; and
5. Provide a guide for developers and City officials who review and approve developments meeting the standards and purposes of this chapter.

B. Overlay Zone.

Planned unit development, approved in accordance with the procedures of this chapter, shall be an overlay zone and the uses are limited to those which are allowed in the underlying zone district. Planned unit developments are permitted in all zoning districts. The approval of a planned unit development shall modify and supersede the regulations of the underlying zone district, except in the case of allowable uses.

C. Procedure for Initiation and Consideration.

Planned unit development projects may be initiated by any owner or group of owners of property acting jointly, or as a developer authorized to act as agent for an owner or group of owners. Such application shall be made on the forms provided by the Planning Department, together with a filing fee of \$50.00, no part of which is refundable.

An application for a planned unit development shall be accompanied by the following:

1. A vicinity sketch showing the location of the site and its relationship to surrounding areas, including existing streets, driveways, major physiographic features such as railroads, lakes, streams, shorelines, schools, parks and other prominent features;
2. A map or maps of the site at a scale not smaller than 100 to the inch, showing at least, but not limited to the following items:
 - a) Site boundaries;
 - b) Streets abounding or abutting the site;
 - c) Proposed buildings, including dimensions, identification of types, and the number of dwelling units in each residential type;
 - d) Location and dimension of all common open space;
 - e) Location, dimension and design of off-street parking facilities showing points of ingress to and egress from the site;
 - f) Existing buildings and indication of future use or disposition;
 - g) Landscaping plans; and
 - h) Proposed land use and densities.
3. A written statement for development setting out detailed information concerning the following subjects as they may be involved in the development, including, but not limited to the following items:
 - a) Proposed ownership method;
 - b) Proposed operation and maintenance of the development and landscaping;
 - c) General timetable for development;

- d) Provisions to assure permanence and maintenance of common open space through Homes Association formation, condominium development, or other means acceptable to the City.

D. Public Hearing and Findings.

The application for a planned unit development shall be heard before the Planning Commission of the City of Tumwater at a duly published public meeting, and its recommendation forwarded to the City Council for its action. The Planning Commission's recommendation to approve or deny the development shall be based on at least, but not limited to, the following criteria:

1. Substantial conformance to the Tumwater Comprehensive Plan;
2. The proposal's harmony with the surrounding area or its potential future use; and
3. The adequacy of the size of the proposed overlay to accommodate the contemplated developments.

The Planning Commission and City Council shall each hold at least one (1) public hearing on any proposed planned unit development project. At the next regular meeting of the Planning Commission after the filing of an application, the Commission shall set a time and place for a public hearing to consider the application. At the next regular meeting of the City Council after the filing of an application, the Council shall also set a time and place for a public hearing to consider the application. A written notice of any public hearing shall be mailed to all property owners of record within a 300 foot radius of the external boundaries of the subject property. In addition, notice shall be published at least ten (10) days prior to the hearing in at least one (1) newspaper of general circulation within the City. Each notice shall include the time, date, place, purpose of the hearing, and location of the subject property.

E. Standards and Criteria.

1. General Requirements.

- a) The developer shall bear the responsibility of creating a perimeter transition sufficient to protect the interests of the surrounding property owners, the neighborhood, and the City as a whole, in a manner and to a degree as specified by the Planning Commission.
- b) Planned unit development projects shall be complete developments and may be required to include facilities such as paved streets, curbs, side walks, street lights, drainage, open space, sanitary sewer, underground power and telephone lines, landscaping, screening, signs, and off-street parking in conformance with the requirements and allowances of the Planning Commission and City Council.
- c) The applicant shall furnish the City with a performance bond or other acceptable surety approved by the City Attorney, guaranteeing installation of specified public improvements and landscaping.

2. Zoning Requirements.

A planned unit development shall be exempt from the minimum zoning ordinance requirements, except as provided for below:

- a) Minimum Project Size: No minimum project size for a planned unit development;
- b) Project Densities: Densities established by the underlying zone district may be exceeded by no more than 25%. (Densities, for the purposes of the administration of this chapter, are intended to be based on the applicable minimum square feet per dwelling unit, as contained in the respective zoning district.)
- c) Setbacks: Project setbacks as required by the underlying zoning district shall prevail on all perimeter boundary lines;
- d) Land Coverage: Maximum land coverage as established by the underlying zone district may be exceeded by no more than 25%.
- e) Uses Allowed: The uses of the development shall be limited to those allowed either as permitted, accessory, or conditional uses in the underlying zones.

