ORDINANCE NO. O2025-011

AN ORDINANCE of the City Council of the City of Tumwater, Washington, relating to planning under the Growth Management Act, Chapter 36.70A RCW, of the State of Washington, amending Titles 3, 5, 11, 14, 15, 17, and 18, and the Tumwater City-Wide Zoning Map as more particularly described herein; declaring an emergency and establishing an effective date.

WHEREAS, during 2023, 2024, and 2025, staff gathered information on proposed amendments to the Tumwater Municipal Code to meet state requirements as part of the 2025 Comprehensive Plan and Development Code update process to be considered collectively; and

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

WHEREAS, this ordinance meets the goals and requirements of the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the proposed text and map amendments are consistent with the City's Comprehensive Plan; and

WHEREAS, the City engaged the community through public briefings, work sessions, and meetings with the Planning Commission, the Public Works Committee, the General Government Committee, and the City Council.

WHEREAS, the City has adopted the Comprehensive Plan periodic update in accordance with the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, due to the State deadline to adopt the required 2025 Development Code update; the City Council finds a public emergency exists; and

WHEREAS, the Attorney General *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (October 2024) was reviewed and utilized by the City in objectively evaluating the proposed amendments; and

WHEREAS, the ordinance was sent to the Washington State Department of Commerce on October 13, 2025, at least sixty days before the proposed code amendments were adopted, in accordance with RCW 36.70A.106; and

WHEREAS, on XXXX, 2025, the Washington State Department of Commerce notified the City that the requirements for State Agency notification for the

proposed text and map amendments had been met, as required by RCW 36.70A.106; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act, Chapter 43.21C RCW, pursuant to Chapter 197-11 WAC on October 10, 2025, and a Determination of Non-Significance (DNS) was issued on October 17, 2025; and

WHEREAS, the Planning Commission, General Government Committee, and City Council were briefed on various components of the proposed text and map amendments over the course of 2023, 2024, and 2025; and

WHEREAS, the Planning Commission had a briefing on the ordinance on October 28, 2025, and held a work session on the ordinance on November 10, 2025; and

WHEREAS, the Planning Commission held a public hearing on the ordinance on November 25, 2025; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended approval of the ordinance by the City Council; and

WHEREAS, the City Council and the Planning Commission had a joint work session to discuss the Planning Commission's recommendation on the ordinance on December 9, 2025; and

WHEREAS, the City Council considered the ordinance on December 16, 2025; and

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

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

Section 1. Section TMC 3.50.020, Definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

3.50.020 Definitions.
The following words and terms shall have the following meanings for the purposes of this title, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

A. "Act" means the Growth Management Act, Chapter 17, Laws of 1990, First Extraordinary Session, Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, First Special Session, RCW 82.02.050 et seq., as now in existence or as hereafter amended.

B. "Building permit" means the permit required for new construction and additions pursuant to TMC Chapter 15.04. The term "building permit," as used herein, shall not be deemed to include:

Permits required for the remodeling, rehabilitation, or other improvements to an existing structure or for rebuilding a damaged or destroyed structure, provided there is no increase in the applicable unit of measure (i.e., for nonresidential construction) or number of dwelling units (for residential construction) resulting therefrom.

C. "Capital facilities" means the facilities or improvements included in the currently adopted city of Tumwater capital facilities plan.

D. "Capital facilities plan" means the city of Tumwater capital facilities plan element of the comprehensive plan adopted pursuant to Chapter 36.70A RCW, and such plan as amended.

E. "City" means the city of Tumwater.

F. "City of Tumwater transportation plan" means the transportation plan element of the comprehensive plan adopted pursuant to Chapter 35.63 RCW, or any amendment thereto, and such plan as amended.

G. "Cottage housing" means residential units on a lot with a common open space that either: (A) is owned in common; or (B) has units owned as condominium units with property owned in common and a minimum of twenty percent of the property as open space.

~~G~~H. "Council" means the city council of Tumwater.

~~H~~I. "Department" means the department of community development.

~~I~~J. "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land that creates additional demand and need for public facilities.

~~J~~K. "Development approval" means any written authorization from the city which authorizes the commencement of a development activity.

~~K~~L. "Direct access improvements" means frontage improvements and other roadway construction required by city of Tumwater ordinance or other access improvements necessary for approval of a development activity.

~~L~~M. "Director" means the director of community development or the director's designee.

N. "Duplex" means a building designed for and used exclusively for occupancy by two families independent of each other where both dwelling units are located on the

same lot and are completely separated from each other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for common stairwell or garage exterior to both dwelling units.

~~M~~O. "Encumber" means to reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.

~~N~~P. "Fire impact fee rate study" means the rate study for impact fees for fire protection facilities dated January 8, 2003, which is incorporated herein by reference, a copy of which is on file with the city clerk.

~~O~~Q. "Hearing examiner" means the land use hearing examiner who acts on behalf of the council in considering and applying land use regulatory codes as provided under TMC Chapter 2.58.

~~P~~R. "Impact fee" means the fee levied pursuant to this chapter as a condition of issuance of a building permit or development approval. "Impact fee" does not include a reasonable permit or application fee and does not preclude a SEPA mitigation fee.

~~Q~~S. "Impact fee account" or "account" means the account established for each type of public facility for which impact fees are collected. Such account shall be established pursuant to TMC 3.50.080 and shall comply with the requirements of RCW 82.02.060.

~~R~~T. "Impact fee schedule" means the fee schedules set forth in TMC 3.50.125, 3.50.130 and 3.50.135, as reflected in the currently adopted and amended fee resolution.

~~S~~U. "Independent fee calculation" means the traffic engineering calculation, the fire protection facilities calculation, and/or economic documentation prepared by a feepayer to support the assessment of an impact fee other than by the use of the impact fee schedules.

~~T~~V. "Interest" means the interest rate earned by the city on an impact fee account.

W. "Middle housing" means buildings that are compatible in scale, form, and character with single-family detached dwellings that contain two to four attached or stacked dwelling units including duplexes, triplexes, quadplexes, and stacked flats, as well as townhouses or cottage housing with three or more dwelling units.

X. "Olympia School District study" means the Olympia School District rate study for interim impact fees for school facilities for adoption by the city of Olympia, the city of Tumwater and Thurston County, Washington, and such study as amended, which is incorporated herein by reference, a copy of which is on file with the city clerk. For the purpose of this chapter, the Olympia School District study applies only to those properties within the city of Tumwater that lie within Olympia School District No. 111.

~~U~~Y. "Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

~~V~~Z. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the council shall be considered a project improvement.

~~W~~AA. "Public facilities" means public streets and roads, Tumwater School District No. 33 infrastructure, and Olympia School District No. 111 infrastructure.

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

~~X~~CC. "Road" means a right-of-way that affords the principal means of access to abutting property, and its accompanying signalization improvements, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

~~Y. "Transportation impact fee program" means the city of Tumwater transportation impact fee program, as adopted by the city council and as hereafter amended, a copy of which is on file with the city clerk.~~

~~Z. "Olympia School District study" means the Olympia School District rate study for interim impact fees for school facilities for adoption by the city of Olympia, the city of Tumwater and Thurston County, Washington, and such study as amended, which is incorporated herein by reference, a copy of which is on file with the city clerk. For the purpose of this chapter, the Olympia School District study applies only to those properties within the city of Tumwater that lie within Olympia School District No. 111.~~

DD. "Single-family detached dwelling" means a building that is not attached in any way to another dwelling unit or structure that provides complete, independent living facilities for a family.

~~AA~~EE. "Square footage" means the square footage of the gross floor area of the development.

FF. "Stacked flat" means dwelling units in a residential building of no more than three stories in which each floor may be separately rented or owned as one dwelling unit.

~~BB~~GG. "State" means the state of Washington.

~~CC~~HH. "System improvements" means public facilities that are included in the capital facilities plan and are designed to provide service within the community at large, in contrast to project improvements.

~~DD~~II. "TMC" means the Tumwater Municipal Code.

JJ. "Townhouse" means one of a line or row of three or more dwelling units attached one to the other, having common walls between individual units, generally two stories in height (and sometimes three). Each unit occupies the space between common walls from the lowest level to the roof, where common walls are the property lines between units and that have a yard or public or private street, alleys, pathways, or similar feature which the public has a right of use on not less than two sides.

KK. "Transportation impact fee program" means the city of Tumwater transportation impact fee program, as adopted by the city council and as hereafter amended, a copy of which is on file with the city clerk.

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

~~EE~~MM. "Tumwater School District study" means the 2004 Tumwater School District No. 33 Capital Facilities Plan 2004-2010, and such future plan, as amended, for adoption by the city of Tumwater, and Thurston County, Washington, which is incorporated herein by reference, a copy of which is on file with the city clerk. For the purpose of this chapter, the Tumwater School District study applies only to those properties within the city of Tumwater that lie within Tumwater School District No. 33.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-008, Amended, 05/04/2010; Ord. O2007-024, Amended, 03/18/2008; Ord. O2004-026, Amended, 01/04/2005; Ord. O2002-029, Amended, 04/01/2003; Ord. O99-024, Amended, 12/21/1999; Ord. O96-027, Amended, 10/15/1996; Ord. O94-038, Amended, 12/06/1994; Ord. 1333, Added, 10/20/1992)

Section 2. Section TMC 5.75.010, Definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

5.75.010 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

"Assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or receives other federal, state, or local government assistance and is subject to use restrictions.

"Change of use" means (1) the conversion of any dwelling unit from a residential use to a nonresidential use; (2) conversion from one type of residential use to another type of residential use, such as a conversion to an adult family home, residential care facility, group foster home, senior housing facility, emergency housing or shelter, or transitional housing as defined in TMC Chapter 18.04; or (3) the removal of use restrictions, including those in an assisted housing development; provided, that an owner displacing a tenant so that the owner or immediate family member can occupy the rental dwelling unit shall not constitute a change of use. Any "change of use" as provided herein requires displacement of a tenant.

"Days" means calendar days unless otherwise provided.

"Demolition" means the destruction of any dwelling unit. Any "demolition" as provided herein requires displacement of a tenant.

"Deposit" means a refundable payment or deposit of money, however designated, the primary function of which is to secure performance of a rental agreement or any part of a rental agreement. A deposit does not include a fee.

"Director" means the director of the community development department, or the director's designee, as it exists or is hereinafter amended.

"Displacement" or "displaced" means the demolition, substantial rehabilitation, or change of use requiring existing tenants to vacate the dwelling unit, but shall not include the relocation of a tenant from one dwelling unit to another dwelling unit with the tenant's consent.

"Dwelling unit" is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means a structure or part of a structure used as a home, residence, or sleeping place by one, two, or more persons maintaining a common household, including, but not limited to, single-family detached, ~~residences and multiplexes~~, middle housing, and ~~apartment buildings~~multifamily dwellings, and manufactured or mobile homes.

"Housing costs" means the compensation or fees paid or charged, usually periodically, for the use of any property, land, buildings, or equipment for residential purposes. For purposes of this chapter, housing costs include the basic rent charge, but do not include utility charges based on usage and the tenant has agreed in the rental agreement to pay, unless the obligation to pay those charges is itself a change in the terms of the rental agreement.

"Immediate family member" is defined under RCW 59.18.030, as it exists or is hereinafter amended, and includes state registered domestic partner, spouse, parents, grandparents, children, including foster children, siblings, and in-laws.

"Landlord" is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

"Owner" is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means one or more persons, or entities, jointly or severally, in whom is vested:

1. All or any part of the real title to property; or

2. All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

"Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

"Rent" or "rental amount" is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises, which may include charges for utilities. Except as provided in RCW 59.18.283(3), these terms do not include nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or other fees, including attorneys' fees.

"Rental agreement" or "lease" is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means all agreements that establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

"Substantial rehabilitation" is defined under RCW 59.18.200, as it exists or is hereinafter amended, and means extensive structural repair or extensive remodeling and requires a building, electrical, plumbing, or mechanical permit for the tenant's dwelling unit at issue. Any "substantial rehabilitation" as provided herein requires displacement of a tenant.

"Tenant" is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means any person who is permitted to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement and includes those persons who are considered to be tenants under the state RLTA, Chapter 59.18 RCW and those tenants whose living arrangements are exempted from the state RLTA under RCW 59.18.040(3). For purposes of this chapter, "tenant" shall not include the owner of a dwelling unit or members of the owner's immediate family.

(Ord. O2022-012, Added, 12/06/2022)

Section 3. Section TMC 5.80.010, Definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

5.80.010 Definitions.

For the purpose of this chapter, the following words or phrases have the meanings prescribed below:

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

"Building" means any structure having a roof, but excluding all forms of vehicles, even though immobilized. (See "structure," TMC 18.04.180.)

"Building code" means the code promulgated by the International Conference of Building Officials, as adopted by the city council of the city.

"Business license" means a business license as required by Chapter 5.04 TMC.

"Director" means the director of the community development department, or the director's designee, as it exists or it is hereinafter amended.

"Dwelling, single-family detached" means a building that is not attached in any way to another dwelling unit or structure providing complete, independent living facilities for a family.

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

"Emergency shelter" means a facility that provides a temporary indoor shelter for individuals or families who are currently homeless. Emergency shelter may provide a mixture of individual rooms and common areas for sleeping and may have communal bathrooms and kitchen and dining areas. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day cooling and warming centers that do not provide overnight accommodations.

"Landlord" is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means the property owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the property owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

"Manufactured home" means a single-family dwelling or duplex built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home does not meet the criteria to be classified as a "designated manufactured home." See also "designated manufactured home" and "new manufactured home," TMC 18.04.040 and 18.04.140.

"Manufactured home, designated" means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which: (1) is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long; (2) was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal three-to-twelve pitch; and (3) has exterior siding similar in

appearance to siding materials commonly used on conventional site-built single-family ~~residences~~detached dwellings. See also "manufactured home" and "new manufactured home."

"Manufactured home, new" means any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a used mobile home as defined in RCW 82.45.032(2). See also "designated manufactured home" and "manufactured home," TMC 18.04.040 and 18.04.130.

"Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development (HUD) Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD Manufactured Home Construction and Safety Standards Act.

"Permanent supportive housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW, Residential Landlord-Tenant Act.

"Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

"Property owner" is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means one or more persons, or entities, jointly or severally, in whom is vested:

1. All or any part of the real title to property; or
2. All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

"Rental unit" means a residential housing unit occupied or rented by a tenant or available for rent by a tenant.

"Residential housing unit" means any building or part of a building in the city of Tumwater that is used or may be used as a home, residence, or sleeping place by one or more persons, including but not limited to single-family detached dwellings, accessory dwelling units, designated manufactured homes, manufactured homes,

new manufactured homes, mobile homes, duplexes, triplexes, quadplexes~~fourplexes~~, stacked flats, townhouses, ~~rowhouses,~~ cottage housing, multifamily dwellings, apartment buildings, high-rise residential, condominiums, and similar living accommodations.

"Tenant" is defined under RCW 59.18.030, as it exists or is hereinafter amended, and means any person who is permitted to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement and includes those persons who are considered to be tenants under the state RLTA, Chapter 59.18 RCW and those tenants whose living arrangements are exempted from the state RLTA under RCW 59.18.040(3). For purposes of this chapter, "tenant" shall not include the property owner of a dwelling unit or members of the property owner's immediate family.

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

(Ord. O2022-014, Added, 02/07/2023)

Section 4. Section TMC 5.80.030, Scope, of the Tumwater Municipal Code is hereby amended to read as follows:

5.80.030 Scope.

A. Business License Required. As a condition of operation, each and every property owner or landlord renting or leasing a residential housing unit within the city limits shall, in accordance with Chapter 5.04 TMC, obtain and maintain a business license.

B. Exempt Residential Housing Units. This chapter does not apply to the following residential housing units:

1. Single-family detached dwellings, accessory dwelling unit, duplexes, triplexes, ~~or fourplexes~~quadplexes, or stacked flats;

2. Manufactured home parks and townhouse and cottage housing developments less than five units in size;

3. Units unavailable for rent;

4. Housing accommodations in a hotel, motel, bed and breakfast, short-term rental, or other similar transient lodging;

5. Housing accommodations at an institution, whether public or private, where residence is merely incidental to detention or the provision of medical, religious, educational, recreational, or similar services, including but not limited to adult family homes, educational facilities, residential care facilities, group foster homes, assisted and independent senior housing facilities, convalescent centers,

rest homes, nursing homes, prisons, jails, or other correctional facilities, monasteries and convents, mental health facilities, and hospitals;

6. Designated manufactured homes, manufactured homes, new manufactured homes, and mobile homes;

7. Emergency housing, emergency shelters, and transitional housing;

8. Permanent supportive housing and rental units that a government unit, agency, or authority owns, operates, or manages, or that are specifically exempted from such a registration requirement by state or federal law or administrative regulation. This exemption does not apply once the governmental ownership, operation, or management is discontinued;

9. Accessory dwelling units; and

10. Condominiums ~~and townhomes or rowhouses~~.

C. Penalty for Not Obtaining Business License. In addition to the penalties set forth elsewhere in TMC, there shall be assessed a penalty of $100.00 per day for each day that a residential housing unit operates without a valid and current business license for the first ten days of noncompliance with this chapter, and up to $400.00 per day for each day in excess of ten days of noncompliance with this chapter.

D. Display of Required Information. Information required by TMC 5.75.030(B) shall be posted on the inside of each residential housing unit or in a common area; provided, that the director may establish by rule one or more alternative or additional methods for conveying the information to tenants.

E. The business license period shall be consistent with the period established under TMC 5.04.050. A fee as established in Chapter 5.04 TMC shall accompany any application for a license required by this chapter. Business license applications for residential rental housing shall comply with the requirements of TMC 5.04.040.

F. Denial or Revocation of License.

1. A business license issued to a residential rental housing unit or units may be denied or revoked for the following reasons:

a. The applicant or registration holder has failed to comply with any of the provisions of this chapter;

b. The applicant or registration holder is in default of any fee due to the city under this chapter;

c. Any reason set forth in TMC 5.04.030;

d. The property is subject to a notice of violation for a code violation, which has been deemed committed or found to have been committed pursuant to TMC or the Revised Code of Washington.

2. The denial or revocation of a business license for a residential rental housing unit or units shall comply with the business license revocation procedures set forth in TMC 5.04.030.

3. If a business license issued for a residential rental housing unit(s) is revoked, or an application for a license is denied, the landlord will be granted a business license only after:

a. Any and all deficiencies on which the revocation or denial was based have been corrected;

b. The applicant pays a license fee as determined by city code.

4. Tenant relocation assistance shall be provided as required by RCW 59.18.085, and pursuant to the process set forth therein.

(Ord. O2022-014, Added, 02/07/2023)

Section 5. Section TMC 11.20.080, Development standards for attached wireless communication facilities, of the Tumwater Municipal Code is hereby amended to read as follows:

11.20.080 Development standards for attached wireless communication facilities.

A. Attached WCFs Allowed. Attached WCFs are permitted uses in all zone districts, except the CBC~~,~~ capitol boulevard community; HC~~,~~ historic commercial; GB~~,~~ greenbelt; OS~~,~~ open space; and MHP~~,~~ manufactured home park zone districts; and it is prohibited to attach a nonaccessory WCF on a single-family or ~~two-family~~middle housing dwelling.

B. Types of attached WCFs include, but are not limited to, WCFs and transmission equipment affixed to or located within the wall or mounted on the top of an existing or replacement structure, base station, or other similar structure not constructed specifically to support an antenna.

C. Design Requirements.

1. Camouflage Required. Attached WCFs shall be designed to blend into the architecture of the building or structure on which placed through the use of color and camouflage design techniques, except where color is otherwise dictated by applicable law.

2. Attachment to Trees Prohibited. It is prohibited to use any tree as a support for any attached WCFs; or to use any tree to attach any metal guy or cable supporting any attached antenna.

3. Colocation. Where feasible, construction of new attached WCFs on existing structures shall be designed, engineered, and constructed to facilitate colocation of additional WCFs by other WCF providers on the same structure.

D. Setbacks for Attached Facilities. Attached WCFs shall conform to the following setback requirements:

1. Property Lines and Required Yards. WCFs and transmission equipment mounted on building walls or roofs shall not extend over property lines nor into required front, side, or rear yard areas; provided, that the development review committee may approve an encroachment into a required yard up to two feet for an antenna mounted on the face or wall of a building or structure if the antenna is camouflaged to blend into the architecture of the building or structure on which placed.

2. Antennas Mounted Atop Structures. Antennas on rooftops or atop water tanks shall be set back horizontally from the vertical edge of the structure one foot for every foot of elevation above the roof or tank. Whenever practical, antennas on rooftops must be either located or camouflaged so as not to be visible from adjacent rights-of-way.

E. Maximum Heights. Except for colocations as required by federal law with respect to an eligible facilities request, and WCFs in the right-of-way which are addressed in TMC 11.20.095, attached WCFs in any zone district shall not exceed the maximum height allowed for structures in the same zone district by TMC Title 18; except that WCFs mounted on rooftops which are at or near the maximum allowable height may extend above the height limit upon approval of an administrative deviation pursuant to provisions of TMC 11.20.170.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2011-002, Amended, 03/01/2011; Ord. O2004-009, Amended, 12/07/2004; Ord. O97-018, Added, 06/17/1997)

Section 6. Section TMC 11.20.090, Development standards for wireless communication towers, of the Tumwater Municipal Code is hereby amended to read as follows:

11.20.090 Development standards for wireless communication towers.

A. Conditional Use Permit Required. Wireless communication towers are permitted by conditional use permit in all zone districts,

1. Except in:

a. Prohibited Zone Districts. No wireless communication towers are allowed in the NC~~,~~ neighborhood commercial; CBC~~,~~ capitol boulevard community; TC~~,~~ town center; HC~~,~~ historic commercial; BD~~,~~ brewery district; GB~~,~~ greenbelt; and OS~~,~~ open space, zone districts; and

b. Permitted Zone Districts. Wireless communication towers in the LI~~,~~ light industrial; HI~~,~~ heavy industrial; and ARI~~,~~ airport related industrial zone districts are allowed as permitted uses (see TMC 11.20.030(D)).

2. However, no conditional use permit shall be required for colocation of WCFs on existing wireless communication towers or base stations; provided, that:

a. For colocations that are not an eligible facilities request, the colocation does not result in an increase in height of the existing support structure, and the proposed addition otherwise complies with standards described in this chapter; or

b. For colocations that involve an eligible facilities request, the request complies with the applicable provisions of this title and federal law.

Emergency communications towers deemed essential facilities under TMC Chapter 18.56 can be sited in any zone district and follow the conditional use permit approval process.

B. Design Requirements.

1. Color and Camouflage Required. Wireless communication towers and related facilities shall be designed to blend into the surrounding environment with camouflage and concealment techniques wherever possible, except where color is otherwise dictated by applicable law.

2. Attachment to Trees Prohibited. It is prohibited to use any tree as a support for any wireless communication towers; or to use any tree to attach any metal guy or cable supporting any wireless communication towers.

3. Colocation. Whenever practical new wireless communication towers shall be designed, engineered, and constructed to facilitate colocation of WCFs on the same structure.

C. Setbacks for Wireless Communication Towers. Wireless communication towers shall conform to the following setback requirements:

1. Rights-of-Way. Wireless communication towers shall be set back from all rights-of-way a distance no less than one foot for every foot of wireless communication tower height.

2. Residential Properties. Wireless communication towers shall be set back from all adjacent properties in the RSR, residential/sensitive resource; ~~SFL, single-family low density residential; SFM, single-family~~ LDR ~~medium~~ low density residential; ~~MFM, multifamily~~MDR medium density residential; ~~MFH, multifamily~~HDR high density residential; and MHP~~,~~ manufactured home park zone districts a distance no less than two feet for every foot of wireless communication tower height.

3. Nonresidential Properties. Wireless communication towers shall be set back from all adjacent properties in the NC~~,~~ neighborhood commercial; CS~~,~~ community services; MU~~,~~ mixed use; CBC~~,~~ capitol boulevard community; GC~~,~~ general commercial; TC~~,~~ town center; LI~~,~~ light industrial; HI~~,~~ heavy industrial; HC~~,~~ historic commercial; GB~~,~~ greenbelt; OS~~,~~ open space; and ARI~~,~~ airport related industry zone districts a distance no less than one foot for every foot of wireless communication tower height.

Provided however, that the minimum setback may be reduced upon approval of an administrative deviation pursuant to provisions of TMC 11.20.170.

D. Maximum Heights. Wireless communication towers in any zone district exclusive of industrial zone districts shall not exceed the maximum allowable heights for buildings in the same zone district by TMC Title 18 or fifty feet, whichever is less; provided, however, that the maximum allowable height may be increased upon approval of an administrative deviation pursuant to provisions of TMC 11.20.170. The maximum allowable height for wireless communication towers shall be one hundred feet in the LI~~,~~ light industrial; HI~~,~~ heavy industrial; and ARI~~,~~ airport related industry zone districts; provided, however, that wireless communication towers shall not penetrate imaginary airspace surfaces as defined by Title 14 of the Code of Federal Regulations, Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

E. Separation Between Facilities. Except for the LI~~,~~ light industrial; HI~~,~~ heavy industrial; and ARI~~,~~ airport related industry zone districts, no new wireless communication towers may be constructed within one thousand three hundred twenty feet of any other wireless communication tower except upon approval of an administrative deviation pursuant to provisions of TMC 11.20.170.

F. WCF Accessory Structures and Equipment. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the wireless communication tower shall be concealed, screened, camouflaged, or placed underground.

G. Landscaping and Tree Protection. Applications for development of a site for wireless communication towers shall include tree protection and landscaping plans to assure that:

1. Trees and other vegetation are retained and adequately protected pursuant to provisions of TMC Chapter 16.08.

2. To the greatest extent feasible, existing trees and other vegetation and new landscaping are utilized to screen WCFs, related buildings, and transmission equipment from view from adjacent properties and rights-of-way.

3. Applicable landscaping and buffering requirements of TMC Title 18 are met.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2011-002, Amended, 03/01/2011; Ord. O2004-009, Amended, 12/07/2004; Ord. O97-018, Added, 06/17/1997)

Section 7. Section TMC 11.20.100, Additional conditional use permit and administrative approval criteria for WCF antennas and wireless communication towers, of the Tumwater Municipal Code is hereby amended to read as follows:

11.20.100 Additional conditional use permit and administrative approval criteria for WCF antennas and wireless communication towers.

In addition to the conditional use permit criteria specified in TMC Chapter 18.56, the following specific criteria shall be met before a conditional use permit or administrative approval for a WCF can be granted:

A. Visual Impact.

1. Except in connection with an eligible facilities request, antennas may not exceed the height limitations of TMC 11.20.095(I).

2. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district to the extent consistent with the function of the communications equipment. Wireless communication towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

3. Accessory equipment used to house WCF should be located within buildings or placed underground when practically or technically feasible. When they cannot be located in buildings or underground, equipment shelters or cabinets shall be screened and landscaped in conformance with buffer requirements specified in TMC Chapter 18.47.

B. Noise. No wireless communication equipment shall be operated to produce noise levels above the decibel (dB) levels described in TMC Chapter 8.08. Backup generators shall only be used during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 a.m. and 6:00 p.m.

C. Lighting. A wireless communication tower or other structure to which a WCF is attached shall not be lighted except to the extent required by federal and state aviation or telecommunications agencies.

D. Electromagnetic Radio Frequency Emissions. Federal law provides that the federal government has sole jurisdiction to regulate in the field of radio frequency (RF) emissions.

1. WCF shall not be conditioned nor denied based on RF impacts.

2. Applicants for WCF permits shall be required to provide information as required in the application certifying compliance with federal standards.

E. Air Navigation Height Limitation. In addition to height limitations imposed elsewhere in this title, no wireless communication tower or other WCF may pierce the civil airport imaginary surface of the Olympia regional airport, pursuant to Federal Aviation Administration, Title 14, Part 77 rules, without express support by the FAA and the Port of Olympia.

F. Access to Site. WCF sites shall be fenced by a security fence not less than six feet in height to prevent access to areas of the site, transmission equipment,

wireless communication towers, or related structures. Base stations such as buildings and similar structures used for telecommunications equipment facilities and accessory equipment shall be locked and secured to prevent unauthorized entry. Wireless communication towers and base stations shall be designed with anti-climbing features to prevent climbing by intruders.

G. Site Identification. WCF sites shall be identified by means of a sign no larger than two square feet affixed to the equipment building or fence enclosure which identifies each firm using the site and provides a contact name and telephone number.

H. Structural Requirements. WCFs shall not cause applicable wind and dead load standards of the building code as adopted in TMC Title 15 to be exceeded.

I. View Obstruction. WCFs shall be located as to minimize the obstruction of scenic views from residential zone districts, such as RSR~~,~~ residential/sensitive resource; ~~SFL, single-family low density residential; SFM, single-family~~LDR ~~medium~~ low density residential; ~~MFM, multifamily~~MDR medium density residential; ~~MFH, multifamily~~ HDR high density residential; and MHP~~,~~ manufactured home park zone districts. Determinations of the significance of potential view obstructions shall be based on submittal materials and field examinations by city staff during review processes, and, except for those applications subject to administrative review only, approvals shall consider comments from owners and/or residents of affected properties.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2010-017, Amended, 12/21/2010; Ord. O97-024, Amended, 03/03/1998; Ord. O97-018, Added, 06/17/1997)

Section 8. Section TMC 11.20.170, Administrative deviations – Variances from standards, of the Tumwater Municipal Code is hereby amended to read as follows:

11.20.170 Administrative deviations – Variances from standards.

A. Administrative Deviations. The development standards contained in this chapter establish basic parameters for compliance. Some of these parameters, as specified in subsection C of this section, may be varied from by administrative deviation.

B. Basis for Administrative Deviation. Administrative deviations may be granted in cases where the final approval authority finds that strict adherence to height, size, setback, separation, or other standards for WCFs:

1. Prohibits or has the effect of prohibiting the provision of personal wireless services;

2. Results in conditions contrary to the purposes of WCFs specified in TMC 11.20.010(B) or otherwise renders compliance impractical; or

3. Creates unnecessary hardship to the owners or users of lands or buildings or providers of wireless communications services, then the final approval authority

may approve an administrative deviation varying from requirements and standards.

C. Final Approval Authority.

1. Accessory Wireless Communication Antennas. Final approval authority for administrative deviation of accessory wireless communication antennas is the director based on findings of the development review committee after completion of a feasibility review.

2. WCFs Except Wireless Communication Towers. Final approval authority for administrative deviation of any WCF that is not a wireless communication tower is the director based on findings of the development review committee after completion of administrative site plan review.

3. Final approval authority for administrative deviation of a wireless communication tower is the hearing examiner based on findings from a public hearing on a conditional use permit, except in industrial zone districts. In the LI, light industrial; HI, heavy industrial; and ARI, airport related industry zone districts, the final approval authority is the director based on findings of the development review committee after completion of administrative site plan review.

D. Scope of Administrative Deviations. The administrative deviation process for WCFs applies to:

1. Height, size, or use limits described in TMC 11.20.070(B) for accessory wireless communication antennas;

2. Setbacks, maximum height, size, or separation requirements for other WCFs; or

3. Any other location standard, colocation requirement, or other regulatory provisions of this chapter, when considered in conjunction with applicant's site specific request, where the final approval authority finds such provisions inconsistent with purposes of these regulations or contrary to requirements of the federal or state law.

Approval of a request for administrative deviation shall be narrowly construed and shall be based on an evaluation of the operational needs of the wireless communications provider, alternative locations, alternative existing facilities upon which a proposed antenna array might be located, and colocation opportunities on existing support wireless communication towers within one-half mile of the proposed site. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant.

E. Necessary Findings for Granting of an Administrative Deviation. An administrative deviation may be granted by the final approval authority for WCFs upon findings of fact, as follows:

1. Nonresidential Properties. WCFs on properties in nonresidential zone districts (NC~~,~~ neighborhood commercial; CS~~,~~ community services; MU~~,~~ mixed use; GC~~,~~ general commercial; TC~~,~~ town center; LI~~,~~ light industrial; HI~~,~~ heavy industrial; HC~~,~~ historic commercial; BD~~,~~ brewery district; GB~~,~~ greenbelt; OS~~,~~ open space; or ARI~~,~~ airport related industry zone districts) may exceed applicable limits contained in this chapter by administrative deviation based on findings of each of the following that a proposed WCF:

a. Is the least height and proximity to adjacent properties necessary to provide the coverage or capacity by the communications service provider and to achieve the purposes of TMC 11.20.010(B);

b. Employs all reasonable measures to provide visual mitigation that screen the facility from views of adjacent residences or undeveloped residential properties;

c. Will not produce noise, vibration, odors, or illumination that will adversely impact other properties in the vicinity;

d. By means of design or location, does not present a hazard to adjacent properties; and

e. Does not penetrate imaginary airspace surfaces as defined by Title 14 of the Code of Federal Regulations, Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department. Alternatively, an applicant may provide a written "no hazard determination" from the FAA with respect to the proposed modification.

f. For reductions of setbacks for WCFs, the structure is designed and engineered, in the event of structural failure, not to fall beyond the radius of the reduced setback; and

g. Does not otherwise result in significant adverse impact on the property on which the facility is located, on other properties in the vicinity, or on the community in general.

h. For WCFs in the rights-of-way, does not exceed the height limits permitted by this code by more than fifteen feet, does not propose attachments which will negatively impact views including views from a residential structure, does not propose accessory or transmission equipment to be located above ground separate from the pole in a manner that would negatively impact traffic flow or create other public safety concerns, and would not violate any code provisions related to noise.

2. Residential Properties. WCFs on properties in residential zone districts (RSR~~,~~ residential/sensitive resource; ~~SFL, single-family~~LDR low density residential; ~~SFM, single-family medium density residential; MFM, multifamily~~MDR medium density residential; ~~MFH, multifamily~~HDR high density residential; and MHP~~,~~ manufactured home park) may exceed applicable

limits contained in this chapter by administrative deviation based on findings of each of the following that a proposed antenna, wireless communication tower, and related structure or equipment:

a. Each of the above findings necessary for facilities in nonresidential zone districts applies; and provided further, that

b. The final approval authority may hold the applicant for an administrative deviation at a proposed site in a residential zone district to a higher standard than in nonresidential zone districts to demonstrate visual mitigation, elimination of potential adverse impacts, and protection of health and safety necessary to preserve the residential character of the vicinity.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2011-002, Amended, 03/01/2011; Ord. O2004-009, Amended, 12/07/2004; Ord. O97-018, Added, 06/17/1997)

Section 9. Section TMC 14.14.020, Preapplication conference, of the Tumwater Municipal Code is hereby amended to read as follows:

14.14.020 Preapplication conference.

A. A land use permit application shall not be accepted for processing until the applicant has scheduled and attended a preapplication conference with the development review committee, except in the case of minor development proposals such as fences, small detached buildings, and individual single-~~family residences~~family detached dwellings and middle housing~~, duplexes, triplexes, and quadplexes~~.

B. The purpose of the preapplication conference is to enable the applicant to present the project proposal to the development review committee and to understand the intent, standards, and provisions of the applicable development regulations that will be required of land use permit applications.

C. The objective of the preapplication conference is to analyze and identify potential issues and develop the proposal toward submittal of land use permit applications to eliminate as many potential problems as possible in order for land use permit applications to be processed without delay or undue expense.

D. At the preapplication conference, the applicant shall present to the development review committee preliminary studies or conceptual sketches which contain in a rough and approximate manner based on the information required in the preapplication conference application.

E. At the preapplication conference, the development review committee shall make available all pertinent information related to the project area.

F. The preapplication conference should take place prior to detailed work by the applicant's engineer or surveyor. Discussion topics at conferences would include such things as:

1. The comprehensive plan and subarea plans;

2. The shoreline master program;

3. The regulatory requirements of the following titles:

   a. This title, Development Code Administration;

   b. TMC Title 15, Buildings and Construction;

   c. TMC Title 16, Environment;

   d. TMC Title 17, Land Division, if applicable; and

   e. TMC Title 18, Zoning;

4. Transportation requirements:

   a. The transportation plan and transportation concurrency;

   b. Sidewalk requirements;

   c. Bike paths; and

   d. Bus stops;

5. Utilities:

   a. Availability of sewer and water; and

   b. Need for utility extension or oversizing;

6. Phasing of off-site requirements such as sidewalks, streetlights, traffic signals, utilities, or improvement of adjacent streets;

7. Latecomer charges;

8. Storm drainage and erosion control;

9. Citywide design guidelines;

10. Other city requirements and permits;

11. Features of the development, and the rationale behind them;

12. If the applicant owns adjacent land, the possibilities of future development shall be discussed; and

13. Application review process and timelines.

G. The development review committee will provide the applicant with written comments on how the proposed project conforms to city policies and regulations, which will include a list of all the materials needed to make land use permit applications procedurally complete and the requirements for land use permit approval.

H. The development review committee will evaluate whether a proposed project has potential to significantly affect the character or environment of an area; and in such cases, will encourage the development proponent to participate in additional

notification efforts including, but not limited to, a public information meeting with members of the public potentially affected by the proposal.

I. Applications for preapplication conferences shall be scheduled for specific time periods on the development review committee agenda each week.

J. Preapplication conferences shall be public meetings and meeting notices shall be posted on the city's website and sent to parties on the city's public notice list.

K. The director may waive the requirement for a preapplication conference in individual cases if the department and the applicant agree in writing that a proposal is ready for land use permit application submittal.

(Ord. O2024-005, Added, 12/03/2024)

Section 10. Section TMC 15.01.050, Time limitation of application, of the Tumwater Municipal Code is hereby amended to read as follows:

15.01.050 Time limitation of application.

A. Applications that are submitted for review under TMC Title 15 for which no permit is issued within one hundred eighty days following the date of the application shall expire by limitation unless extended.

B. Plans and other data submitted for review for expired applications may thereafter be returned to the applicant or destroyed by the building official in accordance with state law.

C. Applicant response to building official review comments.

1. Applications in review shall be canceled for inactivity if an applicant fails to substantially respond within ninety days to the building official's written request for revisions, corrections, actions, or additional information.

2. The building official may extend the applicant's response period for revisions, corrections, actions, or additional information if requested in writing by the applicant within ninety days of the date of the city's written request or prior to expiration of the first extension.

D. Extension requests.

1. The building official may extend the time limitation of an application in review and the applicant's response period, if the building official determines that any of the following conditions exist:

a. Extenuating circumstances when requested by the applicant in writing prior to the expiration, which shows that circumstances beyond the control of the applicant have prevented action from being taken and provides a schedule with specific target dates for submitting the full revisions, corrections or other information needed by the building official. Such extensions shall be up to one hundred and eighty days; or

b. After the building official has deemed the application "approved for issuance," which is when the permit is ready to be issued, but required permit fees have been paid. Such extensions shall be for up to ninety days;

3. No application in review shall be extended more than two times.

4. An application extension fee shall be paid by the applicant at the time an extension is requested. The fee shall be paid in accordance with the fee schedule established by resolution of the Tumwater city council.

5. Applications in review that have been extended by the building official shall be canceled for inactivity if an applicant fails to substantially respond to the building official's written request for revisions, corrections, actions, or additional information by the end of the extension period and a new application will be required.

~~Applications for which no permit is issued within one hundred eighty days following the date of the application or completion of the initial plan review shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application extension fee shall be paid at the time the extension is requested. The fee shall be paid in accordance with the fee schedule established by resolution of the Tumwater city council. No application shall be extended more than two times. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new application fee. For purposes of this section, the application fee shall be the plan review fee collected at the time the application is submitted for review. When the application does not require the submittal of plans for plan review, the application fee shall be paid in accordance with the fee schedule established by resolution of the Tumwater city council.~~

(Ord. O2010-017, Added, 12/21/2010)

Section 11. Section TMC 15.01.060, Expiration, of the Tumwater Municipal Code is hereby amended to read as follows:

15.01.060 Permit e~~E~~xpiration.

A. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time or if no required inspections have been approved after the work is commenced for a period of one hundred eighty days.

1. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in

the original plans and specifications for such work; and provided further, that such suspension or abandonment has not exceeded one year.

2. Permits that have not been renewed under the provisions of this section and have not been active for one year from date of last action shall be deemed expired and new applications and permits will be required.

B. Any permittee holding an unexpired permit may apply for an extension of time within which work may commence under that permit.

1. The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

2. No permit shall be extended more than twice.

3. The fee for extension of a permit shall be paid in accordance with the fee schedule established by resolution of the Tumwater city council.

(Ord. O2010-017, Added, 12/21/2010)

Section 12. Section TMC 17.12.040, Minimum lot size, of the Tumwater Municipal Code is hereby amended to read as follows:

17.12.040 Minimum lot size.

Lots or tracts shall conform to the size requirements set forth in the zon~~e~~~~ing~~ district unless dedicated or restricted by covenant for open space, park, recreational or other community or public use. ~~In subdivisions intended for single-family dwelling units or townhouse/rowhouse development (as defined in TMC Chapter 18.04), a separate lot or tract shall be provided for each dwelling unit, not including accessory dwelling units.~~ If the land division is submitted in phases/divisions of development, each phase/division submitted for approval shall meet all provisions of this section.

(Ord. O96-008, Amended, 11/05/1996; Ord. 1308, Added, 10/15/1991)

Section 13. Section TMC 17.12.200, Underground utilities, of the Tumwater Municipal Code is hereby amended to read as follows:

17.12.200 Underground utilities.

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

B. Applicability.

1. All new facilities shall be installed underground.

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

a. Ten or more dwelling units are being created;

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

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

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

(Ord. O2023-012, Amended, 02/06/2024; Ord. 1308, Added, 10/15/1991)

Section 14. Section TMC 17.12.210, Park and open space area standards for divisions of land, of the Tumwater Municipal Code is hereby amended to read as follows:

17.12.210 Park and open space area standards for divisions of land.

A. For residential subdivisions ~~in which the majority of the dwelling units will be duplexes or single-family detached dwellings,~~ a minimum of ~~ten percent of the total gross site area shall be set aside for park and open space area.~~

~~B. For residential subdivisions in which the majority of the dwelling units will be fourplexes, multifamily dwellings, roominghouses, rowhouses, townhomes, or triplexes, a minimum of~~ fifteen percent of the gross site area shall be set aside for park and open space area.

~~C~~B. For subdivisions or binding site plans that will contain mixed use development, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area.

~~D~~C. For new commercial or industrial binding site plans, short plats, and subdivisions of ten acres or more, a minimum of five percent of the gross site area shall be set aside for park and open space area. A commercial or industrial binding site plan, short plat, or subdivision that includes a master plan that provides for a park or open space area meeting the intent of this provision shall be considered to have fulfilled this requirement.

~~E~~D. For the purpose of calculation of the park and open space area, the park and open space area shall be separate and distinct from required yards, setbacks, and landscaped areas.

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

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

a. Less than or equal to any combination of forty dwelling units or less in duplexes or single-family detached dwellings;

b. Less than or equal to any combination of sixty dwelling units in co-living housing,~~fourplex,~~ multifamily dwellings, quadplexes, ~~roominghouses,~~ rowhouses, stacked flats, ~~townhomes~~ townhouses, or triplex dwellings;

c. Less than or equal to sixty residential dwelling units included in a mixed use development; or

d. Any commercial or industrial subdivision, short plat, or binding site plan smaller than twenty acres in size.

2. When determining whether to accept a fee in lieu for park and open space area, the community development director in consultation with the parks and recreation director shall consider the following:

a. The availability of other existing or planned public park within one-half mile of the subdivision, short plat, or binding site plan;

b. Whether the other existing or planned public park is or will be accessible from the subdivision, short plat, or binding site plan by sidewalk or paved pedestrian path; and

c. The overall public benefit of accepting a fee instead of the land for park and open space area.

3. The fee shall be based on an assessed valuation of the portion of the subdivision, short plat, or binding site plan that would otherwise be required to be set aside.

4. The fee shall be paid prior to the recording of the subdivision, short plat, or binding site plan.

~~G~~F. For all residential subdivisions, at least fifty percent of the area set aside for park and open space area must be for active recreation, with the remainder set aside for passive recreation. For all nonresidential subdivisions, all the area set aside for park and open space area may be for passive recreation.

1. The following areas may be counted towards fulfilling the active recreation requirements:

a. Children's play equipment, such as slides, swings, and play structures;

b. A paved hard court for activities such as basketball, tennis, or pickleball;

c. Athletic fields for activities such as soccer or baseball and similar team sports;

d. Multiuse trails for pedestrians and bicycles meeting WSDOT multiuse trail design standards;

e. A flat, open lawn area with a surface suitable for unstructured active play;

f. Community gardens as defined in TMC 18.04.030, C definitions; and

g. Other similar active recreation facilities if approved by the community development director in consultation with the parks and recreation director.

2. That portion of stormwater ponds with active recreation facilities anticipated to be usable at least six months of the year may be counted towards fulfilling the active recreation requirement, provided these facilities are consistent with the drainage design and erosion control manual for Tumwater.

