

ORDINANCE NO. O2015-001

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Title 18 of the Tumwater Municipal Code to encourage multifamily structures in the General Commercial zone district as particularly described herein.

WHEREAS, Chapter 18.22 of Title 18 (zoning) of the Tumwater Municipal Code allows multifamily residential as part of a mixed use structure or as a single-use structure at a minimum of five stories in height; and

WHEREAS, there is a growing need for multifamily housing in close proximity to the local community college; and

WHEREAS, the amendments set forth herein modify Chapter 18.22 to provide flexibility for developing certain General Commercial-zoned properties with single-use multifamily structures at heights less than five stories; and

WHEREAS, the amendment was reviewed in conformance with the City of Tumwater's Public Participation and Intergovernmental Coordination Procedures contained in its Comprehensive Plan, which meet the Growth Management Act requirements for the same; and

WHEREAS the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (Dec. 2006) was reviewed and utilized by the City in objectively evaluating the amendments proposed by this ordinance; and

WHEREAS, the City of Tumwater forwarded the amendment to the Washington State Department of Commerce for review, as required by RCW 36.70A.106; and

WHEREAS, the Washington State Department of Commerce acknowledged receiving the amendment on April 28, 2015; and

WHEREAS, the City issued a Determination of Nonsignificance for the amendment on May 7, 2015, in accordance with the State Environmental Policy Act (SEPA), WAC 197-11, and Chapter 16.04 of the Tumwater Municipal Code; and

WHEREAS, the Tumwater Planning Commission held a public hearing on the amendment on May 12, 2015, and considered all testimony and evidence before making a recommendation to City Council; and

WHEREAS, City Council, after considering all of the testimony and evidence, finds that the amendments support the health, safety and welfare, and are in the best interests of the residents of the City of Tumwater.

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

Section 1. Table 18.18 of the Tumwater Municipal Code is hereby amended to read as follows:

TABLE 18.18

COMMERCIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the town center (TC zone district); and Table 18.27.040 for commercial uses allowed in the BD zone district	NC	CS	MU	CBC	GC	BP	HC	Applicable Regulations
Adult family homes, residential care facilities	P	P	P	P	P		P	18.53; 18.56
Animal clinics	C		C	C	C			18.56
Animal kennels					C			18.56
Appliance equipment repair/sales					P			
Attached wireless communication facilities	P	P	P		P	P		11.20; Figure 11.20.030-1
Auto repair facility					C			18.56
Automobile service stations			C		P			18.56
Buildings higher than 50 feet			C	P	C			18.56; 18.21
Campgrounds					P			
Cemeteries	C							18.56
Centers for senior citizens, youth, general community and similar groups			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				18.56
Civic center complex			P	P				
Community center		P						
Community gardens	P	P	P	P	P	P	P	
Convalescent center, rest home, nursing home	C		C	C	C			18.56
Crematories						P		
Dance clubs				P				18.21.030
Educational institutions/services (other than state education facilities)		P					P	
Electric vehicle infrastructure	P	P	P	P	P	P	P	
Emergency communication towers or antennas	C	C	C		C	C		18.56
COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses	NC	CS	MU	CBC	GC	BP	HC	Applicable Regulations

allowed in the town center (TC zone district); and Table 18.27.040 for commercial uses allowed in the BD zone district								
Entertainment facility		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	18.52
Farmers markets	P	P	P	P	P	P	P	
Fish hatcheries, associated appurtenances, and related interpretive centers							P	
Freestanding wireless communication facilities	C	C	C		C	C		11.20; Figure 11.20.030-1; 18.56
Gas station (4-hose in conjunction with retail sales of no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P							
Group foster homes	C	P	P	P	P			18.56
High-rise residential (five stories or more)				P	C			18.56; 18.21
Inpatient facilities	C		C	C	C			18.56
Library, museum, art gallery	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)						P		
Marijuana retailer				P	P			18.42.080
Medical clinics	P		P	P	P			
Mental health facilities	C		C	C	C			18.56
Mini-storage, wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or other handling of such products and equipment					C			18.56
Mixed use structures	P		P	P	P			
Motels, hotels			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				
Multifamily dwellings			P				P	
<u>Multifamily dwellings three or four stories</u>					P			<u>18.22.020</u>
Nurseries			P	C	P			18.21.050
COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses	NC	CS	MU	CBC	GC	BP	HC	Applicable Regulations