3. Subdivision Requirements.

A planned unit development shall be exempt from the specific design requirements of the subdivision ordinance, except that when the planned unit development is a part of a larger ownership and is intended for individual ownership, sale or public dedication, or if any parcel of land within a planned unit development is intended for individual ownership, sale or public dedication, the platting and procedural requirements of the subdivision ordinance and applicable State laws pertaining to the subdivision, and conveyance of land and the preparation of maps shall be followed.

CHAPTER 19. F-P, FLOODPLAIN ZONE DISTRICT (Overlay Zoning District)

A. Intent.

It is the purpose of this district to promote the public health, safety, and general welfare and to minimize flood losses by provisions designed to:

1. Restrict or prohibit uses which are dangerous to human health, safety, or property in times of flood, or cause increased flood heights or velocities;
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction; and
3. Alert individuals as much as possible of lands which are unsuited for intended purposes because of flood hazard.

B. Basis for Establishing Areas of Special Flood Hazard.

The areas of special flood hazard are identified by the Federal Emergency Management, Federal Insurance Administration, in a scientific and engineering report dated February, 1980, and entitled, "The Flood Insurance Study for the City of Tumwater".

C. Districts Established.

The Floodplain District shall apply to all areas of the City which are subject to flooding, as defined on the Department of Housing and Urban Development Flood Boundary and Floodway Maps No. 530192 0001-0003, effective date August 1, 1980. This district is further divided into two (2) sub-districts called Floodway (F-W) and Flood Fringe (F-F). Each of these sub-districts shall be indicated on the zoning map and are described in this chapter as to their definition and function. These sub-districts are "overlay districts" which shall always apply in addition to another zoning district. Where regulations conflict, the more stringent shall apply.

D. Use of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with C. above, any base flood elevation data available from a Federal, State or other source may be utilized in order to apply the Floodplain Zoning District and administer the requirements related to Flood Hazard Areas.

E. Floodway (F-W) Sub-District.

1. Permitted Uses.

- a) Any use permitted outright in the underlying zoning district, provided that no encroachments, including fill, structures, substantial improvements and other development or storage of materials or equipment are proposed. EXCEPT, the placement of any mobile home shall be prohibited.
- b) Conditional uses under the requirements of the zoning district in which the land is located, provided that no encroachments, including fill, structures, substantial improvements and other development, or storage of materials or equipment are proposed.
- c) The following open space uses shall be permitted, subject to the requirements of the zoning district in which the land is located and provided that no encroachments, including fill, structures, substantial improvements and other development, or storage of materials or equipment are proposed:
 - 1) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crops harvesting; and
 - 2) Private and public recreational uses such as picnic grounds, wildlife and nature preserves, hunting and fishing areas, biking and horseback riding trails, golf course greenways.

F. Flood Fringe (F-F) Sub-District.

1. Permitted Uses.

All uses permitted in the underlying zoning district, provided all structures are elevated above the Base Flood Elevation.

2. Development Proposals.

All development proposals submitted pursuant to any local ordinance or State or Federal statute shall be examined to determine whether all building sites proposed will be reasonably safe from flooding. The City shall require the following:

- a) That as a part of any subdivision creating five (5) or more lots, or any development comprising five (5) or more acres, that base flood elevation data be an essential element of application; and

- b) That all such proposals be consistent with the need to minimize flood damage.

3. Structures.

- a) All new construction and substantial improvements to existing residential structures shall have the lowest floor (including basement) elevated at or above the base flood elevations.
- b) All new construction and substantial improvements to non-residential structures shall:
 - 1) Have the lowest floor (including basement) elevated at or above the base flood elevation; or
 - 2) Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

G. General Standards for Entire Floodplain District

The following standards shall apply in the Floodplain District.

1. Fill.

- a) Any fill or materials proposed to be deposited must be shown to have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.
- b) Such fill or other materials shall be protected against erosions by rip rap, vegetative cover, or bulk heading.
- c) Structures may be allowed to be constructed on fill if the first floor or basement floor is above the base flood elevation. The fill shall be at a point no lower than one (1) foot above the base flood elevation at least 15 feet beyond the limits of any structure or building erected thereon.
- d) No fill may be allowed which acting alone or in concert with other conditions may increase flood hazards to other property.