3. The following areas may be counted towards fulfilling the passive recreation requirements:

a. Facilities for walking, such as unpaved trails;

b. Landscaped areas with benches and other amenities;

c. Picnicking facilities, such as picnic tables and shelters;

d. Public plazas;

e. Vegetated decks and rooftops, provided the deck or rooftop is accessible to all residents and employees of the subdivision, short plat, or binding site plan;

f. Stormwater ponds with perimeter trails or year-round water features consistent with the drainage design and erosion control manual for Tumwater;

g. Tree protection areas preserved under TMC Chapter 16.08, provided access is provided within these areas via an unpaved trail consistent with the regulatory requirements for these areas;

h. Wetland buffers under TMC Chapter 16.28, wellhead protection areas under TMC Chapter 16.26, and special flood hazard areas under TMC Chapter 18.38, provided access is provided within these areas via an unpaved trail consistent with the regulatory requirements for these areas; and

i. Other similar passive recreation facilities if approved by the community development director in consultation with the parks and recreation director.

~~H~~G. The park and open space area shall have convenient access for residents or employees of the subdivision, short plat, or binding site plan and the park and open space area shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance. These requirements may be waived by the community development director upon a finding that the residents or employees of the subdivision, short plat, or binding site

plan would receive a greater benefit if the required park and open space area were provided in another configuration due to the size of the division of land, unique topographic conditions, or other factors determined by the community development director.

~~I~~H. The park and open space area shall be designed and placed in consideration of existing and potential park and open space areas on adjacent parcels to allow for consolidation or provision of future opportunities for consolidation of park and open space areas.

~~J~~I. Except where removal is required to meet active recreation requirements in this chapter, existing trees and significant native vegetation shall be retained in park and open space areas unless an alternate landscaping plan for such areas is required or approved by the community development director.

~~K~~J. Park and open space areas shall be held in single ownership where such ownership assumes full responsibility for maintenance and operation, or held in common ownership by all of the owners in the subdivision, short plat, or binding site plan through a property owners' association or similar organization. As a condition of approval, the city may require or choose to accept dedication, when the park and open space area set aside is one or more of the following:

1. Greater than two acres.
2. Adjacent to an established or future city park or school grounds.
3. Includes public access to a body of water, wetland, critical habitat, or other environmentally sensitive area.
4. If the city determines it is in the public interest to accept land for park and open space area.

~~L~~K. Maintenance of park and open space areas shall be provided for as described in TMC Chapter 17.22.

(Ord. O2020-015, Amended, 02/16/2021; amended during 2011 reformat; O2011-002, Amended, 03/01/2011; Ord. O96-021, Added, 12/02/1997)

Section 15. Section TMC 18.04.010, A definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.010 A definitions.

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

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

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

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

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

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

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

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

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

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

"Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board, under a license issued pursuant to RCW

70.128.060, to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of eight adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010).

"Administrative design review" means a land use permit review process whereby a design review application is reviewed, approved, or denied by the director of community development or their designee based solely on objective design standards found in the citywide design guidelines without an open recording hearing, unless such review is part of a consolidated review and decision process pursuant to TMC Title 14 Development Code Administration, otherwise required by state or federal law, or the structure is a designated landmark or historic district established under the city's preservation ordinance. A city will utilize the process found in the citywide design guidelines to consider, recommend, or approve requests for deviations.

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

"Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is: (A) For rental housing, 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or (B) For owner-occupied housing, 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

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

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

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

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

“Amendment” means any change, modification, deletion, or addition to the wording, text, or substance of the zoning ordinance, or any modification, deletion or addition to the application of the zoning ordinance to property within the city, including any alteration in the boundaries of the zone when adopted by the city council.

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

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

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

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

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

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

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

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

"Aviation use" means any runway, taxiway, connector, apron or heliport designed for the landing and taking off of aircraft, transfer of passengers and/or cargo, surface access, and other support facilities typically associated with airports, including: hangars, control towers, communication and maintenance facilities, operations area, airport fueling facilities, fixed-based operators (FBO) and passenger and cargo terminals (including retail and eating and drinking establishments located within a terminal or FBO building).

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

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-007, Amended, 11/05/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-014, Amended, 07/18/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2008-017, Added, 10/21/2008; Ord. O2004-009, Added, 12/07/2004; Ord. O2002-019, Amended, 01/07/2003; Ord. O97-019, Added, 06/17/1997; Ord. O95-037, Added, 12/05/1995; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Added, 06/04/1991; Ord. 883, Added, 05/06/1984. Formerly 18.04.010 – 18.04.042)

Section 16. Section TMC 18.04.020, B definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.020 B definitions.

"Banner" means any sign of lightweight fabric or similar material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners, or along either one edge or two corners with weights installed that reduce the reaction of the sign to wind.

"Base flood elevation" means the elevation above mean sea level, expressed in feet, as published on flood insurance rate maps produced by the Federal Emergency Management Agency, which represents the crest of a flood that has a one percent chance of occurring in any given year.

"Bed and breakfast" means a lodging facility where four or fewer guest rooms are provided to travelers and guests by a resident operator for a fee by prearrangement for a period of less than two weeks. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast. No cooking facilities are provided

in the individual rooms. Not included in this definition are institutions housing persons under legal restraint or requiring medical attention or care.

~~Boardinghouse. See "roominghouse," TMC 18.04.170.~~

"Buffer" means 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.

"Buildable area" means that portion of the land that remains after the required yards have been excluded from the building site.

"Building" means any structure having a roof, but excluding all forms of vehicles, even though immobilized. (See "structure," TMC 18.04.180.)

"Building code" means the code promulgated by the International Conference of Building Officials, as adopted by the city council of the city.

"Building coverage" means the amount or percentage of ground area covered or occupied by buildings, usually expressed in square feet or percentage of the lot.

"Building height" or "structure height" means the vertical distance from grade plane elevation as determined by the International Building Code according to TMC Chapter 15.04 to the average height of the highest roof surface excluding any chimney, antenna or other similar vertical appurtenances.

"Building line" means the outer edge of that portion of a building or structure nearest a property line.

"Building site" means a total horizontal area within the property lines, excluding external streets, public or private.

"Business" means 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. Each such store or place shall be considered a separate business, even though more than one such store or place is owned by the same person, firm or corporation.

"Business day" means any day other than Saturday, Sunday, or a legal holiday.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-003, Amended, 04/18/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2001-012, Amended, 03/19/2002; Ord. O2000-024, Amended, 02/06/2001; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984. Formerly 18.04.045 – 18.04.100)

Section 17. Section TMC 18.04.030, C definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.030 C definitions.

"Camp facility" means an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, lodges, tents,

amphitheaters and areas and equipment for active and passive recreational uses, and which is primarily used for recreational purposes and retains an open air or natural character.

“Campground” or “recreational vehicle park” means any parcel of land under private or public ownership in which any sites are offered for rent or lease for the purpose of overnight camping in a recreational vehicle, tent, teepee, shelter or other accommodations for enjoying an outdoor experience. A campground designed to accommodate recreational vehicles may be considered to be a recreational vehicle park. A campground or recreational vehicle park shall not be considered to be a facility designed to accommodate mobile homes as defined in TMC 18.04.130.

“Canopy” means a permanent roof-like structure that projects outwards from a building and is attached to and supported by a building.

“Caretaker dwelling” means a single-family dwelling unit accessory to a park, cemetery, golf course or camping facility use for occupancy by the owner/caretaker.

“Carwash” means a lot on which motor vehicles are washed and waxed, either by the patron or by others using machinery specially designed for that purpose.

“Cemetery” means land used or intended to be used for the burial of human and animal remains and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

“Child day care center” means a person or agency that provides care for thirteen or more children during part of the twenty-four-hour day.

“Child mini-day care center” means a person or agency providing care during part of the twenty-four-hour day to twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed.

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

“Civic center complex” means a prominent land development within the city that is constructed to be a public focal point or center containing two or more public and/or governmental buildings.

“Club” means 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.

“Clustered subdivision” means a subdivision development in which building lots are smaller and placed closer together than conventional development in order to preserve the remaining undeveloped land as open space and/or recreational land. Density requirements for clustered subdivisions are described in the text for the applicable zon~~ing~~ district.

"Co-living housing" means a type of residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Also known as congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites.

"Commercial park" or "industrial park" means a multiple building complex.

"Community center" means a city-owned facility that provides recreational activities and programs for senior citizens, youth, general community and similar groups. The facility may contain classroom/multipurpose areas, a gymnasium, kitchen facilities, conference room, swimming pool (indoor or outdoor), office and administration space, and outdoor facilities similar to those found in parks (sports courts/fields, picnic areas, trails, parking, etc.).

"Community development department" means the department charged with the administration of the building and occupancy permits and for the interpretation of the zoning ordinance codified in this title. The director of the community development department will also be recognized as the administrative official and city planner.

"Community garden" means land managed by a public or nonprofit organization, or a group of individuals, that is used to grow edible plants and harvest food or ornamental crops from them for donation, sale, or use by those cultivating the land and their households. The majority of the products grown and produced from the community garden must be edible. "Community garden" does not include "collective garden" under Chapter 181, Laws of 2011 (E2SSB 5073).

"Conditional uses" means 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 hearing examiner. 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 district or zone districts.

Convalescent Center. See "rest home," "~~boardinghouse~~co-living housing" and "group foster home," TMC 18.04.170, 18.04.020 and 18.04.070.

Corner Lot. See "lot, corner," TMC 18.04.120.

"Cornice" means a horizontal projection that crowns or completes a building or parking structure.

"Corporate flag" means a flag that carries a logo, trademark, or corporate seal of a company or organization and does not carry another commercial message.

"Correctional facility" means: (A) a state or local government operated facility which provides for physical restriction of residents; (B) a facility to which persons are sentenced for a specific period of time by the court.

"Cottage housing ~~development~~" means residential units on a lot with a common open space that either: (A) is owned in common; or (B) has units owned as condominium units with property owned in common and a minimum of twenty percent of the property as open space.~~a grouping of smaller than average detached single-family dwellings clustered around a common area and developed with a coherent plan for the entire site~~.

"Crematory" means a furnace or place of incineration of a corpse, whether human or animal.

"Cross-dock facility" means a type of motor freight terminal or warehouse distribution center with loading docks on opposite sides of a relatively shallow structure designed for the purpose of quick loading, sorting, or unloading from one vehicle to another (i.e., materials from one truck at a loading dock are unloaded, sorted, and reloaded onto one or more trucks).

"Cultural resources" is physical evidence or place of past human activity, site, object, landscape, structure; or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-008, Amended, 09/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Added, 06/07/2011; Ord. O2002-019, Amended, 01/07/2003; Ord. O2001-020, Added, 05/07/2002; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984. Formerly 18.04.105 – 18.04.150)

Section 18. Section TMC 18.04.040, D definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.040 D definitions.

"Density" means 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.

"Designated manufactured home" means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which: (A) is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long; (B) was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal three-to-twelve pitch; and (C) has exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family ~~residences~~detached dwellings. See also "manufactured home" and "new manufactured home."

"Detached dwelling" means a dwelling surrounded on all sides by open space.

"Development" means any manmade 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.

"Director of community development" means the department manager who is responsible for all aspects of city development services. The director of community development is responsible for all actions of the community development department, including the administration of the city's land use and related ordinances, interpreting laws on a case-by-case basis, and preparing reports for policy making bodies.

"District" or "zone district" means a portion of the incorporated area of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this title.

"Duplex" means a building designed for and used exclusively for occupancy by two families independent of each other where both dwelling units are located on the same lot and are completely separated from each other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for common stairwell or garage exterior to both dwelling units.

"Dwelling" or "dwelling unit" means a building or a portion thereof designed for occupancy by one family for residential purposes, having kitchen and bathroom facilities, and on a permanent foundation. A dwelling used as a rental unit shall not be rented for less than thirty consecutive days at a time.

"Dwelling unit allowance" means the total number of dwelling units, including accessory dwelling units, allowed on a lot, regardless of lot size.

~~"Dwelling, multifamily" means a building designed and used for occupancy by five or more families all living independent of each other and where all dwelling units are located on the same lot.~~

~~"Dwelling, single-family detached" means a building that is not attached in any way to another dwelling unit or structure providing complete, independent living facilities for a family.~~

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2017-022, Amended, 12/05/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-017, Amended, 12/21/2010; Ord. O2005-011, Added, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984. Formerly 18.04.155 – 18.04.190)

Section 19. Section TMC 18.04.060, F definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.060 F definitions.

"Facade" means any portion of an exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation.~~any exterior wall of a building~~ or parking structure.

"Family" means an individual or two or more persons, related by blood, marriage or adoption, or two or more persons with functional disabilities as defined in TMC

Chapter 18.53, or a group of unrelated persons, living together to share a single dwelling unit.

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

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

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

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

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

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

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

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

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

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

“Floodplain, one-hundred-year” or “one-hundred-year floodplain” means the areas outside of the floodway which are subject to a one percent or greater chance of flooding in any given year. These areas are identified as the A, AE, AH, AO, A1-30,

or A99 zZones on the Flood Insurance Rate Maps produced by the Federal Emergency Management Agency. The "one-hundred-year floodplain" is usually located within the lowlands adjoining the channel of a river, stream or watercourse, or ocean, lake, or other body of standing water.

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

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

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

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

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

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

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2017-007, Amended, 11/05/2018; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Added, 06/07/2011; Ord. O2003-001, Amended, 02/18/2003; Ord. O2002-019, Added, 01/07/2003; Ord. O2000-024, Amended, 02/06/2001; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Amended,

06/04/1991; Ord. 1288, Added, 06/04/1991; Ord. 883, Added, 05/06/1984. Formerly 18.04.204 – 18.04.240)

Section 20. Section TMC 18.04.120, L definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.120 L definitions.

"Loading space" means 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.

"Lot" means 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 title.

"Lot area" means the total land space or area contained within the boundary lines of any lot, tract, or parcel of land, and may be expressed in square feet or acres.

"Lot, corner" means a lot that has frontage on or abuts two or more intersecting streets. (See TMC 18.04.230.)

"Lot coverage" means the amount or percentage of ground area covered or occupied by impervious surface(s) usually expressed in square feet or percentage of land on the lot.

"Lot depth" means the horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

"Lot, interior" means a lot that has frontage on one street only. (See TMC 18.04.230.)

"Lot of record" means 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.

"Lot, panhandle" means an interior lot having at least ten feet of frontage on one street only. (See TMC 18.04.230.)

"Lot, through" means a lot that fronts on two parallel or nearly parallel streets, other than a corner lot. (See TMC 18.04.230.)

"Lot width" means the width of the lot measured at the front building line.

"Low impact development" means a stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"Low-income households" mean households with income less than or equal to eighty percent and more than fifty percent of Thurston County's median household income as determined by the Office of Financial Management.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, useable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of all applicable nonelevation design requirements.

(Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-003, Amended, 04/18/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2005-011, Amended, 07/05/2005; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984. Formerly 18.04.305 – 18.04.355)

Section 21. Section TMC 18.04.130, M definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.130 M definitions.

"Major transit stop" means (A) a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW; (B), commuter rail stops; (C) stops on rail or fixed guideway systems; (D) stops on bus rapid transit routes, including those stops that are under construction, or (E) stops for a bus or other transit mode providing actual fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays. Section E of the definition is applicable only to accessory dwelling units and co-living housing.

"Mansard roof" means a roof or roof-like facade with a slope of sixty degrees or more from the horizontal and architecturally able to be treated as a building wall.

"Manufactured home" means a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home does not meet the criteria to be classified as a "designated manufactured home." See also "designated manufactured home" and "new manufactured home," TMC 18.04.040 and 18.04.140.

"Manufactured home park" means any real property lot which is rented or held out for rent to others for the placement of three or more manufactured homes, designated manufactured homes, or new manufactured homes for the primary purpose of production of income, except where such real property lot is rented or held out for rent for seasonal recreational purposes only and is not intended for year-round occupancy.

"Marijuana processor" means a person licensed by the State Liquor and Cannabis Board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for

sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

"Marijuana producer" means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

"Marijuana retailer" means a person licensed by the State Liquor and Cannabis Board to sell useable marijuana and marijuana-infused products in a retail outlet.

"Marquee" means a roof-like structure made of solid materials, projecting over an entrance to a building and connected to the wall with no columnar support. The front of the marquee is often hung from chains or rods extending out from the face of the building.

"Massing" means the physical bulk or volume of a building or parking structure. In architectural terms, a single mass building is a single geometric form such as rectangular or square, and may include a simple roof form with no variation in the roofline. Massing refers to variation in the mass and may involve multiple masses joined together.

"Mean sea level" means the average height of the sea for all stages of the tide.

"Medical clinic" means a place where medical or dental care is provided to persons on an outpatient basis by professionals in the health care field.

"Mental health facilities" means medical facilities offering assistance to persons afflicted with mental disease including but not limited to congregate care facilities; adult residential treatment facilities; evaluation and treatment centers.

"Middle housing" means buildings that are compatible in scale, form, and character with single-family detached dwellings that contain two to four attached or stacked dwelling units including duplexes, triplexes, quadplexes, and stacked flats, as well as townhouses or cottage housing with three or more dwelling units.

"Mineral extraction" means the removal of minerals, including, but not limited to, sand, gravel, shale, rock, coal, soil, peat or clay, from an excavation in the earth. This shall not include the following:

A. Excavation and grading at building construction sites where such construction is authorized by a valid building permit; or

B. Excavation and grading in public rights-of-way for the purpose of on-site road construction, or in private rights-of-way for the same purpose if authorized by the public works department.

"Ministorage facilities" means a storage facility providing garages, rooms, closets and lockers for rent on an individual basis, usually by month.

"Mixed use" is characterized by:

A. Complementary land uses – land uses that are at least compatible and, preferably, work together for mutual benefit (e.g., personal commercial services that serve adjacent residences).

B. Convenient pedestrian connections.

"Mixed use development" means the development of a parcel or structure with one or more different land uses, such as a combination of residential, office, manufacturing, retail, public, or entertainment in a single or physically integrated group of structures.

"Mixed use structure" means a building that includes an appropriate combination of multiple uses located inside a single structure. A mixed use structure is characterized as a structure where a variety of different living activities (live, work, shop and play) are in close proximity (walking distance) to residents. A mixed use structure can be vertical in nature, meaning a single structure with retail, service or commercial and office uses on the ground floor, and residential, senior housing facilities and office uses on the floors above. A mixed use structure can also be horizontal in nature, meaning a single structure that provides retail, service, commercial or office uses in the portion of the building fronting the street with attached residential, senior housing facilities or office uses behind.

"Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development (HUD) Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD Manufactured Home Construction and Safety Standards Act.

"Mobile home park" means any real property lot which is rented or held out for rent to others for the placement of three or more mobile homes for the primary purpose of production of income, except where such real property lot is rented or held out for rent for seasonal recreational purposes only and is not intended for year-round occupancy.

"Modular unit" means 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 shall be built to comply with the building code as adopted in TMC Title 15.

"Monument sign" means a freestanding sign in which the entire bottom of the sign is mounted on and permanently attached to the ground. A monument sign shall not be more than six feet in height.

Motel. See "hotel" or "motel," TMC 18.04.080.

"Motor freight terminal" means a facility used for either (A) the loading, unloading, dispensing, receiving, interchanging, gathering, or otherwise physically handling freight for shipment or (B) exchanging freight by motor carriers between vehicles.

Motor freight terminals include but are not limited to cross-dock operations. Motor freight terminals do not include mail or package delivery services and buildings with twelve or fewer loading docks.

"Motor vehicle sales facility" means any area of land, including the structures thereon, that is used for the display, sale, rental, or leasing of operable motorized vehicles, including but not limited to automobiles, RVs and boats, and related nonmotorized vehicles such as trailers, and which may or may not include on-site service and repair facilities. This definition does not include motorsport vehicles, which are defined separately in this section.

"Motorsports facility" means any area of land, including the structures thereon, that contains a raceway, racetrack, or course for motorized vehicles.

"Motorsports sales facility" means any area of land, including the structures thereon, that is used for the display, sale, rental, or leasing of motorsport vehicles; and which may or may not include on-site service and repair facilities. Motorsport vehicles include, but are not limited to: all-terrain vehicles (ATVs), motorcycles (both street legal and off-road), three-wheelers, four-wheelers, jet skis and other similar personal watercraft, and snowmobiles.

"Multifamily Dwelling" means a building containing five or more residential dwelling units.~~Multifamily Dwelling. See "dwelling, multifamily," TMC 18.04.040.~~

"Multiple building complex" means a group of two or more commercial or industrial structures sharing a common development plan.

"Multiple tenant building" means a single structure housing two or more commercial or industrial businesses that share the same lot, access and/or parking facilities.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2013-013, Amended, 10/01/2013; Ord. O2012-003, Added, 07/17/2012; Ord. O2010-017, Amended, 12/21/2010; Ord. O2008-017, Added, 10/21/2008; Ord. O2008-016, Added, 09/16/2008; Ord. O2005-011, Amended, 07/05/2005; Ord. O2003-001, Added, 02/18/2003; Ord. O2002-019, Added, 01/07/2003; Ord. O95-035, Amended, 12/19/1995; Ord. 1157, Amended, 06/21/1988; Ord. 883, Added, 05/06/1984. Formerly 18.04.356 – 18.04.390)

Section 22. Section TMC 18.04.140, N definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.140 N definitions.

"Neighborhood community center" means 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 nonprofit basis. Although food, meals and beverages may be served on such premises, provided adequate facilities are available, this definition shall not include dormitories.

"Neighborhood-oriented commercial center" means no more than three commercial land uses located on one lot or contiguous lots within a predominantly residential area. A neighborhood-oriented commercial center consists only of retail and/or service uses oriented to serve residents of the immediate neighborhood and is designed and operated to minimize impact on surrounding residences.

"New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this title, as amended.

"New manufactured home" means any manufactured home required to be titled under RCW Title 46, which has not been previously titled to a retail purchaser, and is not a used mobile home as defined in RCW 82.45.032(2). See also "designated manufactured home" and "manufactured home," TMC 18.04.040 and 18.04.130.

"Nonconforming building" or "nonconforming use" means a building or use, lawfully existing on the effective date of the ordinance codified in this title, which does not conform with the regulations of the zon~~e~~ing district in which is it located.

"Nonionizing electromagnetic radiation (NIER)" means electromagnetic radiation unable to cause ionization, emitted at frequencies between one-hundredth MHz and one hundred thousand MHz.

"Nurseries or greenhouses" means land or greenhouses used to raise flowers, shrubs, trees and plants for retail or wholesale.

"Nursery school" means an institution primarily engaged in educational work with preschool children and in which no child is enrolled on a regular basis for more than eight hours per day.

Nursing Home. See "~~boardinghouse~~co-living housing," "group foster home," and "rest home," TMC 18.04.020, 18.04.070 and 18.04.170.

(Ord. O2013-013, Amended, 10/01/2013; Ord. O2005-011, Added, 07/05/2005; Ord. O95-035, Amended, 12/19/1995; Ord. 1144, Amended, 01/05/1988; Ord. 883, Added, 05/06/1984. Formerly 18.04.395 – 18.04.410)

Section 23. Section TMC 18.04.160, P definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.160 P definitions.

Panhandle Lot. See "lot, panhandle," TMC 18.04.120.

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

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

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

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

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

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

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

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

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

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

"Permanent affordable housing" means a project in which all or a portion of the residential dwelling units within the project are set aside for or are occupied by low-income households for a term of at least fifty years. Permanent affordable housing shall have costs, including utilities other than telephone, that do not exceed thirty percent of the monthly income of a household whose income does not exceed sixty percent of median household income for rental housing and eighty percent of the median household income for owner-occupied housing adjusted for household size in Thurston County, as reported by the United States Department of Housing and Urban Development. The applicant shall record a covenant or deed restriction that ensures the continuing rental or ownership of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years. The covenant or deed restriction shall address criteria and policies to maintain public benefit if the property is converted to a use other than that which continues to provide for permanently affordable housing.

"Permanent supportive housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services

designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW, Residential Landlord-Tenant Act.

"Permitted use" means any authorized use allowed alone or in conjunction with other uses in a specified zon~~cing~~ district and subject to the limitations of the regulations of such use district.

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

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

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

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

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

"Principal residential structure" means the single-family detached dwelling or middle housing located on the same lot as an accessory dwelling unit. If the single-family detached dwelling meets the accessory dwelling unit size provisions in TMC 18.04.010, it can be reclassified as an accessory dwelling unit, and a new single-family detached dwelling or middle housing can be designated as the principal residential structure during or after subsequent development.

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

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

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

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

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

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

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

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

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2017-007, Amended, 11/05/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2004-009, Amended, 12/07/2004; Ord. O2002-019, Amended, 01/07/2003; Ord. O2001-012, Amended, 03/19/2002; Ord. O98-009, Amended, 10/20/1998; Ord. O95-035, Amended, 12/19/1995; Ord. 1399, Added, 11/16/1993; Ord. 883, Added, 05/06/1984. Formerly 18.04.430 – 18.04.490)

Section 24. A new Section TMC 18.04.165, Q definitions, is hereby added to the Tumwater Municipal Code to read as follows:

18.04.165 Q definitions.

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

Section 25. Section TMC 18.04.170, R definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.170 R definitions.

"Radiation machine" means any device capable of producing ionizing radiation except those which produce radiation only from radioactive material.

"Radioactive material" means any material (solid, liquid or gas) which emits radiation spontaneously.

"Recreation, active" means leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites or fields. The term "active recreation" includes, but is not limited to, swimming, tennis and other court games, baseball and other field sports, golf and playground activities.

"Recreation facilities" means public or private facilities for use by the general public such as boat or yacht clubs, docks, swimming pools, athletic clubs, golf and country clubs. Recreation facilities shall not include intensive recreation uses such as race tracks or amusement parks.

"Recreation, passive" means low-intensity recreational uses or activities including, but not limited to, viewpoints, unpaved trails, limited picnic facilities, hiking, nature study, photography and fishing.

"Recycling collection center" means a collection point for small recyclable items and materials, such as cans, bottles, newspapers, secondhand goods and used motor oil. Activities of a recycling collection center are limited to sorting, compacting and transferring.

"Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property and includes, but is not limited to, churches, mosques, synagogues, temples, nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion.

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

"Rest home," "convalescent home," "nursing home," etc., mean a home operated similarly to co-living housing~~a boarding home~~ but not restricted to any number of guests or guestrooms, 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 TMC 18.04.020 and 18.04.070.)

"Retail sales" means the selling of goods or merchandise and related services to the general public for personal or household consumption. Services shall be secondary to the sale of goods and merchandise at the establishment. The retail sales establishment is usually a place of business and is engaged in activity to attract the general public to buy goods.

"Rezone" means a change in zoning classification of an area from one use district to another.

"Ribbons" has the same meaning as pennants.

"Riding academy" means 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.

"Risk potential activity" or "risk potential facility," in accordance with RCW 71.09.020, means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, and others identified by the Department of Social and Health Services following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

"Roof" means a structural covering over any portion of a building or structure including projections beyond the walls or supports of the building or structure.

"Roofline" means where a wall meets the roof.

~~"Roominghouse" means a dwelling unit having only one 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. A roominghouse that is rented for less than thirty consecutive days at a time requires a business license per TMC Chapter 5.04. A roominghouse may allow for an unlimited stay, unlike a bed and breakfast which is limited to two weeks.~~

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2003-001, Amended, 02/18/2003; Ord. O2002-013, Added, 08/20/2002; Ord. O2001-012, Amended, 03/19/2002; Ord. O95-035, Amended, 12/19/1995; Ord. 1307, Amended, 11/05/1991; Ord. 1289, Added, 06/04/1991; Ord. 883, Added, 05/06/1984. Formerly 18.04.491 – 18.04.520)

Section 26. Section TMC 18.04.180, S definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.180 S definitions.

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

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

"Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative pursuant to Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under Chapter 71.09 RCW and operated by the Secretary of Social and Health Services or the Secretary's designee or under contract with the Secretary.

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

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

Service Station. See "automobile service station," TMC 18.04.010.

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

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

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

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

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

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or

2. An establishment may have other principal business purposes that do not involve the offering for sale or rental of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

3. Video stores that sell and/or rent only video tapes or other photographic reproductions and associated equipment shall come within this definition as specified by Ordinance No. O94-020 if twenty percent or more of its stock-in-trade or revenues comes from the rental or sale of video tapes or other photographic reproductions or associated equipment which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

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

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

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than twenty-four hours; or

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than twenty-four hours.

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

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

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

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

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

1. Persons appearing in a state of nudity or semi-nudity in a modeling class operated by:

a. A proprietary school, licensed by the state of Washington; a college, junior college, or university supported entirely or partly by taxation.

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

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

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

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

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

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

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

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

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

"Single-family detached dwelling" means a building that is not attached in any way to another dwelling unit or structure that provides complete, independent living facilities for a family.

Solar Energy System.

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

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

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

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

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

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

"Stacked flat" means a residential building of no more than three stories in which each floor is one dwelling unit and the dwelling units may be separately rented or owned.

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

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

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

“Streamers” has the same meaning as pennants.

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

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

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

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

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

Substantial Improvement.

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

1. Before the improvement or repairs are started; or

2. Before the damage occurred, if the structure has been damaged and is being restored.

B. This definition does not apply to:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

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

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-007, Amended, 09/03/2019; Ord. O2017-007, Amended, 11/05/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2007-017, Added, 12/18/2007; Ord. O2006-019, Amended, 08/15/2006; Ord. O2002-013, Added, 08/20/2002; Ord. O98-001, Added, 09/15/1998; Ord. O95-035, Amended, 12/19/1995; Ord. O94-014, Added, 07/09/1994; Ord. 1144, Amended, 01/05/1988; Ord. 883, Added, 05/06/1984. Formerly 18.04.525 – 18.04.595)

Section 27. Section TMC 18.04.190, T definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.190 T definitions.

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

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

Through Lot. See "lot, through," TMC 18.04.120.

"Townhouse" ~~or "rowhouse"~~ means one of a line or row of three or more dwelling units attached one to the other, having common walls between individual units, generally two stories in height (and sometimes three). Each unit occupies the space between common walls from the lowest level to the roof, where common walls are the property lines between units and that have a yard or public or private street, alleys, pathways, or similar feature on not less than two sides.

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

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

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

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

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

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

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

"Travel trailer" means a vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation purposes, or for intermittent road use, but not for permanent residential use. It shall have a visible manufacturer's certification tag showing it to be a travel trailer. A travel trailer is a structure that will not meet the requirements of the building code as adopted by TMC Title 15, and for the purpose of this title, a travel trailer shall not be deemed a mobile home.

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

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2019-019, Amended, 07/23/2019; Ord. O2019-018, Amended, 04/02/2019; Ord. O2017-007, Amended, 11/05/2018; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-017, Amended, 12/21/2010; Ord. O2001-020, Added, 05/07/2002; Ord. O95-035, Amended, 12/19/1995; Ord. 1144, Amended, 01/05/1988; Ord. 883, Added, 05/06/1984. Formerly 18.04.597 – 18.04.620)

Section 28. Section TMC 18.04.210, V definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.210 V definitions.

"Valance" means the leading edge or vertical surface of an awning or canopy.

"Variance" means 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 title.

"Very low-income households" mean households with income less than or equal to fifty percent of Thurston County's median household income as determined by the Office of Financial Management.

"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2013-013, Amended, 10/01/2013; Ord. O2004-009, Amended, 12/07/2004; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984. Formerly 18.04.640 – 18.04.641)

Section 29. Section TMC 18.06.010, Districts designated, of the Tumwater Municipal Code is hereby amended to read as follows:

18.06.010 Districts designated.

In order to carry out the provisions of this title, the city is divided into the following districts:

A. RSR~~,~~ residential/sensitive resource zone district;

B. ~~SFL, single family~~LDR low density residential zone district;

~~C. SFM, single family medium density residential zone district;~~

C~~D~~. ~~MFM, multifamily~~MDR medium density residential zone district;

D~~E~~. ~~MFH, multifamily~~HDR high density residential zone district;

E~~F~~. NC~~,~~ neighborhood commercial zone district;

F~~G~~. MU~~,~~ mixed use zone district;

G~~H~~. GC~~,~~ general commercial zone district;

H~~I~~. ARI~~,~~ airport related industry zone district;

I~~J~~. LI~~,~~ light industrial zone district;

J~~K~~. HI~~,~~ heavy industrial zone district;

K~~L~~. HC~~,~~ historic commercial zone district;

L~~M~~. GB~~,~~ greenbelt zone district;

M~~N~~. OS~~,~~ open space zone district;

N~~O~~. AP~~,~~ airport (overlay zone district);

O~~P~~. PUD~~,~~ planned unit development (overlay zone district);

P~~Q~~. FP~~,~~ floodplain (overlay zone district);

Q~~R~~. AQP~~,~~ aquifer protection (overlay zone district);

R~~S~~. CS~~,~~ community services zone district;

S~~T~~. TC~~,~~ town center zone district;

T~~U~~. MUO~~,~~ mixed use overlay zone district;

U~~V~~. GCO~~,~~ general commercial overlay zone district;

V~~W~~. MHP~~,~~ manufactured home park zone district;

W~~X~~. CBC~~,~~ Capitol Boulevard Community zone district;

X~~Y~~. BD~~,~~ brewery district zone district.

(Ord. O2017-017, Amended, 09/19/2017; Ord. O2014-007, Amended, 07/15/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2008-009, Amended, 02/17/2009; Ord. O2001-020, Amended, 05/07/2002; Ord. O97-025, Amended, 12/02/1997; Ord. 1230, Amended, 11/20/1990; Ord. 1226, Amended, 11/20/1990; Ord. 1095, Amended, 01/20/1987; Ord. 883, Added, 05/06/1984)

Section 30. Section TMC 18.07.010, Residential zone districts permitted and conditional uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.010 Residential zone districts permitted and conditional uses.
If there are any inconsistencies between Table 18.07.010 and the specific requirements in the underlying zon~~i~~c~~ng~~ district, the requirements in the underlying zon~~e~~i~~ng~~ district shall be followed.

TABLE 18.07.010

RESIDENTIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	**RSR**	**~~SFL~~**	**LDR~~SFM~~**	**~~MFM~~MDR**	**~~MFH~~HDR**	**MHP**	**Applicable Regulations**
Adult family homes, residential care facilities	P	~~P~~	P	P	P	P	18.53
Agriculture up to 30 acres in size	P	~~P~~	P	P			18.42.070
Animals (the housing, care and keeping of)	P	~~P~~	P	P			6.08
Attached wireless communication facilities	P	~~P~~	P	P	P		11.20
Bed and breakfasts	C[1]	~~C[1]~~	C[1]	P		C[1]	18.56
Cemeteries	C	~~C~~	C	C	C	C	18.56
Child day care center	C	~~C~~	C	C	C	C	18.56
Churches	C	~~C~~	C	C	C	C	18.56
Co-living housing				P	P		
Community garden	P	~~P~~	P	P	P		

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	**RSR**	**~~SFL~~**	**LDR~~SFM~~**	**~~MFM~~MDR**	**~~MFH~~HDR**	**MHP**	**Applicable Regulations**
Cottage housing	P	~~P~~	P	P			18.51
Designated manufactured home parks				P			18.48; 18.49
Designated manufactured homes	P	~~P~~	P	P		P	18.48
Duplexes	P~~[2]~~	~~P[2]~~	P~~[3]~~	P			
Emergency communication towers or antennas	C	~~C~~	C	C	C	C	18.56; 11.20
Family child care home, child mini-day care center	P	~~P~~	P	P	P	P	18.52
~~Fourplexes~~				~~P~~	~~P~~		
Group foster homes	C	~~C~~	C	C	C	C	18.56
Inpatient facilities				C	C		18.56
Medical clinics or hospitals				C	C		18.56
Mental health facilities				C	C		18.56
Multifamily dwellings				P	P		
Manufactured home parks in accordance with the provisions of TMC Chapter 18.48						P	18.48
Mobile home parks which were legally established prior to July 1, 2008						P	18.48
Neighborhood community center	C	~~C~~	C	C	C	C	18.56
Neighborhood-oriented commercial center		~~C~~	C	C	C	C	18.56
Parks, trails, open space areas and recreational facilities	P	~~P~~	P	P	P	P	
Permanent supportive housing	P	~~P~~	P	P	P	P	18.42.150
Planned unit developments		~~P~~	P	P	P	P	18.36
Private clubs and lodges			C	C	C		18.56
Quadplexes			P	P	P		
Recreational vehicle parks				C			18.56
Schools	C	~~C~~	C	C	C	C	18.56
Senior housing facilities, assisted				C	C		18.56
Senior housing facilities, independent				P	P		
Single-family detached dwellings	P	~~P~~	P			P	
Single-family detached dwellings existing prior to April 15, 2021				P~~[24]~~			

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	**RSR**	~~**SFL**~~	**LDR~~SFM~~**	**~~MFM~~MDR**	**~~MFH~~HDR**	**MHP**	**Applicable Regulations**
Stacked Flats			P	P	P		
Support facilities	P	~~P~~	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	C	~~C~~	C	C	C	C	18.56
Townhouses ~~and rowhouses~~			P~~5~~	P	P		18.16.050 (F)(1)(a)
Transitional housing	P	~~P~~	P	P	P	P	18.42.150
Triplexes			P	P	P		
Wildlife refuges and forest preserves	P	~~P~~	P	P	P		
Wireless communication towers	C	~~C~~	C	C	C	C	11.20; 18.56

LEGEND

P = Permitted Use

C = Conditional Use

RSR = Residential/Sensitive Resource

~~SFL~~ LDR = ~~Single-Family~~ Low Density Residential

~~SFM = Single-Family Medium Density Residential~~

~~MFM~~ MDR = ~~Multifamily~~ Medium Density Residential

~~MFH~~ HDR = ~~Multifamily~~ High Density Residential

MHP = Manufactured Home Park

Table 18.07.010 Footnotes:

(1) "Bed and breakfasts" with only one guest room are a permitted use but a public notice that an application has been submitted shall be sent to immediate neighbors. Administrative decisions may be appealed pursuant to TMC Chapter 14.12.

~~(2) "Duplexes" are allowed in the residential/sensitive resource (RSR) and single-family low-density residential (SFL) zone districts on individual lots legally established before or on April 15, 2021. Duplexes shall not occupy more than twenty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.~~

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

(42) Single-family detached dwellings constructed after April 15, 2021, are not allowed in the ~~multifamily medium density residential (MFM)~~MDR medium density residential zone district.

~~(5) "Townhouses and rowhouses" are allowed within a residential planned unit development in the single family medium density residential (SFM) zone district.~~

Table 18.07.010 Explanatory Notes:

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

2. Accessory uses are listed in each zone district chapter.

(Ord. O2024-005, Amended, 12/03/2024; Ord. O2022-013, Amended, 10/04/2022; Ord. O2022-006, Amended, 08/01/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Added, 07/18/2017)

Section 31. Section TMC 18.07.020, Commercial zone districts permitted and conditional uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.020 Commercial zone districts permitted and conditional uses.
If there are any inconsistencies between Table 18.07.020 and the specific requirements in the underlying zon~~e~~ing district, the requirements in the underlying ~~zoning~~ zone district shall be followed.

TABLE 18.07.020

COMMERCIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICTS **Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone**	**NC**	**CS**	**MU**	**CBC**	**GC**	**HC**	**TC[1]**	**Applicable Regulations**
Adult family homes, residential care facilities	P	P	P	P	P	P	P	18.53
Animal clinics or hospitals	C		C	C	P			18.56
Appliance equipment repair/sales					P			
Attached wireless communication facilities	P	P	P		P		P	11.20

COMMERCIAL DISTRICTS **Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone**	**NC**	**CS**	**MU**	**CBC**	**GC**	**HC**	**TC[1]**	**Applicable Regulations**
Auto repair facility					P			
Automobile service stations			C[2]		P		C	18.56
Breweries, wineries, distilleries				P	P	P	P	
Centers for senior citizens, youth, general community and similar groups	P	P	P	P	P	P	P	
Child day care center	P	P	P	P	P	P	P	18.52
Child mini-day care center	P	P	P	P	P	P	P	18.52
Churches		C	C	P	P		C	18.56
Civic center complex		P	P	P	P		P	
Co-living housing			P		P			
Community center		P					P	
Community gardens	P	P	P	P	P	P	P	
Convalescent centers, rest homes, nursing homes			P	P	P			
Cottage housing			P					18.51
Crematories								
Dance clubs				P				18.21.030
Electric vehicle infrastructure	P	P	P	P	P	P	P	
Emergency communication towers or antennas		C	C		C		C	18.56
Emergency housing			P	P	P	P	P	18.42.150
Emergency shelter			P	P	P	P	P	18.42.150
Entertainment facility		P	P	P	P		P	
Equipment rental and sales facility					P			
Existing uses, legally established prior to adoption	P	P	P			P		
Family child care home	P	P	P	P	P	P	P	18.52
Farmers markets	P	P	P	P	P	P	P	
Fish hatcheries, associated appurtenances, and related interpretive centers						P		
Food truck or trailer courts	P	P	P	P	P	P	P	18.42.120
Food trucks or trailers	P	P	P	P	P	P	P	18.42.120
Freestanding wireless communication facilities		C	C		C			11.20; 18.56
Group foster homes	C	P	P	P	P		P	18.56

COMMERCIAL DISTRICTS **Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone**	**NC**	**CS**	**MU**	**CBC**	**GC**	**HC**	**TC[1]**	**Applicable Regulations**
High-rise residential (five stories or more)				P	C			18.21
Inpatient facilities	C		C	C	C			18.56
Kennels					C			18.56
Library, museum, art gallery	P	P	P	P	P	P	P	
Manufacturing, assembly, processing and/or fabrication activities entirely within a building and ancillary to primary office use (less than 25 percent of building)								
Marijuana retailer				P	P			18.42.080
Medical clinics	P		P	P	P		P	
Mental health facilities	C		C	C	C			18.56
Mini-storage					C			18.56
Mixed use structures	P[3]		P	P	P		P	
Motels, hotels			P	P	P	P	P	
Motor vehicle sales facilities					P			18.42.090
Motorsports sales facility					P			18.22.020
Movie theaters, playhouses and similar performance and assembly facilities				P	P		P	
Multifamily dwellings			P			P		
Multifamily dwellings (three or four stories)					P			18.22.020
Nurseries, retail			P	C	P			18.56; 18.21.050
Offices	P	P	P	P	P	P	P	
Optometry clinics	P	P	P	P	P	P	P	
Parcel delivery facility		P						
Park and ride lots		P	C	P	P			18.56; 18.21.030(DD)
Parking lots, parking structures		P	C	P & C	P	P	P	18.19.020(R); 18.56; 18.21.030; 18.21.050
Parks and open space areas	P	P	P	P	P	P	P	
Permanent supportive housing	P	P	P	P	P	P	P	18.42.150
Personal services	P	P	P	P	P	P	P	
Planned unit developments	P	P	P	P	P		P	18.36
Post office	P	P	P	P	P	P	P	

COMMERCIAL DISTRICTS **Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone**	**NC**	**CS**	**MU**	**CBC**	**GC**	**HC**	**TC[1]**	**Applicable Regulations**
Prisons, jails and other correctional facilities		C			C			18.56
Private clubs and lodges		C	P	P	P		P & C	18.56
Private post-secondary educational facilities				C	C			
Professional services	P	P	P	P	P	P	P	
Recreational facilities	P[4]	P	P	P	P	P	P	
Recreational vehicle park					P			
Residential uses	P[5]		P	P			P	18.20.030; 18.21.060; 18.23.020
Restaurants		P	P[6]	P	P	P	P	
Restaurants (without drive-in windows)	P[7]		P[8]				P	
Retail sales			P	P	P	P	P	
Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P						P	
Retail sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)	C						P	18.56
Retail sales (no more than 15,000 square feet)		P					P	
Riding academies					P			
Schools	C	P	C	P	C[9]	P	P	18.56
Senior housing facilities, assisted	C		P	P	P		P	18.56
Senior housing facilities, independent	P		P	P	P		P	
Sewage treatment facilities								18.56
State education facilities		C	C	C	C		C	18.56
Support facilities	P	P	P	P	P	P	P	
Taverns, cocktail lounges	C[10]	P	P	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	P	P	P	P	P	P	P	
Transitional housing	P	P	P	P	P	P	P	18.42.150
Transportation facilities, large scale state or regional		C			C			18.56
Transportation terminals					C		C	18.56
Used motor oil recycling collection point			P		P			
Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment entirely within a building						P		

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

LEGEND

P = Permitted Use

C = Conditional Use

NC = Neighborhood Commercial

CS = Community Services

MU = Mixed Use

CBC = Capitol Boulevard Community

GC = General Commercial

HC = Historic Commercial

TC = Town Center

Table 18.07.020 Footnotes:

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

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

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

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

(5) Multifamily residential use as part of a mixed use development is allowed with a minimum density of four dwelling units per net acre and a maximum density of eight dwelling units per net acre, which is calculated by averaging the densities of all of the different types of housing provided within the development in accordance with TMC 18.14.050(B), excluding the area of the building and parking associated with the commercial development.

(6) Restaurants are a permitted use for all parcels in the MU mixed use ~~(MU)~~ zone district in the city, except for those parcels in the MU mixed use ~~(MU)~~ zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee

Drive SW. In that location, restaurants without drive-through windows are allowed, but restaurants with drive-through windows are prohibited.

