

Not an Official Copy.

CITY OF TUKWILA, WASHINGTON

Ordinance No. 1989

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NOS. 1758, AND 1976 AND CHAPTERS 18.06, 18.10, 18.12, 18.14, 18.24, 18.26, 18.28, 18.30, 18.50 AND 18.70 OF THE TUKWILA MUNICIPAL CODE, TO CLARIFY AND UPDATE ZONING CODE PROVISIONS REGULATING THE USE OF CARGO CONTAINERS AS ACCESSORY BUILDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Tukwila's development regulations may be reviewed and updated as appropriate; and

WHEREAS, the City recognizes the proliferation of cargo or shipping containers being used as accessory buildings; and

WHEREAS, shipping or cargo containers are appropriate for use as permanent accessory buildings or storage sheds in residential or commercial zones only if they are properly located and screened; and

WHEREAS, due to their size and industrial appearance, no new shipping or cargo containers are desired in residential zones except for use by specific institutions; and

WHEREAS, the City of Tukwila Planning Commission has recommended the adoption of certain Zoning Code requirements; and

WHEREAS, the City Council held a public hearing on the proposed amendments March 18, 2002, after proper notice; and

WHEREAS, the City Council after having received and studied staff analysis and comments from members of the public believes that certain amendments to the City's development regulations are necessary;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. "Cargo Container" Defined. TMC Chapter 18.06, Definitions, is hereby amended to add the following section:

18.06.137 Cargo container.

"Cargo container" means a standardized, reusable vessel that was:

1. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and/or,
2. Designed for or capable of being mounted or moved on a rail car, and/or
3. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

Section 2. Ordinance 1976 §18, Ordinance 1758 §1 (part), as codified at Section 18.10.030 of the Tukwila Municipal Code, (Low Density Residential) Accessory Uses, is hereby amended to read as follows:

18.10.030 Accessory uses.

The following uses and structures customarily appurtenant to a permitted use, and clearly incidental to such permitted use, are allowed within the Low Density Residential district.

1. Adult day care.
2. Accessory dwelling unit, provided:
 - a. minimum lot of 7,200 square feet;
 - b. accessory dwelling unit is no more than 33% of the square footage of the primary residence and a maximum of 1,000 square feet, whichever is less;
 - c. one of the residences is the primary residence of a person who owns at least 50% of the property;
 - d. dwelling unit is incorporated into the primary detached single-family residence, not a separate unit, so that both units appear to be of the same design as if constructed at the same time;
 - e. minimum of three parking spaces on the property with units less than 600 square feet, and a minimum of four spaces for units over 600 square feet; and
 - f. the units are not sold as condominiums.
3. Family child care homes, provided the facility shall be licensed by the Department of Social and Health Services Office of Child Care Policy and shall provide a safe passenger loading zone.
4. Garage or carport (private) not exceeding 1,500 square feet in floor area, provided it is located on the same lot as the principal use and is subject to the regulations affecting the main building.
5. Greenhouses (noncommercial) and storage sheds not exceeding 1,000 square feet in floor area.
6. Home occupations.
7. Institutional uses such as hospitals, food banks, schools, or government facilities may have two cargo containers per lot with approval as a Type 2 decision; criteria are listed at TMC 18.50.060.
8. Parking areas.
9. Private stable, if located not less than 60 feet from front lot line nor less than 30 feet from a side or rear lot line. It shall provide capacity for not more than one horse, mule or pony for each 20,000 square feet of stable and pasture area, but not more than a total of two of the above-mentioned animals shall be allowed on the same lot.

Section 3. Ordinance 1976 §21, Ordinance 1758 §1 (part), as codified at Section 18.12.030 of the Tukwila Municipal Code, (Medium Density Residential) Accessory Uses, is hereby amended to read as follows:

18.12.030 Accessory uses.

The following uses and structures customarily appurtenant to a permitted use, and clearly incidental to such permitted use, are allowed within the Medium Density Residential district.