allowed in the town center (TC zone district); and Table 18.27.040 for commercial uses allowed in the BD zone district								
Off-premises signs	C		C	C	C			18.56
Offices	P	P	P	P	P	P	P	
Parcel delivery facility		P						
Park and ride lots	P	P	C	P	P			18.56; 18.21.030(D)
Parking lots, parking structures		P	C	P & C	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	
Personal and professional services		P	P	P	P		P	
Personal and professional services or sales (no more than 3,000 square feet)	P							
Planned unit developments	P	P	P	P	P	P		18.36
Post office	P	P	P	P	P		P	
Prisons, jails and other correctional facilities		C			C			18.56
Private clubs and lodges		C	P	P	P			18.56
Private educational facilities				P	C			
Public and/or private schools (other than state education facilities)	C	P	C	P	C			18.56
Recreation facilities	P	P	P	P	P	P	P	
Recreational vehicle park					P			
Residential uses			P	P	P		P	18.20.030
Restaurants		P	P	P	P	P	P	
Restaurants (without drive-in windows)	P							
Retail sales			P	P	P		P	
Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P							
Retail sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)	C							
Retail sales (no more than 15,000 square feet)		P						
Riding academies					P			
Senior housing facilities	C		P	P				18.56
Sewage treatment facilities						C		18.56
State education facilities		C	C	C	C			18.56
Support facilities	P	P	P	P	P	P	P	
COMMERCIAL DISTRICTS	NC	CS	MU	CBC	GC	BP	HC	Applicable

Note: See Figure 18.23.020 for commercial uses allowed in the town center (TC zone district); and Table 18.27.040 for commercial uses allowed in the BD zone district								Regulations
Taverns, cocktail lounges		C	C	P	C		P	18.56
Transportation facilities, large-scale state or regional		C			C	C		18.56
Transportation terminals					C			18.56
Used motor oil recycling collection point	P		P		P			
Wholesale business establishments, including warehousing and storage located entirely within a building but not more than 50 percent of any one building						P		
Wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or other handling of products entirely within a building							P	

LEGEND

- P = Permitted Use
 - C = Conditional Use
 - NC = Neighborhood Commercial
 - CS = Community Services
 - MU = Mixed Use
 - CBC = Capitol Boulevard Community
 - GC = General Commercial
 - BP = Business Park
 - HC = Historic Commercial
- Note: Accessory uses are listed in each zone district chapter.

(Ord. O2014-012, Amended, 08/19/2014; Ord. O2014-007, Amended, 07/15/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2012-003, Amended, 07/17/2012; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2003-001, Amended, 02/18/2003)

Section 2. Section 18.22.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.22.020 Permitted uses.

Uses permitted in the GC district are as follows:

- A. Professional services;
- B. General retail sales;
- C. General offices;
- D. Appliance equipment repair;
- E. Support facilities;
- F. Parks/open space;
- G. Recreational facilities;
- H. Restaurants;
- I. Automobile service stations including car washes;
- J. Post offices;
- K. Motels, hotels;
- L. Planned unit developments (PUD);

- M. Medical clinics;
- N. Child day care center, child mini-day care center;
- O. Adult family homes, residential care facilities;
- P. Group foster homes;
- Q. Private clubs and lodges;
- R. Family child care home;
- S. Mixed use structures;
- T. Multifamily residential structures consisting of a minimum of three and a maximum of four stories on sites within one quarter mile of a degree-granting state education facility. A minimum density of fourteen (14) dwelling units per acre shall be provided. Calculation of density is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs, open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of 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.

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

- TU. Personal services;
- UV. Used motor oil recycling collection point;
- VW. 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;
- WX. Parking structures;
- XY. Park and ride lots;
- YZ. Museum, library, art gallery;
- ZAA. Campgrounds, recreational vehicle parks;
- AABB. Riding academies;
- BBCC. Entertainment facilities;
- CCDD. Nurseries;
- DEEE. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- EEFF. Equipment rental and sales facilities;

FFGG. 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;

GGHH. Electric vehicle infrastructure;

HHII. Community gardens;

IJJJ. Farmers markets;

JJKK. Marijuana retailer;

KKLL. 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.

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

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

Section 5. 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 6. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

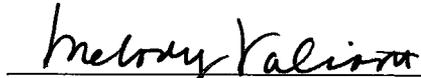
ADOPTED this 20th day of October, 2015.

CITY OF TUMWATER



Pete Kmet, Mayor

ATTEST:



Melody Valiant, City Clerk

APPROVED AS TO FORM:



Karen Kirkpatrick, City Attorney

Published: 10-22-2015

Effective Date: 11-21-2015