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

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

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

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

Table 18.07.020 Explanatory Notes:

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

2. Accessory uses are listed in each zoned district chapter.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-029, Amended, 01/15/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-024, Amended, 01/16/2018; Ord. O2017-017, Amended, 09/19/2017; Ord. O2017-006, Added, 07/18/2017)

Section 32. Section TMC 18.08.020, Permitted Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.08.020 Permitted uses.

Permitted uses in the RSR residential/sensitive resource zone district are as follows:

A. Single-family detached dwellings;

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

C. Cottage housing;

D. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;

E. Parks, trails, open space areas, and other related passive recreation facilities;

F. Wildlife refuges and forest preserves;

G. Support facilities;

H. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;

I. Adult family homes, residential care facilities;

J. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;

K. Agriculture up to thirty acres in size, subject to TMC 18.42.070;

L. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or ~~two-family~~middle housing dwelling;*

M. Community gardens;

N. Permanent supportive housing, subject to TMC 18.42.150;

O. Transitional housing, subject to TMC 18.42.150.

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Amended, 12/19/1995; Ord. O95-014, Added, 07/18/1995)

Section 33. Chapter TMC 18.10, SFL single-family low density residential zone district, of the Tumwater Municipal Code is hereby deleted in its entirety as follows:

~~**Chapter 18.10**~~

~~**SFL SINGLE-FAMILY LOW DENSITY RESIDENTIAL ZONE DISTRICT**~~

~~Sections:~~
~~18.10.010 Intent.~~
~~18.10.020 Permitted uses.~~
~~18.10.030 Accessory uses.~~
~~18.10.040 Conditional uses.~~
~~18.10.050 Development standards.~~
~~18.10.060 Conversion plans.~~
~~18.10.070 Screening and buffering requirements.~~

~~**18.10.010 Intent.**~~

~~The intent of the single-family low density residential (SFL) zone district is to:~~

~~A. Preserve and establish peaceful low density neighborhoods in which owner-occupied single- family structures are the dominant form of dwelling unit;~~

~~B. Provide designated areas in which a minimum net density of four units per acre and a maximum net density of seven units per acre apply to promote the efficient use of land;~~

~~C. Guide residential development in such a manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks and recreation;~~

~~D. Encourage development of attractive residential areas that provide a sense of community, establish a pedestrian-friendly atmosphere and contain a variety of housing types;~~

~~E. Ensure that development without municipal utilities is at a density and in a configuration that enables cost effective urban density in-fill development when municipal utilities become available.~~

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

~~18.10.020 Permitted uses.~~

~~Permitted uses in the SFL district are as follows:~~

~~A. Single-family detached dwellings;~~

~~B. Cottage housing;~~

~~C. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;~~

~~D. Parks, trails, open space areas, and recreational facilities;~~

~~E. Support facilities;~~

~~F. Planned unit developments;~~

~~G. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;~~

~~H. Adult family homes, residential care facilities;~~

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

J. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*

K. Agriculture up to thirty acres in size, subject to TMC 18.42.070;

L. Community gardens;

M. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;

N. Wildlife refuges and forest preserves;

O. Permanent supportive housing, subject to TMC 18.42.150;

P. Transitional housing, subject to TMC 18.42.150.

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

18.10.030 Accessory uses.

Accessory uses in the SFL district are as follows:

A. Storage sheds, toolsheds, greenhouses, subject to TMC 18.42.015;

B. Detached garages or carports, subject to TMC 18.42.015;

C. Home occupations, subject to TMC 18.42.030;

D. Noncommercial recreational structures, which could include but are not limited to swimming pools and recreational ball courts;

E. Energy systems;

F. Accessory dwelling unit, in accordance with the provisions of TMC 18.42.010;

G. Accessory wireless communication antenna;*

H. Electric vehicle infrastructure;

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

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

18.10.040 Conditional uses.

Conditional uses in the SFL zone district are as follows:

A. Churches;

B. Wireless communication towers;*

C. Cemeteries;

D. Child day care center;

E. Schools;

F. Neighborhood community center;

G. Neighborhood oriented commercial center;

H. The following essential public facilities:

1. Emergency communications towers and antennas;*

I. Group foster homes;

J. Bed and breakfasts;**

K. Temporary expansions of schools, such as portable classrooms.

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

**Bed and breakfasts with only one guest room are permitted uses but a public notice that an application has been submitted shall be sent to immediate neighbors. Administrative decisions may be appealed pursuant to TMC Chapter 14.12.

(Ord. O2024-005, Amended, 12/03/2024; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2001-012, Amended, 03/19/2002; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

18.10.050 Development standards.

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

A. Site Area. All land divisions are subject to the lot size provisions of this section; provided, that all land divisions must meet the following density requirements:

1. Minimum: four dwelling units per acre.

a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot possibly meet the density requirements, a reduction in minimum density (i.e., an increase in maximum lot size) may be granted by the community development director if all of the following criteria can be met:

i. The lot to be subdivided must be less than or equal to three-fourths acre in total area.

ii. The reduction in minimum density may not result in more than one additional single-family dwelling. The reduction in density will not result in a density that is less than eighty-five percent of the minimum density required in the applicable zoning district.

iii. The conditions unique to the site (size, shape, topography, etc.) are not the result of actions by the applicant.

iv. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or conditional use in the district in which the property is located.

2. Maximum: seven dwelling units per acre, except that any density greater than six dwelling units per acre shall be obtained only by purchase of transfer of development rights in accordance with TMC Chapter 18.57. Provided, if a land division is subject to the clustering provisions of subsection E of this section and not subject to the wetland protection standards of TMC Chapter 16.28, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would otherwise be allowed.

B. Density Calculation. The calculation of the density requirements in subsection A of this section is based on the portion of the site that contains lots devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.

2. Land that is intended for future phases of development created in accordance with TMC 18.10.060.

3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

C. Division of Land Not on Public Sanitary Sewer. Division of land in areas without sewer must occur in a manner that maintains long-term potential to achieve minimum required densities and efficient provision of sewer once sewer becomes available. For a proposed division of land not required to be served by the extension of public sewer at the time of approval, a conversion plan shall be submitted in accordance with TMC 18.10.060 for the entire property, and the proposed land division shall be subject to the following:

1. For land division of an existing lot of record created prior to September 15, 1998:

a. Any division creating two lots shall not be subject to the minimum density requirements of subsection A of this section, provided one of the lots created is at least five acres in size. A note must be included on the recorded land division that future land divisions shall meet minimum density requirements of subsection A of this section in each phase of development.

b. Any division creating more than two lots shall meet the minimum density requirements of subsection A of this section in each phase of development.

D. Lot Size Requirements.

1. Maximum: none;

2. Minimum: three thousand two hundred square feet;

3. Lot width: fifty feet, minimum, except if there is an alley located adjacent to a side property line the minimum lot width shall be forty feet.

E. Clustered Subdivision. Any site in this zone district may be subdivided as a clustered subdivision; provided, that a clustered subdivision must meet all other provisions of this chapter and the following criteria:

1. Cluster subdivision shall not be allowed in subdivisions containing less than five acres.

2. Cluster subdivision shall meet the overall density requirements as set forth in this chapter.

3. For the purposes of this chapter, the minimum lot size for the SFL zone district shall be divided into the gross area of land being subdivided to ascertain the total number of lots that will be allowed by this procedure.

4. Individual lot sizes may be reduced by no more than twenty-five percent of the minimum lot size of the SFL zone district.

5. All such lot reductions shall be compensated for by an equivalent amount of land area in open space to be preserved and maintained for recreation or conservation purposes.

6. Individual lot depth and width requirements in the SFL zone district may be reduced by not more than twenty percent.

7. All other development regulations and use limitations remain in full force and effect.

F. Lots Located Adjacent to a Wetland. Lots located adjacent to a wetland and/or wetland buffer shall be encouraged to be as large as practicable within the allowances of this section and the physical conditions of the site.

G. Lot coverage, maximum impervious surface: sixty percent of total area of the lot.

H. Structure height: thirty-five feet, maximum; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

I. Yards.*

1. Front: ten feet minimum from frontage property line.

a. Driveways in front yards of single-family dwellings and duplexes must be a minimum of eighteen feet in length as measured along the shortest edge of the driveway starting from the front property line;

2. Side: five feet from property line, minimum;

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

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

1. That the yard area reduced by this procedure is added to the required setback on the opposite side of the site;

2. The opposite side yard setback is no less than ten feet after the yard area has been added as described in subsection (J)(1) of this section;

3. Where zero yard setback is used, the abutting site must be held under the same ownership at the time of initial construction or the owners of the abutting property(ies) record agreements or deed restrictions providing maintenance access and consent in writing to such zero yard setback;

4. The adjacent setback for such abutting property(ies) is not less than ten feet.

K. Park and Open Space Area. A new subdivision in this zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and the citywide design guidelines.

*See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-015, Amended, 02/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-017, Amended, 10/21/2008; Ord. O2004-009, Amended, 12/07/2004; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O98-001, Amended, 09/15/1998; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

18.10.060 Conversion plans.

A. For any land division that is submitted in phases of development, and for any development where sewer is not available or that does not meet the density requirements of TMC 18.10.050(A), the approval shall be contingent upon the following:

1. The lots created by the land division for residential and associated uses (e.g., dwelling units; private community clubs and recreation areas; stormwater detention, treatment and infiltration) shall meet the applicable requirements of TMC 18.10.050.

2. A conversion plan must be submitted for the entire property which demonstrates that the property can be subsequently subdivided to create sufficient lots to achieve the minimum densities necessary to comply with TMC 18.10.050. Such conversion plan shall depict a schematic lot layout, approximate location of utility easements, and potential street access and an internal circulation system consistent with city transportation policies. Conversion plans shall not be required to be stamped by an engineer or surveyor, and may be included as part of a drawing or plan submitted for the land division application. Simultaneous with the filing of the conversion plan, the applicant will be required to record with the county auditor, in a form acceptable to the city attorney, a document to be placed in the chain of title of the property giving constructive notice of the special density requirements relating to the property. This conversion plan will not bind future phases of development of the site to anything except the obligation to meet the overall density requirements of the entire property. Acceptance of a conversion plan by the city or county does not, by itself, constitute approval of, nor the granting of vested rights to, a future phase of development.

(Note: The purpose of the conversion plan is to ensure that the entire property can be ultimately developed at the residential densities required for this zone district,

not to limit future development to a specified development scheme. Recognizing that some property subject to this requirement may not be redeveloped in the near future, the time and cost involved in preparing and obtaining approval of a conversion plan should be kept to a minimum.)

B. A permit to construct any single-family dwelling on a lot of record that is greater than one acre in size shall be contingent on the submission of a conversion plan which demonstrates that the remainder of the lot may be subsequently subdivided to create sufficient lots to achieve the minimum densities necessary to comply with TMC 18.10.050. Such conversion plan shall meet all of the provisions of subsection (A)(2) of this section.

(Ord. O98-001, Amended, 09/15/1998; Ord. O95-035, Added, 12/19/1995)

18.10.070 Screening and buffering requirements.

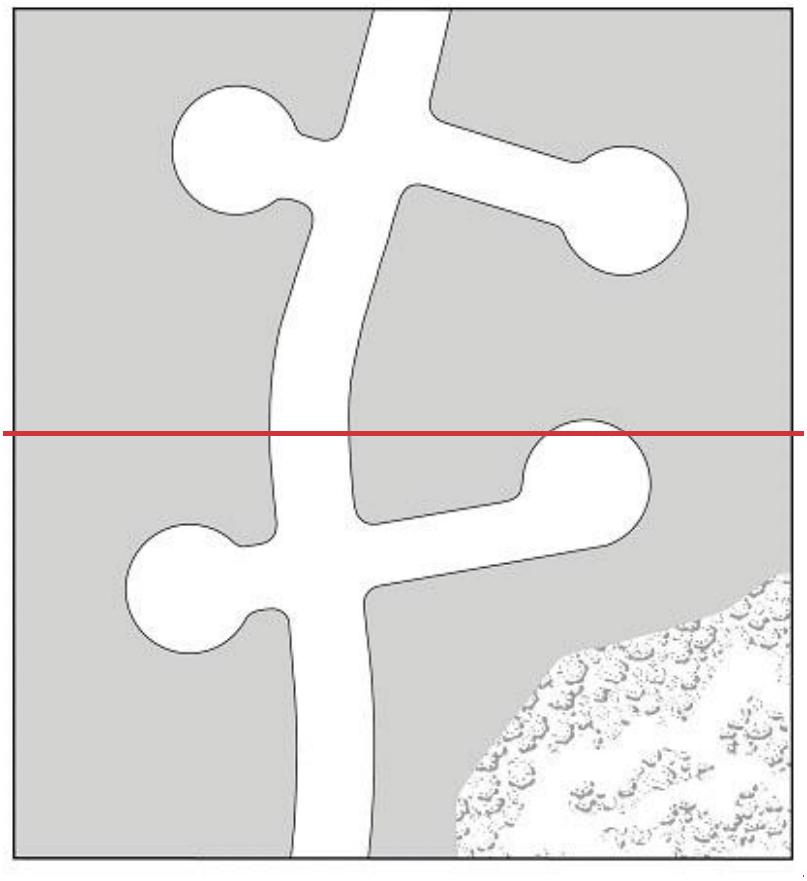
Buffering should be provided between this zoning district and areas in the light industrial zoning district. Buffering should be equally shared between the abutting industrial and residential developments, unless one of the uses is already developed as of January 1, 1996. If the residential use already exists, no further buffering should be required of the residential property owner. If the industrial use already exists, the residential use will be required to install buffering measures.

(Ord. O97-024, Amended, 03/03/1998; Ord. O95-035, Added, 12/19/1995)

TMC 18.10.050(A) and (B)

EXAMPLE DENSITY TRANSFER CALCULATION #1

Single-Family Low Density Residential Zone (4 – 7 DU/ACRE)



~~10 acres~~	~~Total Area of Land~~	
~~- 1 acre~~	~~Critical Area (e.g., wetland or dedicated open space) (@ 6 DU/acre = 6 DU)~~	
~~- 2 acres~~	~~Road Rights-of-Way~~	
~~= 7 acres~~	~~Net Developable Land (including stormwater facilities) (max. density @ 6 DU/acre = 42 DU)~~	

~~Density Transfer Calculation~~

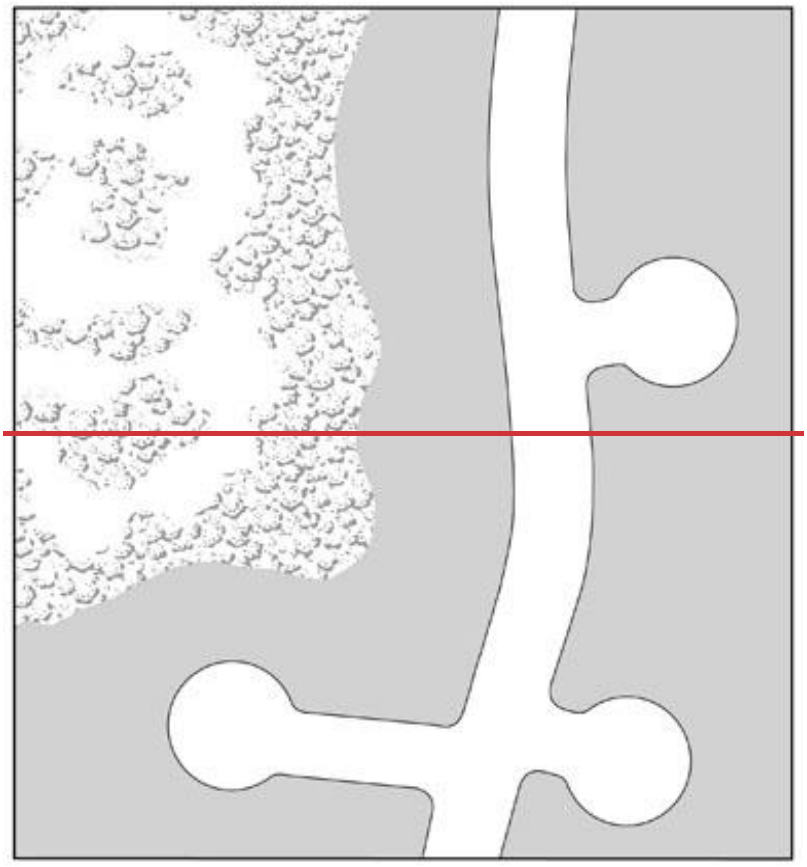
~~Max. allowable density with transfer: 42 DU x 1.25 = 52 DU | Lesser number =~~

~~Density transfer from critical area (excluding wetlands): 42 DU + 6 DU = 48 DU | total DUs permitted (48)~~

~~TMC 18.10.050(A) and (B)~~

~~EXAMPLE DENSITY TRANSFER CALCULATION #2~~

~~Single-Family Low Density Residential Zone (4 – 7 DU/ACRE)~~



~~10 acres~~	~~Total Area of Land~~	
~~- 3.5 acres~~	~~Critical Area (e.g., wetland or dedicated open space) (@ 6 DU/acre = 21 DU)~~	
~~- 1.5 acres~~	~~Road Rights-of-Way~~	
~~= 5 acres~~	~~Net Developable Land (including stormwater facilities) (max. density @ 6 DU/acre = 30 DU)~~	

~~Density Transfer Calculation~~

~~Max. allowable density with transfer: 30 DU x 1.25 = 37 DU | Lesser number =~~

~~Density transfer from critical area (excluding wetlands): 30 DU + 21 DU = 51 DU | total DUs permitted (37)~~

Section 34. Chapter TMC 18.12, SFM single-family medium density residential zone district, of the Tumwater Municipal Code is hereby amended to read as follows:

Chapter 18.12

~~SFM SINGLE-FAMILY MEDIUM~~LDR LOW DENSITY RESIDENTIAL ZONE DISTRICT

Sections:

18.12.010 Intent.
18.12.020 Permitted uses.
18.12.030 Accessory uses.
18.12.040 Conditional uses.
18.12.050 Development standards.
18.12.060 Conversion plans.
18.12.070 Screening and buffering requirements.

18.12.010 Intent.

The intent of the ~~single-family medium~~LDR low density residential ~~(SFM)~~ zone district is to:

A. Provide for a high standard of development for residential areas of ~~moderate~~ low density ~~in which single-family housing is the primary form of development~~;

B. Provide designated areas in which a minimum net density of six units per acre and a maximum net density of nine units per acre apply to promote the efficient use of land;

C. Guide residential development in such a manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, schools, parks, and recreation;

D. Encourage development of attractive residential areas that provide a sense of community, establish a pedestrian-friendly atmosphere, and contain a variety of housing types;

E. Ensure that development without municipal utilities is at a density and in a configuration that enables cost effective urban density in-fill development when municipal utilities become available.

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

18.12.020 Permitted uses.

Permitted uses in the ~~SFM~~ LDR low density residential district are as follows:

A. Single-family detached dwellings;

B. Duplexes;

C. Triplexes;

D. Quadplexes;

E. Stacked flats;

F~~B~~. Townhouses ~~and rowhouses, within a residential planned unit development~~;

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

G~~D~~. Cottage housing;

H~~E~~. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;

I~~F~~. Parks, trails, open space areas, and recreational facilities;

J~~G~~. Support facilities;

K~~H~~. Planned unit developments;

L~~I~~. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;

M~~J~~. Adult family homes, residential care facilities;

N~~K~~. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or ~~two-family~~middle housing dwelling;*

O~~L~~. Agriculture up to thirty acres in size, subject to TMC 18.42.070;

P~~M~~. Community gardens;

Q~~N~~. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;

R~~O~~. Wildlife refuges and forest preserves;

S~~P~~. Permanent supportive housing, subject to TMC 18.42.150;

T~~Q~~. Transitional housing, subject to TMC 18.42.150.

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord.

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

18.12.030 Accessory uses.

Accessory uses in the ~~SFM~~ LDR low density residential district are as follows:

A. Storage sheds, toolsheds, greenhouses, subject to TMC 18.42.015;

B. Detached garages or carports, subject to TMC 18.42.015;

C. Home occupations, subject to TMC 18.42.030;

D. Noncommercial recreational structures, which could include but are not limited to swimming pools and recreational ball courts;

E. Energy systems;

F. Accessory dwelling units, in accordance with the provisions of TMC 18.42.010;

G. Accessory wireless communication antenna;*

H. Electric vehicle infrastructure;

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

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

18.12.040 Conditional uses.

Conditional uses in the ~~SFM~~ LDR low density residential zone district are as follows:

A. Churches;

B. Wireless communication towers;*

C. Cemeteries;

D. Child day care center;

E. Schools;

F. Neighborhood community center;

G. Neighborhood-oriented commercial center;

H. Private clubs and lodges;

I. The following essential public facilities:

1. Emergency communications towers and antennas;*

J. Group foster homes;

K. Bed and breakfasts;**

L. Temporary expansions of schools, such as portable classrooms.

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

**Bed and breakfasts with only one guest room are permitted uses but a public notice that an application has been submitted shall be sent to immediate neighbors. Administrative decisions may be appealed pursuant to TMC Chapter 14.12.

(Ord. O2024-005, Amended, 12/03/2024; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2001-012, Amended, 03/19/2002; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

18.12.050 Development standards.

Development in the ~~SFM~~ LDR low density residential zone district must meet the following requirements:

A. Site Area. All land divisions are subject to the lot size provisions of this section; provided, that all land divisions must meet the following density requirements:

1. Minimum: six dwelling units per acre:

a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot possibly meet the density requirements, a reduction in minimum density (i.e., an increase in maximum lot size) may be granted by the community development director if all of the following criteria can be met:

i. The lot to be subdivided must be less than or equal to one-half acre in total area.

ii. The reduction in minimum density may not result in more than one additional single-family detached dwelling.

iii. The reduction in density will not result in a density that is less than eighty-five percent of the minimum density required in the applicable zon~~c~~ing district.

iv. The conditions unique to the site (size, shape, topography, etc.) are not the result of actions by the applicant.

v. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or conditional use in the district in which the property is located.

2. Maximum: nine dwelling units per acre.~~, except that any density greater than eight dwelling units per acre shall be obtained only by~~The purchase of transfer of development rights in accordance with TMC Chapter 18.57 would allow a maximum density of ten dwelling units per acre. Provided, if a land division is subject to the clustering provisions of subsection ~~E~~ F of this section and not subject to the wetland protection standards of TMC Chapter 16.28, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would otherwise be allowed.

B. Density Calculation. The calculation of the density requirements in subsection A of this section is based on the portion of the site that contains lots devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations;

2. Land that is intended for future phases of development created in accordance with TMC 18.12.060;

3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

C. Division of Land Not on Public Sanitary Sewer. Division of land in areas without sewer must occur in a manner that maintains long-term potential to achieve minimum required densities and efficient provision of sewer once sewer becomes available. For a proposed division of land not required to be served by the extension of public sewer at the time of approval, a conversion plan shall be submitted in accordance with TMC 18.12.060 for the entire property, and the proposed land division shall be subject to the following:

1. For land division of an existing lot of record created prior to September 15, 1998:

a. Any division creating two lots shall not be subject to the minimum density requirements of subsection A of this section, provided one of the lots created is at least five acres in size. A note must be included on the recorded

land division that future land divisions shall meet minimum density requirements of subsection A of this section in each phase of development.

b. Any division creating more than two lots shall meet the minimum density requirements of subsection A of this section in each phase of development.

D. Dwelling Unit Allowance.

1. Density on individual lots in the LDR low density residential zone district can be exceeded to meet the dwelling unit allowance as follows:

a. Allow up to two dwelling units per lot.

b. Allow up to four dwelling units per lot if at least one dwelling unit on the lot is permanently affordable housing that meets the requirements of TMC 18.12.050(D)(5).

2. Two accessory dwelling units are allowed on all principal lots and are subject to the same regulations as a principal unit.

3. Accessory dwelling units count towards the dwelling unit allowance.

4. The standards of TMC 18.12.050(D) do not apply to lots less than 1,000 square feet.

5. A sleeping unit in co-living housing is calculated as one-quarter of a dwelling unit for purposes of calculating density.

6. To qualify for additional units under the affordable housing provisions of TMC 18.12.050(D)(1)(b), the required number of affordable housing dwelling units shall meet the permanently affordable housing standards in TMC 18.42.170.

E~~D~~. Lot Size Requirements.

1. Maximum: none;

2. Minimum: three thousand two hundred square feet. Minimum for a townhouse development consisting of at least three attached townhouses: two thousand square feet;

3. Lot width: fifty feet, minimum, except if there is an alley located adjacent to a side property line the minimum lot width shall be forty feet. Townhouses can be decreased to a minimum 20 feet lot width.

F~~E~~. Clustered Subdivision. Any site in this zone district may be subdivided as a clustered subdivision; provided, that a clustered subdivision must meet all other provisions of this chapter and the following criteria:

1. Cluster subdivision shall not be allowed in subdivisions containing less than five acres.

2. Cluster subdivision shall meet the overall density requirements as set forth in this chapter.

3. For the purposes of this chapter, the minimum lot size for the ~~SFM~~ LDR low density residential zone district shall be divided into the gross area of land being subdivided to ascertain the total number of lots that will be allowed by this procedure.

4. Individual lot sizes may be reduced by no more than twenty-five percent of the minimum lot size of the ~~SFM~~ LDR low density residential zone district.

5. All such lot reductions shall be compensated for by an equivalent amount of land area in open space to be preserved and maintained for recreation or conservation purposes.

6. Individual lot depth and width requirements in the ~~SFM~~ LDR low density residential zone district may be reduced by not more than twenty percent.

7. All other development regulations and use limitations remain in full force and effect.

~~F~~G. Lots Located Adjacent to a Wetland. Lots located adjacent to a wetland and/or wetland buffer shall be encouraged to be as large as practicable within the allowances of this section and the physical conditions of the site.

~~G~~H. Lot coverage, maximum impervious surface: seventy percent of total area of the lot.

~~H~~I. Structure height: thirty-five feet, maximum; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

~~I~~J. Yards.*

1. Front: ten feet minimum from frontage property line:

   a. Driveways in front yards of single-family detached dwellings and ~~duplexes~~ middle housing must be a minimum of eighteen feet in length as measured along the shortest edge of the driveway starting from the front property line;

2. Side: five feet from property line, minimum; provided, that side yards may be reduced to zero where the number of lots created is equal to the unit density allowance in TMC 18.12.050(D) or where a townhouse attached to another townhouse;

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

two hundred square feet or less in area, and residential mechanical equipment, may be located a minimum of five feet from property line. Rear setbacks for second dwelling units, including accessory dwelling units, may be reduced to a minimum of five feet.

4. Alley: eighteen feet if proposing a driveway; if no driveway is proposed minimum five feet from rear property line.

~~J~~K. Yards Exception. Any side or rear yard, not abutting on a public or private street, may be reduced to zero, provided:

1. That the yard area reduced by this procedure is added to the required setback on the opposite side of the site;

2. The opposite side yard setback is no less than ten feet after the yard area has been added, as described in subsection (J)(1) of this section;

3. Where zero yard setback is used, the abutting site must be held under the same ownership at the time of initial construction or the owners of the abutting property(ies) record agreements or deed restrictions providing maintenance access and consent in writing to such zero yard setback;

4. The adjacent setback for such abutting property(ies) is not less than ten feet.

~~K~~L. Park and Open Space Area. A new subdivision in this zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and the citywide design guidelines.

*See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-015, Amended, 02/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-017, Amended, 10/21/2008; Ord. O2004-009, Amended, 12/07/2004; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O98-001, Amended, 09/15/1998; Ord. O97-027, Amended, 03/03/1998; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

18.12.060 Conversion plans.

A. For any land division that is submitted in phases of development, and for any development where sewer is not available or that does not meet the minimum density requirements of TMC 18.12.050(A), the approval shall be contingent upon the following:

1. The lots created by the land division for residential and associated uses (e.g., dwelling units; private community clubs and recreation areas; stormwater detention, treatment and infiltration) shall meet the applicable requirements of TMC 18.12.050.

2. A conversion plan must be submitted for the entire property which demonstrates that the property can be subsequently subdivided to create sufficient lots to achieve the minimum densities necessary to comply with TMC 18.12.050. Such conversion plan shall depict a schematic lot layout, approximate location of utility easements, and potential street access and an internal circulation system consistent with city transportation policies. Conversion plans shall not be required to be stamped by an engineer or surveyor, and may be included as part of a drawing or plan submitted for the land division application. Simultaneous with the filing of the conversion plan, the applicant will be required to record with the county auditor, in a form acceptable to the city attorney, a document to be placed in the chain of title of the property giving constructive notice of the special density requirements relating to property. This conversion plan will not bind future phases of development of the site to anything except the obligation to meet the overall density requirements of the entire property. Acceptance of a conversion plan by the city or county does not, by itself, constitute approval of, nor the granting of vested rights to, a future phase of development.

(Note: The purpose of the conversion plan is to ensure that the entire property can be ultimately developed at the residential densities required for this zone district, not to limit future development to a specified development scheme. Recognizing that some property subject to this requirement may not be redeveloped in the near future, the time and cost involved in preparing and obtaining approval of a conversion plan should be kept to a minimum.)

B. A permit to construct any single-family detached dwelling on a lot of record that is greater than one acre in size shall be contingent on the submission of a conversion plan which demonstrates that the remainder of the lot may be subsequently subdivided to create sufficient lots to achieve the minimum densities necessary to comply with TMC 18.12.050. Such conversion plan shall meet all of the provisions of subsection (A)(2) of this section.

(Ord. O98-001, Amended, 09/15/1998; Ord. O95-035, Added, 12/19/1995)

18.12.070 Screening and buffering requirements.

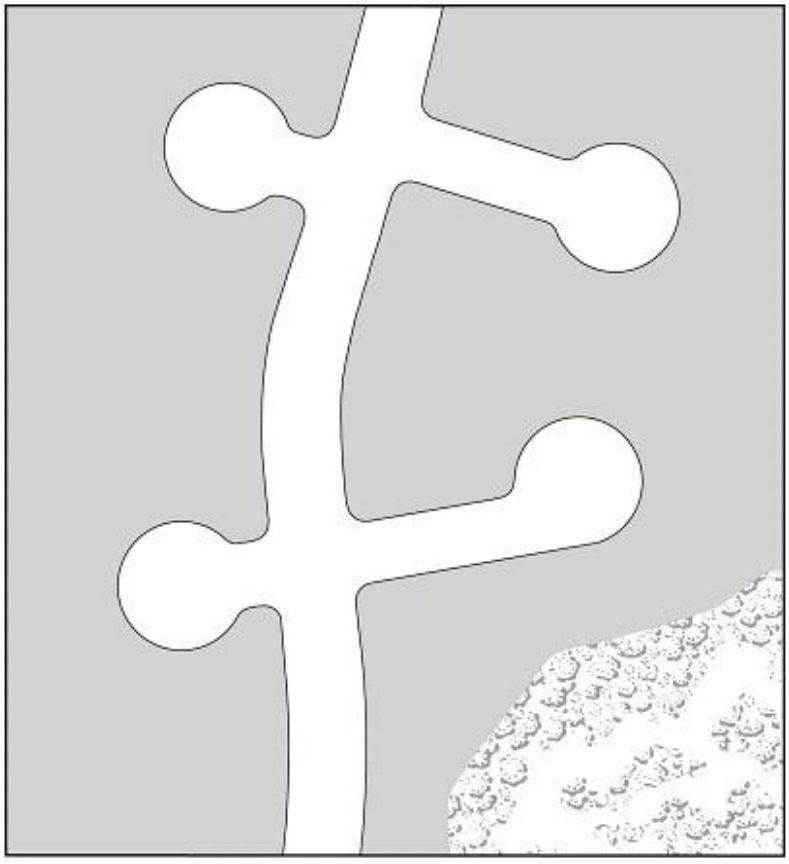
Buffering should be provided between this zone district and areas in the LI light industrial zone district. Buffering should be equally shared between the abutting industrial and residential developments, unless one of the uses is already developed as of January 1, 1996. If the residential use already exists, no further buffering should be required of the residential property owner. If the industrial use already exists, the residential use will be required to install buffering measures.

(Ord. O97-024, Amended, 03/03/1998; Ord. O95-035, Added, 12/19/1995)

TMC 18.12.050(A) and (B)

EXAMPLE DENSITY TRANSFER CALCULATION #1

Single-Family MediumLDR Low Density Residential Zone District (6 – 9 DU/ACRE)



10 acres	Total Area of Land	
- 1 acre	Critical Area (e.g., wetland or dedicated open space) (@ 8 DU/acre = 8 DU)	
- 2 acres	Road Rights-of-Way	
= 7 acres	Net Developable Land (including stormwater facilities) (max. density @ 8 DU/acre = 56 DU)	

Density Transfer Calculation

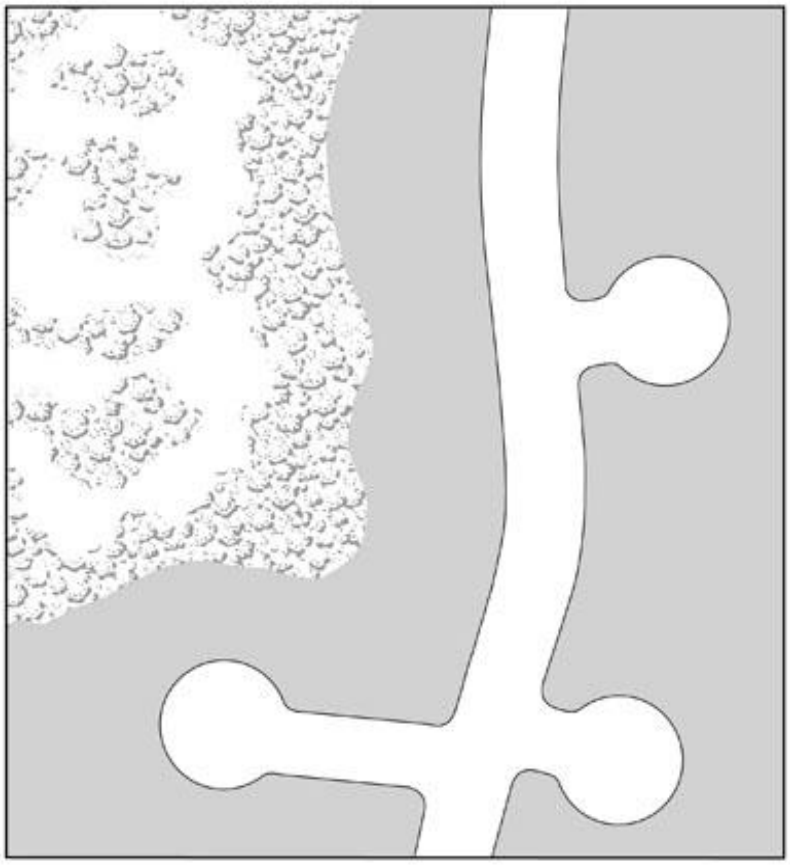
Maximum~~.~~ allowable density with transfer: ~~56~~ 63 ~~DU~~ dwelling units x 1.25 = ~~70~~ 78.75 dwelling units~~DU~~ | Lesser number =

Density transfer from critical area (excluding wetlands): ~~56~~ 63 dwelling units~~DU~~ + ~~8~~ 9 dwelling units~~DU~~ = ~~64~~ 72 dwelling units ~~DU~~ | total dwelling units ~~DUs~~ permitted (~~64~~72)

TMC 18.12.050(A) and (B)

EXAMPLE DENSITY TRANSFER CALCULATION #2

~~Single-Family Medium~~LDR Low Density Residential Zone District (6 – 9 DU/ACRE)



10 acres	Total Area of Land	
- 3.5 acres	Critical Area (e.g., wetland or dedicated open space) (@ 8 DU/acre = 28 DU)	
- 1.5 acres	Road Rights-of-Way	
= 5 acres	Net Developable Land (including stormwater facilities) (max. density @ 8 DU/acre = 40 DU)	

Density Transfer Calculation

Maximum~~.~~ allowable density with transfer: ~~40~~ 45 ~~DU~~ dwelling units x 1.25 = ~~50~~ 56.25 dwelling units~~DU~~ | Lesser number =

Density transfer from critical area (excluding wetlands): ~~40~~ 45 dwelling units ~~DU~~ + 28 dwelling units~~DU~~ = ~~68~~ 73 dwelling units ~~DU~~ | total dwelling units~~DUs~~ permitted (~~50~~56.25)

Section 35. Chapter TMC 18.14, MFM multifamily medium density residential zone district, of the Tumwater Municipal Code is hereby amended to read as follows:

Chapter 18.14

~~MFM MULTIFAMILY~~MDR MEDIUM DENSITY RESIDENTIAL ZONE DISTRICT

Sections:

18.14.010 Intent.
18.14.020 Permitted uses.
18.14.030 Accessory uses.
18.14.040 Conditional uses.
18.14.050 Development standards.
18.14.060 Conversion plans.
18.14.070 Screening and buffering requirements.

18.14.010 Intent.

The intent of the ~~multifamily~~ MDR medium density residential ~~(MFM)~~ zone district is to:

A. Provide for a high standard of development for residential areas of medium density including both ~~single family~~middle and multifamily housing;

B. Provide designated areas in which a minimum net density of ~~nine~~ ten units per acre and a maximum net density of nineteen~~fifteen~~ units per acre with the potential maximum net density of twenty four units per acre if permanently affordable dwelling units are included ~~apply~~ to promote the efficient use of land;

C. Guide medium density residential development in such a manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, public transit, schools, parks, and recreation;

D. Encourage development of attractive residential areas that provide a sense of community, establish a pedestrian-friendly atmosphere, and contain a variety of housing types;

E. Ensure that development without municipal utilities is at a density and in a configuration that enables cost effective urban density in-fill development when municipal utilities become available.

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

18.14.020 Permitted uses.

Permitted uses in the ~~MFM~~ MDR medium density residential zone district are as follows:

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

B. Duplexes;

C. Triplexes;

D. Quadplexes~~Fourplexes~~;

E. Stacked flats;

F~~E~~. Townhouses ~~and rowhouses~~;

~~F~~G. Multifamily dwellings;

~~G~~H. Cottage housing;

I. Co-living housing;

~~JH~~. Designated manufactured homes on single lots of record, and in designated manufactured home parks, in accordance with the provisions of TMC Chapter 18.48;

~~I~~K. Designated manufactured home parks;

L~~J~~. Senior housing facilities, independent;

M~~K~~. Parks, trails, open space areas, and recreational facilities;

N~~L~~. Support facilities;

O~~M~~. Planned unit developments;

P~~N~~. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;

Q~~O~~. Adult family homes, residential care facilities;

R~~P~~. Any combination of the permitted uses listed in this section may be combined on one site, in accordance with the provisions of TMC 18.14.050;

S~~Q~~. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or ~~two-family~~middle housing dwelling;**

T~~R~~. Bed and breakfasts;

U~~S~~. Agriculture uses up to thirty acres in size which were established prior to January 1, 2011, subject to TMC 18.42.070;

V~~T~~. Community gardens;

W~~U~~. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;

XV. Wildlife refuges and forest preserves;

YW. Permanent supportive housing, subject to TMC 18.42.150;

ZX. Transitional housing, subject to TMC 18.42.150.

~~*Single-family detached dwellings constructed after April 15, 2021, are not allowed in the multifamily medium density residential (MFM) zone district.~~

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

(Ord. O2022-006, Amended, 08/01/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O2005-011, Amended, 07/05/2005; Ord. O2001-012, Amended, 03/19/2002; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

18.14.030 Accessory uses.

Accessory uses in the ~~MFM~~ MDR medium density residential zone district are as follows:

A. Storage sheds, toolsheds, greenhouses;

B. Private parking garages or carports;

C. Home occupations, subject to TMC 18.42.030;

D. Noncommercial recreational structures, which could include but are not limited to swimming pools and recreational ball courts;

E. Energy systems;

F. Accessory dwelling units, in accordance with the provisions of TMC 18.42.010;

G. ~~Boardinghouses and roominghouses~~Co-living housing;

GH. Neighborhood community center;

HI. Accessory wireless communication antenna;*

IJ. Electric vehicle infrastructure;

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

*Emergency communication towers and antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and

approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2018-025, Amended, 12/18/2018; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

18.14.040 Conditional uses.

Conditional uses in the ~~MFM~~ MDR medium density residential zone district are as follows:

A. Churches;

B. Wireless communication towers;*

C. Cemeteries;

D. Child day care center;

E. Schools;

F. Neighborhood community center as a primary use;

G. Neighborhood-oriented commercial center;

H. Private clubs and lodges;

I. Medical clinics or hospitals;

J. The following essential public facilities:

1. Emergency communications towers and antennas;*

2. Mental health facilities (including but not limited to congregate care facilities; adult residential treatment facilities; evaluation and treatment centers);

3. Inpatient facilities including substance abuse facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities);

K. Group foster homes;

L. Recreational vehicle parks;

M. Senior housing facilities, assisted;

N. Temporary expansions of schools, such as portable classrooms.

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

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2000-004, Amended, 07/18/2000; Ord.

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

18.14.050 Development standards.

Development in the ~~MFM~~ MDR medium density residential zone district must meet the following requirements:

A. Site Area. All residential developments must meet the following density requirements:

1. Minimum: ~~nine~~ ten dwelling units per acre;

2. Maximum: ~~fifteen~~ nineteen dwelling units per acre~~, except that any density greater than fourteen dwelling units per acre shall be obtained only by~~. The purchase of transfer of development rights in accordance with TMC Chapter 18.57 would allow a maximum density of twenty dwelling units per acre. ~~Note:~~ Projects that provide two permanently affordable housing units in the ~~MFM~~ MDR medium density residential zone district would be allowed an increase of one additional dwelling unit ~~on top of the~~above the maximum current density of nineteen dwelling units per acre~~with a transfer of development rights~~ up to a maximum increase in density of five dwellings unit per acre. This would create a new maximum density of twenty-four dwelling units per acre in the ~~MFM~~ MDR medium density residential zone district for projects providing permanently affordable housing units. Projects providing permanently affordable housing units by this method would have to be part of a new multifamily housing project that provides ten or more dwelling units and meet the requirements of TMC 18.42.140.

B. Density Calculation. The calculation of the density requirements in subsection A of this section is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs; open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations;

2. Land that is intended for future phases of development created in accordance with TMC 18.14.060;

3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

C. Division of Land Not on Public Sanitary Sewer. Division of land in areas without sewer must occur in a manner that maintains long-term potential to achieve minimum required densities and efficient provision of sewer once sewer becomes available. For a proposed division of land not required to be served by the extension of public sewer at the time of approval, a conversion plan shall be submitted in accordance with TMC 18.14.060 for the entire property, and the proposed land division shall be subject to the following:

1. For land division of an existing lot of record created prior to September 15, 1998:

a. Any division creating two lots shall not be subject to the minimum density requirements of subsection A of this section, provided one of the lots created is at least five acres in size. A note must be included on the recorded land division that future land divisions shall meet minimum density requirements of subsection A of this section in each phase of development.

b. Any division creating more than two lots shall meet the minimum density requirements of subsection A of this section in each phase of development.

D. Dwelling Unit Allowance.

1. Density on individual lots in the MDR medium density residential zone district can be exceeded to meet the dwelling unit allowance as follows:

a. Allow up to two dwelling units per lot.

b. Allow up to four dwelling units per lot if at least one dwelling unit on the lot is permanently affordable housing that meets the requirements of TMC 18.14.050(D)(5).

2. Two accessory dwelling units are allowed on all principal lots and are subject to the same regulations as a principal unit.

3. Accessory dwelling units count towards the dwelling unit allowance.

4. The standards of TMC 18.14.050(D) do not apply to lots less than 1,000 square feet.

5. A sleeping unit in co-living housing is calculated as one-quarter of a dwelling unit for purposes of calculating density.

6. To qualify for additional units under the affordable housing provisions of TMC 18.14.050(D)(1)(b), the required number of affordable housing dwelling units shall meet the permanently affordable housing standards in TMC 18.42.170.

ED. Lot coverage, maximum impervious surface: seventy percent of total area of the lot.

FE. Structure height: forty feet, maximum; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map

that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

GF. Yards.*

1. Front: ten feet minimum from frontage property line.

a. Driveways in front yards of any dwelling units must be a minimum of eighteen feet in length as measured along the shortest edge of the driveway starting from the front property line.

2. Side: five feet from property line, minimum; provided, that side yards for may be reduced to zero where the number of lots created is equal to the unit density allowance in TMC 18.14.050(D) or where a townhouse attached to another townhousetownhomes and rowhouses may be reduced to zero where attached.

3. Rear: five feet from property line, minimum.

Where any structures or portions of structures, except for single-family detached dwellings, are adjacent to any the single family RSR residential/sensitive resource and LDR low density residential zoneing districts, the minimum setback shall be twenty feet. Where structures are constructed over one story, except for single-family dwellings, the setback from the adjacent property line or lines shall be increased by ten feet for every story above the ground level story of the proposed new building, and shall be completely screened from view in accordance with TMC Chapter 18.47.

