

ORDINANCE NO. 23-958

AN ORDINANCE of the City of Federal Way, Washington, relating to incorporating code amendments to the Community Business (BC), City Center core (CC-C) and City Center frame (CC-F) zones to boost housing production; amending FWRC 19.95.020, 19.95.030, 19.95.040, 19.95.050, 19.110.010, 19.220.050, 19.225.070, and 19.230.060; adding new sections FWRC 19.95.045, 19.95.047, and 19.95.057; and repealing FWRC 19.95.065. (Amending Ordinance Nos. 90-43, 93-170, 95-249, 96-270, 97-291, 97-293, 97-306, 02-424, 06-515, 06-542, 07-554, 07-559, 08-585, 09-600, 10-678, 12-727, 12-735, 14-757, 16-822, 17-834).

WHEREAS, the City of Federal Way (“City”) recognizes the need to periodically modify Title 19 of the Federal Way Revised Code (“FWRC”), “Zoning and Development Code,” in order to conform to state and federal law, codify administrative practices, clarify and update land use and zoning regulations as deemed necessary, and improve the efficiency of the regulations and the development review process; and

WHEREAS, the Washington Growth Management Act requires that development regulations be subject to continuing evaluation and review; and

WHEREAS, the City has initiated code amendments intended to increase the production of housing in the Community Business (BC), City Center core (CC-C) and City Center frame (CC-F) zones; and

WHEREAS, State agencies received 60-day notice of the proposed amendments on February 13, 2023 (ID 2023-S-4785); and

WHEREAS, this ordinance, containing amendments to development regulations and the text of Title 19 FWRC, has complied with Process VI review, Chapter 19.80 FWRC, pursuant to Chapter 19.35 FWRC; and

WHEREAS, an Environmental Determination of Nonsignificance (“DNS”) was properly issued for the proposed code amendments on February 17, 2023, no comments were received and

the DNS was finalized on March 3, 2023, and no appeals were filed and the appeal period has expired; and

WHEREAS, the Planning Commission properly conducted a duly noticed public hearing on these code amendments on March 15, 2023; and, forwarded a recommendation of approval to the City Council incorporating additional clarifications to the proposed revisions relating to ground floor non-residential requirements and increasing predictability for the school district while preserving City Center incentives; and

WHEREAS, the Land Use & Transportation Committee of the Federal Way City Council considered these code amendments on April 3, 2023, and recommended adoption of the text amendments.

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

Section 1. Findings. The City Council of the City of Federal Way makes the following findings with respect to the proposed amendments.

- (a) The recitals set forth above are hereby adopted and restated as findings of fact.
- (b) These code amendments are in the best interest of the residents of the City and will benefit the City as a whole by removing many of the barriers to the production of housing in the BC, CC-C, and CC-F zones identified by the City's consultant (Heartland, LLC). By updating the city code to be more in-step with current market factors, the City anticipates seeing more housing built within its jurisdiction. This added production is in the best interest of the residents of the City as there is currently a housing shortage both in the City and the region.

- (c) These code amendments comply with Chapter 36.70A RCW, Growth Management.

(d) These code amendments are consistent with the intent and purpose of its title under FWRC and will implement and are consistent with the applicable provisions of the Federal Way Comprehensive Plan.

(e) These code amendments bear a substantial relationship to, and will protect and not adversely affect, the public health, safety, and welfare.

(f) These code amendments have followed the proper procedure required under the FWRC.

Section 2. Conclusions. Pursuant to Chapter 19.80 FWRC and Chapter 19.35 FWRC, and based upon the recitals and the findings set forth in Section 1, the Federal Way City Council makes the following Conclusions of Law with respect to the decisional criteria necessary for the adoption of the proposed amendments:

(a) The proposed FWRC amendments are consistent with, and substantially implement, the following Federal Way Comprehensive Plan goals and policies:

LUP 29 Ensure compatibility between non-residential developments and residential zones by regulating height, scale, setbacks, and buffers.

HP2 Amend development regulations to accommodate a diverse range of housing forms that are compatible with neighborhood character and create an effective transition between the City Center, business areas, and residential neighborhoods.

HP8 Consider the economic impact of all development regulations on the cost of housing.

HG3 Develop a zoning code that provides flexibility to produce innovative housing solutions, does not burden the cost of housing development and maintenance, and diversifies the range of housing types available in the City.