2. Structures.

- a) Structures shall not be constructed for human habitation unless they can be so designed as to have the habitable portion of the structure above the designated flood elevation and the foundation constructed in such a manner as to withstand such inundation.
- b) The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood water.
 - 1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.
 - 2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

- c) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
3. Utilities.
- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Mobile Homes.
- a) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - 1) Over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations, with mobile homes more than 50 feet long requiring one (1) additional tie per side;
 - 2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points with mobile homes more than 50 feet long requiring four (4) additional ties per side;
 - 3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - 4) Any additions to the mobile home be similarly anchored.
 - b) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced for mobile homes not placed in a mobile home park or mobile home subdivisions; require that:
 - 1) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - 2) Adequate surface drainage and access for a hauler are provided; and
 - 3) In the instance of elevation on pilings, that:
 - (a) lots are large enough to permit steps,
 - (b) piling foundations are placed in stable soil no more than ten (10) feet apart, and
 - (c) reinforcement is provided for pilings more than 6 feet above the ground level.
 - c) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

5. Storage of Materials and Equipment.

- a. Storage or processing of materials that are buoyant, flammable, explosive or could be injurious to human, animal or plant life in time of flooding, is prohibited.
- b. Storage of other materials or equipment may be allowed if not, subject to major damage by floods and if firmly anchored to prevent flotation, or shall be readily removed from the area within the limited time available after flood warning.

6. Additional Standards.

The flood-proofing standards contained in the U.S. Army Corp of Engineers publication entitled "Flood-Proofing Regulations", EP 1165-2-314, dated June, 1972, shall be employed within the Floodplain District where flood-proofing is required.

CHAPTER 20. LIMITED ZONE DISTRICT (Overlay Zoning District)

A. Intent.

It is the purpose of this zone to identify certain areas of the City which may require a more detailed review of development proposals in order to assure protection of community interests, when the magnitude of environmental concerns, such as water quality, topography, noise and traffic, calls for the application of this zone.

B. Permitted Uses.

The uses in any Limited Zone shall be the same as authorized within the underlying zone district. Any development within the Limited Zone shall, however, be processed as a P.U.D. under Chapter 18 of this code.

CHAPTER 21. GENERAL REGULATIONS (Procedures)

A. Administration and Enforcement.

1. Enforcement of Ordinance.

The Administrative Official or his/her designated representatives, shall administer and enforce the provisions of this Ordinance. It shall be the duty of the Administrative Official to coordinate the administration of this Ordinance with present and future planning documents having jurisdiction in the City, and to see that all structures conform to all provisions of this Ordinance. If the Administrative Official finds that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall take any action necessary by this Ordinance to insure compliance with or to prevent violation of its provisions.

2. Violations and Penalties.

Violations of the provisions of this Ordinance, or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person, firm, or corporation who violates this Ordinance, or fails to comply with any of its requirements shall, upon conviction, be fined not more than \$500.00 and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate and distinct offense.

The tenant or occupant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, owner, or other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties described above. Nothing herein shall prevent the City of Tumwater from taking any other legal remedy authorized by law.

3. Appeals.

Any order, requirement, permit or decision of any Administrative Official carrying out the administration or enforcement of this Ordinance may be appealed to the City Council by the affected person, or by any office, department, board, or commission of the City.

Such written appeal shall be submitted to the Administrative Official within a reasonable time not to exceed 30 days and shall specify the grounds for the appeal.

Upon receipt of such an appeal, the Administrative Official shall immediately forward the appeal to the City Council, along with all records and proceedings pertaining to the decision, together with such additional written report as he/she deems pertinent.

- a) Notice and Hearing. The City Council shall set a hearing of the appeal no more than one (1) month from the public meeting fixing the time for the hearing. Notice of any required public hearing, stating the nature of the appeal with time and location of hearing, shall be published once at least ten (10) days before such hearing in the official newspaper of general circulation within the community.
- b) Decisions of the City Council. In exercising its powers, the City Council may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as should be made, and to that end, shall have all power of the officer from whom the appeal is being taken, insofar as the decision on the particular issue is concerned, and in making its determination, the City Council may hear any pertinent facts bearing on the case.