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

1. That the yard area reduced by this procedure is added to the required setback on the opposite side of the site;

2. The opposite side yard setback is no less than ten feet after the yard area has been added as described in subsection (F)(1) of this section;

3. Where zero yard setback is used, the abutting site must be held under the same ownership at the time of initial construction or the owners of the abutting property(ies) record agreements or deed restrictions providing maintenance access and consent in writing to such zero yard setback;

4. The adjacent setback for such abutting property(ies) is not less than ten feet.

IH. Park and Open Space Area. New development in this zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and 18.42.130 and the citywide design guidelines.

*See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-015, Amended, 02/16/2021; Ord. O2018-007, Amended, 10/16/2018; Ord. O2016-037, Amended, 01/03/2017; Ord.

O2011-002, Amended, 03/01/2011; Ord. O2008-017, Amended, 10/21/2008; Ord. O2004-009, Amended, 12/07/2004; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O98-001, Amended, 09/15/1998; Ord. O97-027, Amended, 03/03/1998; Ord. O97-024, Amended, 03/03/1998; Ord. O96-021, Amended, 12/02/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

18.14.060 Conversion plans.

A. For any land division that is submitted in phases of development, and for any development where sewer is not available or that does not meet the minimum density requirements of TMC 18.14.050(A), the approval shall be contingent upon the following:

1. The lots created by the land division for residential and associated uses (e.g., dwelling units; private community clubs and recreation areas; stormwater detention, treatment and infiltration) shall meet the applicable requirements of TMC 18.14.050.

2. A conversion plan must be submitted for the entire property which demonstrates that the property can be subsequently subdivided to create sufficient lots to achieve the minimum densities necessary to comply with TMC 18.14.050. Such conversion plan shall depict a schematic lot layout, approximate location of utility easements, and potential street access and an internal circulation system consistent with city transportation policies. Conversion plans shall not be required to be stamped by an engineer or surveyor, and may be included as part of a drawing or plan submitted for the land division application. Simultaneous with the filing of the conversion plan, the applicant will be required to record with the county auditor, in a form acceptable to the city attorney, a document to be placed in the chain of title of the property giving constructive notice of the special density requirements relating to the property. This conversion plan will not bind future phases of development of the site to anything except the obligation to meet the overall density requirements of the entire property. Acceptance of a conversion plan by the city or county does not, by itself, constitute approval of, nor the granting of vested rights to, a future phase of development.

(Note: The purpose of the conversion plan is to ensure that the entire property can be ultimately developed at the residential densities required for this zone district, not to limit future development to a specified development scheme. Recognizing that some property subject to this requirement may not be redeveloped in the near future, the time and cost involved in preparing and obtaining approval of a conversion plan should be kept to a minimum.)

B. A permit to construct any single-family detached dwelling on a lot of record that is greater than one acre in size shall be contingent on the submission of a conversion plan which demonstrates that the remainder of the lot may be subsequently subdivided to create sufficient lots to achieve the minimum densities

necessary to comply with TMC 18.14.050. Such conversion plan shall meet all of the provisions of subsection (A)(2) of this section.

(Ord. O98-001, Amended, 09/15/1998; Ord. O95-035, Added, 12/19/1995)

18.14.070 Screening and buffering requirements.

Buffering should be provided between this zone~~c~~ing district and areas in the LI light industrial zone~~c~~ing district. Buffering should be equally shared between the abutting industrial and residential developments, unless one of the uses is already developed as of January 1, 1996. If the residential use already exists, no further buffering should be required of the residential property owner. If the industrial use already exists, the residential use will be required to install buffering measures as outlined in TMC Chapter 18.47.

(Ord. O97-024, Amended, 03/03/1998; Ord. O95-035, Added, 12/19/1995)

Section 36. Chapter TMC 18.16, MFH multifamily high density residential zone district, of the Tumwater Municipal Code is hereby amended to read as follows:

Chapter 18.16

~~MFH MULTIFAMILY~~HDR HIGH DENSITY RESIDENTIAL ZONE DISTRICT

Sections:

18.16.010 Intent.
18.16.020 Permitted uses.
18.16.030 Accessory uses.
18.16.040 Conditional uses.
18.16.050 Development standards.
18.16.060 Conversion plans.
18.16.070 Screening and buffering requirements.

18.16.010 Intent.

The intent of the ~~multifamily~~ HDR high density residential ~~(MFH)~~ zone district is to:

A. Provide for a high standard of development for multifamily residential areas of high density;

B. Provide designated areas in which a minimum net density of ~~fourteen~~ twenty units per acre ~~and~~ with no~~a~~ maximum net density ~~of twenty-nine units per acre~~ apply to promote the efficient use of land and promote mass transit opportunities;

C. Guide high density residential development in such a manner as to encourage and plan for the availability of public services and community facilities such as utilities, police and fire protection, streets, public transit, schools, parks and recreation;

D. Encourage development of attractive residential areas that provide a sense of community and establish a pedestrian-friendly atmosphere;

E. Ensure that development without municipal utilities is at a density and in a configuration that enables cost effective urban density in-fill development when municipal utilities become available.

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

18.16.020 Permitted uses.

Permitted uses in the ~~MFH~~ HDR high density residential zone district are as follows:

A. Triplexes;

B. Quadplexes~~Fourplexes~~;

C. Stack flats;

~~C~~D. Multifamily dwellings;

E. Co-living housing;

~~D~~F. Parks, trails, open space areas, and recreational facilities;

~~E~~G. Support facilities;

~~F~~H. Planned unit developments;

~~G~~I. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;

~~H~~J. Adult family homes, residential care facilities;

~~I~~K. Senior housing facilities, independent;

~~J~~L. Any combination of the permitted uses listed in this section may be combined on one site, in accordance with the provisions of TMC 18.16.050;

~~K~~M. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or ~~two-family~~middle housing dwelling;*

~~L~~N. Townhouses ~~and rowhouses~~;

~~M~~O. Community gardens;

~~N~~P. Wildlife refuges and forest preserves;

~~O~~Q. Permanent supportive housing, subject to TMC 18.42.150;

~~P~~R. Transitional housing, subject to TMC 18.42.150.

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

(Ord. O2022-006, Amended, 08/01/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord.

O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O98-001, Amended, 09/15/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

18.16.030 Accessory uses.

Accessory uses in the ~~MFH~~ HDR high density residential zone district are as follows:

A. Storage sheds, toolsheds, greenhouses;

B. Private parking garages or carports;

C. Home occupations, as approved by the director of community development;

D. Noncommercial recreational structures, which could include but are not limited to swimming pools and recreational ball courts;

E. Energy systems;

F. Accessory dwelling units, in accordance with the provisions of TMC 18.42.010, where there is an existing single-family detached dwelling unit, which was legally established prior to January 1, 1996;

G. ~~Boardinghouses and roominghouses~~Co-living housing;

H. Neighborhood community center;

I. Accessory wireless communication antenna;*

J. Electric vehicle infrastructure;

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

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2018-025, Amended, 12/18/2018; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

18.16.040 Conditional uses.

Conditional uses in the ~~MFH~~ HDR high density residential zone district are as follows:

A. Churches;

B. Wireless communication towers;*

C. Cemeteries;

D. Child day care center;

E. Schools;

F. Neighborhood community center as a primary use;

G. Neighborhood-oriented commercial center;

H. Private clubs and lodges;

I. Medical clinics or hospitals;

J. The following essential public facilities:

1. Emergency communications towers and antennas;*

2. Mental health facilities (including but not limited to congregate care facilities; adult residential treatment facilities; evaluation and treatment centers);

3. Inpatient facilities including substance abuse facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities);

K. Group foster homes;

L. Senior housing facilities, assisted;

M. Temporary expansions of schools, such as portable classrooms.

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

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O98-001, Amended, 09/15/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

18.16.050 Development standards.

Development in the ~~MFH~~ HDR high density residential zone district must meet the following requirements:

A. Site Area. All residential developments must meet the following density requirements:

1. Minimum: ~~fourteen~~ twenty dwelling units per acre;

2. Maximum: ~~twenty-nine dwelling units per acre, except that any density greater than twenty-five dwelling units per acre shall be obtained only by purchase of transfer of development rights in accordance with TMC Chapter~~

~~18.57. Note: Projects that provide two permanently affordable housing units in the MFH zone district would be allowed an increase of one additional dwelling unit on top of the maximum current density with a transfer of development rights up to a maximum increase in density of ten dwelling units per acre. This would create a new maximum density of thirty-nine dwelling units per acre in the MFH zone district. Projects providing permanently affordable housing units by this method would have to be part of a new multifamily housing project that provides ten or more dwelling units and meet the requirements of TMC 18.42.140~~No maximum dwelling units per acre.

B. Density Calculation. The calculation of the density requirements in subsection A of this section is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs; open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads; provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.

2. Land that is intended for future phases of development created in accordance with TMC 18.16.060.

3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

C. Division of Land Not on Public Sanitary Sewer. Division of land in areas without sewer must occur in a manner that maintains long-term potential to achieve minimum required densities and efficient provision of sewer once sewer becomes available. For a proposed division of land not required to be served by the extension of public sewer at the time of approval, a conversion plan shall be submitted in accordance with TMC 18.16.060 for the entire property, and the proposed land division shall be subject to the following:

1. For land division of an existing lot of record created prior to September 15, 1998:

a. Any division creating two lots shall not be subject to the minimum density requirements of subsection A of this section, provided one of the lots created is at least five acres in size. A note must be included on the recorded land division that future land divisions shall meet minimum density requirements of subsection A of this section in each phase of development.

b. Any division creating more than two lots shall meet the minimum density requirements of subsection A of this section in each phase of development.

D. Dwelling Unit Allowance.

1. Density on individual lots in the HDR high density residential zone district can be exceeded the dwelling unit allowance as follows:

a. Allow up to two dwelling units per lot.

b. Allow up to four dwelling units per lot if at least one dwelling unit on the lot is permanently affordable housing that meets the requirements of TMC 18.16.050(D)(5).

2. Accessory dwelling units count towards dwelling unit allowance.

3. The standards of TMC 18.16.050(D) do not apply to lots less than 1,000 square feet.

4. A sleeping unit in co-living housing is calculated as one-quarter of a dwelling unit for purposes of calculating density.

5. To qualify for additional units under the affordable housing provisions of TMC 18.16.050(D)(1)(b), the required number of affordable housing dwelling units shall meet the permanently affordable housing standards in TMC 18.42.170.

~~D~~E. Lot coverage, maximum impervious surface: seventy percent of the total area of the lot.

~~E~~F. Structure height: fifty feet or five stories, whichever is less; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department. Note: New multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units would be allowed a maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of sixty feet. Projects providing permanently affordable housing units by this method would have to meet the requirements of TMC 18.42.140;

~~F~~G. Yards.*

1. Front: ten feet minimum from frontage property line;

a. Driveways in front yards of any dwelling units must be a minimum of eighteen feet in length as measured along the shortest edge of the driveway starting from the front property line;

2. Side: five feet from property line, minimum;

3. Rear: five feet from property line, minimum.

Where any structures or portions of structures are adjacent to ~~any single family~~the RSR residential/sensitive resource and LDR low density residential zon~~e~~~~ing~~ district~~s~~, the minimum setback shall be twenty feet. Where structures are constructed over one story, the setback from the adjacent property line or lines shall be increased by ten feet for every story above the ground level story of the proposed new building, and shall be completely screened from view in accordance with TMC Chapter 18.47.

~~G~~H. Park and Open Space Area. New development in this zone district shall set aside land for park and open space as specified in TMC 17.12.210 and 18.42.130 and the citywide design guidelines.

*See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-015, Amended, 02/16/2021; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O2004-009, Amended, 12/07/2004; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O98-001, Amended, 09/15/1998; Ord. O97-024, Amended, 03/03/1998; Ord. O97-027, Amended, 03/03/1998; Ord. O96-021, Amended, 12/02/1997; Ord. O96-022, Amended, 12/19/1996; Ord. O95-035, Added, 12/19/1995)

18.16.060 Conversion plans.

For any land division that is submitted in phases of development, and for any development where sewer is not available or that does not meet the minimum density requirements of TMC 18.16.050(A), the approval shall be contingent upon the following:

A. The development (e.g., dwelling units; private community clubs and recreation areas; stormwater detention, treatment and infiltration) shall meet the applicable requirements of TMC 18.16.050.

B. A conversion plan must be submitted for the entire property which demonstrates that the property can be subsequently subdivided to create sufficient lots to achieve the minimum densities necessary to comply with TMC 18.16.050. Such conversion plan shall depict a schematic lot layout, approximate location of utility easements, and potential street access and an internal circulation system consistent with city transportation policies. Conversion plans shall not be required to be stamped by an engineer or surveyor, and may be included as part of a drawing or plan submitted for the land division application. Simultaneous with the filing of the conversion plan, the applicant will be required to record with the county auditor, in a form acceptable to the city attorney, a document to be placed in the chain of title of the property giving constructive notice of the special density requirements relating to the property. This conversion plan will not bind future phases of development of the site to anything except the obligation to meet the overall density requirements of the entire property. Acceptance of a conversion plan

by the city or county does not, by itself, constitute approval of, nor the granting of vested rights to, a future phase of development.

(Note: The purpose of the conversion plan is to ensure that the entire property can be ultimately developed at the residential densities required for this zone district, not to limit future development to a specified development scheme. Recognizing that some property subject to this requirement may not be redeveloped in the near future, the time and cost involved in preparing and obtaining approval of a conversion plan should be kept to a minimum.)

(Ord. O98-001, Amended, 09/15/1998; Ord. O95-035, Added, 12/19/1995)

18.16.070 Screening and buffering requirements.

Buffering should be provided between this zone district and areas in the LI light industrial zone district. Buffering should be equally shared between the abutting industrial and residential developments, unless one of the uses is already developed as of January 1, 1996. If the residential use already exists, no further buffering should be required of the residential property owner. If the industrial use already exists, the residential use will be required to install buffering measures as outlined in TMC Chapter 18.47.

(Ord. O97-024, Amended, 03/03/1998; Ord. O95-035, Added, 12/17/1995)

Section 37. Section TMC 18.18.020, Permitted uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.18.020 Permitted uses.

Permitted uses in the NC neighborhood commercial zone district are as follows:

A. Personal services;

B. Professional services;

C. Recreational facilities occupying no more than three thousand square feet in floor area;

D. Support facilities;

E. Post office, library, museum, art gallery;

F. Parks and open space areas;

G. Planned unit development;

H. Retail sales occupying no more than three thousand square feet in floor area and for which operating hours are limited to between 6:00 a.m. and 10:00 p.m.;

I. Medical clinics;

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

K. Adult family homes, residential care facilities;

L. All uses which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;

M. Restaurants without drive-in windows occupying no more than three thousand square feet in floor area;

N. Offices;

O. Family child care homes;

P. Mixed use structures subject to the size limitations for individual uses and TMC 18.18.050(D) and the density requirements for residential use in the NC district found in subsection W of this section;

Q. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or ~~two-family~~middle housing dwelling;*

R. Electric vehicle infrastructure;

S. Community gardens;

T. Farmers markets;

U. Centers for senior citizens, youth, general community, and similar groups;

V. Temporary expansions of schools, such as portable classrooms;

W. Multifamily residential use as part of a mixed use development with a minimum density of ~~four~~ six dwelling units per net acre and a maximum density of ~~eight~~ nine dwelling units per net acre, which is calculated by averaging the densities of all of the different types of housing provided within the development in accordance with TMC 18.14.050(B), excluding the area of the building and parking associated with the commercial development;

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

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

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

AA. Senior housing facilities, independent;

BB. Permanent supportive housing, subject to TMC 18.42.150;

CC. Transitional housing, subject to TMC 18.42.150;

DD. Optometry clinics.

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-19, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-029, Amended, 01/15/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 38. Section TMC 18.18.050, Development standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.18.050 Development standards.

Development in the NC district must meet the following requirements:

A. Site area: minimum of one acre.

B. No more than eighty-five percent of the square footage of the site may be covered by buildings and parking.

C. Structure height: thirty-five feet; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 CFR Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

D. Maximum Building Size (Gross Square Feet).

1. The maximum individual building size shall be five thousand for single use; ten thousand for mixed use with residential on the second floor and above.

2. The combined size of all buildings on an individual site shall not exceed ten thousand gross square feet or fifteen percent of the gross site area, whichever is greater.

E. Yards.*

1. Front: the minimum setback shall be ten feet from frontage property line. The maximum setback shall be fifteen feet from the abutting right-of-way;

2. Side: five feet from property line, or if on an alley located to the side, the setback shall be ten feet from the side property line;

3. Rear: five feet, or if an alley is located to the rear, the setback shall be ten feet from the rear property line.

Where structures or portions of structures are adjacent to the RSR residential/sensitive area or LDR low density residential zone ~~, SFL, or SFM zoning~~ districts, and where structures are constructed over one story, the structural setback from the adjacent property line or lines shall be increased by ten feet for every story above the ground level story of the proposed new building, and shall be screened from view in accordance with TMC Chapter 18.47.

F. Pedestrian Access.

1. An on-site pedestrian circulation system, which links the street and the primary entrance(s) of the structure(s), shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments if adequate safety and security can be maintained.

2. Sidewalks shall be required and constructed according to the city's road development standards.

3. Where the pedestrian circulation system crosses driveways, parking areas, and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the community development director. Striping may be permitted only in conjunction with at least one of the preceding methods.

4. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Site lighting shall be directed downward and inward or other techniques may be utilized to minimize impacts on off-site uses.

G. Park and Open Space Area. New development in this district shall set aside land for park and open space area as specified in TMC 17.12.210 and 18.42.130 and the citywide design guidelines.

*See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

(Ord. O2020-015, Amended, 02/16/2021; Ord. O2018-029, Amended, 01/15/2019; Ord. O2011-002, Amended, 03/01/2011; Ord. O2004-009, Amended, 12/07/2004; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-024, Amended, 03/03/1998; Ord. O96-022, Amended, 12/19/1996; Ord. O95-035, Added, 12/17/1995)

Section 39. Section TMC 18.19.020, Permitted uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.19.020 Permitted uses.

Uses permitted in the CS community services zone district are as follows:

A. General offices;

B. Schools;

C. Community center;

D. Parks and open space areas;

E. Personal services;

F. Entertainment facilities;

G. Recreational facilities;

H. Post office, parcel delivery facility;

I. Museum, library, art gallery;

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

K. Group foster homes;

L. Support facilities;

M. Family child care home;

N. General retail sales limited to fifteen thousand square feet or less;

O. Planned unit development;

P. Restaurants;

Q. Parking structures;

R. Parking lots as separate, primary uses are permitted. The proposed parking lot shall exclusively serve specifically identified uses in or adjacent to the district to accommodate shared employee or customer parking or off-site employee parking. The uses served by the lot may change over time. Parking lots are prohibited on corner lots;

S. Park and ride lots;

T. All uses which were legally established prior to January 1, 1997, except where there is a cessation of the use for three or more years;

U. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or ~~two-family~~middle housing dwelling;*

V. Adult family homes, residential care facilities;

W. Electric vehicle infrastructure;

X. Community gardens;

Y. Farmers markets;

Z. Centers for senior citizens, youth, general community, and similar groups;

AA. Civic center complex;

BB. Taverns, cocktail lounges;

CC. Wildlife refuges and forest preserves;

DD. Temporary expansions of schools, such as portable classrooms;

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

FF. Food truck or trailer courts in accordance with TMC 18.42.120;

GG. Permanent supportive housing, subject to TMC 18.42.150;

HH. Transitional housing, subject to TMC 18.42.150;

II. Professional services;

JJ. Optometry clinics.

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2001-020, Amended, 05/07/2002; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 40. Section TMC 18.20.030, Permitted uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.20.030 Permitted uses.

Uses permitted in the MU mixed use zone district are as follows:

A. Professional services;

B. Retail sales;

C. General offices;

D. Support facilities;

E. Parks, open space areas and recreational facilities;

F. Restaurants;*

G. Restaurants (without drive-through windows);**

H. Post offices;

I. Motels, hotels;

J. Planned unit development (PUD) (see TMC Chapter 18.36);

K. Medical clinics;

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

M. Adult family homes, residential care facilities;

N. Group foster homes;

O. Private clubs and lodges;

P. Family child care home;

Q. All residential uses, provided the minimum density standards in TMC 18.20.060 are met;

R. Personal services;

S. Used motor oil recycling collection point;

T. Nurseries, retail;

U. Museum, library, art gallery;

V. All uses not permitted which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;

W. Civic center complex;

X. Centers for senior citizens, youth, general community, and similar groups;

Y. Entertainment facilities;

Z. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or ~~two-family~~middle housing dwelling;***

AA. Senior housing facilities, independent and assisted;

BB. Electric vehicle infrastructure;

CC. Community gardens;

DD. Farmers markets;

EE. Animal clinics or hospitals;

FF. Churches;

GG. Civic center complex;

HH. Convalescent centers, rest homes, nursing homes;

II. Taverns, cocktail lounges;

JJ. Temporary expansions of schools, such as portable classrooms;

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

LL. Food truck or trailer courts in accordance with TMC 18.42.120;

MM. Cottage housing;

NN. Permanent supportive housing, subject to TMC 18.42.150;

OO. Transitional housing, subject to TMC 18.42.150;

PP. Emergency housing, subject to TMC 18.42.150;

QQ. Emergency shelter, subject to TMC 18.42.150;

RR. Optometry clinics.

*Restaurants are a permitted use for all parcels in the MU mixed use ~~(MU)~~ zone district in the city, except for those parcels in the MU mixed use ~~(MU)~~ zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee

Drive SW. In that location, restaurants without drive-through windows are allowed, but restaurants with drive-through windows are prohibited.

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

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-024, Amended, 01/16/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010;

O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 41. Section TMC 18.20.060, Development standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.20.060 Development standards.

Development in the MU mixed use zone district is intended to achieve a human-scale, pedestrian- and transit-oriented environment and must meet the following requirements:

A. Densities. All development including but not limited to development which includes commercial and residential uses within the same building or on the same lot shall be required to meet the provisions of either subsection (A)(1) or (2) of this section.

1. Commercial.

   a. A minimum floor area ratio (FAR) of 0.25 or a total of one-fourth square foot of gross area per one square foot of site area is required.

   b. The maximum floor area ratio (FAR) shall be 2.0 or a total of two square feet of gross area per one square foot of site area.

   c. A commercial structure shall be no more than fifty thousand square feet gross floor area. This requirement may be waived by the community development director based upon a finding that the proposed use can conform to other requirements of the mixed use zone, is designed to accommodate the pedestrian emphasis, incorporates residential uses, and is compatible and complementary to surrounding uses in the zone.

2. Residential.

a. A minimum average density of ~~fourteen~~ twenty dwelling units per net acre is required. This is calculated by averaging the densities of all of the different types of housing provided within the development.

B. Impervious Coverage and Open Space. No more than eighty-five percent of the square footage of the site may be covered by impervious surface. The site must be landscaped in accordance with TMC Chapter 18.47.

C. Setbacks and Yard Area.

1. Front: no minimum.

2. Side: no minimum.

3. Rear: no minimum.

Where any structures or portions of structures, containing any permitted, accessory and/or conditional use allowed by this chapter, are adjacent to ~~any single-family~~the RSR residential/sensitive resource and LDR low ~~or single-family medium~~ density residential zon~~e~~ing districts, the minimum setback shall be twenty feet and shall be screened from view in accordance with TMC Chapter 18.47.

D. Open Storage. Open storage is prohibited with the exception of retail nurseries. Long-term parking of operational company cars, light trucks, and vans within parking lots shall not be construed to be open storage.

E. Conversion of Existing Structures. An existing residential structure may be converted to a commercial or office use if the structure is brought into conformance with the building code for such uses and all site plan review standards can be met, with the exception of setbacks of existing buildings.

F. Building Height. Buildings shall not be constructed over fifty feet or five stories, whichever is less, except as provided in subsection (F)(1) of this section; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department. Note: New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units would be allowed an additional maximum building height increase of ten feet or one story, whichever is less, subject to imaginary airspace surface limitations. This would create a new maximum height limit of sixty feet or six stories, whichever is less. Projects providing permanently affordable housing units by this method would have to meet the requirements of TMC 18.42.140.

1. Minimum Conditions.

a. Drawings shall be submitted illustrating, in both plan view and elevation, the shadows that would be cast by the proposed building or structure at noon on December 21 (winter solstice). No building or structure will be permitted that is shown by these drawings to cast a shadow onto any

other property that is greater than the shadow that would be cast by a hypothetical building fifty feet in height on the south lot line of the shaded property. The solar setback of a proposed structure is calculated using the following formula:

Solar setback = (H - M) / (0.40 + P)

H = height (in feet of highest shade-producing point of structure)

M = maximum allowable height for buildings and structures in zon~~ing~~e district

0.40 = tangent of sun altitude on December 21

P = north/south slope of lot (in percent)

2. Exterior walls of the proposed building shall include windows whenever possible. Where the construction of a windowless wall is necessitated by adopted building codes, the exterior facing of the wall shall be articulated on each story of the building with architectural features such as cornices or other projections, recesses, different building materials, awnings, signs, or other similar features that provide visual relief.

3. The exterior of the building's ground floor shall be visually separated from upper floors through the use of architectural features such as awnings, cornices, distinct but compatible facade materials or lighting, or other similar methods.

4. The site design for the proposed building or structure shall include an outdoor plaza, park, or landscaped area that shall be designed and maintained for public use.

G. Signs. The requirements of TMC Chapter 18.44 applicable to the MU mixed use zone district must be met.

H. Pedestrian Access.

1. An on-site pedestrian circulation system which links the street and the primary entrance(s) of the structure(s) shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments if adequate safety and security can be maintained. Convenient pedestrian access to transit stops shall be provided.

2. Sidewalks, walkways or pedestrian systems shall be required and constructed according to the city's road development standards or as approved by the community development director.

3. Where the pedestrian circulation system crosses driveways, parking areas, and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the community development director. Striping may be permitted only in conjunction with at least one of the preceding methods.

Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety. Lighting shall be integrated into the architectural character in terms of both illumination and fixtures. Site lighting shall be directed downward and inward or other techniques may be utilized to minimize impacts on off-site uses.

I. Park and Open Space Area. New development in this zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and 18.42.130 and the citywide design guidelines.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-015, Amended, 02/16/2021; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2004-009, Amended, 12/07/2004; Ord. O98-009, Amended, 10/20/1998; Ord. O97-024, Amended, 03/03/1998; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 42. Section TMC 18.21.060, Development standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.21.060 Development standards.

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

A. For properties located in the CBC Capitol Boulevard Community zone – North Trosper district, illustrated in Figure 18.21.070.1, all development, except for those exceptions listed in TMC 18.21.070, shall meet the following. Subdivision of lots cannot be used to subvert this requirement.

1. All development on lots containing only commercial uses shall meet the following:

   a. A minimum floor area ratio (FAR) of 0.4 or a total of forty square feet of gross area per one hundred square feet of site area is required.

   b. The maximum floor area ratio (FAR) shall be 4.0 or a total of four hundred square feet of gross area per one hundred square feet of site area.

2. All development on lots containing only residential uses shall have an average net density of at least thirty dwelling units per net acre. This is calculated by dividing the number of units on the site by the total area of the site. Where the site includes through streets or access ways used by the general public, those streets are not counted as part of the site area.

3. Mixed use development containing both residential and nonresidential uses shall have a minimum floor area ratio (FAR) of 0.25 or a total of twenty-five square feet of gross floor area per one hundred square feet of site area.

4. Inter-Site Connectivity. Better vehicle and pedestrian circulation is a high priority in this area, so connecting parking lots, drives, walkways, and accessways within and between properties is required. Such access may be in the form of a dedicated or private alley, connected or shared parking lots, shared

driveways, or similar features. The intent of this requirement is to provide greater connectivity to facilitate future access to all properties and relieve congestion caused by multiple driveways on Capitol Boulevard. The director may require that such through access be provided by rearranging site features.

5. Maximum Heights. Structures are allowed up to sixty-five feet in height in the North Trosper district except for the areas between Linda Street and Lee Street on the east side of Capitol Boulevard where structure height shall be limited to fifty feet. Note: New mixed use or multifamily projects with a total of thirty or more dwelling units in the North Trosper district that provide thirty percent of those units as permanently affordable housing units would be allowed an additional maximum building height increase of ten feet, subject to other neighborhood compatibility height restrictions in TMC Chapter 18.21 and imaginary airspace surface limitations. This would create a new maximum height limit of seventy-five feet in the North Trosper district except for the areas between Linda Street and Lee Street on the east side of Capitol Boulevard where structure height shall be limited to fifty feet. Projects providing permanently affordable housing units by this method would have to meet the requirements of TMC 18.42.140.

B. For properties in the CBC Capitol Boulevard Community zone district North Neighborhood Center and CBC Capitol Boulevard Community zone South Neighborhood Center illustrated on map Figure 18.21.070.1, all new development, except for those exceptions listed in TMC 18.21.070, must meet the following:

1. Properties greater than two acres in size must include both commercial and residential uses that meet the following:

a. The floor area ratio for commercial portions of the development must be at least 0.4 FAR.

b. The minimum density of residential development is thirty dwelling units per acre for residential portions of the site.

c. For uses that are mixed vertically (e.g., residential over commercial uses in the same building), these minimum density and FAR requirements do not apply.

2. Properties two acres in size and smaller but greater than half-acre in size must include one of the following:

a. For development consisting of solely commercial uses, a minimum floor area ratio (FAR) of 0.4 (a total of forty square feet of gross area per one hundred square feet of site area).

b. For development consisting of both commercial and residential uses, no minimum FAR applies.

3. Properties less than half-acre in size do not have to comply with the above requirements.

4. Maximum Heights. Structures are limited to sixty-five feet maximum height in the North Neighborhood Center and are limited to fifty feet in the South Neighborhood Center (see Figure 18.21.070.1).

a. New multifamily or mixed use projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the North Neighborhood Center district would be allowed a maximum building height increase of ten feet, subject to other neighborhood compatibility height restrictions in TMC Chapter 18.21 and imaginary airspace surface limitations. This would create a new maximum height limit of seventy-five feet in the North Neighborhood Center district. Projects providing permanently affordable housing units by this method would have to meet the requirements of TMC 18.42.140.

b. For properties larger than ten acres in size, portions of buildings that are within forty-five feet of properties in ~~single-family~~the LDR low density residential zone district~~s~~ shall be limited to twenty-five feet in height.

C. The requirements of subsections A and B of this section may be modified for a particular development application by the community development director based upon a finding that the proposed development can conform to other requirements of the CBC Capitol Boulevard Community zone district, is designed to accommodate the pedestrian emphasis, incorporates residential uses, and is compatible and complementary to surrounding uses in the district. Any departures from the provisions of this section must meet the intent of this section (i.e., supporting a mixed use district with transit supportive land use intensities, excellent pedestrian, bicycle and local vehicular circulation, pedestrian amenities and open space) to a degree at least as significant as the standards in subsections A and B of this section.

D. Landscaping and Open Space. Developments must meet the requirements for landscaping and open space as specified in the Capitol Boulevard Community zone design guidelines.

E. Setbacks and Yard Area.

1. Front: All development must be set back from the curb line at least twelve feet in order to provide for sidewalks and landscaping with street trees. Additionally, buildings and other structures and landscaping must be located so that they do not create a hazard by obstructing motorists' or pedestrians' visibility (infringement of the sight triangle).

2. Side: no minimum.

3. Rear: no minimum except as required for landscaping, emergency access, visibility needed for safety and inter-site connectivity (see Capitol Boulevard Community zone design guideline B.3.1).

F. Where any structures or portions of structures containing any permitted, accessory and/or conditional use allowed by this chapter are adjacent to the LDR

low density ~~any single-family~~ residential zone district~~s~~, the minimum setback shall be twenty feet and shall be screened from view in accordance with TMC Chapter 18.47.

1. For buildings on the south side of the Department of Transportation site that abut the residential homes on Pinehurst Street, the setback for buildings shall be twenty-five feet and shall be screened from view in accordance with TMC Chapter 18.47.

G. Open Storage. Open storage is prohibited. Long-term parking of operational company cars, light trucks, and vans within parking lots accessory to the main use shall not be construed to be open storage.

H. Conversion of Existing Structures. An existing residential structure may be converted to a commercial or office use within the existing footprint of the structure without triggering the FAR or minimum residential density requirements if the structure is brought into conformance with the building code for such uses, and all site plan review and public works standards including right-of-way frontage improvement requirements can be met, with the exception of setbacks of existing buildings.

I. Building/Structure Step Back and Height. Structures are limited to fifty feet in height in the CBC Capitol Boulevard Community zone district, except as allowed specifically in subsections A and B of this section.

For properties adjacent to ~~a single-family~~the LDR low density residential zone district, the following step back requirements shall be met:

1. Portions of structures less than forty-five feet away from ~~a single-family~~the LDR low density residential zone district may be up to thirty-five feet in height.

2. Portions of structures at least forty-five feet away from the LDR low density ~~a single-family~~ residential zone district may be up to forty-five feet in height.

3. Portions of structures at least fifty-five feet away from the LDR low density ~~a single-family~~ residential zone district may be up to fifty-five feet in height.

4. Portions of structures at least sixty-five feet away from the LDR low density ~~a single-family~~ residential zone district may be up to sixty-five feet in height.

See Figure 18.21.060.F.1.

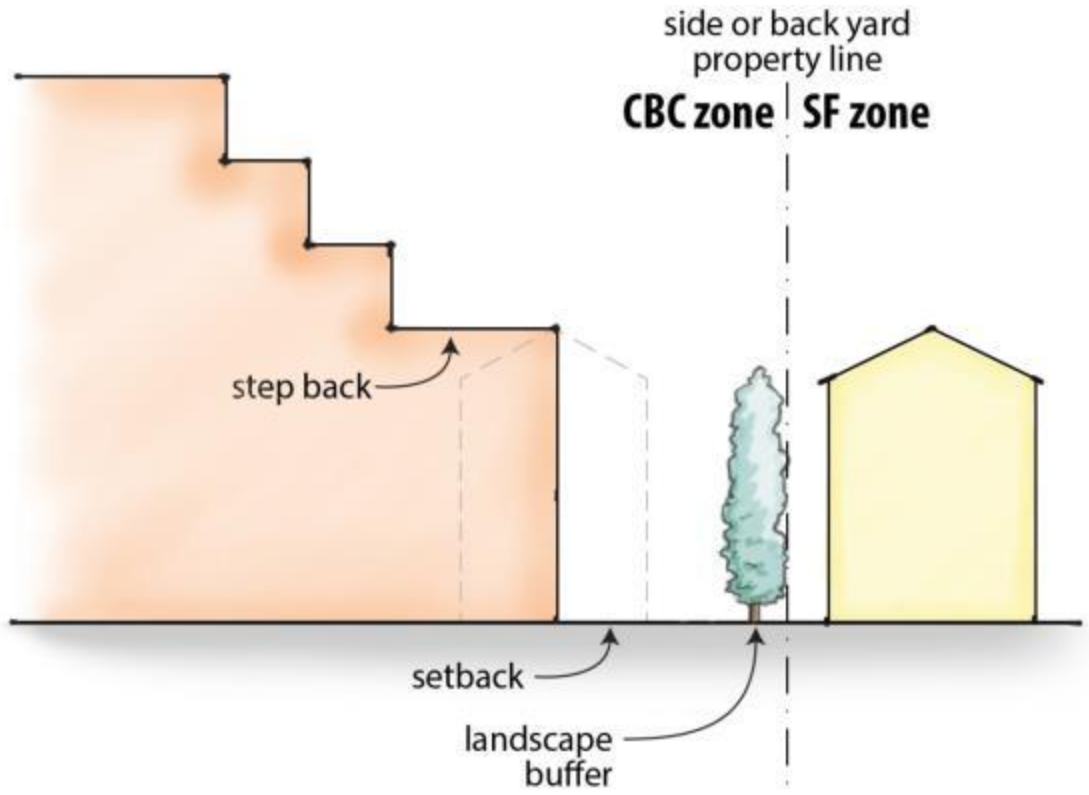


Figure 18.21.060.F.1 Building Step Back and Setback Examples

J. Signs. Signs must meet the requirements of TMC Chapter 18.44.

K. Pedestrian Access.

1. An on-site pedestrian circulation system which links the street and the primary entrance(s) of the structure(s) and the parking areas with the buildings shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments. Convenient pedestrian access to transit stops shall be provided as approved by the community development director.

2. Sidewalks, walkways or pedestrian systems on public property shall be required and constructed according to the city's road development standards.

3. Where the pedestrian circulation system crosses driveways, parking areas, and loading areas, pedestrian surfaces must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the community development director. Striping may be permitted only in conjunction with at least one of the preceding methods.

L. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety. Lighting shall be integrated into the architectural character, both in terms of illumination and fixtures. Site lighting shall meet the standards of TMC 18.40.035, Exterior illumination.

M. Drive-through facilities for food and beverages constructed after January 1, 2013, are not permitted in the South Neighborhood Center and are not permitted north of "T" Street in the North Neighborhood Center as shown in Figure 18.21.070.1. Where drive-through facilities are allowed, they shall meet the standards in TMC Chapter 18.50 and TMC 18.43.020.

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2013-025, Added, 01/07/2014)

Section 43. Section TMC 18.22.020, Permitted uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.22.020 Permitted uses.

Uses permitted in the GC general commercial zone district are as follows:

A. Professional services;

B. General retail sales;

C. General offices;

D. Appliance equipment repair;

E. Support facilities;

F. Parks and open space areas;

G. Recreational facilities;

H. Restaurants;

I. Automobile service stations including car washes;

J. Post offices;

K. Motels, hotels;

L. Planned unit developments (PUD);

M. Medical clinics;

N. Child day care center, child mini-day care center;

O. Adult family homes, residential care facilities;

P. Group foster homes;

Q. Private clubs and lodges;

R. Family child care home;

S. Mixed use structures;

T. The following multifamily residential:

1. Multifamily residential structures with a minimum density of forty dwelling units per acre that are part of a mixed use development in the same structure or site.

2. Multifamily residential structures consisting of a minimum of three and a maximum of four stories on sites within one-quarter mile of a degree-granting state education facility. A minimum density of fourteen dwelling units per acre shall be provided. Calculation of density is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs; open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

a. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.

b. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment and infiltration facilities);

U. Personal services;

V. Used motor oil recycling collection point;

W. Parking lots as separate, primary uses are permitted. The proposed parking lot shall exclusively serve specifically identified uses in or adjacent to the district to accommodate shared employee or customer parking or off-site employee parking. The uses served by the lot may change over time;

X. Parking structures;

Y. Park and ride lots;

Z. Museum, library, art gallery;

AA. Recreational vehicle parks;

BB. Riding academies;

CC. Entertainment facilities;

DD. Nurseries, retail;

EE. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or ~~two-family~~middle housing dwelling;*

FF. Equipment rental and sales facilities;

GG. Motorsports sales facility, provided outdoor displays or visible storage of vehicles does not cover an area larger than ten percent of the gross floor area of the facility;

HH. Electric vehicle infrastructure;

II. Community gardens;

JJ. Farmers markets;

KK. Marijuana retailer;

LL. Motor vehicle sales facilities located west of Interstate 5 and south of Bishop Road subject to the requirements set forth in TMC 18.42.090;

MM. Breweries, wineries, distilleries;

NN. Auto repair facilities;

OO. Churches;

PP. Temporary expansions of schools, such as portable classrooms;

QQ. Animal clinics or hospitals;

RR. Convalescent centers, rest homes, nursing homes;

SS. Movie theaters, playhouses and similar performance and assembly facilities;

TT. Senior housing facilities, independent and assisted;

UU. Taverns, cocktail lounges;

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

WW. Food truck or trailer courts in accordance with TMC 18.42.120;

XX. Permanent supportive housing, subject to TMC 18.42.150;

YY. Transitional housing, subject to TMC 18.42.150;

ZZ. Emergency housing, subject to TMC 18.42.150;

AAA. Emergency shelter, subject to TMC 18.42.150;

BBB. Optometry clinics.

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

(Ord. O2024-008, Amended, 01/21/2025; Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2015-001, Amended, 10/20/2015; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2012-003, Amended, 07/17/2012; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2003-001, Amended, 02/18/2003; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 44. Section TMC 18.23.010, Intent, of the Tumwater Municipal Code is hereby amended to read as follows:

18.23.010 Intent.

The intent of the TC town center ~~(TC)~~ zone district is to create a mixed use, urban density, transit-supported town center. The area should consist of multistory buildings oriented to create convenient pedestrian and transit access. Use of public gathering areas, shared parking facilities and public walkways that connect uses within the town center are envisioned. Development should occur in a manner that is consistent with the goals and policies set forth in the Tumwater comprehensive plan. The TC town center zone district consists of the following subdistricts (Figure 18.23.010):

A. Town Center Mixed Use. The intent of the town center mixed use subdistrict is to provide mixed retail, office and residential uses at a level of intensity sufficient to support transit-oriented development and services and to provide a focus for the town center. Mixed use can include: development of a parcel or structure with one or more different land uses, such as a combination of residential, office, retail, public, or entertainment in a single or physically integrated group of structures. A broad mix of land uses are allowed in this subdistrict, including retail, personal and professional services, restaurants, entertainment, lodging, community facilities and residential. Along designated main streets (Figure 18.23.010), ground floor retail sales, personal services and restaurants are encouraged with residential uses, professional services and general offices on the upper stories.

B. Town Center Professional Office. The intent of the town center professional office subdistrict is to provide for employment growth in government, professional, business, health and personal services. Complementary retail sales within an office structure are allowed.

C. Town Center Civic. The intent of the town center civic subdistrict is to provide for civic uses that provide identity and focus for the Tumwater town center.

D. Town Center Residential. The intent of the town center residential subdistrict is to provide for a high quality, high density living environment within walking distance of jobs, shopping and public transportation. A mix of housing choices is encouraged to create a variety in residential opportunities.

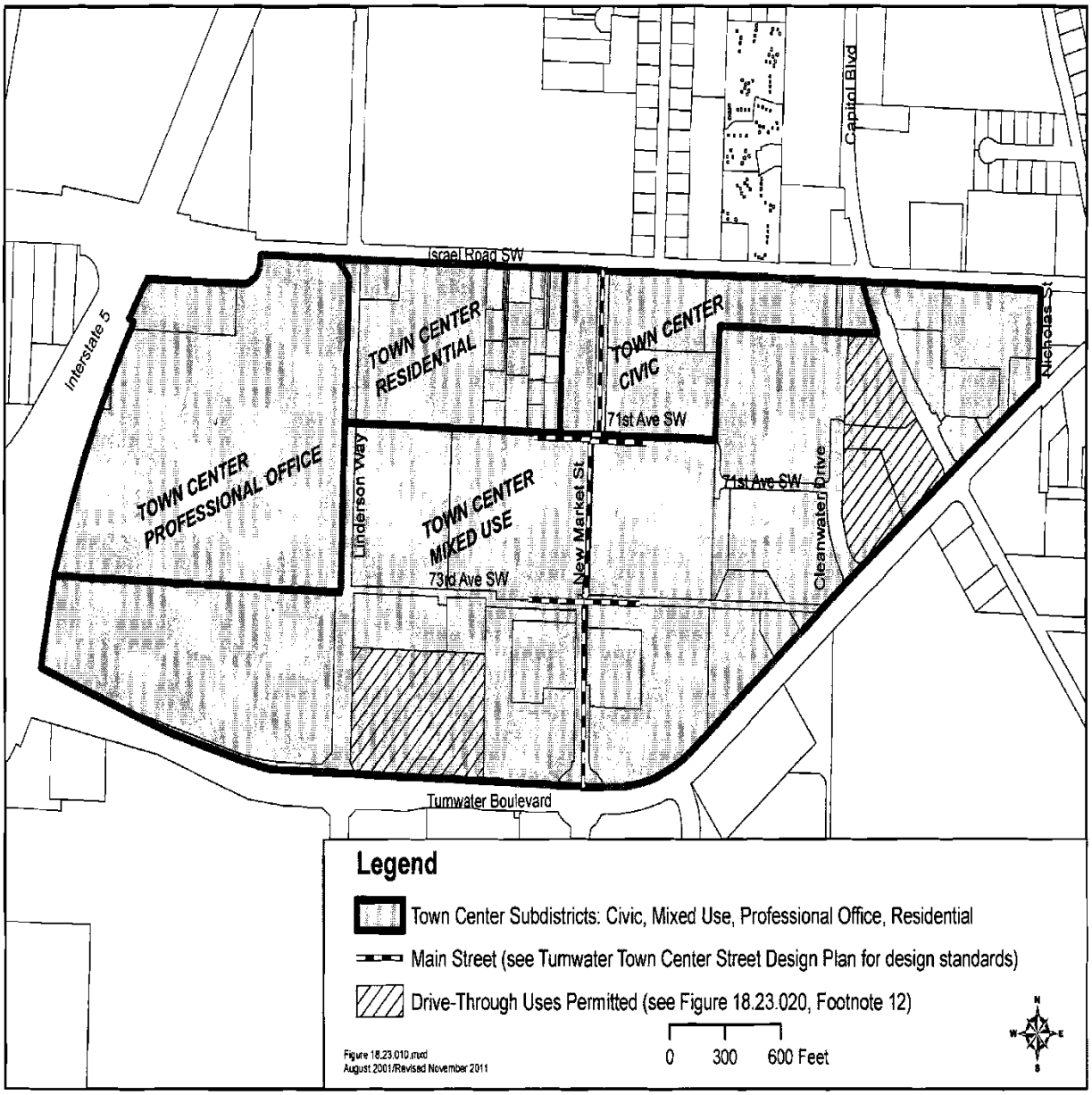
The intent of the design standards in this chapter is:

A. To design buildings to promote an architecturally appealing environment. Design emphasis should be given to the pedestrian through the provision of structural and facade elements that encourage pedestrian activity and maximize the infusion of natural light.