1. Adult day care.
2. Accessory dwelling unit, provided:
 - a. minimum lot of 7,200 square feet;
 - b. accessory dwelling unit is no more than 33% of the square footage of the primary residence and a maximum of 1,000 square feet, whichever is less;
 - c. one of the residences is the primary residence of a person who owns at least 50% of the property;
 - d. dwelling unit is incorporated into the primary detached single-family residence, not a separate unit, so that both units appear to be of the same design as if constructed at the same time;
 - e. minimum of three parking spaces on the property with units less than 600 square feet, and a minimum of four spaces for units over 600 square feet; and
 - f. the units are not sold as condominiums.
3. Family child care homes, provided the facility shall be licensed by the Department of Social and Health Services Office of Child Care Policy and shall provide a safe passenger loading zone.
4. Garage or carport (private) not exceeding 1,500 square feet in floor area, provided it is located on the same lot as the principal use and is subject to the regulations affecting the main building.
5. Greenhouses (noncommercial) and storage sheds not exceeding 1,000 square feet in floor area.
6. Home occupations.
7. Institutional uses such as hospitals, food banks, schools, or government facilities may have two cargo containers per lot with approval as a Type 2 decision; criteria are listed at TMC 18.50.060.
8. Parking areas.
9. Private stable, if located not less than 60 feet from front lot line nor less than 30 feet from a side or rear lot line. It shall provide capacity for not more than one horse, mule or pony for each 20,000 square feet of stable and pasture area, but not more than a total of two of the above-mentioned animals shall be allowed on the same lot.

Section 4. Ordinance 1976 §25, Ordinance 1758 §1 (part), as codified at Section 18.14.030 of the Tukwila Municipal Code, (High Density Residential) Accessory Uses, is hereby amended to read as follows:

18.14.030 Accessory uses.

The following uses and structures customarily appurtenant to a permitted use, and clearly incidental to such permitted use, are allowed within the High Density Residential district.

1. Adult day care.
2. Accessory dwelling unit, provided:
 - a. minimum lot of 7,200 square feet;
 - b. accessory dwelling unit is no more than 33% of the square footage of the primary residence and a maximum of 1,000 square feet, whichever is less;
 - c. one of the residences is the primary residence of a person who owns at least 50% of the property,
 - d. dwelling unit is incorporated into the primary detached single-family residence, not a separate unit, so that both units appear to be of the same design as if constructed at the same time;
 - e. minimum of three parking spaces on the property with units less than 600 square feet, and a minimum of four spaces for units over 600 square feet; and
 - f. the units are not sold as condominiums.
3. Family child care homes, provided the facility shall be licensed by the Department of Social and Health Services Office of Child Care Policy and shall provide a safe passenger loading zone.
4. Greenhouses (noncommercial) and storage sheds not exceeding 1,000 square feet in floor area.
5. Home occupations.
6. Institutional uses such as hospitals, food banks, schools, or government facilities may have two cargo containers per lot with approval as a Type 2 decision; criteria are listed at TMC 18.50.060.
7. Parking areas.
8. Private stable, if located not less than 60 feet from front lot line nor less than 30 feet from a side or rear lot line. It shall provide capacity for not more than one horse, mule or pony for each 20,000 square feet of stable and pasture area, but not more than a total of two of the above-mentioned animals shall be allowed on the same lot.

Section 5. Ordinance 1976 §43 and Ordinance 1758 §1 (part), as codified at Section 18.24.030 of the Tukwila Municipal Code, (Regional Commercial) Accessory Uses, is hereby amended to read as follows:

18.24.030 Accessory uses.

The following uses and structures customarily appurtenant to a permitted use, and clearly incidental to such permitted use, are allowed within the Regional Commercial district.

1. Adult day care.
2. Cargo container; two may be allowed per lot with approval as a Type 2 decision; criteria are listed at TMC 18.50.060.
3. Dormitory as an accessory use to other uses that are otherwise permitted or approved conditional uses such as churches, universities, colleges or schools.
4. Family child care homes, provided the facility shall be licensed by the Department of Social and Health Services Office of Child Care Policy and shall provide a safe passenger loading zone.
5. Parking areas.
6. Recreational area and facilities for employees.
7. Residences for security or maintenance personnel.

Section 6. Ordinance 1976 §46 and Ordinance 1758 §1 (part), as codified at Section 18.26.030 of the Tukwila Municipal Code, (Regional Commercial Mixed Use) Accessory Uses, is hereby amended to read as follows:

18.26.030 Accessory uses.

The following uses and structures customarily appurtenant to a permitted use, and clearly incidental to such permitted use, are allowed within the Regional Commercial Mixed Use district.

1. Adult day care.
2. Cargo container; two may be allowed per lot with approval as a Type 2 decision; criteria are listed at TMC 18.50.060.
3. Dormitory as an accessory use to other uses that are otherwise permitted or approved conditional uses such as churches, universities, colleges or schools.
4. Family child care homes, provided the facility shall be licensed by the Department of Social and Health Services Office of Child Care Policy and shall provide a safe passenger loading zone.
5. Home occupation.
6. Parking areas.
7. Recreational area and facilities for employees.
8. Residences for security or maintenance personnel.