B. Amendments (Rezoning)

1. Initiative.

Amendments or modifications to the text of this Ordinance or any zoning district boundary shown on the zoning map may be initiated in the following manner:

- a) By the Planning Commission;
- b) By the City Council; or

- c) By property owners, as follows:
By filing with the Planning Commission of a petition of one or more owners of property setting forth the proposed amendment or modification, which petition shall be on a standard form as prescribed by the Planning Commission and available at the Planning Department. The application form shall be accompanied by a fee of \$50.00 to help defray the cost of handling the petition, no part of which is refundable.
2. Procedures - Notice.
Proposed amendments (modifications, rezones) shall be first heard by the Planning Commission and the recommendation of the Planning Commission shall be forwarded to the City Council within 90 days of the time of filing of the final Environmental documents. The Planning Commission and City Council shall hold a public hearing on any such proposed amendment, modification or rezone. Notice of a public hearing which shall be equally applied to all applications and applicants, shall be given as follows:
- a) By publishing in the official newspaper of general circulation not less than ten (10) days prior to the date of the hearing. The publication shall specify the time and place of the hearing, and nature of the matter before the hearing body;
 - b) By posting copies of the notice in conspicuous places at or near the location of the proposal; and
 - c) In addition to the above described notice procedure, and at the discretion of the City Council, additional announcement of the public hearing may be given by radio and/or press advertisement or other method as deemed appropriate and/or necessary.

In addition to the above required notices of public hearing, for map amendments (rezones) only, copies of the notice by mail not less than ten (10) days prior to the date of the hearing to all owners of property under consideration and property owners within 300 feet of the exterior boundaries of the property involved, using for this purpose the names and addresses of owners as shown on the records of the Thurston County Assessor;

3. Limitations - Refiling.
An application which has been denied by the City Council shall not be resubmitted to the Planning Commission within six (6) months of the date of denial. This shall not preclude an application, after incorporating substantial changes as determined by the Administrative Official, from being submitted as a new application.
4. Change of Zone Boundary.
For the purpose of establishing and maintaining sound, stable, and desirable development within the City of Tumwater, the rezoning of land is to be discouraged and allowed only under certain circumstances, as provided hereafter. The Tumwater Zoning Map is the result of a detailed and comprehensive appraisal of the City's present and future needs, regarding land use allocation, and as such, should not be amended unless to correct a manifest error or because of changed or changing conditions in a particular area of the City in general. Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that:
- a) The land to be rezoned was zoned in error and as presently zoned, is inconsistent with the policies and goals of the Comprehensive Plan;

- b) Conditions in the area for which rezoning is requested have changed or are changing to such a degree that it is in the public interest to encourage a redevelopment, or change in land use for the area; or
- c) The proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the Comprehensive Plan, and that such rezoning will be consistent with the policies of the Comprehensive Plan.

5. Decision of City Council.

Within seven (7) days following the decision of the City Council granting or denying the application, the applicant shall be notified of the decision in writing. Such written notification shall include the conditions of approval or findings of denial, whichever is applicable.

6. Comprehensive Plan.

Any amendment to the Comprehensive Plan shall be processed pursuant to the following sub-sections:

- a) After preparing the Comprehensive Plan, or successive parts thereof, the Planning Commission shall hold at least one (1) public hearing. Notice of the time, place and purpose of such hearing shall be given by at least one (1) publication in the official newspaper of general circulation at least ten (10) days prior to the date of the hearing, or at the discretion of the City Council, additional announcement of the public hearing may be given by such radio and/or press advertisement or other method as deemed necessary.
- b) Upon completion of the hearings on the Comprehensive Plan, or successive parts thereof, the Planning Commission, after making such changes as it deems necessary, shall forward its recommendation to the City Council for their final action; and
- c) The final form and content of the Comprehensive Plan shall be determined by the City Council. The Comprehensive Plan, as approved and adopted by the legislative body, shall be filed with the City of Tumwater Planning Department, and shall be available for public inspection.

C. Annexations

Whenever, prior to annexation, the proposed extended Comprehensive Plan and zoning regulations and/or map have been prepared and adopted by the City pursuant to R.C.W. 35.13, such plan and zoning regulations and/or map shall upon the effective date of annexation of all or any part of the area therein included, be deemed to amend this Ordinance including the zoning map, to the extent set forth in the annexation ordinance.

Any other property or area which may because of annexation become a part of the City, shall be given a zone classification or classifications in the manner as the contiguous territory inside the previous City limits unless otherwise classified.

D. Conditional Uses

I. General - Intent.

Certain uses, because of their special requirements, infrequent occurrence, possible safety hazards or detrimental effects on surrounding properties, and other reasons, shall be permitted only upon

the approval of the City Council after recommendation by the Planning Commission, after due notice and public hearing, and a finding that it is consistent with the intent of the Comprehensive Plan and the requirements of this Ordinance.