B. To design parking structures to blend with adjacent developments. Emphasize attractive design features that minimize the obtrusiveness of the parking use and encourage architectural compatibility with adjacent development. Structures should be well lighted and create a feeling of openness and safety.

C. To encourage design elements that convey the historical theme of Tumwater. Pitched or mansard metal roofs, decorative brick facades, and ornamental towers with pitched roofs and decorative cornices are examples of design elements that reflect the history of Tumwater. Several of these elements are incorporated into the designs of civic and commercial buildings along Israel Road, including Tumwater City Hall, Tumwater Headquarters Fire Station, and the Tumwater Timberland Library.

D. To create streets that provide a sense of enclosure, activity, safety, and interest, and are attractive to pedestrians.



Tumwater Town Center - Figure 18.23.010

(Ord. O2011-006, Amended, 11/15/2011; Ord. O2006-034; Amended, 07/17/2007; Ord. O2002-019, Amended, 01/07/2002; Ord. O2001-020, Added, 05/07/2002)

Section 45. Section TMC 18.23.015, Applicability of design standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.23.015 Applicability of design standards.

A. The design standards in TMC 18.23.040 and 18.23.050 apply to:

1. Any new building or parking structure or expansion of an existing building or parking structure that amounts to or exceeds either four thousand square feet or twenty-five percent of the assessed valuation of the existing building or parking structure within any thirty-six-month period; provided, that these

standards shall not apply to single-family detached dwellings, ~~duplexes~~ middle housing, and accessory uses associated with single-family detached dwellings and ~~duplexes~~middle housing; and

2. Exterior remodels or alterations to all buildings and parking structures except for single-family detached dwellings, ~~duplexes~~ middle housing, and accessory uses associated with single-family detached dwellings and ~~duplexes~~middle housing. Only the portions of the building or site being altered or added to shall be required to comply with the design standards. Even if otherwise applying, these standards do not apply to remodels or alterations that do not change the exterior appearance of the building or parking structure.

B. These design standards supplement requirements described in other sections of this chapter. Where these design standards conflict with other requirements contained in TMC Title 18 (Zoning), Tumwater development standards or the International Building Code (IBC) or its successor, those requirements shall apply, except that these design standards shall supersede design review guidelines in TMC Chapter 18.43 where conflicts may occur.

C. Standards may include options and illustrations of methods in which the intent of the standard can be achieved. The options provided are not intended to be all inclusive and other equal or better design techniques, as approved by the community development director, may be used to satisfy the design standard.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2002-019, Added, 01/07/2003)

Section 46. Section TMC 18.23.020, Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.23.020 Uses.

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

Figure 18.23.020

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Accessory wireless communication antennas	A[1]	A[1]	A[1]	A[1]
Adult family homes, residential care facilities	P		P	
Attached wireless communication facilities	P[1]	P[1]	P[1]	P[1]
Automobile service station legally established prior to June 9, 2002	C[2]			
Breweries, wineries, distilleries	P			
Centers for senior citizens, youth, general community and similar groups	P	P		P

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Child day care center; child mini-day care center	P	P	P	P
Churches	C		C	
Civic center complex	P			P
Community center	P	P		P
Community gardens	P	P	P	P
Co-living housing	A			
Distribution, fabrication, and assembly facilities occurring within buildings lawfully constructed on Port of Olympia property on or before January 1, 2000	C[4]			
Drive-through uses	P[12]			
Electric vehicle infrastructure	P	P	P	P
Emergency communication antennas (essential public facility)	C[1, 5]	C[1, 5]	C[1, 5]	C[1, 5]
Emergency housing	P[15], A[16]		A[16]	
Emergency shelter	P[15], A[16]		A[16]	
Entertainment facilities	P[6]			
Family child care homes	P		P	
Farmers markets	P	P	P	P
Food truck or trailer courts	P[13]	P[13]		P[13]
Food trucks or trailers	P[14]	P[14]		P[14]
Group foster homes	P	P	P	P
Home occupations	A		A	
Library, museum, art gallery	P			P
Medical clinics	P	P		
Mixed use commercial/residential developments	P			
Motels, hotels	P			
Movie theaters, playhouses and similar performance and assembly facilities	P			P
Noncommercial recreational structures including but not limited to swimming pools and recreational ball courts			A	
Offices	P	P		P
Optometry clinics	P	P		P
Parking lots	A[7]	A	A	A

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	**Town Center Professional Office**	**Town Center Residential**	**Town Center Civic**
Parking structures	P[8]	P	P	P
Parks and open space areas	P	P	P	P
Permanent supportive housing	P[15], A[16]		P[15], A[16]	
Personal services	P	P		P
Planned unit development (see TMC Chapter 18.36)	P	P	P	P
Post offices	P	P		P
Preschool childcare facilities	A	A	A	A
Private clubs and lodges	P	P	C	
Professional services	P	P		P
Recreational facilities	P	P	P	P
Residential uses approved after June 9, 2002, provided the minimum density standards in TMC 18.23.030(B)(2) are met			P	
Residential uses which were legally established prior to June 9, 2002			P	
Restaurants	P	A[9]	A[10]	
Retail sales	P	A	A[10]	
~~Roominghouses~~	~~A~~			
Schools	P			
Senior housing facilities, independent and assisted	P		P	
State education facilities (essential public facility)	C			
Storage sheds, tool sheds, greenhouses, carports			A	
Support facilities	P[11]	P[11]	P[11]	P[11]
Taverns, cocktail lounges	P[3]			
Temporary expansions of schools, such as portable classrooms	P			
Transitional housing	P[15], A[16]		P[15], A[16]	
Transportation terminals	C	C		

Figure 18.23.020 Footnotes:

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

(2) Any alteration to the site or building that requires a conditional use permit shall meet the minimum conditions provided in TMC Chapter 18.56. An application for a conditional use permit shall be processed pursuant to TMC Title 14, Development Code Administration, and TMC Chapter 2.58, Hearing Examiner.

(3) Cocktail lounges are also permitted as accessory uses within restaurants.

(4) The cumulative amount of future expansions shall not exceed fifty percent of the covered floor space existing on January 1, 2000, for each site. See TMC Chapter 18.56.

(5) Antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.

(6) Motorized go-cart facilities are not permitted.

(7) See TMC 18.23.040(F) for surface parking lot siting requirements on properties fronting main streets.

(8) In the Town Center Mixed Use subdistrict, a parking structure may be located along a main street, provided the portion of the first floor fronting the main street is designed to accommodate a use allowed by this chapter other than parking.

(9) Restaurants may be allowed as accessory uses within a general or professional office building in the Town Center Professional Office subdistrict.

(10) Restaurants and retail sales are allowed as accessory uses in the Town Center Residential subdistrict when located on the first floor of a multistory residential building, provided the gross floor area dedicated to restaurant and/or retail sales use shall not exceed one thousand five hundred square feet per building or twenty-five percent of the first floor of each building, whichever is greater, and provided the residential portion of the development meets the density standards described in TMC 18.23.030.

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

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

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

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

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

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

Figure 18.23.020 Explanatory Note:

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-019, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2013-025, Amended, 01/07/2014; Ord. O2011-006, Amended, 11/15/2011; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2006-034, Amended, 07/17/2007; Ord. O2001-020, Added, 05/07/2002)

Section 47. Section TMC 18.23.030, Development standards – General, of the Tumwater Municipal Code is hereby amended to read as follows:

18.23.030 Development standards – General.

A. Airspace Surfaces. A series of imaginary airspace surfaces surround the Olympia Regional Airport. Except as necessary and incidental to airport operations, no structure or tree shall penetrate airspace surfaces as defined by 14 C.F.R. Part 77. See Figure 18.23.030A for additional information regarding airspace surfaces. The purpose of Figure 18.23.030A is to provide a visual description of airspace surfaces and may not be relied upon as determinative of the extent to which a structure may penetrate an airspace surface. A map that provides sufficient detailed information on ground and imaginary airspace surface elevations to be determinative is available for inspection in the community development department.

Nothing in this chapter shall diminish the responsibility of project proponents to submit a Notice of Construction or Alteration to the Federal Aviation Administration if required in accordance with Subpart B of Federal Aviation Regulations Part 77, "Objects Affecting Navigable Airspace."

B. Densities.

1. Town Center Mixed Use Subdistrict.

   a. Minimum floor area ratio: none.

b. Maximum floor area ratio (FAR): 2.0 or a total of two square feet of gross floor area per one square foot of site area. The maximum FAR applies to the gross floor area of all buildings on the site, excluding parking structures and residential dwelling units. The community development director may administratively allow the FAR to be increased up to 3.0 if fifty percent of the additional FAR is for retail use.

2. Town Center Residential Subdistrict.

a. Minimum density: thirty dwelling units per acre.

b. Maximum density: none.

c. Density Calculation. Calculation of density is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs, open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

i. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.

ii. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment and infiltration facilities).

C. Structure height: see Figure 18.23.030.

D. Setbacks. Minimum setbacks from property lines are provided in Figure 18.23.030. A maximum setback as described in TMC 18.23.050 applies to developments in the town center mixed use subdistrict with frontage on main streets identified in Figure 18.23.010.

E. Lot Coverage. No maximum, except adequate space must be provided for required parking, yards, landscaping and open space.

F. Open Storage. Open storage is prohibited. Long-term parking of operational company cars, light trucks, and vans within parking lots shall not be construed to be open storage.

G. Signs. Requirements of TMC Chapter 18.44 shall be met.

H. Off-Street Parking. Requirements of TMC Chapter 18.50 shall be met.

I. Fencing and Landscaping. Requirements of TMC Chapters 18.46 and 18.47 shall be met.

J. Design Review Guidelines. Requirements of TMC Chapter 18.43 shall be met; provided, that the design standards in this chapter shall supersede design guidelines in TMC Chapter 18.43 where conflicts may occur.

K. Pedestrian Access.

1. An on-site pedestrian circulation system that links the street and the primary entrance(s) of the structure(s) shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments if adequate safety and security can be maintained. Convenient pedestrian access to transit stops shall be provided.

2. Sidewalks, walkways or pedestrian systems shall be required and constructed according to the city of Tumwater development guide.

3. Where the pedestrian circulation system crosses driveways, parking areas, and loading areas, it must be clearly identifiable, through the use of elevation changes, speed bumps, or a different paving material as approved by the community development director.

4. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety. Such lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting for parking lots shall meet the requirements of TMC 18.50.060(K). Lighting for pedestrian ways shall be shielded and be directed downward and inward or other techniques may be utilized to minimize impacts on off-site uses.

Figure 18.23.030 Maximum height and minimum setbacks

Subdistrict	Height	Front Setback[5]	Side Setback[5]	Rear Setback[5]
Town Center Mixed Use	65 Feet[1,6]	0 Feet[2]	0 Feet[4]	0 Feet[4]
Town Center Professional Office	100 Feet[1]	0 Feet	0 Feet[4]	0 Feet[4]
Town Center Residential	55 Feet[1,7]	0 Feet	0 Feet[5]	0 Feet[5]
Town Center Civic	65 Feet[1]	0 Feet	0 Feet[4]	0 Feet[4]

Figure 18.23.030 Notes:

(1) See subsection A of this section for additional height restrictions.

(2) See TMC 18.23.050(A) for the maximum setback requirement for properties with frontage on main streets.

(3) See TMC 18.04.230 for setback diagram.

(4) Where any structures or portions of structures within the town center mixed use, professional office or civic subdistrict, containing any permitted, accessory and/or conditional use allowed by this chapter, are adjacent to the town center residential subdistrict, the minimum setback shall be ten feet and shall be screened in accordance with TMC Chapter 18.47.

(5) Where any structures or portions of structures within the residential subdistrict, containing any permitted, accessory and/or conditional use allowed by this chapter, are adjacent to the town center mixed use, professional office or civic subdistrict, the minimum setback shall be five feet and shall be screened in accordance with TMC Chapter 18.47.

(6) The maximum structure height of sixty-five feet in the town center mixed use subdistrict may be increased to eighty-five feet if residential development is incorporated into the overall site plan. Residential development may be incorporated in any one of the following ways:

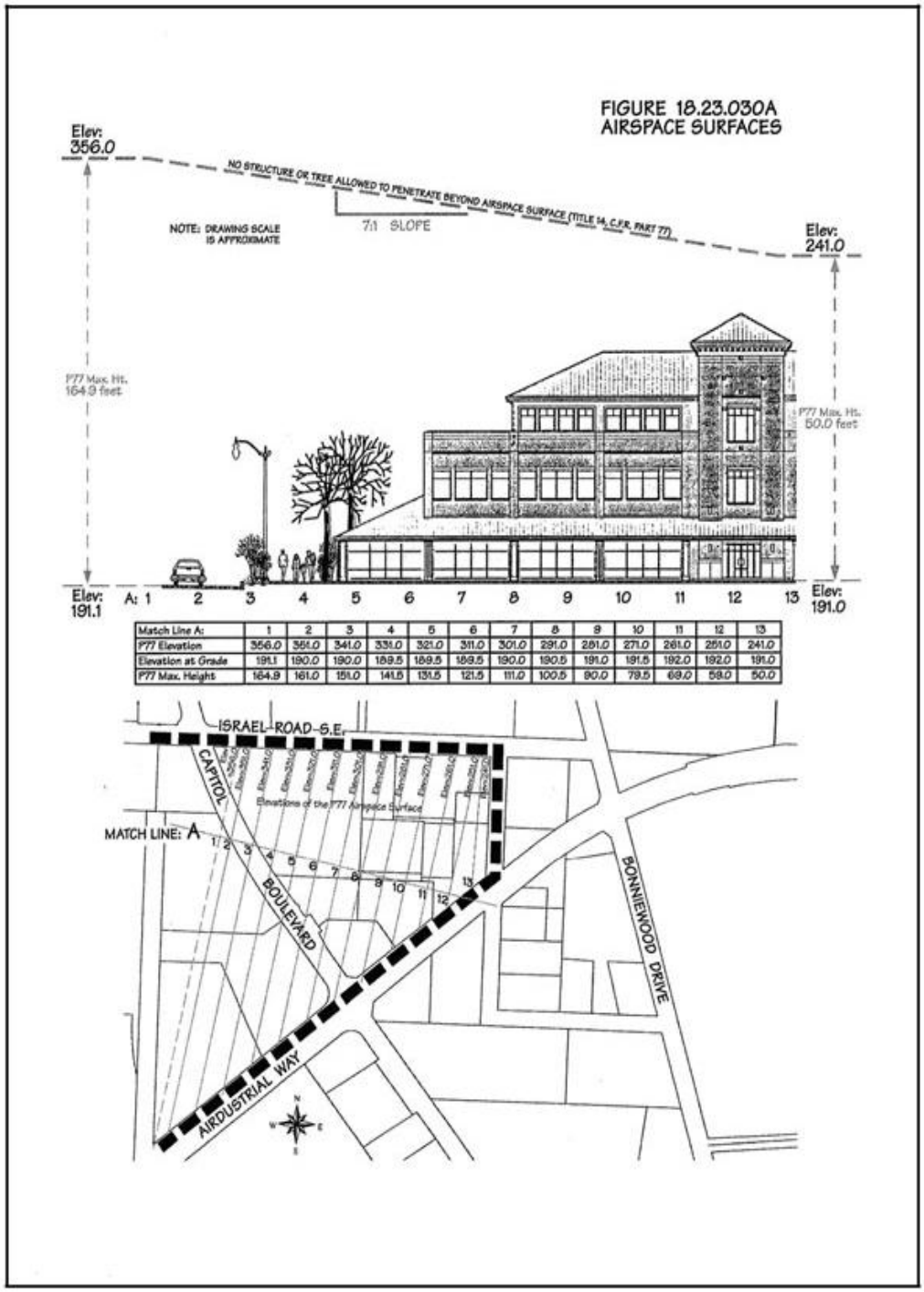
a. Six or more residential dwelling units may be located on any floor of the building proposed for a height increase; or

b. Six or more residential dwelling units may be located within a separate building or buildings physically integrated with and adjacent to the building proposed for a height increase, except that ~~detached~~ single-family detached dwellings and ~~duplexes~~ middle housing of less than six residential dwelling units are not permitted; or

c. The entire top floor of the building proposed for a height increase is dedicated to residential use. The applicant shall determine the number of residential units; or

d. Twenty or more permanently affordable housing units are located on any floor of the building proposed for a height increase. Projects providing permanently affordable housing units by this method would have to be a part of a new mixed use housing project that meets the requirements of TMC 18.42.140.

(7) New mixed use or multifamily projects with a total of thirty or more dwelling units in the Town Center Residential subdistrict that provide thirty percent of those units as permanently affordable housing units would be allowed an additional maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of sixty-five feet in the Town Center Residential subdistrict. Projects providing permanently affordable housing units by this method would have to meet the requirements of TMC 18.42.140.



(Ord. O2020-005, Amended, 03/16/2021; Ord. O2011-002, Amended, 03/01/2011; Ord. O2006-034, Amended, 07/17/2007; Ord. O2001-020, Added, 05/07/2002)

Section 48. Section TMC 18.24.020, Permitted uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.24.020 Permitted uses.

Permitted uses in the LI light industrial zone district are as follows:

A. All uses having to do with buying and selling, or of a general commercial nature;

B. Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment;

C. Warehouse distribution centers, subject to the requirements of TMC 18.42.110;

D. Recreational facilities;

E. Support facilities;

F. Parks, open space areas and recreational facilities;

G. Transportation terminal facilities;

H. Planned unit developments not including residential uses;

I. Post offices;

J. Park and ride facilities;

K. Schools, ninth grade and above;

L. Off-site hazardous waste treatment and storage facilities:

1. Off-site treatment and storage facilities must be located a minimum of two hundred fifty feet from surface water, residential zone districts, and public gathering places;

2. Off-site treatment and storage facilities are subject to the state siting criteria adopted pursuant to the requirements of Chapter 70.105 RCW;

M. Child day care center, child mini-day care center;

N. Sexually oriented businesses as defined in TMC Chapter 18.04 subject to the provisions of TMC 18.42.050;

O. Nurseries, retail or wholesale;

P. Museum, library, art gallery;

Q. Transit facilities;

R. Family childcare homes;

S. Motor pools and transit facilities;

T. Automobile service stations;

U. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or ~~two-family~~middle housing dwelling;*

V. Wireless communication towers;*

W. Motor vehicle sales facilities, subject to the requirements set forth in TMC Chapter 18.42;

X. Equipment rental and sales facilities;

Y. Motorsports facility – indoor;

Z. Motorsports sales facility;

AA. Auto repair facilities;

BB. Crematories;

CC. Electric vehicle infrastructure;

DD. Agriculture;

EE. Community gardens;

FF. Farmers markets;

GG. Marijuana retailer;

HH. Breweries, wineries, distilleries, and associated restaurants;

II. Taverns, cocktail lounges;

JJ. Animal clinics or hospitals;

KK. Kennels;

LL. Offices;

MM. Mini-storage;

NN. Wildlife refuges and forest preserves;

OO. Temporary expansions of schools, such as portable classrooms;

PP. Restaurants;

QQ. Cross-dock facilities, fifty thousand square feet or smaller in size;

RR. Motor freight terminals, fifty thousand square feet or smaller in size;

SS. Warehousing, nondistribution, two hundred thousand square feet or smaller in size;

TT. Warehousing, nondistribution, larger than two hundred thousand square feet in size, subject to the requirements of TMC 18.42.110;

UU. Truck stops or travel centers;**

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

WW. Food truck or trailer courts in accordance with TMC 18.42.120;

XX. Optometry clinics;

YY. Personal services;

ZZ. Professional services.

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

** Truck stops or travel centers are limited to an area within one-half mile of the Interstate 5 and 93rd Avenue SW interchange.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-019, Amended, 07/23/2019; Ord. O2019-018, Amended, 04/02/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2008-016, Amended, 09/16/2008; Ord. O2006-037, Amended, 03/04/2008; Ord. O2005-011, Amended, 07/05/2005; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 49. Section TMC 18.25.020, Permitted uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.25.020 Permitted uses.

Industrial activities, which can be accomplished within the performance standards established within the requirements of TMC Chapter 18.40, Environmental Performance Standards, are permitted.

Examples of permitted uses in the HI heavy industrial zone district are as follows:

A. All industrial activities involving the manufacture, assembly, bulk storage, processing, repair, recycling or servicing of goods or products;

B. Retail sale of goods or products manufactured on the premises, or utilized in manufacturing, repairing or servicing activities which are permitted in this district;

C. Mineral extraction;

D. Support facilities;

E. Transportation terminal facilities;

F. Planned unit developments not including residential uses;

G. Off-site hazardous waste treatment and storage facilities;

H. Park and ride facilities;

I. Automobile service stations;

J. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or ~~two-family~~middle housing dwelling;*

K. Wireless communication towers;*

L. Crematories;

M. Electric vehicle infrastructure;

N. Community gardens;

O. Farmers markets;

P. Equipment rental and sales;

Q. Cross-dock facilities fifty thousand square feet or smaller in size;

R. Motor freight terminals fifty thousand square feet or smaller in size;

S. Warehousing, nondistribution, two hundred thousand square feet or smaller in size;

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

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

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

(Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O97-025, Amended, 12/02/1997; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 50. Section TMC 18.30.050, Conditional uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.30.050 Conditional uses.

Conditional uses in the GB greenbelt zone district are as follows:

A. Structures as an accessory use to agricultural uses;

B. Single-family ~~residence~~ detached dwelling located outside of the one-hundred-year floodplain on a parcel no smaller than five acres;

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

D. Adult family homes and residential care facilities in a single-family detached dwelling~~residence~~ located outside of the one-hundred-year floodplain on a parcel no smaller than five acres.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2017-006, Amended, 07/18/2017; Ord. O95-035, Added, 12/19/1995)

Section 51. Section TMC 18.31.040, Conditional uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.31.040 Conditional uses.

A. Single-family detached dwelling~~residence~~ located outside of the one-hundred-year floodplain on a parcel no smaller than five acres;

B. Campgrounds, recreational vehicle parks;

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

D. Adult family homes and residential care facilities in a single-family detached dwelling~~residence~~ located outside of the one-hundred-year floodplain on a parcel no smaller than five acres.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O95-035, Added, 12/19/1995)

Section 52. Section TMC 18.34.020, Permitted uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.34.020 Permitted uses.

Permitted uses in the ARI airport related industry zone district are as follows:

A. Aviation and aviation-related uses;

B. Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment;

C. Warehouse distribution centers, subject to the requirements of TMC 18.42.110;

D. General retail;

E. Offices;

F. Aviation fueling facilities;

G. Motor pool and equipment parking;

H. Park and ride facilities;

I. Transit facilities;

J. The raising of crops, including trees;

K. Hotel/motel and conference facilities;

L. Support facilities;

M. Parks, open space areas, and recreational facilities;

N. Post offices;

O. Child day care center, child mini-day care center;

P. Schools on parcels abutting residential zone ~~s~~districts and outside of the airport hazard area subject to the provisions of TMC Chapter 18.56;

Q. Sexually oriented businesses subject to the provisions of TMC 18.42.050;

R. Retail and wholesale nurseries or greenhouses;

S. Museums, libraries, art galleries;

T. Transportation terminal facilities;

U. Restaurants;

V. Automobile service stations;

W. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or ~~two-family~~middle housing dwelling;*

X. Wireless communication towers;*

Y. Motor vehicle sales facilities, subject to the requirements set forth in TMC Chapter 18.42;

Z. Equipment rental and sales facilities;

AA. Motorsports facility – indoor;

BB. Motorsports sales facility;

CC. Auto repair facilities;

DD. Crematories;

EE. Electric vehicle infrastructure;

FF. Agriculture;

GG. Community gardens;

HH. Farmers markets;

II. Marijuana retailer;

JJ. Breweries, wineries, distilleries;

KK. Kennels;

LL. Mini-storage;

MM. Wildlife refuges and forest preserves;

NN. Temporary expansions of schools, such as portable classrooms;

OO. Cross-dock facilities, fifty thousand square feet or smaller in size;

PP. Motor freight terminals, fifty thousand square feet or smaller in size;

QQ. Warehousing, nondistribution, two hundred thousand square feet or smaller in size;

RR. Warehousing, nondistribution, larger than two hundred thousand square feet in size, subject to the requirements of TMC 18.42.110;

SS. Energy systems;

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

UU. Food truck or trailer courts in accordance with TMC 18.42.120;

VV. Permanent supportive housing, subject to TMC 18.42.150;

WW. Transitional housing, subject to TMC 18.42.150;

XX. Emergency housing, subject to TMC 18.42.150;

YY. Emergency shelter, subject to TMC 18.42.150;

ZZ. Planned unit developments not including residential uses;

AAA. Optometry clinics;

BBB. Personal services;

CCC. Professional services.

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2022-006, Amended, 08/01/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-023, Amended, 01/03/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2008-016, Amended, 09/16/2008; Ord. O2006-037, Amended, 03/04/2008; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 53. Section TMC 18.36.080, Public and private streets, of the Tumwater Municipal Code is hereby amended to read as follows:

18.36.080 Public and private streets.

A. Public streets shall be required in a planned unit development except as allowed in subsection B of this section.

B. Private Streets.

1. A private street may only serve four or fewer residential dwelling units, unless all of the dwelling units meet the federal definition of low income, then the private street may serve up to nine ~~detached~~ single-family detached dwellings or up to thirty-five ~~attached single-family~~middle housing, or multifamily dwelling units.

2. A private street may serve up to four businesses on separate parcels, or up to four businesses situated on one parcel.

3. The private street must meet the minimum design standards and requirements for private streets in the Tumwater development guide.

(Ord. O2022-006, Added, 08/01/2022)

Section 54. Section TMC 18.40.035, Exterior illumination, of the Tumwater Municipal Code is hereby amended to read as follows:

18.40.035 Exterior illumination.

These regulations apply to outdoor artificial light sources, including lights on the exterior of buildings or other structures, installed underneath canopies, pole-mounted, freestanding and ground lights, as well as nonresidential interior lights.

A. For the purposes of regulating lighting in this section and elsewhere in this title, the following terms shall be defined as stated:

1. "Business-zoned property" means any property ~~zoned~~ in the NC neighborhood commercial, CS community services, MU mixed use, GC general commercial, TC town center (TC town center mixed use, professional office, and civic subdistricts), ~~CD,~~ HC historic commercial, GB greenbelt, OS open space, LI light industrial, HI heavy industrial, CBC capitol boulevard corridor, BD brewery district, and ARI airport related industry zone districts.

2. "Foot-candle" means a measure of illuminance (or light intensity) on a surface equal to one lumen per square foot.

3. "Fully shielded fixture" means exterior lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixture as determined by a photometric test or certified by the manufacturer.

4. "Glare" means an intensity of light that due to the brightness of the light source diminishes the observer's ability to see, and in extreme cases may cause visual discomfort or momentary blindness.

5. “Light trespass” means the light emanating from one property (measured at the property line) intruding onto an adjacent property or public right-of-way.

6. “Lumen” means a unit of classification used to quantify the amount of light energy produced by a lamp. Lumen output of most lamps is listed on the packaging. For example, a sixty-watt incandescent lamp produces approximately eight hundred fifty lumens while a fifty-five-watt low-pressure sodium lamp produces approximately eight thousand lumens.

7. “Opaque” means not allowing light to pass through; not transparent or translucent.

8. “Partially shielded” means the luminaire incorporates a translucent barrier, the “partial shield” around the lamp that allows some light to pass through the barrier while concealing the lamp from the viewer.

9. “Residential-zoned property” means any property ~~zoned~~ in the RSR residential/sensitive resource, ~~SFL, SFM, MFM, MFH~~LDR low density residential, MDR medium density residential, HDR high density residential, and TC town center (TC town center residential subdistrict) zone districts.

10. “Translucent” means allowing light to pass, but diffusing it such that the light source cannot be distinguished.

B. Exterior Lighting Standards. Exterior artificial light sources shall conform to the following requirements:

1. Light fixtures shall be used in a manner such that light is directed downward, and not outward or upward.

2. Light fixtures shall be fully shielded.

a. Fixtures on business-zoned properties that are mounted to the underside of structures such as canopies, awnings, etc. (such as those found at gas stations, drive-through facilities, service stations, and parking structures) shall be flush mounted to the canopy so that the lens does not protrude below the surface to which it is mounted. In instances where the canopy is not thick enough to accommodate a flush-mount fixture, a fully shielded fixture may be utilized and mounted to the surface.

3. Exterior lighting shall not blink, flash, fluctuate, be intermittent, or change color or intensity.

4. Illuminated signs and advertising devices shall also comply with provisions of TMC 18.44.080 and 18.44.170. Where conflict occurs, the more stringent standards shall apply.

5. Parking lot lighting shall also comply with provisions in TMC 18.50.060. Where conflict occurs, the more stringent standards shall apply.

6. Exterior lighting on business-zoned properties shall be turned off at the close of business or 10:00 p.m., whichever is later. However, lighting which is

necessary for after business hours work by employees and lighting that is necessary for security systems to function properly may be utilized at any time provided the lighting is the minimum necessary and is turned off when it is no longer needed or being used.

7. Light trespass shall comply with the provisions of subsection D of this section.

8. Illumination of government flags is allowed provided the light fixtures are equipped with shields and louvers to control the beam spread and to prevent light trespass and glare.

9. Low voltage landscape lighting (thirty volts or less) is allowed provided it is partially shielded (upward-oriented spot/flood lights are not allowed) and does not violate the light trespass standards of subsection D of this section. Rope-style lighting of any voltage is also allowed for residential properties provided it meets the light trespass standards of subsection D of this section.

C. Application Required.

1. A basic lighting plan shall be submitted to the community development department along with building permit applications that involve the installation or replacement of exterior lighting. The basic lighting plan shall include, but not be limited to, descriptions, illustrations, or photos of the types of lighting fixtures to be installed, a statement or description of how the fixtures comply with the regulations, and descriptions or depictions of the locations of the proposed lighting fixtures. The basic lighting plan shall also include statements that the applicant will design their project to comply with the exterior lighting regulations, and the applicant will make any changes necessary to come into compliance with the regulations before their occupancy permit is issued. The basic lighting plan must be signed by the applicant(s) or their authorized agent(s).

2. For nonresidential development proposals that are four thousand square feet or larger, the community development director (or his/her designee) may require a photometric lighting plan instead of the basic lighting plan. The photometric plan, application, and a fee as specified by the most current fee resolution adopted by the Tumwater city council shall be submitted along with a building permit application. The photometric lighting plan must specify how the project lighting, including both freestanding and building-mounted lighting, complies with the applicable requirements of the Tumwater Municipal Code including this chapter. The photometric lighting plan shall also include the requirements listed for the basic lighting plan as shown in subsection (C)(1) of this section. Where requirements overlap or conflict, the more stringent shall apply.

D. Light Trespass. All light fixtures used on a premises shall be installed and maintained to prevent light trespass, measured at the property line of the originating property (light source), that exceeds one-tenth foot-candle illuminating

adjacent to residential-zoned property or one-half foot-candle illuminating adjacent to business-zoned property or public rights-of-way.

E. Exceptions. The restrictions on exterior lighting in subsections B, C and D of this section shall not apply to:

1. Light fixtures on structures listed in the Tumwater, or Washington State, or National historic registers (as defined in TMC Chapter 2.62) that are important in defining the overall historic character of the structure or building.

2. Projection equipment for outdoor movie theaters and outdoor movie events.

3. Security floodlights with motion detectors and daytime cutoffs that comply with the light trespass standards of subsection D of this section; provided, that the duration of activation by the motion sensor does not exceed sixty seconds. Light trespass at the property line may be diminished to acceptable levels by using lower wattage bulbs, downward and inward orientation, opaque or translucent shielding, or combinations thereof.

4. Seasonal decorations illuminated no longer than sixty days.

5. Lights on moving vehicles.

6. Sports field lighting.

7. Navigation lights (such as airports, heliports, or tower lighting required by the Federal Aviation Administration).

8. Temporary emergency lighting (such as fire, police, repair workers).

9. Traffic control signals and devices.

10. Exterior lighting approved by the community development director for temporary or periodic events (e.g., special events, nighttime construction, etc.). Searchlights, lighting displays lasting longer than seven days in any calendar year, and any lighting displays that cause any direct glare into or upon any building other than the building to which the display may be related are all prohibited.

11. Light sources lawfully installed prior to the effective date of these regulations.

12. Public streetlights are exempt only from the light trespass standards of subsection D of this section.

(Ord. O2018-007, Amended, 10/16/2018; Ord. O2014-007, Amended, 07/15/2014; Ord. O2011-002, Amended, 03/01/2011; Ord. O2009-001, Added, 11/02/2009)

Section 55. Section TMC 18.42.010, Accessory dwelling units, of the Tumwater Municipal Code is hereby amended to read as follows:

18.42.010 Accessory dwelling units.

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

A. There shall be no more than ~~one~~ two accessory dwelling units per lot in conjunction with a ~~single-family~~principal residential structure.

B. An accessory dwelling unit may be attached to, created within, or detached from a new or existing principal ~~primary single-family dwelling unit~~residential structure.

C. Off-street parking shall be provided according to the standards set forth in TMC Chapter 18.50.

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

~~1. If the accessory dwelling unit extends beyond the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding, and windows.~~

~~2. If an accessory unit is detached from the main building, it must also be consistent with the existing roof pitch, siding, and windows of the principal residence.~~

~~3. The primary entrance to an accessory dwelling unit are encouraged to not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.~~

~~E~~D. To ensure that the accessory dwelling unit is clearly secondary to the principal residential structure~~primary dwelling unit~~, the floor area for the accessory dwelling unit shall in no case exceed ~~eight hundred~~one thousand square feet of finished living space excluding garages, unfinished attics, or unfinished basements nor be less than the International Building Code minimum residential building square footage for finished living space~~, and the accessory dwelling unit shall contain no more than two bedrooms~~. Garages shall be not more than three hundred square feet in size for ~~single story~~ accessory dwelling units ~~and four hundred square feet in size for two story accessory dwelling units~~.

~~F. No more than one family, as defined in TMC Chapter 18.04, shall be allowed to occupy an accessory dwelling unit.~~

EG. An accessory dwelling unit, together with the principal residential structure ~~primary single-family dwelling unit~~ with which it is associated, shall conform to the provisions of this chapter and all other applicable codes and ordinances.

F. An accessory dwelling unit that is separate from a garage may be sited on the rear lot line if the rear lot line abuts a public alley.

G. Non-conforming structures legally established prior to December 16, 2025, may be converted into an accessory dwelling unit regardless of setbacks or lot coverage requirements. Conversions within non-conforming structures may not be expanded beyond the existing footprint. Such conversions must meet the size requirements of section D.

H. Accessory dwelling units may be sold independently from the principal residential structure upon approval and completion of a condominium or unit lot subdivision.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2013-025, Amended, 01/07/2014; Ord. O2000-004, Amended, 07/18/2000; Ord. O99-001, Amended, 04/20/1999; Ord. O97-025, Amended, 12/02/1997; Ord. O95-035, Added, 12/19/1995)

Section 56. Section TMC 18.42.015, Buildings or structures for storage, agricultural uses, detached garages, or carports in residential zone districts, of the Tumwater Municipal Code is hereby amended to read as follows:

18.42.015 Buildings or structures for storage, agricultural uses, detached garages, or carports in residential zone districts.

It is the specific purpose and intent to allow accessory buildings or structures for storage, agricultural uses, detached garages, or carports in specific residential zone districts (RSR residential/sensitive resource, ~~SFL single-family~~LDR low density residential, ~~SFM single-family medium density residential,~~ BD brewery district, GB greenbelt, OS open space, and MHP manufactured home park zone districts), subject to the following restrictions.

A. The total square-footage of the footprints of all buildings or structures used for storage, agricultural uses, detached garages, or carports on lots less than two acres in size shall not be larger in square-footage than the footprint of the principal building or structure.

B. The total square-footage of the footprint of nonagricultural storage buildings or structures, detached garages, or carports on lots two acres or greater in size shall not be larger in square-footage than three thousand square feet.

C. For residential zone districts other than in the RSR residential/sensitive resource zone district, the total square-footage of the footprint of all buildings or structures used for agriculture on lots two acres or greater in size shall not be larger in square-footage than twenty thousand square feet.

D. In the RSR residential/sensitive resource zone district, the total square-footage of the footprints of agricultural buildings or structures on lots two acres or greater in size shall not be greater than the maximum impervious surface for lots allowed in TMC 18.08.050(G) and Table 18.08.050.

(Ord. O2018-007, Added, 10/16/2018)

Section 57. Section TMC 18.42.070, Agriculture, of the Tumwater Municipal Code is hereby amended to read as follows:

18.42.070 Agriculture.

A. Agriculture uses are allowed within the ARI airport related industry, LI light industrial, RSR residential/sensitive resource, ~~SFL, SFM and MFM~~LDR low density residential, and MDR medium density residential zone districts provided they are thirty acres or less in size and meet the following requirements:

1. The number and types of animals shall meet the requirements of TMC Chapter 6.08.

2. For the purposes of determining the total number of "animal units" allowed on a site (as defined in TMC 16.26.020(B)), acres are to be calculated in accordance with subsection B of this section.

3. On-site sales shall consist primarily of products produced on site by the agriculture use; except for lots less than two acres in size where all products sold must be produced on site by the agriculture use.

4. Signs shall meet the requirements listed in TMC Chapter 18.44.

5. Fences shall meet the requirements listed in TMC Chapter 18.46.

6. All agricultural uses shall adhere to the required best management practices (BMPs) and other provisions described in the city of Tumwater drainage design and erosion control manual. In the event the city has determined the agricultural uses cause a detrimental impact to water quality, additional best management practices may be required at the direction of the public works director or designee, including cessation of uses, as necessary to restore water quality and protect public health.

B. Acreage Calculation. The size of agriculture uses is calculated by measuring the area of a lot less the portion of the lot that is undevelopable due to critical areas, existing development, or other site conditions that make utilizing that portion of the lot unfeasible for agriculture or activities related to agriculture including product storage, sales, processing, etc. The acreage total includes contiguous parcels that are also being utilized by the same agriculture operation. In instances where urban farms utilize parcels that are not contiguous, they are to be considered separate uses for the size calculation. For the purposes of this calculation, lots on opposite sides of a public right-of-way are not to be considered contiguous.

(Ord. O2017-014, Amended, 07/18/2017; Ord. O2010-029, Added, 06/07/2011)

Section 58. Section TMC 18.42.080, Marijuana businesses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.42.080 Marijuana businesses.

A. Conditions of Approval. Marijuana businesses may be permitted but only if the following conditions are met:

1. Marijuana Producer. A marijuana producer shall be a conditional use in LI light industrial and ARI airport related industry zone districts and shall be subject to the following requirements:

a. Meet Washington State licensing requirements (Chapter 314-55 WAC);

b. Comply with all building, fire safety, health code, and business licensing requirements;

c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;

d. Signage, if any, will conform to TMC Chapter 18.44;

e. Be within a fully enclosed secure indoor structure;

f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line;

g. All buildings associated with the production of marijuana must be set back a minimum of three hundred feet from RSR residential/sensitive resource, LDR low density residential, MDR medium density residential, HDR high density residential, ~~SFL, SFM, MFM, MFH,~~ MU mixed use, CBC capitol boulevard corridor, TC town center, BD brewery district, GB greenbelt, OS open space, and MHP manufactured home park zone districts; and

h. The city may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

2. Marijuana Processor. A marijuana processor shall be a conditional use in the LI light industrial and ARI airport related industry zone districts and shall be subject to the following requirements:

a. Meet Washington State licensing requirements (Chapter 314-55 WAC);

b. Comply with all building, fire safety, health code and business licensing requirements;

c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;

d. Signage, if any, will conform to TMC Chapter 18.44;

e. Be within a fully enclosed secure indoor structure;

f. All buildings must be equipped with ventilation/air filtration systems so that no odors are detectable at the property line;

g. All buildings associated with the production of marijuana must be set back a minimum of three hundred feet from RSR residential/sensitive resource, LDR low density residential, MDR medium density residential, HDR high density residential, ~~SFL, SFM, MFM, MFH,~~ MU mixed use, CBC capitol boulevard corridor, TC town center, BD brewery district, GB greenbelt, OS open space, and MHP manufacture home park zone districts; and

h. The city may suspend or revoke conditional use permits based on a finding that the provisions of this section have not been met.

3. Marijuana Retailer. A marijuana retailer shall be a permitted use in the GC general commercial, LI light industrial, and ARI airport related industry zone districts and shall be subject to the following requirements:

a. Meet Washington State licensing requirements (Chapter 314-55 WAC);

b. Comply with all building, fire safety, health code and business licensing requirements;

c. Lot size, building size, setbacks and lot coverage conform to the standards of the zone district except if the structure is a legal nonconforming structure;

d. Signage, if any, will conform to TMC Chapter 18.44.

(Ord. O2017-006, Amended, 07/18/2017; Ord. O2013-013, Added, 10/01/2013)

Section 59. Section TMC 18.42.100, Single-family uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.42.100 Single-family uses.

In the RSR residential/sensitive resource ~~(RSR), single-family low density residential (SFL), and single-family medium density residential (SFM)~~ zone district~~s~~, only one single-family ~~residence~~ detached dwelling or duplex as ~~a primary use~~the principal residential structure is allowed per legal parcel, unless the project is processed as a planned unit development. If permitted in the zone district, ~~an~~ accessory dwelling unit~~s~~ ~~is~~ are allowed in accordance with TMC 18.42.010.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2017-022, Added, 12/05/2017)

Section 60. Section TMC 18.42.110, Warehouses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.42.110 Warehouses.

A. Minimum Conditions.

1. Location Criteria.

a. Warehouse distribution centers regardless of size and nondistribution warehouses larger than two hundred thousand square feet in size must be located:

i. Within the crosshatched areas as shown in either Figure 18.42.110(A) or (B);

ii. More than one thousand feet from an urban residential zone district (RSR residential/sensitive resource ~~(RSR)~~, ~~single-family~~ LDR low density residential ~~(SFL)~~, ~~single-family medium-density residential (SFM), multifamily~~ MDR medium density residential ~~(MFM)~~, ~~multifamily~~ HDR high density residential ~~(MFH)~~, or MHP manufactured home park ~~(MHP)~~); and

iii. More than three hundred feet from a Thurston County rural residential zone district.

The restrictions in the location criteria above apply to buildings, truck loading and maneuvering areas, truck parking, and container/trailer or other storage. Accessory facilities, such as required stormwater facilities, landscaping and open space areas, automobile parking, and truck access routes, may be within the buffer areas described in the location criteria subject to the other buffering and setback requirements of the Tumwater Municipal Code.

If there is a question regarding the boundaries of the location criteria, the more restrictive criteria shall apply; and

b. Warehouse distribution centers regardless of size and nondistribution warehousing larger than two hundred thousand square feet in size must have a truck access route from a designated truck access point on the site to Interstate 5. The route from the access point on the site to Interstate 5 shall not be bordered on either side by properties with an urban residential zone district classification (RSR residential/sensitive resource ~~(RSR)~~, ~~single-family~~ LDR low density residential ~~(SFL)~~, ~~single-family medium-density residential (SFM), multifamily~~ MDR medium density residential ~~(MFM)~~, ~~multifamily~~ HDR high density residential ~~(MFH)~~, or MHP manufactured home park ~~(MHP)~~).

2. No off-street parking or loading areas will be allowed in any required yard area.

Figure 18.42.110(A) Warehouse distribution centers – 93rd Avenue.