Section 7. Ordinance 1976 §49 and Ordinance 1758 §1 (part), as codified at Section 18.28.030 of the Tukwila Municipal Code, (Tukwila Urban Center) Accessory Uses, is hereby amended to read as follows:

18.28.030 Accessory uses.

The following uses and structures customarily appurtenant to a permitted use, and clearly incidental to such permitted use, are allowed within the Tukwila Urban Center district.

1. Adult day care.

2. Cargo container; two may be allowed per lot with approval as a Type 2 decision; criteria are listed at TMC 18.50.060.

3. Dormitory as an accessory use to other uses that are otherwise permitted or approved conditional uses such as churches, universities, colleges or schools.

4. Family child care homes, provided the facility shall be licensed by the Department of Social and Health Services Office of Child Care Policy and shall provide a safe passenger loading zone.

5. Home occupation.

6. Parking areas.

7. Recreational area and facilities for employees.

8. Residences for security or maintenance personnel.

Section 8. Ordinance 1976 §52 and Ordinance 1758 §1 (part), as codified at Section 18.30.030 of the Tukwila Municipal Code, (Commercial Light Industrial) Accessory Uses, is hereby amended to read as follows:

18.30.030 Accessory uses.

The following uses and structures customarily appurtenant to a permitted use, and clearly incidental to such permitted use, are allowed within the Commercial Light Industrial district.

1. Cargo container; two may be allowed per lot with approval as a Type 2 decision; criteria are listed at TMC 18.50.060.

2. Dormitory as an accessory use to other uses that are otherwise permitted or approved conditional uses such as churches, universities, colleges or schools.

3. Parking areas.

4. Recreational area and facilities for employees.

5. Residences for security or maintenance personnel.

Section 9. A new section is hereby added to TMC Chapter 18.50, Supplemental Development Standards, of the Tukwila Municipal Code to read as follows:

18.50.060 Cargo containers as accessory structures.

A. Cargo containers are allowed outright in the LI, HI, MIC/L, MIC/H and TVS zones, subject to building setbacks.

B. New containers may be allowed as accessory structures in LDR, MDR, and HDR, for institutional uses and in RC, RCM, TUC and C/LI for any permitted or conditional use. All new containers are subject to a Type 2 special permission decision and the restrictions in the various zoning districts.

C. Criteria for approval are as follows:

1. Only two cargo containers will be allowed per lot, maximum length 30 feet.

2. The container is located to minimize the visual impact to adjacent properties, parks, trails and rights-of-way as determined by the Director.

3. The cargo container is sufficiently screened from adjacent properties, parks, trails and rights-of-way, as determined by the Director. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind, between or within buildings.

4. If located adjacent to a building, the cargo container must be painted to match the building's color.

5. Cargo containers may not occupy any required off-street parking spaces.

6. Cargo containers shall meet all setback requirements for the zone.

7. Outdoor cargo containers may not be refrigerated.

8. Outdoor cargo containers may not be stacked.

D. Licensed and bonded contractors may use cargo containers in any zone for temporary storage of equipment and/or materials at a construction site during construction that is authorized by a City building permit.

Section 10. A new section is hereby added to TMC Chapter 18.70, Nonconforming Lots, Structures and Uses, of the Tukwila Municipal Code to read as follows:

18.70.130 Cargo containers.

A. All cargo containers that have been installed in the LDR, MDR, HDR, MUO, O, RCC, NCC, RC, RCM, TUC or C/LI zones as of April 15, 2002 must either receive Type 2 special permission approval or be removed by April 15, 2003. Criteria for approval are as follows:

1. Only one cargo container will be allowed per lot.

2. The cargo container is sufficiently screened from adjacent properties, parks, trails and rights-of-way, as determined by the Director. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind, between or within buildings.

3. If located adjacent to a building, the cargo container must be painted to match the building's color.

4. Cargo containers may not occupy any required off-street parking spaces.

5. Cargo containers shall meet all setback requirements for the zone.

6. Outdoor cargo containers may not be stacked.

B. All containers so approved will be considered legal structures and may remain in place so long as the location and screening are not altered. If an approved cargo container is moved off a residential zoned property containing a residential use, no new container may be moved onto the property.

Section 11. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 12. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force and effect five (5) days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 15 day of April, 2002.

Steven M. Mullet, Mayor

ATTEST/AUTHENTICATED:

Jane E. Cantu, CMC, City Clerk

APPROVED AS TO FORM:

By _____
Office of the City Attorney