2. Imposition of Conditions.
Permits for conditional uses shall stipulate restrictions or conditions which may include a definite time limit, provisions for front, side or rear yards greater than the minimum requirements of this Ordinance, suitable landscaping, off-street parking, and any other restrictions, conditions, or safeguards that would uphold the spirit and intent of this Ordinance, and mitigate any adverse effect upon neighborhood properties.
3. Decision of City Council.
Within seven (7) days following the decision of the City Council granting or denying the application, the applicant shall be notified of the decision in writing. Such written notification shall include the conditions of approval or findings of denial, whichever is applicable.
4. Time Limitations.
If the use for which the Conditional Use Permit was granted has not been issued a Building Permit and/or Business License by the end of an 18-month period, the permit shall expire. A specific review period, as deemed necessary by the nature of the project, may be imposed as a condition of the initial permit approval.
5. Specific Property - Change of Use.
Any specific conditional use permit, if granted, shall pertain only to the specific use and specific property for which application was made. Such granted permit does not apply to the applicant for use on any other property he/she may control.
6. Resubmittal of Application.
An application which has been denied by the City Council shall not be resubmitted to the Planning Commission within six (6) months of the date of denial.
7. Contents of a Conditional Use Permit Application.
A request for a Conditional Use Permit shall be submitted on an application form available at the Tumwater Planning Department. Each application shall be accompanied by a site plan, floor plan, building elevations, and a fee of \$50.00 to help defray the cost of handling the application, no part of which fee is refundable. Additions or deletions to the contents of the application may be made by the Administrative Official.
8. Hearing - Notice of Hearing.
Upon the filing of an application for a Conditional Use Permit, the Planning Commission and City Council shall set a time and place for public hearings to consider the application. The Planning Commission shall forward its recommendation to the City Council within 90 days of the time of filing of final Environmental documents for the Council's final deliberation and decision.

A written notice of any public hearing shall be mailed to all property owners as listed on records of the Thurston County Assessor within a 300 foot radius of the external boundaries of the subject property. In addition, notice shall be published at least ten (10) days prior to the hearing in at least one (1) newspaper of general circulation within the City and shall be posted in a conspicuous place at or near the location of the proposal. Each notice shall include the time, date, place, purpose of the hearing, and location of the subject proposal.

9. Minimum Conditions.

Any Conditional Use shall meet the density regulations of the zone in which it is located, as well as the minimum conditions listed below. The Planning Commission and City Council may impose any additional conditions they may deem necessary to insure the protection of adjacent uses, health, safety, and general welfare.

a) Churches.

1) Use permitted as a Conditional Use in the following zone districts: R-A, R-S, R-L, R-M, and R-H.

2) Minimum Conditions:

- (a) Site must be on or within 300 feet of a major or secondary arterial.
- (b) Plans showing the site layout and the design of the buildings shall be submitted for approval to the Planning Commission and City Council. These plans shall demonstrate that the proposed development will be compatible with the appearance and character of the surrounding neighborhood, and that such development will not be unduly detrimental to surrounding property.
- (c) 25 feet setback on front, side, and rear yards, and any additions to an existing structure shall not encroach upon any required yard.
- (d) Screening shall be provided on each side of the parking area which abuts upon or faces across a street, alley, or any lot in a residential zone.
- (e) Church sponsored uses located apart from the main building, such as residences, schools, auditoriums, convents, preschool facilities, or other uses similar in nature, shall be considered separate uses and subject to the applicable provisions of this Ordinance.
- (f) Off-street parking of one (1) space per every 200 square feet of gross floor area, or one (1) space per every three (3) seats (six (6) feet of pew), whichever is greater, shall be provided. No off-street parking or loading areas will be allowed in any required yard area.

b) Public Schools and Private Schools.

1) Use permitted as a Conditional Use in the following zone districts: R-S, R-L, R-M, and R-H.

2) Minimum Conditions:

- (a) Minimum land area standards as now established by the Office of the State Superintendent of Public Instruction.