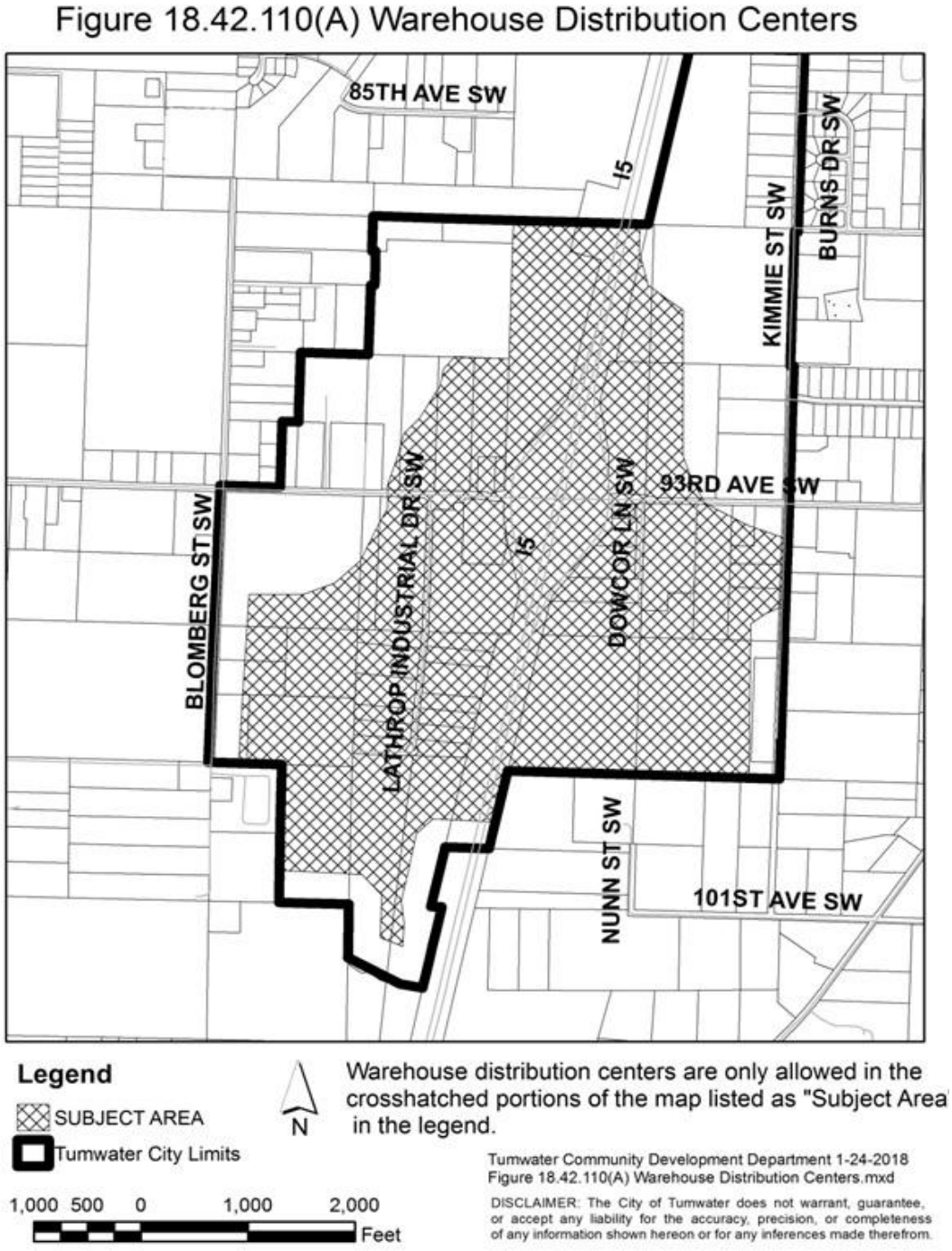
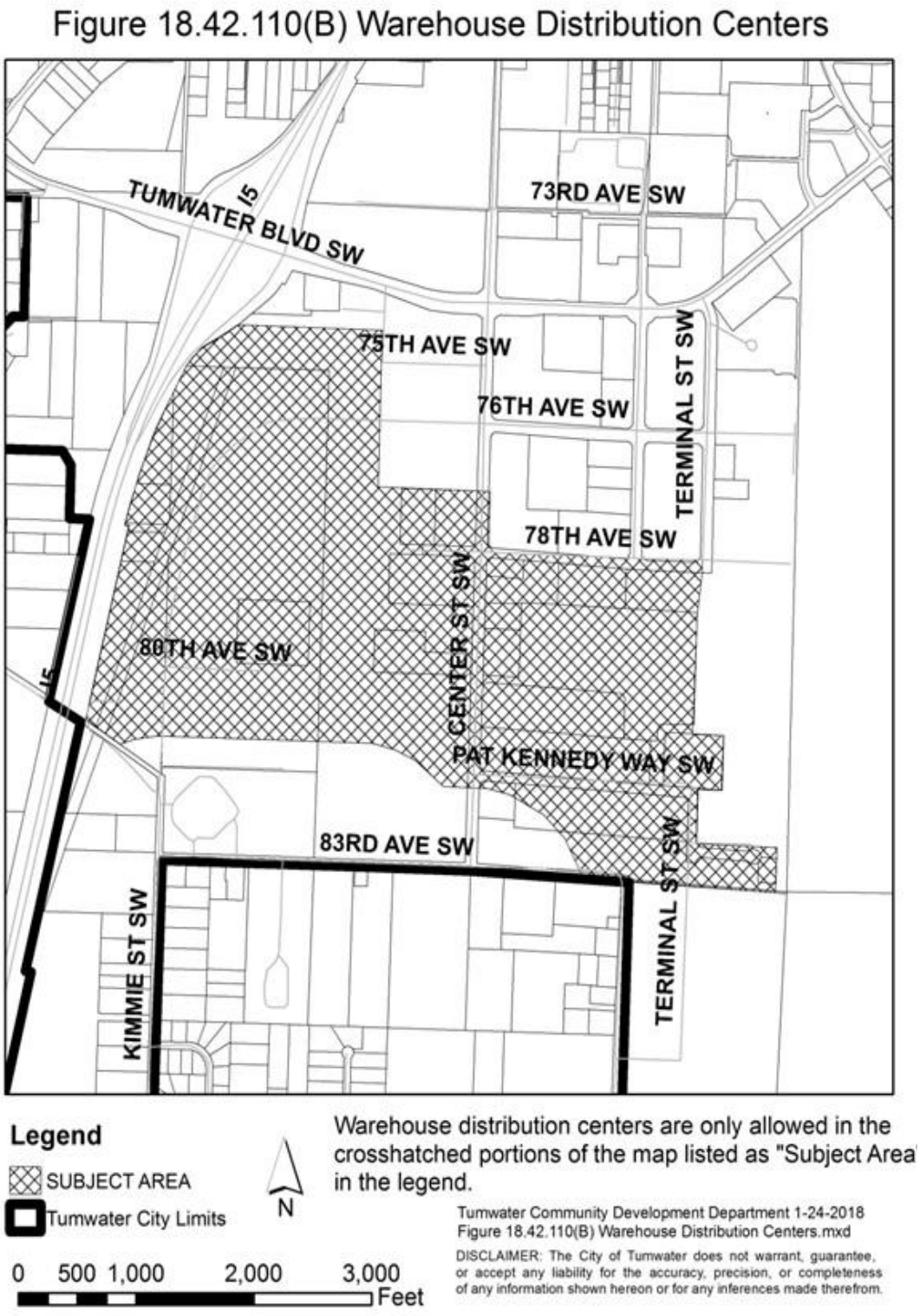


Figure 18.42.110(B) Warehouse distribution centers – ARI Airport related industry zone district.



(Ord. O2017-023, Added, 07/17/2018)

Section 61. Section TMC 18.42.130, Park and open space area standards for development without divisions of land, of the Tumwater Municipal Code is hereby amended to read as follows:

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

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

B. For new developments that will contain mixed use development, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area.

C. For new commercial or industrial development of ten acres or more where land is not being divided, a minimum of five percent of the gross site area shall be set aside for park and open space area. A commercial or industrial land development that is part of an approved master plan providing for a park or open space area meeting the intent of this provision shall be considered to have fulfilled this requirement.

D. For the purpose of calculation of the park and open space area, the park and open space area shall be separate and distinct from required yards, setbacks, and landscaped areas.

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

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

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

   b. Less than or equal to sixty residential dwelling units included in a mixed use development; or

   c. Any commercial or industrial development smaller than twenty acres in size.

2. When determining whether to accept a fee in lieu for park and open space area, the community development director in consultation with the parks and recreation director shall consider the following:

   a. The availability of other existing or planned public park within one-half mile of the development;

b. Whether the other existing or planned public park is or will be accessible from the development by sidewalk or paved pedestrian path; and

c. The overall public benefit of accepting a fee instead of the land for park and open space area.

3. The fee shall be based on an assessed valuation of the portion of the development that would otherwise be required to be set aside.

4. The fee shall be paid prior to any building permit being issued for the development.

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

1. The following areas may be counted towards fulfilling the active recreation requirements:

a. Children's play equipment, such as slides, swings, and play structures;

b. A paved hard court for activities such as basketball, tennis, or pickleball;

c. Athletic fields for activities such as soccer or baseball and similar team sports;

d. Multiuse trails for pedestrians and bicycles meeting WSDOT multiuse trail design standards;

e. A flat, open lawn area with a surface suitable for unstructured active play;

f. Community gardens as defined in TMC 18.04.030, C definitions; and

g. Other similar active recreation facilities if approved by the community development director in consultation with the parks and recreation director.

2. That portion of stormwater ponds with active recreation facilities anticipated to be useable at least six months of the year may be counted towards fulfilling the active recreation requirement, provided these facilities are consistent with the drainage design and erosion control manual for Tumwater.

3. The following areas may be counted towards fulfilling the passive recreation requirements:

a. Facilities for walking, such as unpaved trails;

b. Landscaped areas with benches and other amenities;

c. Picnicking facilities, such as picnic tables and shelters;

d. Public plazas;

e. Vegetated desks and rooftops, provided the desk or rooftop is accessible to all residents and employees of the development;

f. Stormwater ponds with perimeter trails or year-round water features consistent with the drainage design and erosion control manual for Tumwater;

g. Tree protection areas preserved under TMC Chapter 16.08, provided access is provided within these areas via a trail consistent with the regulatory requirements for these areas;

h. Wetland buffers under TMC Chapter 16.28, wellhead protection areas under TMC Chapter 16.26, and special flood hazard areas under TMC Chapter 18.38, provided access is provided within these areas via a trail consistent with the regulatory requirements for these areas; and

i. Other similar passive recreation facilities if approved by the community development director in consultation with the parks and recreation director.

G. The park and open space area shall have convenient access for residents or employees of the development and the park and open space area shall be consolidated to provide maximum access, visibility, usability, minimization of impacts to residential uses, and ease of maintenance. These requirements may be waived by the community development director upon a finding that the residents or employees of the development would receive a greater benefit if the required park and open space area were provided in another configuration due to the size of the development, unique topographic conditions, or other factors determined by the community development director.

H. The park and open space area shall be designed and placed in consideration of existing and potential park and open space areas on adjacent parcels to allow for consolidation or provision of future opportunities for consolidation of park and open space areas.

I. Except where removal is required to meet active recreation requirements in this chapter, existing trees and significant native vegetation shall be retained in park and open space areas unless an alternate landscaping plan for such areas is required or approved by the community development director.

J. Park and open space areas shall be held in single ownership where such ownership assumes full responsibility for maintenance and operation, or held in common ownership by all of the owners in the development through a property owners' association or similar organization. As a condition of approval, the city may require or choose to accept dedication, when the park and open space area set aside is one or more of the following:

1. Greater than two acres.

2. Adjacent to an established or future city park or school grounds.

3. Includes public access to a body of water, wetland, important fish/wildlife habitat, or other environmentally sensitive area.

4. If the city determines it is in the public interest to accept land for park and open space area.

K. The owner of the park and open space area shall maintain it in a manner consistent with its purpose. Amenities such as those listed in subsections (F)(1) and (F)(3) of this section shall be maintained and kept in a clean, safe, and usable condition.

(Ord. O2023-012, Amended, 02/06/2024; Ord. O2020-015, Added, 02/16/2021)

Section 62. Section TMC 18.42.140, Permanently affordable housing incentives, of the Tumwater Municipal Code is hereby amended to read as follows:

18.42.140 Permanently affordable housing incentives.

A. Purpose. The purpose of this section is to provide incentives for~~to developers to provide the public benefit of~~ permanently affordable housing to help achieve comprehensive plan goals by:

1. Defining in quantified terms how providing permanently affordable housing can be used to earn incentives;

2. Providing rules and formulas for computing incentives earned; and

3. Providing a review process to allow for evaluation of proposed incentives and the permanently affordable housing offered to earn them, and to give the public opportunities to review and comment.

B. Density Incentives.

1. Permitted Locations of Density Incentives. Density incentives to provide permanently affordable housing shall be used only on sites served by public sewers and only in ~~the following zone districts:~~

~~a.~~ MDR M~~Multifamily m~~edium density residential ~~(MFM)~~ zone district.~~;~~ ~~and~~

~~b. Multifamily high density residential (MFH) zone district.~~

2. Permanently Affordable Housing Density Incentives.

a. The amount of permanently affordable housing eligible to earn density incentives and the maximum incentives to be earned are set forth in Table 18.42.140(B)(1) or in Table 18.42.140(B)(2) for permanent affordable housing projects located on real property owned or controlled by a religious organization. Density incentives are expressed as additional bonus dwelling units (or fractions of dwelling units) earned per amount of permanently affordable housing provided. Where a range is specified, the earned credit will be determined by the community development director during project review.

b. Residential development in ~~multifamily~~ MDR medium density residential ~~(MFM) and multifamily high density residential (MFH)~~ zone district~~s~~ with property-specific development standards shall be eligible to earn density incentives as set forth in Table 18.42.140(B)(1) or in Table 18.42.140(B)(2) for permanent affordable housing projects located on real property owned or controlled by a religious organization when the permanently affordable housing provided exceeds the basic development standards of this title.

Table 18.42.140(B)(1)

Permanently Affordable Housing Earning Density Incentives

Permanently Affordable Housing Provided	**Density Incentive**
Dwelling units consisting of rental housing that are permanently priced to serve very low-income and low-income households, which are part of a new multifamily housing project that provides a total of ten or more dwelling units. Very low-income households are defined as households with income less than or equal to fifty percent of Thurston County's median household income as determined by the Office of Financial Management. Low-income households are defined as households with income less than or equal to eighty percent and more than fifty percent of Thurston County's median household income as determined by the Office of Financial Management.	**MDR m~~Multifamily m~~edium density residential ~~(MFM)~~ zone district:** Projects that provide two permanently affordable housing units would be allowed an increase of one additional dwelling unit on top of the maximum current density with a transfer of development rights up to a maximum increase in density of five dwellings unit per acre. This would create a new maximum density of twenty-four dwelling units per acre in the ~~multifamily~~ MDR medium density residential ~~(MFM)~~ zone district for projects providing permanently affordable housing units. ~~**Multifamily high density residential (MFH) zone district:** Projects that provide two permanently affordable housing units would be allowed an increase of one additional dwelling unit on top of the maximum current density with a transfer of development rights up to a maximum increase in density of ten dwelling units per acre. This would create a new maximum density of thirty-nine dwelling units per acre in the multifamily high density residential (MFH) zone district~~.

Table 18.42.140(B)(2)

Permanently Affordable Housing Earning Density Incentives for Housing Projects Located on Real Property Owned or Controlled by a Religious Organization

Permanently Affordable Housing Provided	**Density Incentive**
Dwelling units consisting of rental housing located on real property owned or controlled by a religious organization that are permanently priced to serve very low-income and low-income households, which are part of a new multifamily housing project that provides a total of ten or more dwelling units. Very low-income households are defined as households with income less than or equal to fifty percent of Thurston County's median household income as determined by the Office of Financial Management. Low-income households are defined as households with income less than or equal to eighty percent and more than fifty percent of Thurston County's median household income as	**MDR medium density residential zone district:** Projects that provide two permanently affordable housing units would be allowed an increase of one additional dwelling unit on top of the maximum current density with a transfer of development rights up to a maximum increase in density of ten dwellings unit per acre. This would create a new maximum density of twenty-nine dwelling units per acre in the MDR medium density residential zone district for projects providing permanently affordable housing units.

Permanently Affordable Housing Provided	Density Incentive
determined by the Office of Financial Management.	

3. Rules for Calculating Total Permitted Permanently Affordable Housing Units. The total dwelling units permitted through density incentives review shall be calculated using the following steps:

a. Calculate the number of dwellings permitted by the base density of the site in accordance with TMC Chapter 18.14 ~~or 18.16~~;

b. Calculate the total number of bonus dwelling units earned by providing the permanently affordable housing listed in Table 18.42.140(B);

c. Add the number of bonus dwelling units earned to the number of dwelling units permitted by the base density;

d. Round fractional dwelling units down to the nearest whole number; and

e. On sites with more than one zone district or zone district density, the maximum density shall be calculated for the site area of each zone district. Bonus units may be reallocated within the zone district in the same manner set forth for base units in TMC 18.42.140.

C. Building Height Incentives.

1. Permitted Locations of Building Height Incentives. Permanently affordable housing building height incentives shall be used only on sites served by public sewers and only in the following zone districts:

a. MU Mixed use ~~(MU)~~ and GC general commercial ~~(GC)~~ zone districts;

b. The CBC Capitol Boulevard community ~~(CBC)~~ – North Trosper and North Neighborhood Center districts;

c. The TC town center ~~(TC)~~ residential and mixed use subdistricts; ~~and~~

d. The BD brewery district Knoll, Valley, Bluff, Triangle, Deschutes, and Bates neighborhood north subdistricts; and

e. The HDR high density residential zone district.

2. Permanently Affordable Housing Building Height Incentives.

a. The amount of permanently affordable housing eligible to earn building height incentives and the maximum incentives to be earned are set forth in Table 18.42.140(C)(1) or in Table 18.42.140(C)(2) for permanent affordable housing projects located on real property owned or controlled by a religious organization. Building height incentives are expressed as additional bonus feet or stories in height earned per amount of permanently affordable housing provided.

b. Residential development in the MU mixed use ~~(MU)~~ and GC general commercial ~~(GC)~~ zone districts; CBC Capitol Boulevard community ~~(CBC)~~ –

North Trosper and North Neighborhood Center districts; TC town center ~~(TC)~~ mixed use and residential subdistricts; ~~and~~ the BD brewery district Knoll, Valley, Bluff, Triangle, Deschutes, and Bates neighborhood north subdistricts; and HDR high density residential zone district with property-specific development standards shall be eligible to earn building height incentives as set forth in Table 18.42.140(C) when the permanently affordable housing provided exceeds the basic development standards of this title.

Table 18.42.140(C)

Permanently Affordable Housing Earning Building Height Incentives

Permanently Affordable Housing Provided	**Building Height Incentive**
Dwelling units consisting of rental housing that are permanently priced to serve very low-income and low-income households, which are part of a new mixed use or multifamily housing project. Very low-income households are defined as households with income less than or equal to fifty percent of Thurston County's median household income as determined by the Office of Financial Management. Low-income households are defined as households with income less than or equal to eighty percent and more than fifty percent of Thurston County's median household income as determined by the Office of Financial Management.	**MU mixed use ~~(MU)~~ zone district:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the MU mixed use ~~(MU)~~ zone district would be allowed an additional maximum building height increase of ten feet or one story, whichever is less, subject to imaginary airspace surface limitations. This would create a new maximum height limit of sixty feet or six stories, whichever is less, in the zone district. **GC general commercial ~~(GC)~~ zone district:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the GC general commercial ~~(GC)~~ zone district would be allowed an additional maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of seventy-five feet in the zone district. **CBC Capitol Boulevard community ~~(CBC)~~ – North Trosper district:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the North Trosper district would be allowed an additional maximum building height increase of ten feet, subject to other neighborhood compatibility height restrictions in TMC Chapter 18.21 and imaginary airspace surface limitations. This would create a new maximum height limit of seventy-five feet in the district except for the areas between Linda Street and Lee Street on the east side of Capitol Boulevard where structure height shall be limited to fifty feet. **CBC capitol Boulevard community ~~(CBC)~~ – North Neighborhood Center district:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the North Neighborhood Center district would be allowed an additional maximum building height increase of ten feet, subject to other neighborhood compatibility height restrictions in TMC Chapter 18.21 and imaginary airspace surface limitations. This would create a new maximum height limit of seventy-five feet in the district. **TC town center ~~(TC)~~ mixed use subdistrict:** The maximum structure height of sixty-five feet in the town center mixed use subdistrict may be increased to eighty-five feet if twenty or more permanently affordable housing units are located on any floor of a mixed use building proposed for a height increase in the subdistrict. **TC town center ~~(TC)~~ residential subdistrict:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the town center residential subdistrict would be allowed an additional maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of sixty-five feet in the subdistrict. **BD brewery district Knoll subdistrict:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those

Permanently Affordable Housing Provided	Building Height Incentive
	units as permanently affordable housing units in the Knoll subdistrict would be allowed an additional maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of eighty-five feet in the subdistrict. **BD brewery district Valley subdistrict:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the Valley subdistrict would be allowed an additional maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of sixty feet height in the subdistrict. **BD brewery district Bluff subdistrict:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the Bluff subdistrict would be allowed an additional maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of fifty feet in the subdistrict. **BD brewery district Triangle subdistrict:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the Triangle subdistrict would be allowed an additional maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of sixty-five feet in the subdistrict. **BD brewery district Deschutes subdistrict:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the Deschutes subdistrict would be allowed an additional maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of sixty-five feet in the subdistrict. **BD brewery district Bates Neighborhood North subdistrict:** New mixed use or multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the Bates Neighborhood North subdistrict would be allowed an additional maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of fifty-five feet in the subdistrict. **HDR high density residential zone district:** New multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the HDR high density residential zone district would be allowed an additional maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of sixty feet in the zone district.

3. On sites with more than one zone district, the maximum building height shall be calculated for the site area of each zone district. Bonus units may be reallocated within the zone district in the same manner set forth for base units in this section.

D. Types of Permanently Affordable Housing Units Provided.

1. Where five or more permanently affordable housing units are provided, the ratio of permanently affordable housing units that are studio, one-bedroom, or two-bedroom or larger units shall be as follows:

a. Studio Units. One out of five units provided or twenty percent of the units provided.

b. One-Bedroom Units. Two out of five units provided or forty percent of the units provided.

c. Two-Bedroom or Larger Units. Two out of five units provided or forty percent of the units provided.

d. In determining the ratio of units where the remaining number of units are not a factor of five, the permanently affordable housing units provided shall be one-bedroom or larger units.

2. Where four or fewer permanently affordable housing units are provided, all permanently affordable housing units shall be one-bedroom or larger units.

E. Income Levels for Permanently Affordable Housing Units Provided.

1. Where five or more permanently affordable housing units are provided, the ratio of permanently affordable housing units that are for very-low income or low-income households shall be as follows:

a. Very Low-income Households. Three out of five units provided or sixty percent of the units provided.

b. Low-Income Households. Two out of five units provided or forty percent of the units provided.

c. In determining the ratio of units where the remaining number of units are not a factor of five, the permanently affordable housing units provided shall be for very low-income households.

2. Where four or fewer permanently affordable housing units are provided, all permanently affordable housing units shall be for very low-income households.

F. Limit on the Number of Permanently Affordable Housing Units.

1. No more than forty-five percent of the dwelling units in a permanently affordable housing development shall be permanently affordable housing units.

2. Exemptions.

a. Nonprofit affordable housing developers, religious organizations, and housing authorities that are defined as a "nonprofit entity" under RCW 84.36.560(f) are not subject to this limit.

G. Additional Development Standards.

1. Density and building height incentive developments shall provide one off-street parking space per unit of permanently affordable housing and otherwise provide parking consistent with TMC Chapter 18.50.

2. Density and building height incentive developments shall provide permanently affordable housing units of a similar size and scale as the rest of the development's units.

H. Review Process.

1. A developer who wishes to propose a permanently affordable housing project with incentives subject to this section shall file a complete application with the director that includes the following:

a. A completed city of Tumwater application form setting forth the grounds for the permanently affordable housing project with incentives;

b. Preliminary floor and site plans of the proposed project;

c. Verification by oath or affirmation of the information submitted; and

d. The required fees as established by resolution of the city council.

2. All density or building height incentives developments shall be reviewed concurrently with a primary development to consider the proposed site plan and methods used to earn extra density or building height as follows:

a. For the purpose of this section, a primary development is defined as a subdivision or short subdivision, or site plan review;

b. When the primary development requires a public hearing, the public hearing on the primary development shall serve as the hearing on the density or building height incentives development, and the hearing examiner shall make a consolidated decision on the proposed development and use of density or building height incentives;

c. When the primary development does not require a public hearing, the director shall administratively make a consolidated decision on the proposed development and use of density or building height incentives; and

d. The notice for the density or building height incentives development also shall include the development's proposed density or building height and a general description of the public benefits offered to earn extra density or building height.

3. Permanently affordable housing development agreement. Prior to issuance of a building permit for any dwelling unit in a development for which permanently affordable housing bonus units have been awarded, the developer and property owner shall enter into a permanently affordable housing development agreement with the city to guarantee their continued use and availability to very low-income and low-income households. The terms and conditions of the agreement shall run with the land, be noticed to title, shall be binding upon the successor in interest of the developer and property owner, and shall be recorded in the office of the Thurston County recorder. The agreement shall include the following provisions:

a. The deeds to the designated units shall contain language stating that the units shall be maintained as permanently affordable housing consistent with this section, and detailing the income level being served, rent levels, and requirements for reporting to the city.

b. The deeds to the designated units shall state that the developer, property owner, or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests in the permanently affordable housing unit without the written approval of the city confirming the continued use of the designated units for very low-income and low-income households.

c. The city shall have the authority to enter into other agreements with the developer, property owner, or purchasers of the permanently affordable housing units as may be necessary to assure that the required dwelling units are continuously occupied by eligible households.

I. Approval Process.

1. The director may approve the application for the permanently affordable housing project with incentives if he/she finds that:

a. The proposed permanently affordable housing project with incentives meets all the requirements of this section.

b. The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved.

c. The developer has completed the following items:

i. For each permanently affordable housing bonus unit, covenants and deed restrictions shall be recorded in the office of the Thurston County recorder that specifies the income level being served, rent levels, and requirements for reporting to the city and shall be recorded at final project approval.

ii. The permanently affordable housing development agreement shall be recorded in the office of the Thurston County recorder.

d. The developer has complied with all standards and guidelines adopted by the city under this title.

J. Minor Adjustments in Final Site Plans.

1. When issuing building permits for an approved density or building height incentives developments, the department may allow minor adjustments in the approved site plan involving the location or dimensions of buildings or landscaping, provided such adjustments shall not:

a. Increase the number of dwelling units;

b. Decrease the amount of perimeter landscaping (if any);

c. Decrease residential parking facilities (unless the number of dwelling units is decreased);

d. Locate structures closer to any site boundary line; or

e. Change the locations of any points of ingress and egress to the site.

K. Annual Compliance Review.

1. Within thirty calendar days after the first anniversary of the date of the certificate of occupancy for the project and each year thereafter, the property owner shall file a notarized declaration with the director indicating the following:

a. A statement of occupancy and vacancy of the permanently affordable housing multifamily units during the previous year;

b. A certification that the property continues to be in compliance with the permanently affordable housing development agreement with the city and this chapter and, if applicable, that the property has been in compliance with the affordable housing requirements as described in subsection (I)(1)(c)(i) of this section since the date of the certificate of occupancy for project;

c. A description of any subsequent improvements or changes to the property; and

d. Any additional information requested by the city in regards to the permanently affordable housing units.

2. City staff may also conduct on-site verification of the declaration.

3. Failure to submit the annual declaration or to comply with the permanently affordable housing development agreement and covenants and deed restrictions shall result in an enforcement action by the city.

(Ord. O2020-005, Added, 03/16/2021)

Section 63. Section 18.42.150, Supportive housing facilities standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.42.150 Supportive housing facilities standards.

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

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

B. Performance Standards.

1. General Requirements for All Supportive Housing Facilities.

a. General.

i. When a site includes more than one type of supportive housing facility, the more restrictive requirements of this section shall apply.

ii. Specific needs of each supportive housing facility will be reviewed through the development review process in TMC Title 14.

iii. The community development director may modify one or more of the standards in this subsection, only when the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe supportive housing facility and benefit the community under the specific circumstances of the application. In considering whether the modification should be granted, the community development director shall first consider the effects on the health and safety of supportive housing facility residents and the neighboring communities. Modifications will not be granted if they would result in adverse impact on residents of the supportive housing facility and/or neighboring communities. The applicant must demonstrate the benefits of the modifications to the community development director.

iv. All supportive housing facilities must comply with the provisions of the building and construction code under TMC Title 15 including Americans with Disabilities Act requirements.

b. Site and Transit.

i. Supportive housing facilities shall match the bulk and scale of residential uses allowed in the zone district where the supportive housing facility is located. The design, construction, appearance, physical integrity, and maintenance of the supportive housing facility shall provide an environment that is attractive, sustainable, functional, appropriate for the surrounding community, and conducive to tenants' stability.

ii. If provided, exterior lighting must comply with the standards in TMC 18.40.035 and elsewhere in this title and be directed downward, and glare must be contained within the supportive housing facility site to limit the impact on neighboring properties.

iii. The use shall meet landscaping and off-street parking standards in TMC Chapters 18.47 and 18.50.

iv. A description of transit, pedestrian, and bicycle access from the subject site to services must be provided at time of application by the sponsor and/or managing agency.

c. Separation and Distance Conditions. Supportive housing facilities shall meet the following separation and distance conditions:

i. Different types of supportive housing facilities may collocate on the same property with the same or different sponsors or managing agencies.

ii. With the exception of collocated supportive housing facilities on the same property described in subsection (B)(1)(c)(i) of this section, no supportive housing facility shall be located closer than four hundred feet

to another supportive housing facility whether such supportive housing facility is located within or outside the city limits. The distance shall be measured by following a straight line from the nearest point of public entry into the structure, which will house the proposed emergency housing and shelter to the nearest point of public entry into the structure housing another supportive housing facility. In the case of any supportive housing facility utilizing leased area or facilities, "property line" shall refer only to such leased area or facility.

d. Supportive Housing Facility Operations.

i. The sponsor or managing agency shall comply with all federal, state, and local laws and regulations, including Thurston County Department of Health regulations. The sponsor or managing agency shall be subject to inspections by local agencies and/or departments to ensure compliance and shall implement all directives resulting therefrom within the specified time.

ii. The sponsor or managing agency must provide an operation plan at the time of the application that adequately addresses the following elements:

(A) Twenty-four hours emergency contact information;

(B) Roles and responsibilities of key staff;

(C) Site/facility management, including security policies and an emergency management plan;

(D) Site/facility maintenance, including provisions for a regular trash patrol in the immediate vicinity of the site;

(E) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;

(F) Provision for human and social services, including staffing plan, credentials or certification, and outcome measures;

(G) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and

(H) Procedures for maintaining accurate and complete records.

(I) Provide a minimum and maximum time limit for occupation for transitional housing in the range of two weeks to twenty-four months. If the proposed time limit for the use is outside this range, the applicant shall follow the modification process in subsection (B)(1)(a)(iii) of this section.

iii. Sponsors or managing agencies shall demonstrate applicable experience providing similar services to people experiencing homelessness.

iv. Sponsors or managing agencies shall demonstrate a stable funding source for the supportive housing facility and any on-site or off-site human and social services offered as part of the operations plan.

v. Managing agencies and the Tumwater police department shall establish reasonable requirements for appropriate coordination with the subject supportive housing facility and its residents.

2. Additional Requirements for Emergency Housing and Emergency Shelters. In addition to the requirements under subsection (B)(1) of this section, emergency housing and emergency shelters are required to comply with the following:

a. Facility Standards. In all zone districts, no less than the minimum area per occupant established by the building code is allowed, up to eighty residents.

b. Facility Operations.

i. Trash receptacles must be provided in multiple locations throughout the facility and site.

ii. No children under the age of eighteen are allowed to stay overnight in the facility, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a child under the age of eighteen without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.

iii. No person under court supervision or under sex offender registration requirements can receive services from a provider, unless providing such services is consistent with the laws, regulations, and/or supervisory requirements related to such persons.

c. Facility Services.

i. Residents shall have access to the following services on site; if not provided on site, transportation shall be provided:

(A) For all supportive housing facilities, medical services, including mental and behavioral health counseling.

(B) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.

(C) For emergency shelter facilities, substance abuse assistance.

ii. All functions associated with the facility, including adequate waiting space, must take place within a building or on the site proposed to house the facility.

iii. The number of toilets and other hygiene facilities required for each facility will be determined by the building official on a case-by-case basis in consultation with the Thurston County health department after a review of factors such as the potential number and composition of residents.

iv. Facilities serving more than five residents shall have dedicated spaces for residents to meet with service providers.

v. The sponsor or managing agency shall coordinate with the homelessness service providers for referrals to their program and with other providers of facilities and services for people experiencing homelessness to encourage access to all appropriate services for their residents.

3. Additional Requirements for Permanent Supportive and Transitional Housing. In addition to the requirements under subsection (B)(1) of this section, permanent supportive housing and transitional housing are required to comply with the following:

a. Facility Standards.

i. In the RSR residential/sensitive resource, ~~SFL single-family~~LDR low density residential, ~~SFM single-family medium density residential,~~ and MHP manufactured home park zone districts, the following additional standards apply to permanent supportive and transitional housing:

(A) Occupancy Limits. Permanent supportive and transitional housing shall be limited by the minimum area per occupant established by the building code for a single-family detached residence.

(B) Occupancy Limit Exceptions. Additionally, special exceptions to the limit on the number of occupants of a permanent supportive and transitional housing may be granted for persons with disabilities.

(C) Appearance. Permanent supportive and transitional housing are required to be a housing type allowed in the underlying zone district~~single-family structure compatible with the surrounding area~~.

(D) Parking. Any parking spaces in excess of two shall be screened from public streets.

(E) ~~The single-family housing~~The appropriate design standards of the citywide design guidelines shall apply to all facilities.

ii. In the ~~MFM multifamily~~MDR medium density residential and ~~MFH multifamily~~HDR high density residential~~,~~ zone districts, the following additional standards apply to permanent supportive housing:

(A) Appearance. Permanent supportive housing facilities are required to maintain residential character.

(B) Individual facilities shall not have more than forty dwelling units and are subject to the density standards of residential uses allowed in the zone district where the facility is located.

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

b. Facility Services.

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

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

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

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

(B) Employment and education assistance.

(Ord. O2021-019, Added, 01/18/2022)

Section 64. A new Section TMC 18.42.160, Conversion of existing structures into residential use, is hereby added to the Tumwater Municipal Code to read as follows:

18.42.160 Conversion of existing structures into residential use.

A. Purpose.

1. The purpose of this section is to establish reasonable standards for the conversion of existing commercial, industrial, or institutional structures to residential structures or mixed use structures that include residential use to increase housing supply.

B. Definition.

1. "Existing commercial, industrial, or institutional structure" means a legally permitted structure that received a Certificate of Occupancy at least three years prior to the application for conversion.

C. Applicability.

1. This section is applicable to existing commercial, industrial, or institutional structures located in the MDR medium density residential, HDR high density residential, NC neighborhood commercial, MU mixed use, CBC Capitol Boulevard Corridor, GC general commercial, TC town center, HC historic commercial, and BD brewery district zone districts that allow multifamily residential as a permitted use.

D. Standards. Conversion of an existing commercial, industrial, or institutional structure to residential structure or mixed use structure that includes residential use shall meet the following requirements.

1. Density may be increased by no more than fifty percent above the underlying zone district maximum density if the conversion is constructed entirely within the envelope of the existing structure.

2. Existing parking must be retained unless the proposed conversion exceeds the minimum parking requirements for residential and applicable non-residential uses and then existing parking above the minimum parking requirements may be removed.

3. Conversions within the MU mixed use or GC general commercial zone districts must be mixed use with a residential use.

4. The existing structure must meet the development standards that are applicable to multifamily or mixed use development in the zone district.

5. Changes to the exterior design may be required if necessary for health and safety of the use of the interior of the structure.

6. Space being converted into residential use must meet the requirements of TMC Title 15.

7. Conversions within the existing building footprint are exempt from the traffic study requirements of TMC Chapter 15.48 and the environmental policy requirements of TMC Chapter 16.04.

Section 65. A new Section TMC 18.42.170, Permanently affordable housing provisions, is hereby added to the Tumwater Municipal Code to read as follows:

TMC 18.42.170 Permanently affordable housing provisions.

A. Permanently affordable dwelling units shall meet the definition of affordable housing in TMC 18.04.010;

B. Such dwelling units shall be maintained as affordable housing for a period of no less than 50 years;

C. A covenant or deed restriction approved by the city shall be recorded by the property owner that ensures the rental or ownership of units subject to these affordability requirements will remain consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years, and shall address criteria and

policies to maintain public benefit if the property is converted to a use other than that which continues to provide for permanently affordable housing; and

D. Dwelling units dedicated as affordable housing shall:

1. Be provided in a range of sizes comparable to other units in the project;

2. Contain the same proportion of the number of bedrooms in affordable units as the other dwelling units within the project; and

3. Be distributed throughout the project and have substantially the same functionality as the other units in the development.

Section 66. Section TMC 18.44.070, Exemptions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.070 Exemptions.

The following signs are exempt from the permit requirements of this chapter, 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. Signs associated with active construction posted during the construction period, and thirty days after an occupancy permit has been issued, subject to the following:

1. One unilluminated, double-faced sign is permitted for each public street upon which the project fronts;

2. No sign shall exceed thirty-two square feet in area or ten feet in height, or be located closer than thirty feet from the property line of the adjoining property; and

3. Signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;

B. 1. Signs up to eight square feet in area that are posted on developed residential property or buildings actively for sale, lease, or rental, limited to one sign per street frontage. Signs must be removed within thirty days of the sale, lease, or rental process being completed; and

2. Signs up to thirty-two square feet in area that are posted on undeveloped residential property or commercial or industrial property or buildings actively for sale, lease, or rental, limited to one sign per street frontage. Signs must be removed within thirty days of the sale, lease, or rental process being completed;

C. Traffic control signs established by the Manual on Uniform Traffic Control Devices (MUTCD), installed by a government entity, or authorized by the public works department;

D. Plaques, tablets, or inscriptions not exceeding four square feet in area, attached flat against a building, stationary and not lighted; provided, that not more than one such sign shall be allowed on any face of a building;

E. Flags flown from a permanent flagpole or pole bracket:

1. For flags and permanent flagpoles in residential zone districts (~~SFL single-family~~LDR low density residential, ~~SFM single-family medium density residential, MFM multifamily~~MDR medium density residential, ~~MFH multifamily~~ HDR high density residential, and MHP manufactured home park zone districts) flags are limited to twenty-four square feet in area and permanent poles are limited to twenty-five feet in height; and

2. In all other zone districts, flags are limited to ninety-six square feet in area and permanent flagpoles are limited to fifty feet in height. Flags larger than forty square feet in area must be at least one hundred feet away from residential zone districts (~~SFL single-family~~LDR low density residential, ~~SFM single-family medium density residential, MFM multifamily~~MDR medium density residential, ~~MFH multifamily~~MFH high density residential, and MHP manufactured home park zone districts);

F. Signs within a ballpark or other similar recreational facility and are intended to be primarily viewed from within that facility;

G. Noncommercial signs that are carried and not permanently or temporarily affixed;

H. Temporary noncommercial signs, including noncommercial A-frame signs, subject to the following:

1. The maximum height of freestanding signs shall be four feet;

2. Building mounted signs shall not be displayed above the roofline;

3. Signs shall not exceed six square feet in area in residential zone districts (RSR residential/sensitive resource, ~~SFL single-family~~LDR low density residential, ~~SFM single-family medium density residential, MFM multifamily~~MDR medium density residential, ~~MFH multifamily~~HDR high density residential, and MHP manufactured home park zone districts) and the temporary sign area limits for commercial and industrial zone districts found in TMC 18.44.150;

4. Signs shall not be placed within the rights-of-way or block the sight distance of motorists;

5. Signs shall not be illuminated internally or externally;

6. Signs shall not incorporate or include flags, spinners, pennants, ribbons, balloons, or similar devices;

7. Signs placed on the inside of windows shall not exceed fifty percent of the area of the window on which they are displayed in aggregate; and

8. Signs may be displayed for up to one hundred and twenty days in any calendar year;

I. Pennants, streamers, ribbons, motionless air-filled figures, or motionless gas-filled figures, subject to the following restrictions:

1. Such displays shall conform to the height restrictions for permitted signs; and

2. Such displays shall be allowed for a period not to exceed fourteen days in any calendar year;

J. Signs not intended to be viewed from and not readable from a public right-of-way;

K. Window merchandise displays;

L. Point-of-purchase displays;

M. Official or legal notices issued and posted by any public agency or court;

N. Historic plaques marking sites on Tumwater's Register of Historic Places under TMC Chapter 2.62;

O. Gravestones;

P. Signs painted directly on or attached to an operable motor vehicle operating in the normal course of business; and

Q. Signs of an official nature.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2014-020, Amended, 11/18/2014; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/19/1994; Ord. 1254, Amended, 02/05/1991; Ord. 883, Added, 05/06/1984)

Section 67. Section TMC 18.44.090, Existing signs, of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.090 Existing signs.

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

A. The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign.

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

C. Changes in the sign face wording of a nonconforming sign shall not be deemed an alteration under this section.

D. A nonconforming sign will cease to be a legal nonconforming sign if improvements are made to the property on which the sign is located amounting to twenty-five percent or greater of the assessed valuation of the property within any twelve-month period. Improvements to single-family detached dwellings shall be exempt from this requirement. Improvements made to any residential structure due to fire, earthquake, or storm damage, or other natural disasters shall be exempt from this requirement.

E. Any permanent nonconforming sign located in an area annexed into the city after January 1, 1996, shall be brought into compliance within five years of the date of annexation. Any temporary nonconforming sign located in an area annexed into the city after January 1, 1996, shall be brought into compliance within ninety days of the date of annexation.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/19/1994; Ord. 883, Added, 05/06/1984)

Section 68. Section TMC 18.44.140, Residential zone districts, of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.140 Residential zone districts.

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

A. Individual residences are allowed signs that when combined do not exceed six square feet in area;

B. A monument sign of up to thirty-two square feet in area may be permitted for each street frontage for a multiple-unit residential building of five units or more;

C. A monument sign of up to thirty-two square feet in area may be permitted for single-family detached dwelling and middle housing residential developments of five units or more at each entrance;

D. Any sign located within the front or side yard area shall comply with fence height regulations, as outlined in TMC Chapter 18.46;

E. One sign having a total of twelve square feet in area may be permitted for each nonresidential and nongovernmental use per parcel, except home occupations, which are limited by subsection A of this section;

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

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

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

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2017-007, Amended, 11/05/2018; Ord. O2014-020, Amended, 11/18/2014; Ord. O2010-029, Amended, 06/07/2011; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/19/1994; Ord. 883, Added, 05/06/1984)

Section 69. Section TMC 18.44.150, Commercial and industrial zone districts, of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.150 Commercial and industrial zone districts.

A. The following general regulations shall apply to the following zone districts: NC neighborhood commercial, CS community services, MU mixed use, GC general commercial, LI light industrial, HI heavy industrial, ARI airport related industry, TC town center, CBC capitol boulevard community, and BD brewery district:

1. Any sign located within the front yard area shall comply with fence height regulations, as outlined in TMC Chapter 18.46;

2. Signs shall be located at least two feet from the curb line or a service drive or travel lane;

3. All wall signs shall be flush against the building and shall not project above the roofline;

4. No freestanding sign shall be permitted to be higher than the principal building on the lot; provided, that no sign shall be higher than thirty feet; and provided also, that the height of any freestanding sign shall be limited to the heights set forth within each zon~~ing~~ district; and

5. No permanent window sign affixed to or incorporated into an exterior window shall exceed twenty-five percent of each window area.

B. The following specific regulations shall apply to signs in the NC neighborhood commercial zone district:

1. Signs shall be limited to a total of eighty square feet in area on all faces of all permanent freestanding signs; provided that no one sign face is larger than fifty percent of the total allowable sign area;

2. Wall signs shall be limited to an area not to exceed twenty percent of the public facade; provided, that the total area of signs on an individual public facade or other wall of a building does not exceed fifty percent of the sign area allowed for freestanding signs;

3. Twenty-five square feet in area shall be allowed for temporary signs; however, the temporary sign allowance shall be included in the signage amounts allowed for permanent signs;

4. No freestanding sign shall be higher than ten feet; and

5. The following specific regulations shall apply to pedestrian-oriented signs in the NC neighborhood commercial zone district:

a. Such signs shall not exceed eight square feet in area per sign face; provided, that such signs located below a pedestrian weather protection structure shall not exceed four square feet in area;

b. One such sign is allowed for each public entry of the first floor use onto the adjacent street;

c. The bottom of any sign of this type shall be at least nine feet above the sidewalk and shall not contain commercial messages other than the name of the use or business;

d. The maximum height of a pedestrian-oriented sign shall not exceed fifteen feet above the sidewalk; and

e. A pedestrian-oriented sign shall not be free-swinging and must not extend horizontally beyond the limits of a pedestrian weather protection structure.

C. The following specific regulations shall apply to signs in the CS community service and TC town center zone districts:

1. Signs shall be limited to a total of one hundred forty square feet in area on all faces of all permanent freestanding signs; provided, that no one sign face is larger than fifty percent of the total allowable sign area;

2. Wall signs shall be limited to an area not to exceed twenty percent of the public facade; provided, that the total area of signs on an individual public facade or other wall of a building does not exceed fifty percent of the sign area allowed for freestanding signs;

3. Freestanding signs are limited to monument signs only, and no freestanding sign shall be higher than six feet except within the TC town center civic subdistrict where they can be a maximum of eight feet tall as long as proper sight distances are met, which shall be shown on an engineered drawing and stamped by a professional engineer; and

4. The following specific regulations shall apply to pedestrian-oriented signs in the CS community service zone district:

a. Such signs shall not exceed eight square feet in area per sign face; provided, that such signs located below a pedestrian weather protection structure shall not exceed four square feet in area;

b. One such sign is allowed for each public entry of the first floor use onto the adjacent street;

c. The bottom of any sign of this type shall be at least nine feet above the sidewalk and shall not contain commercial messages other than the name of the use or business;

d. The maximum height of a pedestrian-oriented sign shall not exceed fifteen feet above the sidewalk; and

e. A pedestrian-oriented sign shall not be free-swinging and must not extend horizontally beyond the limits of a pedestrian weather protection structure.

D. The following specific regulations shall apply to signs in the MU mixed use, GC general commercial, LI light industrial, CBC capitol boulevard community, BD brewery district, and HI heavy industrial zone districts:

1. Signs shall be limited to a total of two hundred square feet in area on all faces of all permanent freestanding signs; provided, that no one sign face is larger than fifty percent of the total allowable sign area;

2. Wall signs shall be limited to an area not to exceed twenty percent of the public facade; provided, that the total area of signs on an individual public facade or other wall of a building does not exceed fifty percent of the sign area allowed for freestanding signs;

3. Seventy-five square feet in area shall be allowed for temporary signs; however, the temporary sign allowance shall be included in the signage amounts allowed for permanent signs;

4. No freestanding sign shall be higher than thirty feet; and

5. The following specific regulations shall apply to pedestrian-oriented signs in the MU mixed use, GC general commercial, LI light industrial, CBC capitol boulevard community, BD brewery district, and HI heavy industrial zone districts:

a. Signs shall not exceed eight square feet in area per sign face; provided, that such signs located below a pedestrian weather protection structure shall not exceed four square feet in area;

b. One such sign is allowed for each public entry of the first floor use onto the adjacent street;

c. The bottom of any sign of this type shall be at least nine feet above the sidewalk and shall not contain commercial messages other than the name of the use or business;

d. The maximum height of a pedestrian-oriented sign shall not exceed fifteen feet above the sidewalk; and

e. A pedestrian-oriented sign shall not be free-swinging and must not extend horizontally beyond the limits of a pedestrian weather protection structure.

E. The following specific regulations shall apply to signs in the ARI airport related industry zone district:

1. Signs shall be limited to a total of two hundred square feet in area on all faces of all permanent freestanding signs; provided, that no one sign face is larger than fifty percent of the total allowable sign area;

2. Wall signs shall be limited to an area not to exceed twenty percent of the public facade; provided, that the total area of signs on an individual public facade or other wall of a building does not exceed fifty percent of the sign area allowed for freestanding signs;

3. Twenty-five square feet in area shall be allowed for temporary signs; however, the temporary sign allowance shall be included in the signage amounts allowed for permanent signs; and

4. No freestanding sign shall be higher than thirty feet.

F. Illuminated awnings may be used in place of building-mounted signs in any commercial or industrial zone district, subject to the following restrictions:

1. Illuminated awnings shall not cover more than thirty-three percent of the face of any building;

2. Illuminated awnings shall not be placed higher than the first story of any building; and

3. Illuminated awnings shall conform to the hours of illumination set forth in TMC 18.44.170(D).

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2014-007, Amended, 07/15/2014; Ord. O2006-034, Amended, 07/17/2007; Ord. O2001-020, Amended, 05/07/2002; Ord. O97-025, Amended, 12/02/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/10/1994; Ord. 1254, Amended, 02/05/1991; Ord. 883, Added, 05/06/1984)

Section 70. Figure TMC 18.44.150, Sign height and area allowances, of the Tumwater Municipal Code is hereby amended to read as follows:

FIGURE 18.44.150

SIGN HEIGHT AND AREA ALLOWANCES

RESIDENTIAL DISTRICTS						
ZON~~E~~ING DISTRICT		MAXIMUM ALLOWABLE AREA			MAXIMUM HEIGHT	
	TEMPORARY NONCOMMERCIAL SIGNS	OCCUPANT, ADDRESS, HOME OCCUPATION IDENTIFICATION SIGNS	RESIDENTIAL MULTIUNIT OR DEVELOPMENT IDENTIFICATION SIGNS	NONRESIDENTIAL IDENTIFICATION SIGNS OTHER THAN HOME OCCUPATIONS	SIGNS NOT IN FRONT OR SIDE YARDS	SIGNS LOCATED WITHIN FRONT OR SIDE YARD AREAS
RSR, ~~SFL, SFM, MFM,~~	6 s.f.	6 s.f.	32 s.f. (one per street frontage)	12 s.f.	6 feet	Front yard: 42 in.

RESIDENTIAL DISTRICTS						
ZONE~~I~~NG DISTRICT		MAXIMUM ALLOWABLE AREA			MAXIMUM HEIGHT	
	TEMPORARY NONCOMMERCIAL SIGNS	OCCUPANT, ADDRESS, HOME OCCUPATION IDENTIFICATION SIGNS	RESIDENTIAL MULTIUNIT OR DEVELOPMENT IDENTIFICATION SIGNS	NONRESIDENTIAL IDENTIFICATION SIGNS OTHER THAN HOME OCCUPATIONS	SIGNS NOT IN FRONT OR SIDE YARDS	SIGNS LOCATED WITHIN FRONT OR SIDE YARD AREAS
~~MFH,~~LDR, MDR, ~~HDR,~~ AND MHP						Side yard: 72 in. (see note 1)

COMMERCIAL AND INDUSTRIAL DISTRICTS							
ZONE~~I~~NG DISTRICT	MAXIMUM ALLOWABLE AREA				MAXIMUM HEIGHT		MONUMENT SIGNS
	TEMPORARY SIGNS (see notes 3 and 4)	FREESTANDING SIGNS	BUILDING AND WALL SIGNS	ILLUMINATED AWNINGS	FREESTANDING SIGNS (See notes 1 and 2)	BUILDING AND WALL SIGNS	
NC	25 s.f.	80 s.f.	Limited to 20% of public facade; total area of any facade not to exceed 50% of freestanding sign limit	Illuminated awnings in place of building signs; no larger than 33% of building face; no higher than 1st story	10 ft.	All building and wall signs shall be flush against building and shall not project above the roof line	OPTIONAL
GB	N/A	32 s.f.			6 ft.		REQUIRED
OS	N/A	32 s.f.			6 ft.		REQUIRED
CS	N/A	140 s.f.			6 ft.		REQUIRED
TC	N/A	140 s.f.			6 ft.		REQUIRED
MU	75 s.f.	200 s.f.			30 ft.		OPTIONAL
GC	75 s.f.	200 s.f.			30 ft.		OPTIONAL
CBC	75 s.f.	200 s.f.			30 ft.		OPTIONAL
BD	75 s.f.	200 s.f.			30 ft.		OPTIONAL
ARI	25 s.f.	200 s.f.			30 ft.		OPTIONAL
LI	75 s.f.	200 s.f.			30 ft.		OPTIONAL
HI	75 s.f.	200 s.f.			30 ft.		OPTIONAL

NOTES:

1. On corner lots, signs located within fifteen feet of the intersection of property lines abutting the street are limited to thirty-six inches in height above grade.

2. The height of any freestanding sign may not exceed the height of the principal building.

3. The temporary sign allowance shall be included in the amounts allowed for permanent signs.

4. Maximum allowable sign areas may be increased within multiple building complexes or in multiple tenant buildings pursuant to TMC 18.44.155.

5. Signs on product dispensers and vending machines are included in the maximum allowed for freestanding signs.

ZONE~~ING~~ DISTRICTS

RSR Residential/Sensitive Resource	CS Community Services
~~SFL Single Family~~LDR Low Density Residential	TC Town Center
~~SFM Single Family Medium Density~~	MU Mixed Use
~~MFM Multifamily~~MDR Medium Density Residential	GC General Commercial
~~MFH Multifamily~~HDR High Density Residential	ARI Airport Related Industry
NC Neighborhood Commercial	LI Light Industrial
GB Greenbelt	HI Heavy Industrial
OS Open Space	CBC Capitol Boulevard Community
MHP Manufactured Home Park	BD Brewery District

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2014-007, Amended, 07/15/2014)

Section 71. Section TMC 18.44.170, Exterior lighting, of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.170 Exterior lighting.

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

A. 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;

B. Light that either prevents or tends to prevent proper interpretation of traffic-control lighting or signs shall not be permitted; and

C. 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.

D. In the NC neighborhood commercial, MU mixed use, TC town center, and the CS community service zone districts, signs may be illuminated during the actual hours of operation of the business on the property on which the sign is located, or until 10:00 p.m., whichever is later.

E. In the GC general commercial zone district, lighted signs located within two hundred feet of and visible from the RSR residential/sensitive resource, ~~SFL single-family low~~LDR density residential, ~~SFM single-family medium density residential,~~

~~MFM multifamily~~MDR medium density residential, ~~MFH multifamily~~HDR high density residential, or MHP manufactured home park zon~~eing~~ districts that are illuminated by incandescent, fluorescent, neon, or similar lighting sources shall either (1) be turned off at the close of business or 10:00 p.m., whichever is later, or (2) shielded by use of indirect lighting or translucent panels.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2001-020, Amended, 05/07/2002; Ord. O2000-004, Amended, 07/18/2000; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/19/1994; Ord. 883, Added, 05/06/1984)

Section 72. Section TMC 18.47.050, Types of landscaping, of the Tumwater Municipal Code is hereby amended to read as follows:

18.47.050 Types of landscaping.

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

A. Type 1 Landscaping – Sight Barrier Buffers.

1. Purpose. To provide a very dense sight barrier and physical barrier to significantly separate abutting incompatible zone districts (see Table 18.47). Landscaping of this type shall be used around the perimeter of the site, except where access for autos and pedestrians is required. Zone districts separated by public streets are not considered abutting and do not require vegetative separation in accordance with this section, except for proposed land uses listed under subsection C of this section that require type 1 landscaping on all sides.

2. Description.

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

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

i. A solid row of evergreen trees or shrubs.

ii. A solid row of evergreen trees and shrubs planted on an earthen berm an average of three feet high along its midline.

iii. A combination of trees or shrubs and fencing (metal or wood) or wall (brick, masonry or textured concrete).

c. Trees and shrubs should be spaced to grow together within four years from planting, and ground cover be provided to attain seventy-five percent coverage within four years.

B. Type 2 Landscaping – Visual Separation Buffers.

1. Purpose. To provide visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevation (see Table 18.47). Landscaping of this type may be used around the perimeter of the site, except where auto and pedestrian access is required. Zone districts separated by public streets are not considered abutting and do not require vegetative separation in accordance with this section, except for proposed land uses listed under subsections (C)(3) and (4) of this section that require type 2 landscaping on all sides. See TMC 18.47.020(F) for additional requirements that pertain to type 2 landscaping.

2. Description.

a. Trees shall be any combination of deciduous and evergreen (with no more than fifty percent being deciduous). One tree shall be provided for each twenty-five lineal feet of landscaped area.

b. A minimum planting area of eight feet in width shall be required.

c. Evergreen shrubs and ground cover must provide seventy-five percent coverage of the designated area within four years from planting.

C. Planting Requirements for Specific Uses.

1. The following uses require type 1 landscaping on all sides when located aboveground and not housed within a building or accessory to another use; and if located outside the public right-of-way:

a. Utility substation;

b. Sewage pumping station;

c. Water distribution facility;

d. Wireless communication tower; and

e. Wireless communication facility.

2. The following uses require type 1 landscaping on all sides not abutting a public street:

a. Medical clinic or hospital;

b. Mental health facility;

c. Inpatient facility;

d. Campgrounds/RV park;

e. Transportation facility, large scale or regional; and

f. Prison, jail, other corrections facilities, juvenile detention facility.

Note: Landscaping within fenced security areas and parking lots of facilities listed under subsection (C)(2)(f) of this section should not exceed a height of

twenty-four inches at maturity. Proposed landscaping plans should be reviewed by facility personnel to ensure landscaping does not interfere with facility security measures.

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

a. School;

b. Church;

c. Neighborhood community center;

d. Emergency housing and emergency shelter; and

e. Permanent supportive housing and transitional shelter.

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

a. Industrial uses (wholesaling, manufacturing, assembling, storing, repairing, fabricating and distribution of goods and other handling of products and equipment) within the LI Light Industrial and ARI Airport Related Industry zon~~e~~ing districts.

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

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

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

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

height for width of the space. Plant with a minimum of one shade tree and five shrubs per thirty-five linear feet of frontage, excluding driveway openings.

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

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

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

E. Parking Area Interior Buffers.

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

2. Description.

a. Design.

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

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

iii. Landscaping islands must be placed in every parking row at a maximum spacing of every ten parking spaces. Landscaping islands shall be a minimum of eight feet in width and shall extend the length of the parking stall. The minimum required width may be reduced for landscaping islands located in angled parking areas. In cases where no more than two parking rows wide are proposed for the entire parking lot, the maximum spacing requirement (ten spaces) may be varied as part of the site plan review process provided the total requirements for total landscaping area are met.

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

b. Required Amount.

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

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

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

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

F. Street Buffers.

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

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

G. Outdoor Storage Buffers.

1. Purpose. Provide visual relief surrounding storage areas.

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

H. Stormwater Facility Buffers.

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

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2008-014, Amended, 10/21/2008; Ord. O99-001, Amended, 04/20/1999; Ord. O97-024, Added, 03/03/1998)

Section 73. Section TMC 18.47.020, General requirements, and Table TMC 18.47, Required landscaping matrix, of the Tumwater Municipal Code is hereby amended to read as follows:

TABLE 18.47: REQUIRED LANDSCAPING MATRIX

	Abutting Zone**																
Zone Where Landscaping Is Required	**HI**	**LI**	**ARI**	**GC**	**TC**	**CS**	**HC**	**MU**	**CBC**	**BD**	**NC**	**MFHMDR**	**MFMHDR**	**MHP**	**SFMLDR**	**SFL**	**RSR**
RSR	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
LDRSFL	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
SFM	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
MHP	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2
MDRMFM	1	1	1	1	2	2	2	2	2	2	2			2	2	2	
HDRMFH	1	1	1	1	2	2	2	2	2	2	2			2	2	2	
NC	1	1	1	2	2	2	2	2	2	2	2	2	2	1	1	1	1
MU	1	1	1	2	2	2	2	2	2	2	2	2	2	1	1	1	1
CBC	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
BD	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
HC	1	1		2	2	2	2	2	2	2	2	2	2	1	1	1	1
CS	1	2		2	2	2	2	2	2	2	2	2	2	1	1	1	1
TC	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
GC	1	2	2	2	2	2	2		2	2	2	1	1	1	1	1	1
ARI	2	2	2	2	2	2	1	1	2	2	1	1	1	1	1	1	1
LI	2	2	2	2	2	2	1	1	2	2	1	1	1	1	1	1	1
HI	2	2	2	1	1	1	1	1	2	2	1		1	1	1	1	1
	Note: Type 1 and 2 landscaping are explained in TMC 18.47.050 preceding this matrix.																

** Zone districts separated by public streets are not considered abutting and do not require vegetative separation, except as required in other sections of this chapter.

LEGEND

RSR	Residential/Sensitive Resource	**CS**	Community Service	**HC**	Historic Commercial
SFLLDR	Single Family Low Density Residential	**MU**	Mixed Use	**ARI**	Airport Related Industry
SFM	Single Family Medium Density	**GC**	General Commercial	**TC**	Town Center

LEGEND

~~**MFM**~~**MDR**	~~Multifamily~~ Medium Density Residential	**LI**	Light Industrial	**CBC**	Capitol Boulevard Community
~~**MFH**~~**HDR**	~~Multifamily~~ High Density Residential	**HI**	Heavy Industrial	**NC**	Neighborhood Commercial
MHP	Manufactured Home Park	**BD**	Brewery District		

* Code reviser's note: A scrivener's error in the prior zoning code included the wrong requirements for buffers between MFM/MFH and MFM/MFM, an error that was inadvertently duplicated in Ordinance O2014-007. The Required Landscaping Matrix has been updated to include the correct provisions.

(Ord. O2018-007, Amended, 10/16/2018; Ord. O2014-007, Amended, 07/15/2014)

Section 74. Section TMC 18.48.150, Residential structures – Standards for designated manufactured homes, of the Tumwater Municipal Code is hereby amended to read as follows:

18.48.150 Residential structures – Standards for designated manufactured homes.

Any designated manufactured home that is used for residential purposes must meet the following standards:

A. Be comprised of at least two parallel sections each of not less than twelve feet wide by thirty-six feet long, except in the following instances:

1. The home is being installed as an accessory dwelling unit in accordance with TMC Chapter 18.42.

2. The home will be replacing an existing mobile home inside an existing mobile home park and the lot or space is too small to accommodate a designated manufactured home as described in this subsection A.

B. Be constructed with and now have a composition or wood shake or shingle, coated metal, or similar roof of nominal three-to-twelve pitch; and

C. Have exterior siding similar in appearance to siding materials commonly used on conventional site-built single-family ~~residences~~detached dwellings; and

D. Be set upon a permanent foundation, as specified by the manufacturer, and have the space from the bottom of the home to the ground enclosed by concrete or an approved concrete product which can be either load-bearing or decorative; and

E. Comply with all local design standards applicable to all other homes within the neighborhood in which the home is to be located; and

F. Be thermally equivalent to the energy code as adopted by TMC Title 15.

(Ord. O2010-017, Amended, 12/21/2010; Ord. O2005-011, Amended, 07/05/2005; Ord. O2001-012, Amended, 03/19/2002; Ord. O97-025, Amended, 12/02/1997; Ord. O95-035, Added, 12/19/1995)

Section 75. Section TMC 18.49.010, Intent, of the Tumwater Municipal Code is hereby amended to read as follows:

18.49.010 Intent.

The MHP manufactured home park ~~(MHP)~~ zone district is established to promote residential development that is high density, ~~single-family~~residential in character and developed to offer a choice in land tenancy. The MHP zone is intended to provide sufficient land for manufactured homes in manufactured home parks.

(Ord. O2008-009, Added, 02/17/2009)

Section 76. Section TMC 18.49.050, Development standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.49.050 Development standards.

Development in the MHP manufactured home park zone district must meet the following requirements:

A. Site Area. All residential developments (except for the use listed in TMC 18.49.020(D)) must meet the following density requirements:

1. Minimum: six dwelling units per acre;

2. Maximum: nine dwelling units per acre.~~, except that any density greater than eight dwelling units per acre shall be obtained only by~~ The purchase of transfer of development rights in accordance with TMC Chapter 18.57 would allow a maximum density of ten dwelling units per acre.

B. Density Calculation. The calculation of the density requirements in subsection A of this section is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs; open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.

2. Land that is intended for future phases of development.

3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to support facilities (except for stormwater detention, treatment, and infiltration facilities).

C. Land coverage, maximum impervious surface: eighty-five percent of total area of the parcel.

D. Structure height: forty feet, maximum; provided, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

E. Yards.*

1. Front: ten feet minimum from frontage property line.

a. Driveways in front yards on property lines abutting a public right-of-way must be a minimum of eighteen feet in length as measured along the shortest edge of the driveway starting from the front property line.

2. Side: five feet from property line, minimum.

3. Rear: five feet from property line, minimum.

Where structures are constructed over one story, the setback from the adjacent property line or lines shall be increased by ten feet for every story above the ground level story of the proposed new building, and shall be completely screened from view in accordance with TMC Chapter 18.47.

F. Park and Open Space Area. New development in the MHP manufactured home park zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and 18.42.130 and the citywide design guidelines.

*See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

(Ord. O2020-015, Amended, 02/16/2021; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-009, Added, 02/17/2009)

Section 77. Section TMC 18.50.020, Parking, loading and bicycle facility general regulations, of the Tumwater Municipal Code is hereby amended to read as follows:

18.50.020 Parking, loading and bicycle facility general regulations.

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

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

~~single-family medium~~ LDR low density residential zone districts, is erected, relocated, or expanded.

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

~~3~~2. When a use is changed to one requiring more or less parking or loading spaces.

B. Required Plans. Building permits and city business licenses shall not be issued until there is an approved site plan identifying parking and loading facilities in accordance with this chapter.

C. Unlawful Removal. Parking, loading, and bicycle facilities meeting the requirements of this chapter shall not be discontinued unless alternative facilities are established. These facilities shall not be reduced in total unless approved alternatives are provided in compliance with this chapter, or a change in occupancy or use of a premises has occurred which results in a reduction of required parking.

D. Use of Facility. The property owner is responsible for ensuring that parking and loading facilities are only used by persons or uses for which the facilities are provided, including shared, combined, or leased parking.

E. Off-Site Parking. Parking lots may be established as a separate and primary land use in zone districts where they are listed as permitted or conditional uses.

F. Location. Off-street parking facilities may be provided either on site or within a one-quarter mile (one thousand three hundred twenty feet) walk of the primary entrance to the building unless otherwise specified. Off-street parking spaces shall not be allowed within yard areas except for residential off-street parking as provided in TMC 18.50.030(C) or ten feet from the property line in the front yard setback of the LI light industrial zone district.

G. Unlisted Uses. Any use clearly similar to any of the uses listed in TMC 18.50.070 as determined by the community development director shall meet the requirement for such use. If a similarity of use is not apparent, the community development director may require a parking demand study or determine the standards that should be applied to the use in question.

H. When the number of required parking spaces or bicycle spaces for a particular use or building results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or greater shall be counted as one space, except for on-street credit wherein fractions shall be disregarded.

I. Maintenance. It shall be the duty of the owner(s) of a required parking area to maintain the area in a safe condition and in compliance with TMC 18.50.060.

J. Penalty. Any person found to have violated any of the provisions of this chapter shall be deemed to have committed a class 1 civil infraction pursuant to TMC Chapter 1.10.

Provided further, each day of continuing violation shall be considered a separate and distinct civil infraction.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2017-022, Amended, 12/05/2017; Ord. O2014-008, Amended, 10/07/2014; Ord. O2011-002, Amended, 03/01/2011; Ord. O98-009, Amended, 10/20/1998; Ord. O97-015, Added, 03/03/1998)

Section 78. Section TMC 18.50.030, Residential off-street parking, of the Tumwater Municipal Code is hereby amended to read as follows:

18.50.030 Residential off-street parking.

A. Required residential off-street parking spaces shall consist of an uncovered parking area, garage, carport, or combination thereof; and shall be located on the premises they are intended to serve.

B. Required parking spaces and driveways shall have a hard surface approved by the city, such as concrete, asphalt, or turfstone, except that driveways served by gravel roadways, and auxiliary parking spaces in excess of required parking, may be surfaced with gravel.

1. Gravel parking areas and driveways shall be designed to not track material into the public right-of-way to the satisfaction of the community development director and shall have a hard surface apron, a minimum of five feet wide adjacent to hard-surfaced public roads.

2. Existing lots of record one acre or larger in size, located in a residential zone district, and legally established prior to December 31, 1998, shall have the option of using gravel as a surface material for off-street parking spaces and driveways.

3. Existing lots of record located in a residential zone district with existing gravel parking areas legally established prior to December 31, 2025, shall have the option to continue using existing gravel parking areas as a surface material for off-street parking spaces and driveways up to a maximum of six spaces. ~~Gravel parking areas and driveways shall be designed to not track material into the public right-of-way to the satisfaction of the community development director and shall have a hard surface apron a minimum of five feet wide adjacent to hard-surfaced public roads.~~

C. Off-street parking spaces for single-family ~~units and duplexes~~ and middle housing dwellings shall not be allowed within required yard areas, except within an approved driveway which is at least five feet from the adjoining property line or shared with the neighboring lots.

D. Parking spaces in tandem, which is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress, shall

count towards meeting minimum parking requirements at a rate of one space for every twenty linear feet with any necessary provisions for turning radius.

E. Off-street parking shall not be required for a residential project if compliance with the tree retention requirements of TMC 16.08 would otherwise make a proposed residential development or redevelopment infeasible.

F. Existing off-street residential parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(Ord. O2014-008, Amended, 10/07/2014; Ord. O97-015, Added, 03/03/1998)

Section 79. Section TMC 18.50.060, Off-street parking areas – Design requirements, of the Tumwater Municipal Code is hereby amended to read as follows:

18.50.060 Off-street parking areas – Design requirements.

The following requirements shall apply to off-street parking areas accommodating four or more vehicles excluding single-family residential and ~~duplexes~~middle housing:

A. Each parking area shall be designed to enable ingress and egress without requiring the vehicle to back over sidewalks, onto any roadway with a speed limit over twenty-five miles per hour, or onto a roadway that may pose inherent risks to traffic and safety to be determined by the public works director.

B. Parking areas shall be designed to:

1. Utilize ninety-degree parking if most efficient;

2. Orient parking rows perpendicular to the building to enhance pedestrian safety when possible;

3. Define stalls with white, or otherwise visible and uniform, striping a minimum of four inches wide to facilitate movement and maintain an orderly parking arrangement;

4. Minimize unnecessary impervious surfaces; and

5. Ensure access to public transportation through the design of internal roadways, parking areas, and pedestrian paths.

C. Parking facilities should provide for pedestrian accessibility between uses for transportation efficiency.

D. Sidewalks or walkways shall be designed to ensure pedestrian safety by separating any driveway or parking area from a building or roadway. Parking

spaces must utilize approved wheel stops to prevent vehicle overhang of a sidewalk or walkway. (See interlock reduction in Figure 18.50.060(A).)

E. The surface of all parking and vehicle maneuvering areas shall have an approved hard surface such as asphalt, concrete or turfstone unless a hard surface would interfere with proper operations (such as agricultural uses) or some industrial uses such as a heavy equipment rental facility, general contractor equipment yard, and product lay-down yards associated with uses such as manufacturing, building material sales, and plant nurseries. Parking or maneuvering areas that do not use an approved hard surface shall use an approved prepared surface, such as gravel. Prepared surfaces shall be designed to not track material into the public right-of-way to the satisfaction of the community development director and shall have a hard surface apron a minimum of twenty feet wide adjacent to hard-surfaced public roads.

F. Landscaped islands or dividers shall be required at the end of parking bays to clearly define traffic and turning patterns.

G. Parking facilities shall comply with the landscaping provisions set forth in TMC Chapter 18.47.

H. Parking facilities shall be designed and maintained in accordance with the parking standards in Figures 18.50.060(A) and 18.50.060(B).

Figure 18.50.060(A)

REQUIRED PARKING DESIGN STANDARDS[1]					
Angle	Stall Width (A)	Stall Depth (B)[2]	Aisle Width (C)[3]	Parking Module Width (D)	Interlock Reduction (E)
45°	9' – 0"	17' – 4"	12' – 3"	46' – 11"	2' – 0"
50°	9' – 0"	18' – 4"	12' – 9"	49' – 5"	1' – 10"
55°	9' – 0"	18' – 6"	13' – 3"	50' – 3"	1' – 7"
60°	9' – 0"	18' – 10"	14' – 3"	51' – 11"	1' – 4"
65°	9' – 0"	19' – 0"	15' – 2"	53' – 2"	1' – 2"
70°	9' – 0"	19' – 2"	16' – 1"	54' – 5"	0' – 11"
75°	9' – 0"	19' – 0"	17' – 6"	55' – 6"	0' – 8"
90°	9' – 0"	18' – 0"	22' – 6"	58' – 6"	N/A

NOTES

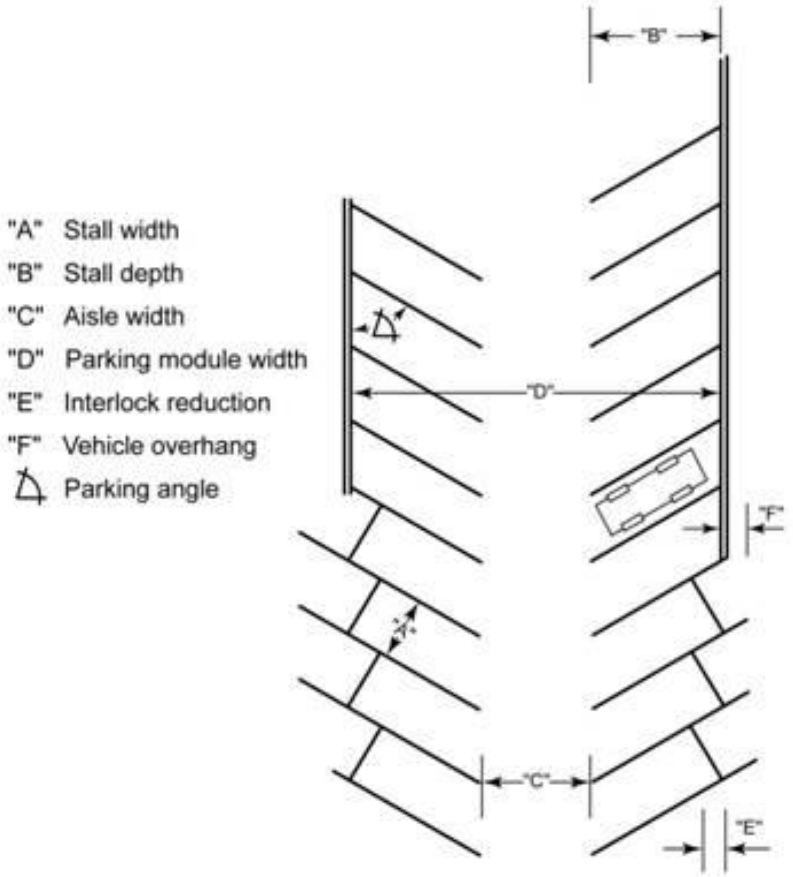
( ) Definitions for letters in parentheses appear in Figure 18.50.060(B).

1. Parking spaces for residential uses may not be required to exceed eight feet by twenty feet, except for parking required for people with disabilities;

2. For accessible parking standards, refer to TMC Chapter 15.04.

3. If parking aisle also serves as a required fire lane, the minimum unobstructed width shall be twenty feet.

Figure 18.50.060(B)



I. Accessible parking shall be provided in accordance with the building code, TMC Chapter 15.04.

J. Required High Occupancy Vehicles. All employers required to operate high occupancy vehicles (HOV) shall mark the closest parking spaces to the building "Reserved for HOV." These spaces shall not displace required accessible parking.

K. Parking lot lighting not exceeding twenty-four feet in height is required to provide safe access for pedestrians unless otherwise specified. All outdoor artificial light sources shall comply with TMC 18.40.035, Exterior illumination.

L. Employers with one hundred or more employees which use an administrative modification specified by TMC 18.50.075(B) to increase parking must meet the following design elements:

1. Double the amount of interior landscaping required under TMC Chapter 18.47 within the parking lot. Fifty percent of this requirement, if proven to be maintained, may be Grasscrete, Turfblock or other drivable pervious surface

within areas receiving sporadic use: usually the furthest from the building entrance.

2. Purchase and install a transit shelter to meet Intercity Transit operation needs unless already available within one-quarter mile and on the same side of the right-of-way as a primary entrance to the building. Intercity Transit may waive this requirement if it finds it impractical or may change the distance depending on density or demand.

3. Construct a transit pullout if subsection (L)(2) of this section is used, and if Intercity Transit finds it practical.

4. If transit requirements in subsections (L)(2) and (L)(3) of this section are deemed impractical or infeasible, credit may be given for other Intercity Transit or Thurston Regional Planning Council demand management strategies to the satisfaction of the community development director.

5. Construct a covered bicycle rack with secure bicycle lockers in accordance with TMC 18.50.120.

6. In those instances where site constraints impede these design elements, written findings of fact shall be made identifying site and project constraints, and shall be identified in the final project approval letter.

(Ord. O2017-022, Amended, 12/05/2017; Ord. O2014-008, Amended, 10/07/2014; Ord. O2010-017, Amended, 12/21/2010; Ord. O97-015, Added, 03/03/1998)

Section 80. Section TMC 18.50.070, Off-street parking space standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.50.070 Off-street parking space standards.

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

Figure 18.50.070(A)

RESIDENTIAL	NUMBER OF PRESCRIBED SPACES
Single-family dwelling and designated manufactured homes	Minimum of 2.0 spaces per dwelling unit.
Accessory dwelling	1.0 space per dwelling unit, if no on-street parking is available within 300 feet of the unit. Off-street parking is not required if an accessory dwelling unit is within one-half mile walking distance of a major transit stop.
Studio apartment	1.0 space per dwelling unit.
Multifamily dwelling	Minimum of 1.5 spaces per 1 – 2 bedroom dwelling unit, 2.0 spaces per 3+ bedroom dwelling units, plus 1.0 guest space for every 10 units.[1]
Middle housing	Minimum of 2.0 spaces per dwelling unit if lot is 6,000 square feet or larger, minimum of 1.0 space per dwelling unit is lot is less than 6,000 square feet.[2] Off-street parking

	is not required if a middle housing dwelling is within one-half mile walking distance of a major transit stop.
Senior housing	1.0 space per 2 bedroom unit plus 1.0 guest spaces for every 10 units.
Co-living housing	0.25 spaces per sleeping unit. Off-street parking is not required if a co-living housing facility is within one-half mile walking distance of a major transit stop.
Bed and breakfasts	1.0 space for each guest bedroom and 2.0 spaces for the operator.
Group foster home	1.0 space for each staff member plus 1.0 space for every 5 residents. Additionally, 1.0 space shall be provided for each vehicle used in connection with the facility.
Adult family home	1.0 space in addition to the space(s) required for the residential unit.
Residential care facility	1.0 space for each staff member plus 1.0 space for every 5 residents. Additionally, 1.0 space shall be provided for each vehicle used in connection with the facility.
Designated manufactured home park	1.0 spaces per lot or unit, whichever is greater. In addition, if recreation facilities are provided, 1.0 space per 10 units or lots, whichever is greater.
Home occupation	1.0 space for each employee outside of the immediate family in addition to the spaces required for the dwelling unit. If the occupation requires any customers and/or clients to visit the premises, at least 2.0 additional spaces shall be provided.

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

COMMERCIAL	NUMBER OF PRESCRIBED SPACES
Banks with drive-through windows/ATM units	3.0 per 1,000 square feet.
Beauty salon, barber shop	See Retail use.
Carpet and furniture showrooms	1.25 spaces per 1,000 square feet of gross showroom floor area. Each store shall have a minimum of 4.0 spaces.
Family child care home, child mini-day care center, child day care center	1.0 space for each staff member plus 1.0 space per 10 children. A facility located in a family residence must also provide required parking for a dwelling unit.
Hardware and building materials retailer	2.75 spaces per 1,000 square feet.
Hotel and motel	1.0 space for each room or suite and 1.0 space per manager's unit. Banquet and meeting rooms shall provide 6.0 spaces for 1,000 square feet of seating area. Restaurants are figured separately.
Laundromat, dry cleaner	See Retail use.
Market, shopping center, and large retail/wholesale outlet	Less than 20,000 square feet = 3.5 spaces per 1,000 square feet of gross floor area. Greater than 20,000 square feet = 3.25 spaces per 1,000 square feet of gross floor area.
Mini-storage facility	1.0 space for every 100 storage units and 2.0 spaces for permanent on-site managers with a minimum of 3.0 spaces for all facilities, regardless of size.
Mixed use	Shared or combined parking standards shall be used to calculate needed parking. This calculation is based upon

	the gross leasable area for each shop or business and does not include atriums, foyers, hallways, courts, maintenance areas, etc. See Shared and combined parking facilities, TMC 18.50.090.
Mortuary and funeral parlor	1.0 space per 75 square feet of assembly area or 13.0 stalls per 1,000 square feet of gross area, whichever is greater.
Offices, general	Gross floor area up to 2,000 square feet = 4.0 spaces per 1,000 square feet. GFA 2,001 to 7,500 square feet = 3.3 spaces per 1,000 square feet. GFA 7,501 to 40,000 square feet = 2.8 spaces per 1,000 square feet. GFA greater than 40,000 square feet = 2.5 spaces per 1,000 square feet.
Offices, government	3.5 spaces per 1,000 square feet.
Retail use	3.5 spaces per 1,000 square feet.
Automotive services (e.g., tire installation, lubrication, repair)	The community development director may require a parking demand study or determine the standards that should be applied to the use in question.
Warehouse distribution center, cross-dock facility, or motor freight terminal	1.0 space per 2,000 square feet, or the community development director may require a parking demand study or determine the standards that should be applied to the use in question.
Warehouse, storage	10,000 square feet or less = 1.0 space per 2,000 square feet, 10,001 to 20,000 square feet = 10.0 spaces plus 0.75 spaces for each additional 2,000 square feet, Over 20,000 square feet = 18.0 spaces plus 0.5 space for each additional 2,000 square feet; or the community development director may require a parking demand study or determine the standards that should be applied to the use in question.

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

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

EDUCATIONAL	**NUMBER OF PRESCRIBED SPACES**

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

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

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

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

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

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

~~D. Preexisting Conditions.~~

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

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

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

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

E. Additional standards for residential parking:

1. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.

2. Parking spaces in tandem must count towards meeting minimum parking requirements at a rate of one space for every twenty linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress.

3. Existence of legally nonconforming gravel surfacing in existing designated parking areas may be used to meet parking standards, up to a maximum of six parking spaces.

4. Parking spaces may not be required to exceed eight feet by twenty feet in the required parking design standards (Figure 18.50.060(A)), except for required parking for people with disabilities; and

5. If compliance with tree retention requirements would otherwise make a proposed residential development or redevelopment infeasible, off street parking requirements are waived.

6. Existing parking spaces that do not conform to the requirements of this section by December 16, 2025, are not required to be modified or resized, except for compliance with the Americans with disabilities act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2014-008, Amended, 10/07/2014; Ord. O2011-006, Amended, 11/15/2011; Ord. O97-015, Added, 03/03/1998)

Section 81. Section TMC 18.50.120, Required bicycle facilities, of the Tumwater Municipal Code is hereby amended to read as follows:

18.50.120 Required bicycle facilities.

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

A. Bicycle parking spaces shall be provided in accordance with Figure 18.50.120(A).

Figure 18.50.120(A)

Required Bicycle Parking Spaces	
Short-term (class 2) bicycle facilities:	
Parking areas or buildings with less than 150 vehicular parking spaces	2 spaces or 5% of vehicular spaces, whichever is greater
Parking areas or buildings with 150 or more vehicular parking spaces	8 spaces or 3% of vehicular spaces, whichever is greater
Residential uses	2 spaces or 1 space per 4 units, whichever is greater
Long-term (class 1) bicycle facilities:	
Commercial, industrial, and institutional uses or parking areas providing 50 or more vehicular parking spaces	1 space per 50 vehicular spaces, plus 1 space per 100 additional vehicular spaces
Residential uses	1 space per 4 units

B. Bicycle facilities satisfying Figure 18.50.120(A) shall meet the following requirements. Bicycle facilities provided in excess of Figure 18.50.120(A) shall only be required to meet subsections (A)(4) through (A)(6) of this section:

1. Covered to protect bicycles from weather;

2. Visible from primary entrances or provide signs indicating location;

3. Illuminated;

4. Secure to protect bicycles from theft through the use of racks, cages, lockers, or other approved methods;

5. Located within one hundred feet of primary entrances for employees, visitors, or residents unless combined with other uses on site for convenience, in which case bicycle facilities shall be located within two hundred feet of a primary entrance. Bicycle facilities should be located no farther away from the main entrance than the nearest nonaccessible space;

6. Accessible for bicycles, defined as the following:

   a. Provide proper maneuvering space (usually a minimum of twenty-four inches) between landscaping, buildings, and other obstructions;

   b. Not interfere with means of ingress or egress from the building; and

c. Accessible without using stairs.

~~B~~C. Short-term (class 2) bicycle facilities shall provide a secure and quickly accessible space to lock a bicycle to a bicycle rack.

1. Racks shall enable the use of a U-lock between the bicycle frame and the rack. Additionally, racks shall support the bicycle frame in two or more places (e.g., "inverted U").

2. Racks shall provide a bicycle parking space equal to twenty-two inches by six feet, unless placed side to side, in which case they may be placed thirty-six inches apart.

3. Prohibited racks include grid/comb/wheelbenders which only secure a wheel, and wave/ribbon racks.

4. Encouraged racks include inverted "U," "A," post and loop racks, and security rails.

5. Long-term bicycle facilities provided in excess of the minimum requirements shall serve to meet up to fifty percent of short-term bicycle facility requirements at the request of the land owner.

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

1. Each bicycle must be able to be individually locked or secured unless the facility is designed to only be used by an individual or family (such as in a private garage). If racks are used, they must be compliant with subsection B of this section.

2. Bicycle lockers are encouraged, but no site should depend solely on bicycle lockers for long-term storage. Bicycle lockers should have a see-through window or view-hole to discourage improper use.

3. Each residential unit shall have access to the required long-term bicycle space.

4. Long-term bicycle facilities shall be provided as specified in Figure 18.50.120(A).

~~D~~E. All major employers or major worksites as defined by RCW 70.94.524 shall provide a minimum of one shower and changing facility per gender.

~~E~~F. Administrative Modification. If, in the judgment of the community development director, required bicycle facilities are demonstrated by the applicant to be excessive for a particular development given its use (such as with a residential care facility or rest home), or if there are unusual circumstances which preclude the establishment of required bicycle facilities, the community development director may allow reduced standards. Administrative decisions may be appealed pursuant to TMC Chapter 14.12.

(Ord. O2024-005, Amended, 12/03/2024; Ord. O2022-013, Amended, 10/04/2022; Ord. O2014-008, Added, 10/07/2014)

Figure 18.50.060(A)

REQUIRED PARKING DESIGN STANDARDS					
Angle	Stall Width (A)	*Stall Depth (B)	**Aisle Width (C)	Parking Module Width (D)	Interlock Reduction (E)
45°	9' – 0"	17' – 4"	12' – 3"	46' – 11"	2' – 0"
50°	9' – 0"	18' – 4"	12' – 9"	49' – 5"	1' – 10"
55°	9' – 0"	18' – 6"	13' – 3"	50' – 3"	1' – 7"
60°	9' – 0"	18' – 10"	14' – 3"	51' – 11"	1' – 4"
65°	9' – 0"	19' – 0"	15' – 2"	53' – 2"	1' – 2"
70°	9' – 0"	19' – 2"	16' – 1"	54' – 5"	0' – 11"
75°	9' – 0"	19' – 0"	17' – 6"	55' – 6"	0' – 8"
90°	9' – 0"	18' – 0"	22' – 6"	58' – 6"	N/A

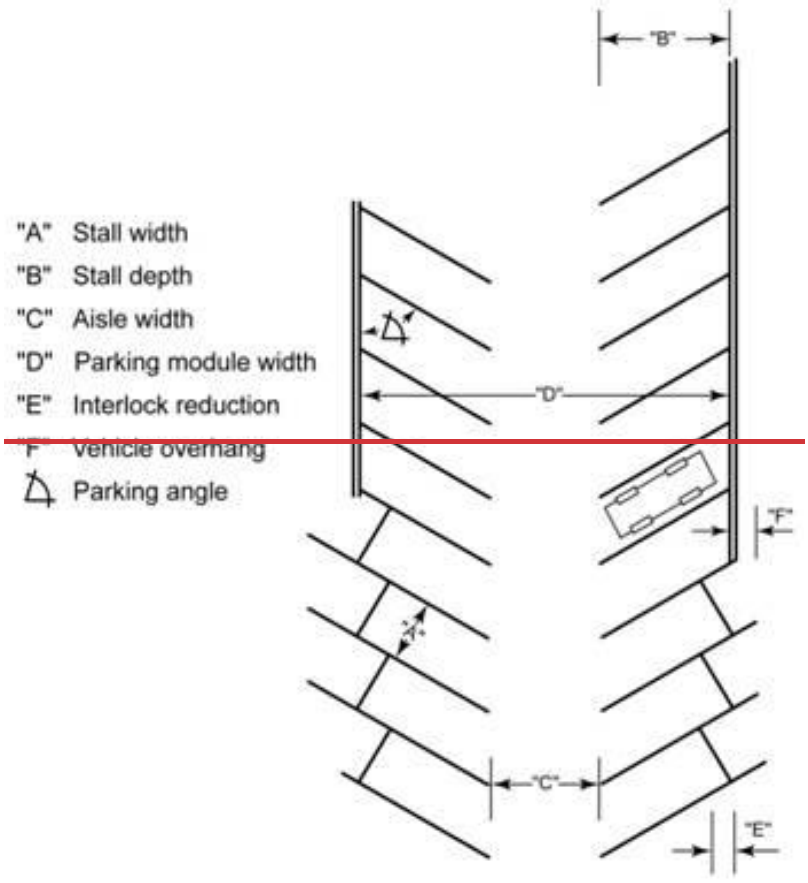
( ) Definitions for letters in parentheses appear in Figure 18.50.060(B).

* For accessible parking standards, refer to TMC Chapter 15.04.