- (b) 25 foot setback on front, side, and rear yards. No off-street parking or loading area will be allowed in any required yard area.
 - (c) Off-street parking shall be provided equal to one (1) space per every three (3) auditorium seats, or six (6) feet of bench, or two (2) spaces per every classroom, whichever is greater.
 - (d) Screening shall be provided on each side of the parking area which abuts upon or faces across a street, alley or any lot in a residential zone.
- c) Medical Clinic or Hospital.
 - 1) Use permitted as a Conditional Use in the following zone districts: R-M, R-H, C-L, and C-M.
 - 2) Minimum Conditions:
 - (a) Must meet the licensing requirements of the State of Washington.
 - (b) The minimum site area shall be adequate to provide the required parking, yards, and at least one (1) off-street emergency loading space.
 - (c) The front, rear, and side yards shall be at least 30 feet. No off-street parking or loading areas will be allowed in any required yard area.
 - (d) Screening shall be provided on each side of the parking area which abuts upon or faces across a street, alley, or any lot in a residential zone.
- d) Group Homes, Convalescent Center, Rest Home, Nursing Home, Boarding Home.
 - 1) Use permitted as a Conditional Use in the following zone districts: R-M, R-H, C-L, and C-M.
 - 2) Minimum Conditions:
 - (a) Must meet licensing requirements of the State Department of Social and Health Services.
 - (b) The minimum site area shall be adequate to provide for the required parking, yards, and at least one (1) off-street loading space.
 - (c) One (1) off-street parking space shall be provided for every three (3) beds.
 - (d) The front, rear, and side yards shall be at least 30 feet. No off-street parking or loading areas will be allowed in any required yard area.
 - (e) Screening shall be provided on each side of the parking area which abuts upon or faces across a street, alley or any lot in a residential zone.
- e) Neighborhood Community Center.
 - 1) Use permitted as a Conditional Use in the following zone districts: R-S, R-L, R-M, and R-H.

- 2) Minimum Conditions:
 - (a) The facility shall provide services of a social, and cultural nature to the neighborhood in which it is located.
 - (b) Front, side and rear yard setbacks of sufficient distance as determined by the Planning Commission and City Council, to provide noise and light separation from adjacent residential uses.
 - (c) Landscaping and screen planting in required yard areas of types, quantity and location, as prescribed by the Planning Commission and City Council, sufficient to provide noise and light separation from adjacent residential uses.
 - (d) Off-street parking of one (1) space per each employee, plus additional space as determined by the Planning Commission and City Council; said off-street parking to be screened by landscaping from adjacent properties, and not located in any required yard area.
 - (e) Limitation on the hours of operation so as not to interfere with residential character of the neighborhood.
 - (f) No use of sound amplification or lighting equipment that would be audible or visible from adjacent properties.
- f) Individual Mobile Homes.
 - 1) Use permitted as a Conditional Use in the following zone districts: R-A and R-M.
 - 2) Minimum Conditions:
 - (a) The placement of the mobile home must completely comply with the Individual Mobile Home Standards, as outlined in Chapter 4 of this ordinance.
 - (b) The mobile home must be visually compatible with surrounding properties. Visual compatibility can be achieved by:
 - (1) blending architectural styles of old and new structures; and
 - (2) allowing no structure to dominate another in scale, height or proportion.
- g) Animal Clinic, Hospital or Kennel.
 - 1) Use permitted as a Conditional Use in the following zone districts: C-L and C-M.
 - 2) Minimum Conditions:
 - (a) Must meet all applicable licensing requirements of the State of Washington.
 - (b) The minimum site area shall be adequate to provide the required parking, yards and at least one (1) off-street emergency loading space.
 - (c) The front, rear and side yards shall be at least 30 feet. No off-street parking or loading areas will be allowed in any required yard area.
 - (d) Screening shall be provided on each side of the parking area which abuts upon or faces across a street, alley, or any lot in a residential zone.