** If parking aisle also serves as a required fire lane, the minimum unobstructed width shall be twenty feet.

(Ord. O2014-008, Amended, 10/07/2014)

Figure 18.50.060(B)



~~(Ord. O2014-008, Amended, 10/07/2014)~~

~~Figure 18.50.070(A)~~

~~RESIDENTIAL~~	~~NUMBER OF PRESCRIBED SPACES~~
~~Single-family dwelling (includes duplex and townhouse and designated manufactured homes)~~	~~Minimum of 2.0 spaces per dwelling unit.~~
~~Accessory dwelling~~	~~1.0 space per dwelling unit, if no on-street parking is available within 300 feet of the unit.~~
~~Studio apartment~~	~~1.0 space per dwelling unit.~~
~~Multifamily dwelling~~	~~1.5 spaces per 1 – 2 bedroom dwelling unit, 2.0 spaces per 3+ bedroom dwelling units, plus 1.0 guest space for every 10 units.[1]~~
~~Triplex and fourplex~~	~~1.5 spaces per 1 – 2 bedroom dwelling unit, 2.0 spaces per 3+ bedroom dwelling units, plus 1.0 guest space for every 10 units.[1]~~
~~Senior citizen apartment~~	~~1.0 space per 2 bedroom unit plus 1.0 guest spaces for every 10 units.~~
~~Rooming/boarding house and bed and breakfasts~~	~~1.0 space for each guest bedroom and 2.0 spaces for the operator.~~
~~Group foster home~~	~~1.0 space for each staff member plus 1.0 space for every 5 residents. Additionally, 1.0 space shall be provided for each vehicle used in connection with the facility.~~

Adult family home	1.0 space in addition to the space(s) required for the residential unit.
Residential care facility	1.0 space for each staff member plus 1.0 space for every 5 residents. Additionally, 1.0 space shall be provided for each vehicle used in connection with the facility.
Designated manufactured home park	1.0 spaces per lot or unit, whichever is greater. In addition, if recreation facilities are provided, 1.0 space per 10 units or lots, whichever is greater.
Home occupation	1.0 space for each employee outside of the immediate family in addition to the spaces required for the dwelling unit. If the occupation requires any customers and/or clients to visit the premises, at least 2.0 additional spaces shall be provided.

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

COMMERCIAL	NUMBER OF PRESCRIBED SPACES
Banks with drive-through windows/ATM units	3.0 per 1,000 square feet.
Beauty salon, barber shop	See Retail use.
Carpet and furniture showrooms	1.25 spaces per 1,000 square feet of gross showroom floor area. Each store shall have a minimum of 4.0 spaces.
Family child care home, child mini-day care center, child day care center	1.0 space for each staff member plus 1.0 space per 10 children. A facility located in a family residence must also provide required parking for a dwelling unit.
Hardware and building materials retailer	2.75 spaces per 1,000 square feet.
Hotel and motel	1.0 space for each room or suite and 1.0 space per manager's unit. Banquet and meeting rooms shall provide 6.0 spaces for 1,000 square feet of seating area. Restaurants are figured separately.
Laundromat, dry cleaner	See Retail use.
Market, shopping center, and large retail/wholesale outlet	Less than 20,000 square feet = 3.5 spaces per 1,000 square feet of gross floor area. Greater than 20,000 square feet = 3.25 spaces per 1,000 square feet of gross floor area.
Mini-storage facility	1.0 space for every 100 storage units and 2.0 spaces for permanent on-site managers with a minimum of 3.0 spaces for all facilities, regardless of size.
Mixed use	Shared or combined parking standards shall be used to calculate needed parking. This calculation is based upon the gross leasable area for each shop or business and does not include atriums, foyers, hallways, courts, maintenance areas, etc. See Shared and combined parking facilities, TMC 18.50.090.
Mortuary and funeral parlor	1.0 space per 75 square feet of assembly area or 13.0 stalls per 1,000 square feet of gross area, whichever is greater.
Offices, general	Gross floor area up to 2,000 square feet = 4.0 spaces per 1,000 square feet. GFA 2,001 to 7,500 square feet = 3.3 spaces per 1,000 square feet. GFA 7,501 to 40,000 square feet = 2.8 spaces per 1,000 square feet. GFA greater than 40,000 square feet = 2.5 spaces per 1,000 square feet.

Offices, government	3.5 spaces per 1,000 square feet.
Retail use	3.5 spaces per 1,000 square feet.
Automotive services (e.g., tire installation, lubrication, repair)	The community development director may require a parking demand study or determine the standards that should be applied to the use in question.
Warehouse distribution center, cross-dock facility, or motor freight terminal	1.0 space per 2,000 square feet, or the community development director may require a parking demand study or determine the standards that should be applied to the use in question.
Warehouse, storage	10,000 square feet or less = 1.0 space per 2,000 square feet, 10,001 to 20,000 square feet = 10.0 spaces plus 0.75 spaces for each additional 2,000 square feet, Over 20,000 square feet = 18.0 spaces plus 0.5 space for each additional 2,000 square feet; or the community development director may require a parking demand study or determine the standards that should be applied to the use in question.

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

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

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

HEALTHCARE	NUMBER OF PRESCRIBED SPACES
Nursing home, congregate care, rest home, hospice care home and mental health facility	1.0 space per 4 regular beds, plus 1.0 space for every regular employee on the largest shift.
Medical clinics	5.0 spaces per 1,000 square feet.

Emergency housing, emergency shelter, permanent supportive housing, and transitional shelter	A parking plan based on population served and projected needs should be submitted and approved by the community development director.

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

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

Figure 18.50.120(A)

Required Bicycle Parking Spaces	
Short-term (class 2) bicycle facilities:	
Parking areas or buildings with less than 150 vehicular parking spaces	2 spaces or 5% of vehicular spaces, whichever is greater
Parking areas or buildings with 150 or more vehicular parking spaces	8 spaces or 3% of vehicular spaces, whichever is greater
Residential uses	2 spaces or 1 space per 4 units, whichever is greater
Long-term (class 1) bicycle facilities:	
Commercial, industrial, and institutional uses or parking areas providing 50 or more vehicular parking spaces	1 space per 50 vehicular spaces, plus 1 space per 100 additional vehicular spaces
Residential uses	1 space per 4 units

(Ord. O2014-008, Added, 10/07/2014)

Section 82. Chapter TMC 18.51, Cottage housing, of the Tumwater Municipal Code is hereby amended to read as follows:

Chapter 18.51

COTTAGE HOUSING

Sections:
18.51.010 Intent.
18.51.020 Where permitted.
18.51.030 Development standards.

18.51.010 Intent.
It is the intent of this chapter to:

A. Provide opportunities for small, detached single-family housing types, clustered around an open space.

B. Provide traditional cottage amenities and proportions to ensure that cottage housing developments contribute to the overall community character.

C. Provide centrally located and functional common open space that fosters a sense of community.

D. Provide semi-private areas around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.

E. Ensure minimal visual impact from vehicular use and storage areas for residents of the cottage housing development, as well as adjacent properties, and maintain a ~~single-family~~low density residential character along public streets.

F. Take advantage of existing natural features on the site including topography and vegetation, where desirable.

G. Provide the opportunity for more affordable housing units.

H. Promote conservation of natural resources by clustering smaller dwelling units.

I. Provide energy-efficient dwelling units.

J. Provide more opportunity for infill development.

K. Provide incentives for green building certification and support low-impact development.

(Ord. O2017-002, Added, 02/21/2017)

18.51.020 Where permitted.
Cottage housing development shall be permitted in the following zone districts, consistent with the development standards in this chapter and those contained within the Citywide Design Guidelines:

A. RSR r~~R~~esidential/sensitive resource ~~(RSR)~~.

B. LDR ~~Single-family~~ low density residential ~~(SFL)~~.

~~C. Single-family medium density residential (SFM).~~

~~D~~C. MDR ~~Multifamily~~ medium density residential ~~(MFM)~~.

~~E~~D. MU Mixed use ~~(MU)~~.

~~F~~E. Triangle subdistrict of the BD brewery district.

~~G~~F. Bates south subdistrict of the BD brewery district.

~~H~~G. Bluff subdistrict of the BD brewery district.

~~I~~H. Deschutes subdistrict of the BD brewery district.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2017-002, Added, 02/21/2017)

18.51.030 Development standards.

A. Conflicts. Both the requirements of this chapter and those in the Citywide Design Guidelines are to be used for cottage developments. In instances where requirements conflict, the Citywide Design Guidelines requirements shall prevail.

~~1. Planned Unit Development (PUD). If the cottage housing development is processed as a PUD, the standards for open space, parking, setbacks, and minimum distance between structures as specified in the Citywide Design Guidelines shall apply.~~

B. Density. The density of the underlying zone governs unless a density increase is granted as provided in this chapter. The requirement for transfer of development rights (TDR) shall not apply to cottage developments.

1. Density Increases. The city may allow up to two cottage units for each regular dwelling unit allowed in the underlying zone district.

C. Cottage Clusters. Developments shall contain a minimum of four and a maximum of twelve dwellings located in a cluster to encourage a sense of community among the residents. A development site may contain more than one cottage cluster. The density bonus for clustering found in the underlying zone districts shall not apply to cottage developments.

D. Floor Area. The maximum allowed gross floor area is one thousand two hundred fifty square feet per dwelling. Floor area does not include covered porches, detached garages, areas accessible only by ladders (e.g., lofts (IRC 311.4)), or accessory structures. Maximum footprint shall not exceed one thousand square feet.

~~1. Cottages in the single-family low-density zone district may not be smaller than five hundred square feet in size.~~

~~2~~1. One accessory structure (excluding detached garages, carports, accessory dwelling units, or structures related directly to the use of the common open space area) is allowed per dwelling unit. This accessory structure may not exceed one hundred twenty square feet in size.

~~3~~2. One garage or carport (either detached or attached), not to exceed two hundred fifty square feet, is allowed per dwelling unit. Attached garages and carports must meet the requirements contained in the Citywide Design Guidelines.

E. Platting. A cottage development may be completed through a land division and a planned unit development.

1. Covenants, conditions and restrictions (CC&Rs) shall be submitted at the same time and in the same manner as required of any land division. In addition, CC&Rs for cottage developments shall address ownership and maintenance responsibilities, including but not limited to the following: the common open space areas, common drainage facilities, parking areas, and private roads. They shall also reflect the regulatory requirements regarding the minimum spacing requirements between structures (both primary and accessory) in effect at the time of final approval of the land division.

F. Design. Cottages are subject to the design criteria in the Citywide Design Guidelines, this chapter, and TMC Chapter 18.43. Where there are conflicts between the Citywide Design Guidelines, TMC Chapter 18.43, and the standards in this chapter, the standards of the Citywide Design Guidelines shall prevail.

G. Parking Requirements. The minimum required number of parking spaces is one per dwelling.

1. Mixed use developments shall provide no less than one parking space per dwelling. The nonresidential portion of the development shall provide parking in accordance with the off-street parking requirements of TMC Chapter 18.50.

H. Utility Elements. Utility meters and heating/cooling/ventilation equipment shall be located/designed to minimize visual impacts from the street and common areas.

I. Existing Nonconforming Structure.

1. On a lot to be used for a cottage housing development, an existing ~~detached~~ single-family ~~residential structure~~detached dwelling, which may be nonconforming with respect to the standards of this chapter, shall be permitted to remain, provided the house and any accessory structures are not enlarged and the development meets the standards herein. The existing dwelling shall be included in determining the allowable density for the site.

J. Accessory Dwelling Units.

~~1. There shall be no more than one accessory dwelling unit for every five primary dwelling units.~~

1~~2~~. An accessory dwelling unit may be attached to or detached from a new or existing ~~primary single-family~~principal residential structure ~~dwelling unit~~.

~~3~~2. The accessory dwelling unit will require one parking space, which is in addition to any off-street spaces required for the ~~primary single-family dwelling~~principal residential structure ~~unit~~.

~~4. The primary entrance to an accessory dwelling unit shall not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.~~

~~5~~3. To ensure that the accessory dwelling unit is clearly secondary to the ~~primary dwelling~~principal ~~unit~~residential structure, the floor area for the accessory dwelling unit in no case shall exceed ~~five hundred~~one thousand square feet, and the accessory dwelling unit shall contain no more than two bedrooms.

6. The number and location of accessory dwelling units for a cottage housing development shall be limited to those shown on the original approved site plan for the development.

K. Open space.

1. Open space shall be provided equal to a minimum 20 percent of the lot size.

2. Required open space may include common open space, private open space, setbacks, critical areas, and other open space.

3. At least one outdoor common open space shall be provided.

(Ord. O2017-002, Added, 02/21/2017)

Section 83. Section TMC 18.52.020, Family child care home, of the Tumwater Municipal Code is hereby amended to read as follows:

18.52.020 Family child care home.
A family child care home shall be a permitted use in all zon~~e~~ing districts permitting residences and shall be subject to the following requirements:

A. Meet Washington State child day care licensing requirements;

B. Comply with all building, fire safety, health code and business licensing requirements;

C. Lot size, building size, setbacks and lot coverage conform to the standards of the zon~~e~~ing district except if the structure is a legal nonconforming structure;

D. Signage, if any, will conform to TMC Chapter 18.44;

E. No structural or decorative alteration which will alter the ~~single family~~ character of an existing or proposed residential structure or be incompatible with surrounding residences is permitted.

(Ord. O95-035, Amended, 12/19/1995; Ord. 1288, Added, 06/04/1991)

Section 84. Section TMC 18.52.040, Child day care center, of the Tumwater Municipal Code is hereby amended to read as follows:

18.52.040 Child day care center.
A child day care center may be allowed in the designated zon~~e~~ing districts as follows:

A. A child day care center may be allowed in RSR residential/sensitive resource, ~~SFL, SFM, MFM, MFH~~LDR low density residential, MDR medium density

residential, HDR high density residential, or HI ~~zoning~~ heavy industrial HI zone districts only upon issuance of a conditional use permit pursuant to TMC Chapter 18.56 and subject to the following requirements:

1. Meet Washington State child day care licensing requirements;
2. Install an approved fire sprinkler system;
3. Possess a valid child day care business license from the city;
4. No structural or decorative alteration, which will alter the residential character of an existing residential structure used for a child care center, is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;
5. Be located so that access streets and parking and/or loading areas are sufficient to accommodate safely the number of vehicle trips associated with the day care use.

B. A child care center is a permitted use in TC town center, NC neighborhood commercial, MU mixed use, GC general commercial, CS community services, LI light industrial, HC historic commercial, and ARI airport related industry zon~~e~~~~ing~~ districts subject to the following requirements:

1. Meet Washington State child care licensing requirements;
2. Install an approved fire sprinkler system;
3. Possess a valid child day care business license from the city.

C. Limitations in Use of a Family Residence. No child day care center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation, or is separate from the usual living quarters of the family.

(Ord. O2017-017, Amended, 09/19/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2001-020, Amended, 05/07/2002; Ord. O97-025, Amended, 12/02/1997; Ord. O95-035, Amended, 12/19/1995; Ord. 1288, Added, 06/04/1991)

Section 85. Section TMC 18.53.020, Adult family home, of the Tumwater Municipal Code is hereby amended to read as follows:

18.53.020 Adult family home.

An adult family home shall be a permitted use in the following zon~~e~~~~ing~~ districts: GB greenbelt, OS open space, RSR residential/sensitive resource, ~~SFL, SFM, MFM, MFH,~~LDR low density residential, MDR medium density residential, HDR high density residential, MHP manufactured home park, CBC capitol boulevard corridor, BD brewery district, NC neighborhood commercial, MU mixed use, GC general commercial, CS community services, HC historic commercial, and TC town center.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2017-006, Amended, 07/18/2017; Ord. O97-025, Amended, 12/02/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Added, 06/04/1991)

Section 86. Section TMC 18.53.030, Residential care facility, of the Tumwater Municipal Code is hereby amended to read as follows:

18.53.030 Residential care facility.

A residential care facility shall be a permitted use in the following zon~~eing~~ districts: GB greenbelt, OS open space, RSR residential/sensitive resource, LDR low density residential, MDR medium density residential, HDR high density residential, MHP manufactured home park, CBC capitol boulevard corridor, BD brewery district, NC neighborhood commercial, MU mixed use, GC general commercial, CS community services, HC historic commercial, and TC town center.~~GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC, BD, NC, MU, GC, CS, HC, and TC~~.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O97-025, Amended, 12/02/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Added, 06/04/1991)

Section 87. Section TMC 18.54.040, Nonconforming lots of record, of the Tumwater Municipal Code is hereby amended to read as follows:

18.54.040 Nonconforming lots of record.

In any district in which single-family detached dwellings are permitted, a single-family detached dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance codified in this title, notwithstanding limitations imposed by other provisions of this title. 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 by decision of the hearing examiner.

(Ord. O95-035, Amended, 12/19/1995; Ord. 1259, Amended, 11/06/1991; Ord. 883, Added, 05/06/1984)

Section 88. Section TMC 18.55.020, Applicability, of the Tumwater Municipal Code is hereby amended to read as follows:

18.55.020 Applicability.

A. Site plan elements subject to this chapter include, but are not limited to:

1. Site layout;
2. Building orientation;
3. Pedestrian and vehicular access;
4. Signage;

5. Landscaping and natural features of the site;

6. Integration of stormwater management techniques;

7. Screening and buffering;

8. Parking and loading arrangements, and illumination; and

9. Design review.

B. Site planning is the horizontal and vertical arrangement of the elements in subsection A of this section that is compatible with the city's comprehensive plan and regulations, and the physical characteristics of a site and the surrounding area.

C. Site plan review shall be required in the following instances:

1. Construction or expansion of new facilities or structures, except for individual single-family detached dwellings, cottage houses, duplexes, triplexes, quadplexes, townhouses, and stacked units; or

2. Where, in the opinion of the director, the magnitude and character of the project is sufficiently complex to warrant site plan review, or the project could result in an adverse effect on adjacent properties or the subject property or other public facilities if not planned early and carefully.

(Ord. O2024-005, Added, 12/03/2024)

Section 89. Section TMC 18.55.030, Exemptions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.55.030 Exemptions.

A. Site plan review shall not be required for remodeling existing buildings or structures provided:

1. The alterations conform with any prior approved site plan review approval; or

2. The alterations do not modify the existing site layout.

B. The following types of uses are not exempt from site plan review unless they meet the conditions of subsection A of this section:

1. Individual single-family detached dwellings, cottage houses, duplexes, triplexes, ~~or~~ quadplexes townhouses, and stacked units located on property with critical areas; or

2. Two or more single-family detached dwellings, cottage houses, duplexes, triplexes, ~~or~~ quadplexes, townhouses, and stacked units built on the same lot.

(Ord. O2024-005, Added, 12/03/2024)

Section 90. Section TMC 18.56.140, "E" uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.56.140 "E" uses.

"Essential public facilities"

A. The following uses are considered essential public facilities, which shall require a conditional use permit as indicated in each individual zone. Additionally, the siting process outlined in subsection B of this section shall be followed.

1. Airports.

2. State education facilities.

3. Large scale state or regional transportation facilities.

4. Prisons, jails, and other correctional facilities (including but not limited to: jails; juvenile detention facilities; prisons and prerelease facilities; work release facilities).

5. Solid waste handling facilities.

6. Inpatient facilities including substance abuse facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities).

7. Mental health facilities (including but not limited to: congregate care facilities; adult residential treatment facilities; evaluation and treatment centers).

8. Sewage treatment facilities (not including individual or community wastewater treatment systems).

9. Emergency communication towers and antennas.

10. Secure community transition facilities.

B. Essential public facilities identified as conditional uses in the zon~~ing~~ district shall be subject, at a minimum, to the following requirements:

1. Essential public facilities classified as follows:

a. Type One. Multicounty facilities. These are major facilities serving or potentially affecting more than one county. These facilities include, but are not limited to, regional transportation facilities, such as regional airports; state correction facilities; and state education facilities.

b. Type Two. These are local or interlocal facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to, county jails, county landfills, organic material management facilities, community colleges, sewage treatment facilities, emergency communication towers and antennas, secure community transition facilities, and inpatient facilities (e.g., substance abuse facilities, mental health facilities, and group homes).

(Note: Such facilities, which would not have impacts beyond the jurisdiction in which they are proposed to be located, would be type three facilities.)

c. Type Three. These are facilities serving or potentially affecting only the jurisdiction in which they are proposed to be located.

In order to enable the city to determine the project's classification, the applicant shall identify the proposed service area of the facility and the approximate area within which the proposed project could potentially have adverse impacts, such as increased traffic, public safety risks, noise, glare, emissions, or other environmental impacts.

2. Provide early notification and involvement of affected citizens and jurisdictions as follows:

a. Type One and Two Facilities. At least ninety days before submitting an application for a type one or type two essential public facility, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment on the proposal. Applications for specific projects shall not be considered complete in the absence of proof of a published notice regarding the proposed project in a newspaper of general circulation in the affected area. This notice shall include the information described above and shall be published at least ninety days prior to the submission of the application.

It is expected that an environmental impact statement may be required for most type one and type two facilities in accordance with the SEPA environmental review process.

The Thurston Regional Planning Council may provide the project sponsor and affected jurisdictions with their comments or recommendations regarding alternative project locations during this ninety-day period.

(Note: The purpose of this provision is to enable potentially affected jurisdictions and the public to review and comment collectively on alternative sites for major facilities before the project sponsor has made their siting decision.)

b. Type Three Facilities. Type three essential public facilities are subject to the city's standard notification requirements for conditional uses.

3. Should any of the above-listed facilities be proposed to be sited in the city, they should be consistent with the intent of the underlying zoning of the proposed site.

4. Essential public facilities shall not have any probable significant adverse impact on critical areas or resource lands, except for lineal facilities, such as

highways, where no feasible alternative exists (adapted from county-wide Policy 5.2(a)).

5. Major public facilities, which generate substantial traffic, should be sited near major transportation corridors (adapted from county-wide Policy 5.2(b)).

6. Applicants for type one essential public facilities shall provide an analysis of the alternative sites considered for the proposed facility. This analysis shall include the following:

a. An evaluation of the site's capability to meet basic siting criteria for the proposed facility, such as size, physical characteristics, access, and availability of necessary utilities and support services;

b. An explanation of the need for the proposed facility in the proposed location;

c. The site's relationship to the service area and the distribution of other similar public facilities within the service area or jurisdiction, whichever is larger; and

d. A general description of the relative environmental, traffic, and social impacts associated with locating the proposed facility at the alternative sites, which meet the applicant's basic siting criteria. The applicant shall also identify proposed mitigation measures to alleviate or minimize significant potential impacts.

The applicant shall also briefly describe the process used to identify and evaluate the alternative sites.

7. The proposed project shall comply with all applicable provisions of the comprehensive plan, zoning ordinance, and other city regulations.

C. The following tables shall denote Tumwater's policies for siting and expansion of essential public facilities within existing zone districts: See Figures 18.56.140(A) and (B).

Figure 18.56.140(A)

CITY OF TUMWATER ESSENTIAL PUBLIC FACILITY SITING POLICIES FOR CITY ZONING																			
EPF Code	**Tumwater Zone Districts**																		
	RSR	**~~SF~~ L**	**~~SFM~~LDR**	**~~MFM~~MDR**	**HDR~~MFH~~**	**MU**	**CBC**	**NC**	**CS**	**GC**	**TC**	**LI**	**HI**	**HC**	**GB**	**OS**	**AP**	**ARI**	**BD**
A																		P	
B						C	C		C	C	C	C						C	C
C									C	C		C	C					C	C
D									C(3)(4)			C(3)(4)	C(3)(4)					C(3)(4)	

CITY OF TUMWATER ESSENTIAL PUBLIC FACILITY SITING POLICIES FOR CITY ZONING																			
EPF Code	**Tumwater Zone Districts**																		
	RSR	**~~SF~~ L**	**~~SFM~~LDR**	**~~MFM~~MDR**	**HDR~~MFH~~**	**MU**	**CBC**	**NC**	**CS**	**GC**	**TC**	**LI**	**HI**	**HC**	**GB**	**OS**	**AP**	**ARI**	**BD**
E												C	C					C	
F				C	C	C	C	C		C									
G				C	C	C	C	C		C									
H												C	C					C	
I		~~C~~	C	C	C	C		C	C	C	C(1)	C	C					C	
J												C(2)							

Figure 18.56.140(A) Footnotes:

"C" means conditional use; "P" means permitted use.

Shaded areas mean use is not permitted.

Figure 18.56.140(A) Explanatory Notes:

(1) In the TC town center zone district, emergency communication antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.

(2) "Secure community transition facilities" shall meet the following conditions:

A. Minimum Conditions.

1. Location.

a. In no case may a secure community transition facility be sited adjacent to, immediately across a street or parking lot from, or within the line of sight of risk potential activities or facilities in existence at the time a site is listed for consideration. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals;

b. In no case may a secure community transition facility be sited within three hundred feet of a residential zon~~e~~ing district;

c. Secure community transition facilities are permitted as a conditional use in the LI light industrial zon~~e~~ing district excluding LI light industrial zone districts north of Sapp Road Southwest and west of Crosby Boulevard Southwest;

2. Compliance with Statutory Requirements. The applicant shall provide verification from the Department of Social and Health Services that the proposed facility complies with all applicable state regulations and

requirements pursuant to Chapter 71.09 RCW. Where the requirements of this section conflict with the state requirements, the state requirements shall be adhered to over this section;

3. A maximum of three beds for sexually violent predators may be located within any secure community transition facility.

B. Process Requirements. In addition to the standard public notification requirements, all property owners and residents within one-half mile of the proposed project site shall be sent notice of the public hearing regarding the requested conditional use.

(3) "Juvenile detention facilities" shall meet the following conditions:

A. Minimum Conditions.

1. Location.

a. Buildings accommodating juvenile detention facilities shall not be located closer than two hundred feet from the boundary of a district in which the use is not allowed as a conditional use;

b. Juvenile detention facilities shall be located such that outside law enforcement officers can respond to a call for assistance within five minutes under typical conditions;

c. Advance life support service, as defined in RCW 18.73.030(19), must be available within five minutes under typical conditions;

2. Security.

a. The applicant shall submit a security plan, reviewed by the police chief, which at a minimum complies with applicable American Corrections Association's security standards for juvenile detention facilities. This plan shall identify staffing levels and scheduling, building security, and escape search plan, and provisions for immediate public notification of escapes;

3. Design.

a. Size. Juvenile detention facilities with capacity for up to seventy-five inmates shall be located on a site of at least five acres. Sites shall contain an additional four acres for each additional fifty-bed increase in capacity above this threshold;

b. Setbacks. The facility shall be set back at least seventy-five feet from public rights-of-way and property lines;

4. Landscaping/Buffers.

a. The applicant shall submit a landscaping plan, which serves to maintain or enhance the character of the area without jeopardizing security. This plan shall incorporate at least a twenty-five-foot landscaping buffer along public rights-of-way;

b. The applicant shall install an eight-foot-high fence in character with the neighborhood between the facilities and all property boundaries, with the exception of the landscaped street frontage, which effectively screens the site from adjacent properties. The hearing examiner may waive or lessen this requirement if he/she determines that, due to existing site features or the type of character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence;

c. Barbed wire topped fencing shall not be visible from public rights-of-way;

d. Outdoor activity areas located in residential districts shall not be visible from public rights-of-way or adjacent properties;

5. Noise.

a. The hearing examiner may require conditions to minimize potential noise impacts including, but not limited to, altering the locations of outdoor use areas and noise-generating facilities, and installations of noise reducing elements such as walls, berms, and landscaping;

6. Access.

a. Juvenile detention facilities shall have direct access to an arterial or collector unless the hearing examiner determines that access via lesser classifications of street would not be detrimental to neighborhood character and would not increase public safety risks.

B. Process Requirements. Property owners within one thousand four hundred feet of the proposed project site shall be sent notice of the public hearing regarding the requested conditional use.

(4) "Work release facilities" shall meet the following conditions:

A. Minimum Conditions.

1. General Requirements.

a. The applicant shall provide verification from the Department of Corrections (DOC) that the proposed facility complies with DOC standards and applicable state and local regulations;

b. The site must be within one-quarter mile of public transportation or an alternative transportation program, approved by the hearing examiner, must be provided to serve the needs of the facility's occupants;

2. Location.

a. Work release facilities shall not be located closer than five hundred feet from the boundary of a district in which the use is not allowed as a conditional use;

b. Setbacks. The facility shall be set back at least seventy-five feet from public rights-of-way and property lines;

c. Landscaping/Buffers.

i. The applicant shall submit a landscaping plan, which serves to maintain or enhance the character of the area without jeopardizing security. This plan shall incorporate at least a twenty-five-foot landscaping buffer along public rights-of-way;

ii. The applicant shall install an eight-foot-high fence in character with the neighborhood between the facilities and all property boundaries, with the exception of the landscaped street frontage, which effectively screens the site from adjacent properties. The hearing examiner may waive or lessen this requirement if he/she determines that, due to existing site features or the type of character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence;

d. Noise.

i. The hearing examiner may require conditions to minimize potential noise impacts including, but not limited to, altering the locations of outdoor use areas and noise generating facilities, and installations of noise reducing elements such as walls, berms, and landscaping;

e. Access.

i. The proposed site shall have direct access to an arterial or collector unless the hearing examiner determines that access via a lesser classification of street would not be detrimental to neighborhood character and would not increase public safety risks.

B. Process Requirements. Property owners within one thousand four hundred feet of the proposed project site shall be sent notice of the public hearing regarding the requested conditional use.

LEGEND

RSR – Residential/Sensitive Resource	NC – Neighborhood Commercial	LI – Light Industrial
~~SFL – Single-Family~~LDR – Low Density Residential	CS – Community Services	HI – Heavy Industrial
~~SFM – Single-Family Medium Density~~	ARI – Airport Related Industrial	HC – Historic Commercial
~~MFM – Multifamily~~MDR – Medium Density Residential	AP – Airport Overlay	GB – Greenbelt
~~MFH – Multifamily~~HDR – High Density Residential	GC – General Commercial	OS – Open Space
MU – Mixed Use	TC – Town Center	
CBC – Capitol Boulevard Community	BD – Brewery District	

Figure 18.56.140(B)

CITY OF TUMWATER LIST OF ESSENTIAL PUBLIC FACILITIES	
Essential Public Facility Code	**Essential Public Facility**
A	Airports
B	State education facilities
C	Large scale state or regional transportation facilities
D	Prisons, jails and other correctional facilities (including but not limited to: jails; juvenile detention facilities; prisons and prerelease facilities; work release facilities)
E	Solid waste handling facilities including organic materials management facilities
F	Inpatient facilities including substance abuse facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities)
G	Mental health facilities (including but not limited to: congregate care facilities; adult residential treatment facilities; evaluation and treatment centers)
H	Sewage treatment facilities (not including individual or community wastewater treatment systems)
I	Emergency communication towers and antennas
J	Secure community transition facilities
K	Other facilities designated by the Washington State Office of Financial Management as essential public facilities

(Ord. O2017-017, Amended, 09/19/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2014-007, Amended, 07/15/2014; Ord. O2013-025, Amended, 01/07/2014; Amended during 2011 reformat; O2008-015, Amended, 04/15/2008; Ord. O2006-021, Added, 07/10/2006; Ord. O2002-013, Amended, 08/20/2002; Ord. O2001-020, Amended, 05/07/2002; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 91. Section TMC 18.56.280, "S" uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.56.280 "S" uses.

"Schools"

A. Minimum Condition.

1. Twenty-five-foot setback on front, side, and rear yards. No off-street parking or loading area will be allowed in any required yard area.

"Senior housing facilities, assisted"

A. Senior housing facilities, assisted are permitted as conditional uses in the ~~MFH multifamily~~HDR high density residential zone district provided they meet minimum conditions (B)(1) through (4) of this section. Senior housing facilities,

assisted are also permitted as conditional uses in the ~~MFM multifamily~~MDR medium density residential and NC neighborhood commercial zone districts provided they meet minimum conditions (B)(1) through (3) of this section.

B. Minimum Conditions.

1. The minimum site area shall be adequate to provide the required parking, yards, and at least one off-street emergency loading space;

2. No off-street parking or loading areas will be allowed in any required yard area, as defined by the applicable zon~~cing~~ district's density regulations section;

3. Off-street parking shall be in accordance with TMC Chapter 18.50; provided, that the use shall not be eligible for an administrative modification to increase the number of required off-street parking stalls;

4. The proposed use shall not be subject to the transfer of development rights requirements of TMC 18.16.050 if total lot coverage of buildings does not exceed sixty percent of the total area of the lot.

"Storage, manufacture or sale of highly volatile or extremely hazardous substances and off-site hazardous waste treatment and storage facilities"

A. Minimum Conditions.

1. No handling of explosives or radioactive materials that present a potential public health or safety hazard;

2. Site of volatile or hazardous materials may be subject to additional setbacks as appropriate to ensure protection of residential areas, groundwater supplies, and concentrations of people;

3. The city may impose reasonable conditions to assure the public health and safety. Such conditions may include restrictions in hours of operation, transportation routing, material handling, site location, and other operation functions.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2017-006, Amended, 07/18/2017; Ord. O2013-025, Amended, 01/07/2014; Ord. O2008-009, Amended, 02/17/2009; Ord. O2002-013, Added, 08/20/2002; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O98-001, Added, 09/15/1998; Ord. O97-025, Amended, 12/02/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1095, Added, 01/20/1987; Ord. 883, Added, 05/06/1984)

Section 92. Section TMC 18.59.050, Homeless encampments, of the Tumwater Municipal Code is hereby amended to read as follows:

18.59.050 Homeless encampments.

A. Who May Apply. Homeless encampments shall be permitted only as an accommodation of religious exercise by a host agency and sponsoring agency on

property owned or controlled by the religious organization. Each host agency and sponsoring agency shall jointly apply for a permit under this section and shall jointly certify compliance with all applicable requirements for approval and conditions of this chapter and the application.

B. Definition. A homeless encampment as an accommodation of religious exercise by a host agency and sponsoring agency may include temporary uses limited to an outdoor encampment, an indoor overnight shelter, a tiny house village, or a vehicle resident safe parking.

~~B~~C. Applicable Procedures. A homeless encampment permit is a Type I ~~n~~ administrative ~~determination~~decision under TMC 14.12.010. In addition to the requirements ~~for administrative determinations~~ found elsewhere in this code, the following additional procedures apply:

1. Advance Notice Required. The sponsoring agency shall notify the city of the proposed homeless encampment a minimum of thirty days in advance of the proposed date of establishment for the homeless encampment. The advance notification shall contain the following information:

a. The date the homeless encampment intends to encamp;

b. The length of encampment;

c. The maximum number of residents proposed;

d. The host location; ~~and~~

e. The names of the host and sponsoring agencies; and~~.~~

f. A closure plan.

2. Public Meeting Required. The sponsoring agency shall conduct at least one public information meeting within, or as close to, the neighborhood where the proposed homeless encampment will be located, a minimum of two weeks prior to the issuance of the temporary use permit application. The time and location of the meeting shall be agreed upon between the city and sponsoring agency. All property owners within three hundred feet of the proposed homeless encampment shall be notified by mail a minimum of fourteen days in advance of the meeting by the sponsoring agency. In lieu of notice by mail, and with the approval of the city ~~of Tumwater~~, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within three hundred feet of the proposed encampment. These time periods may run concurrently with the time requirements in subsection (~~B~~C)(1) of this section.

3. Signs Required. The applicant shall provide notice of the application within the same timeframe identified above by posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The director shall establish standards for size,

color, layout, design, working, placement, and timing of installation and removal of the signs or placards.

4. Liability. Pursuant to RCW 35A.21.360(8), an appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless.

5. Restrictions on Homeless Served. Pursuant to RCW 35A.21.360(9), a religious organization hosting a homeless encampment that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

~~C~~D. Homeless Encampment – Criteria and ~~/~~Requirements for Approval. The community development director or designee may issue a temporary and revocable permit for a homeless encampment subject to the following criteria and requirements:

1. Site Criteria.

a. General.

i. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the homeless encampment.

~~b~~ii. The property must be sufficient in size to accommodate the ~~tents and~~ necessary on-site facilities, including but not limited to the following:

(A)~~i.~~ Sanitary portable toilets in the number required to meet capacity guidelines;

(B)~~ii.~~ Hand washing stations by the toilets and by the food areas;

(C)~~iii.~~ Refuse receptacles and regular garbage disposal; and

(D)~~iv.~~ Food tent and security tent.

~~c~~iii. The host and sponsoring agencies shall provide an adequate water source to the homeless encampment, as approved by the city.

~~d~~iv. No homeless encampment shall be located within a sensitive/critical area or its buffer as defined under TMC Title 16.

~~e~~v. No permanent structures will be constructed for the homeless encampment.

~~f~~vi. No more than forty residents shall be allowed. The city may further limit the number of residents as site conditions related to health and safety dictate.

~~g~~vii. Adequate on-site parking shall be provided for the homeless encampment. No off-site parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided. Except for vehicle resident safe parking meeting the requirements of TMC 18.59.050(D)(2)(c), i~~I~~f the homeless encampment is located on a site with another use, it shall be shown that the homeless encampment parking will not create a shortage of on-site parking for the other use(s) on the property.

viii~~h~~. The homeless encampment shall be located within one-quarter mile of a bus stop with seven days per week service, whenever possible. If not located within one-quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).

ix~~i~~. The homeless encampment shall be adequately buffered and screened from adjacent right-of-way and residential properties. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment and facilities related to the encampment behind buildings. The type of screening shall be approved by the city.

~~j~~x. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the city and may include, but is not limited to, a combination of fencing and/or landscaping.

~~2.~~b. Applicable to Specific Homeless Encampment Types.

i. Indoor Overnight Shelters. A religious organization may host temporary small houses on land owned or controlled by the religious organization, subject to the following:

(A) A memorandum of understanding between the host religious organization and the city with a renewable one-year duration;

(B) Maintenance of a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(C) Electricity and heat, if provided, must be inspected by the city;

(D) Space heaters, if provided, must be approved by the building and fire official;

(E) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(F) Each unit must have a fire extinguisher;

(G) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(H) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing; and

(I) Spaces used for overnight indoor shelters must have either a fire suppression system or at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(1) If the building and fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city may revoke the permit; and

(2) The host religious organization must enter into a memorandum of understanding for fire safety that includes building and fire official inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(i) Posted safe means of egress;

(ii) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers; or

(iii) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the city fire department;

ii. Tiny House Villages. A religious organization may host temporary small houses on land owned or controlled by the religious organization, subject to the following:

(A) A memorandum of understanding between the host religious organization and the city with a renewable one-year duration;

(B) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(C) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(D) Space heaters, if provided, must be approved by the local fire authority;

(E) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(F) Each unit must have a fire extinguisher;

(G) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water; and

(H) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

iii. Vehicle Resident Safe Parking. A religious organization may host any other congregationally sponsored uses and the parking to support those uses to provide services for people who are homeless during the hosting, except for:

(A) No less than one parking space may be devoted to safe parking per ten on-site parking spaces and no more than two safe parking spaces per ten on-site parking spaces;

(B) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(C) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the city;

2. Security.

a. An operations and security plan for the homeless encampment shall be submitted to the city at the time of application.

b. The host agency shall provide to all residents of the homeless encampment a code of conduct for living at the homeless encampment. A copy of the code of conduct shall be submitted to the city at the time of application and shall be in substantially the following form or address the following issues:

i. Possession or use of illegal drugs is not permitted.

ii. No alcohol is permitted.

iii. No weapons are permitted.

iv. All knives over three and one-half inches must be turned in to the encampment manager for safekeeping.

v. No violence is permitted.

vi. No open flames are permitted, except within a common cooking facility if approved in advance by the fire department.

vii. No trespassing into private property in the surrounding neighborhood is permitted.

viii. No loitering in the surrounding neighborhood is permitted.

ix. No littering on the homeless encampment site or in the surrounding neighborhood is permitted.

Nothing in this section shall prohibit the host agency, sponsoring agency or encampment manager from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.

c. All homeless encampment residents must sign an agreement to abide by the code of conduct and failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the property.

d. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay. Logs shall be kept a minimum of six months.

e. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID, such as a driver's license, government-issued identification card, military identification, or passport from prospective and existing encampment residents.

f. The sponsoring agency will use identification to obtain sex offender and warrant checks from the Washington State Patrol.

i. If said warrant and sex offender checks reveal either (1) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (2) the subject of the check is a sex offender, required to register with the county sheriff or their county of residence pursuant to RCW 9A.44.130, then the sponsoring agency will reject the subject of the check for residency to the homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

ii. The sponsoring agency shall immediately contact the police department if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant or if, in the opinion of the on-duty designated representative or the on-duty security staff, the rejected/ejected person is a potential threat to the community.

g. The sponsoring agency shall self-police and self-manage its residents and flatly prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering or disturbing the neighbors while located on the property.

h. The sponsoring agency will appoint a designated representative to serve "on-duty" at all times to serve as a point of contact for city of Tumwater police and will orient the police as to how the security tent operates. The names of the on-duty designated representatives will be posted daily in the security tent. The city shall provide contact numbers of nonemergency personnel which shall be posted at the security tent.

3. Timing.

a. The duration of the homeless encampment shall not exceed ~~one hundred eighty days.~~six months.

b. No additional homeless encampments ~~may~~ shall be allowed on the same parcel of property in ~~any twelve~~the three-month period beginning on the date the temporary permit homeless encampment expires ~~locates on~~and the homeless encampment is no longer on a parcel of property.

c. ~~No more than one homeless encampment may be located in the city at any time.~~Outdoor encampments by religious organizations shall not be located within one thousand feet of another outdoor encampment hosted by a religious organization.

4. Health and Safety.

a. The homeless encampment shall conform to the following fire requirements:

i. There shall be no open flames permitted, with the exception of propane heating within a common cooking facility if approved in advance by the fire department;

ii. No heating appliances within ~~the~~ individual tents are allowed;

iii. A common tent may provide community cooking facilities and services including cooking appliances for the camp, if approved by the host agency, the health department, and the fire department. No cooking appliances are allowed in individual tents;

iv. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department;

v. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the fire department;

vi. Adequate separation between tents and other structures shall be maintained as determined by the fire department; and

vii. Electrical service shall be in accordance with recognized and accepted practice. Electrical cords are not to be strung together and any cords used must be approved for exterior use.

b. The sponsoring and host agencies shall permit inspections by city staff and the Thurston County health department at reasonable times without prior notice of compliance with the conditions of this permit.

6. Director's Decision.

a. Purpose. The director shall review the proposal for compliance with the provisions of this chapter and all other applicable law; to ensure that the health, safety and welfare of the citizens of the city are preserved; and to provide an expedient and reasonable land use review process for decisions and interpretations of this chapter.

b. Director Authority. The director may modify the submittal requirements as deemed appropriate.

c. Notice of Decision. The director shall notify the sponsoring and host agencies of his or her decision to approve, modify or deny the application within a timely manner, but not prior to fourteen days after the public meeting.

7. Termination. If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the city learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the temporary use permit may be immediately terminated.

8. Revocation. Upon determination that there has been a violation of any approval criteria or condition of application, the director may give written notice to the permit holder describing the alleged violation. Residents of the encampment shall be notified of the revocation notice by the sponsoring agency within two days of receipt of the notice from the director. Within fourteen days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the fourteen-day period, the director shall sustain or revoke the permit. When a temporary homeless encampment permit is revoked, the director shall notify the permit holder by certified mail of the revocation and the findings upon which the revocation is based. Residents must vacate the site within forty-eight hours from the receipt of the notification. Appeals of decisions to revoke a temporary encampment permit shall be to Thurston County superior court.

(Ord. O2011-014, Amended, 12/20/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2007-017, Added, 12/18/2008)

Section 93. City-Wide Zoning Map Adoption. The City Council of the City of Tumwater hereby adopts the amended City of Tumwater City-Wide Zoning Map as shown in Exhibit A attached hereto and incorporated herein by reference.

Section 94. Citywide Design Guidelines Adoption. The City Council of the City of Tumwater hereby adopts the City of Tumwater Citywide Design Guidelines as shown in Exhibit B attached hereto and incorporated herein by reference.

Section 95. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 96. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 97. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 98. **Declaration of Emergency – Effective Date**. For the reasons set forth above, and to promote the objectives stated herein, the City Council finds that a public emergency exists, necessitating that this ordinance take effect immediately upon its passage by unanimous vote of the City Council in order to protect the public health, safety, property, and general welfare. This ordinance shall take effect and be in force immediately upon unanimous passage by the City Council.

Section 99. **Alternative Effective Date**. If this Ordinance does not become effective immediately as provided in Section 98, then this Ordinance shall become effective thirty days after passage, approval, and publication as provided by law.

ADOPTED this _____day of _____, 2026.

CITY OF TUMWATER

_____
XXXX, Mayor

ATTEST:

_____
Melody Valiant, City Clerk

APPROVED AS TO FORM:

_____
Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

Exhibit "A"

City of Tumwater City-Wide Zoning Map

[Attach City-Wide Zoning Map]

Exhibit "B"

Tumwater Citywide Design Guidelines

[Attach the City of Tumwater Citywide Design Guidelines]