- h) Energy Generating Facilities, Including Hydroelectric.
 - 1) Use permitted as a Conditional Use in the following zone districts: G-B.
 - 2) No Minimum Conditions.
- i) Neighborhood-Oriented Retail Center
 - 1) Use permitted as a Conditional Use in the following zone districts: R-S, R-L, R-M, and R-H.
 - 2) Minimum Conditions:
 - (a) Neighborhood-oriented convenience centers are recognized as a desirable use of land in predominantly residential areas, and are allowed in all residential zoning districts under the provisions of this chapter;
 - (b) A site for such a land use shall not be located within a distance of ½ of a mile from any other similar retail commercial use and must be on or within 300 feet of a major or secondary arterial;
 - (c) Business within the neighborhood store shall be limited to retail sales of food and non-prescription drugs, oriented to serve the residents of the immediate neighborhood;
 - (d) In no event shall the gross floor area of a neighborhood store exceed 2,000 square feet;
 - (e) A neighborhood store shall be so architecturally designed so as to be a homogenous component of the neighborhood it serves;
 - (f) Parking shall be provided to the degree of one (1) off-street parking space, located to the rear of the front yard setback line, for each 300 square feet of gross floor area. Off-street parking and loading facilities shall be so located and screened that they are not visible from the first story window level of adjoining or nearby properties;
 - (g) Lighting of parking areas shall be on standards which have a maximum height of 3 feet;
 - (h) All business, service, storage and display of goods shall be conducted within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities; and
 - (i) Hours of operation shall be limited to the hours between 7:00 a.m. and 8:00 p.m.
- j) Residential Uses.
 - 1) Use permitted as a Conditional Use in the following zone districts: C-M, C-H and C-I.
 - 2) No Minimum Conditions.
- k) Off-Premise, Primary Use Signs
 - 1) Use permitted as a Conditional Use for directional purposes only in the following zone districts: CL, CM, CH and CI.

- 2) Minimum Conditions:
 - (a) No off-premise primary use sign shall be erected closer to the street than the building setback line. In cases where no setback is required, no portion of any off-premise sign shall extend beyond the property line or on or extend over the right-of-way line of any street or highway.
 - (b) The conditions for permit application, maintenance, inspection and removal, and other general provisions for off-premise, primary use signs, are as stated in Chapter 4, H., of this Ordinance.
 - (c) No off-premise primary use sign shall be larger than 32 square feet.
 - 3) Any off-premise primary use signs in existence on the effective date of this Ordinance may continue in existence and may be maintained, and its message may be changed, as long as the sign itself is not increased beyond its existing size.
- l) Cemetery.
- 1) Use permitted as a Conditional Use in all zones, except as permitted outright.
 - 2) Minimum Conditions:
 - (a) Site must be on or within 300 feet of a major or secondary arterial.
 - (b) A 40 foot setback on front, side, and rear yards.
 - (c) Screening shall be provided along each property line and shall consist of a continuous fence, wall, evergreen hedge, landscape planting or combination thereof, so as to effectively screen the property from immediate adjoining properties and public right-of-way. In cases where physical characteristics of the property make actual screening from adjoining parcels impossible or unreasonable, this requirement may be completely or partially waived by the City Council. All shrubs, trees, fencing, etc., used in the landscaping and screening, shall be maintained in a healthy growing condition. Dead or dying plants shall be replaced as soon as possible. Planting areas shall be maintained reasonably free of weeds and trash. All landscaping planting materials shall not impair pedestrian or vehicular safety.
 - (d) Off street parking of one space per each employee. Other cemetery related uses, such as mausoleums, crematoria, funeral homes, or other uses similar in nature, shall be considered separate uses and subject to the applicable provisions of this ordinance. No off street parking or loading areas shall be allowed in any required yard areas.
 - (e) Limitation on the hours of operation so as not to interfere with residential character of the neighborhood.
 - (f) No use of sound amplification or lighting equipment that would be audible or visible from adjacent property.
- m) Mini-storage Facilities.
- 1) Use permitted as a Conditional Use in the following zone district: C-H.

2) Minimum conditions:

- (a) No off-street parking or loading areas be allowed in any required yard area.
- (b) Screening located along all property lines shall be provided to lessen visual impact of rows of storage buildings.
- (c) The minimum site area shall be adequate to provide for the required parking and yards.

n) Private Clubs and Lodges.

- 1) Use permitted as a Conditional Use in the following zone districts: R-L, R-M and R-H.
- 2) Minimum Condition:
 - (a) Those conditions as listed under Chapter 21, 9, (a), when applicable.

E. Non-Conforming Uses, Structures and Lots

1. Intent.

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, and upon which actual building construction has been carried on diligently.

2. Non-Conforming Lots of Record.

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area that may be generally applicable in the zone district. All other requirements of the district other than lot area shall still apply to the lot. A request to vary from the ordinance requirement may only be granted through an action by the Planning Commission and City Council.

3. Non-Conforming Uses.

- a) No non-conforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied by such use at the effective date of the adoption or amendment of this Ordinance.
- b) No non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel being occupied by such use at the effective date of the adoption or amendment of this Ordinance.

4. Non-Conforming Structures.

- a) No non-conforming structure may be enlarged or altered in a way that increases its non-conformity.
- b) Should the non-conforming structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c) Should the non-conforming structure be moved it shall thereafter conform to the regulations of the district in which it is located.

5. Abandonment - Discontinuance.

A non-conforming use shall be deemed abandoned by having been discontinued for a period of two (2) years, and any subsequent future uses of such land or buildings shall be in conformity with the provisions of this Ordinance.

F. Variances

1. General - Intent.

Where difficulties exist rendering compliance with the Zoning Ordinance impractical and such compliance would create unnecessary hardship to the owners or users of land or buildings, the City Council, after a recommendation of the Planning Commission, may grant a variance after due notice, and a public hearing. The variance procedure applies to mechanical problems, such as structure height, yard setbacks, parking requirements, etc.

2. Findings.

A variance may be granted, after investigation, provided all of the following findings of fact exist:

- a) That special conditions exist which are peculiar to the land, such as size, shape, topography, or location not applicable to other lands in the same district, and that literal interpretation of the provisions of this Ordinance would deprive the property owners of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this Ordinance;
- b) That the special conditions and circumstances are not the result of actions of the applicant;
- c) That the granting of the variance requested will not confer a special privilege to the property that is denied other lands in the same district;
- d) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements of the vicinity and zone in which the subject property is situated; and
- e) That the reasons set forth in the application justify the granting of the variance, and that the variance, if granted, would be the minimum variance that will make possible the reasonable use of the land.

In no event may a variance be granted if it would permit a use that would not be permitted as a primary, accessory, or conditional use in the district involved.

3. Decision of the City Council.
Within seven (7) days following the decision of the City Council granting or denying the application, the applicant shall be notified of the decision in writing. Such written notification shall include the findings of fact for denial or approval, whichever is applicable.
4. Specific Property.
Any variance permit, if granted, shall pertain only to the specific property for which the application was made. Such granted variance does not apply to any other property he/she may control.
5. Resubmittal of Application.
An application which has been denied by the City Council shall not be resubmitted to the Planning Commission within six (6) months of the date of denial.
6. Contents of a Variance Permit Application.
A request for a variance shall be submitted on an application form available at the Tumwater Planning Department. Each application shall be accompanied by a site plan, floor plan, and a fee of \$50.00 to help defray the cost of handling the application, no part of which is refundable. Additions or deletions to the contents of the application may be made by the Administrative Official.
7. Hearing - Notice of Hearing.
Upon the filing of an application for a Variance Permit, the Planning Commission and City Council shall set a time and place for public hearings to consider the application. The Planning Commission shall forward its recommendation to the City Council within 30 days for the Council's final deliberation and decision.

A written notice of any public hearing shall be mailed to all property owners as listed on records of the Thurston County Assessor within a 300 foot radius of the external boundaries of the subject property. In addition, notice shall be published at least ten (10) days prior to the hearing in at least one (1) newspaper of general circulation within the City and shall be posted in a conspicuous place at or near the location of the proposal. Each notice shall include the time, date, place, purpose of the hearing, and location of the subject proposal.

CHAPTER 22. SEVERABILITY

Should any chapter or any provision of this Ordinance be decided by the courts to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part as held to be invalid.

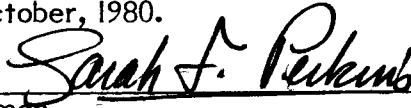
CHAPTER 23. REPEAL

Chapters 18.04 through 18.80 of the Tumwater Municipal Code and Ordinance No. 555 and all amendments thereto are hereby repealed, and all other ordinances or parts of ordinances of the City of Tumwater in conflict with the provisions of this Ordinance are hereby repealed.

CHAPTER 24. EFFECTIVE DATE

This Ordinance shall take effect and be in force on and after the 1st day of July, 1984.

Approved and recommended by the Planning Commission of the City of Tumwater, Washington, this 14th day of October, 1980.



Chairman

Adopted by the City Council this 5th day of June 1984, and signed in authentication of its adoption this 7th day of June 1984.

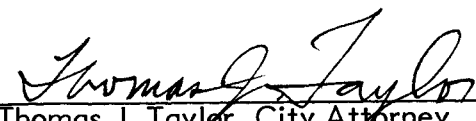
CITY OF TUMWATER


R. H. Schmidt, Mayor

ATTEST:


Mary J. Benson, Clerk/Treasurer

APPROVED AS TO FORM:


Thomas J. Taylor, City Attorney

PUBLISHED: June 25, 1984
POSTED: June 25, 1984