HG4 Proactively plan for and respond to trends in housing demand.

HP14 Review zoning, subdivision, and development regulations to ensure that they further housing policies, facilitate infill development and don't create unintended barriers.

(b) The proposed FWRC amendments bear a substantial relationship to the public health, safety, and welfare because the amendments are intended to result in the construction of more housing units in the City. Prior to drafting the proposed amendments, the City hired a consultant (Heartland, LLC) to evaluate existing policies and code language. In addition, the consultant reached out to developers and property owners prior to developing recommendations for the City's consideration. The proposed amendments have considered the recommendations from the consultant and are believed to result in the increased production of housing thereby adding to the public health, safety, and welfare of the community.

(c) The proposed amendments are in the best interest of the public and the residents of the City of Federal Way as the proposed FWRC text amendments remove many of the barriers to the production of housing in the BC, CC-C, and CC-F zones identified by the City's consultant (Heartland, LLC). By updating the City code to be more in-step with current market factors, the City should see more housing built within its jurisdiction. This added production is in the best interest of the residents of the City as there is currently a housing shortage both in the City and the region. As stated in the Housing Action Plan ("HAP"):

"Housing availability is an urgent and growing challenge in Federal Way. Two out of every five households are struggling to manage the cost of housing. The lack of supply and resulting cost pressure is contributing to the displacement of long-term Federal Way residents, a process that can uproot lives and undermine the social fabric and support structure for many residents." (HAP, pg i)

Section 3. FWRC 19.95.020 is hereby amended to read as follows:

19.95.020 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. To the extent they do not conflict with this section, the definitions in RCW 82.02.090 are adopted and apply throughout this chapter unless the context clearly requires otherwise. Terms not defined here or in RCW 82.02.090 are defined according to FWRC 1.05.020.

“*Capital facilities plan*” means the district’s capital facilities plan adopted by the school board consisting of:

- (1) A forecast of future needs for school facilities based on the district’s enrollment projections;
- (2) The long-range construction and capital improvements projects of the district;
- (3) The schools under construction or expansion;
- (4) The proposed locations and capacities of expanded or new school facilities;
- (5) At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels, and identifying sources of financing for such purposes, including bond issues authorized by the voters and projected bond issues not yet authorized by the voters;
- (6) Any other long-range projects planned by the district; and
- (7) A ~~fee schedule indicating the standard~~ recommended impact fee amount per dwelling unit type.

“*Classrooms*” means educational facilities of the district required to house students for its basic educational program. Specialized facilities as identified by the district, including but not limited to gymnasiums, cafeterias, libraries, administrative offices, and child care centers, are not classrooms.

“*Construction cost per student*” means the estimated cost of construction of a permanent school facility in the district for the grade span of school to be provided, as a function of the district’s

design standard per grade span and taking into account the requirements of students with special needs.

“*Design standard*” means the space required, by grade span and taking into account the requirements of students with special needs, which is needed in order to fulfill the educational goals of the district as identified in the district’s capital facilities plan.

“*Developer*” means the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.

“*Development activity*” means any residential 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 for school facilities.

“*Development approval*” means any written authorization from the city which authorizes the commencement of a development activity or use.

“*District*” means the Federal Way School District No. 210, King County, Washington.

“*Elderly*” means a person aged 62 or older.

“*Encumbered*” 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.

~~“*Fee schedule*” means the schedule set forth in the district’s capital facilities plan adopted by reference by the city indicating the standard fee amount per dwelling unit that shall be paid as a condition of residential development within the city.~~

“*Grade span*” means the categories into which a district groups its grade of students, i.e., elementary school, middle or junior high school, and high school.

“*Interlocal agreement*” means the interlocal agreement by and between the city and the district as authorized in FWRC 19.95.090.

“Permanent facilities” means the facilities of the district with a fixed foundation which are not relocatable facilities.

“Relocatable facility” means any factory-built structure, transportable in one or more sections, that is designed to be used as an education space and is needed to prevent the overbuilding of school facilities, to meet the needs of service areas within the district, or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.

“Relocatable facilities cost per student” means the estimated cost of purchasing and siting a relocatable facility in the district for the grade span of school to be provided, as a function of the district’s design standard per grade span and taking into account the requirements of students with special needs.

“Site cost per student” means the estimated cost of a site in the district for the grade span of school to be provided, as a function of the district’s design standard per grade span and taking into account the requirements of students with special needs.

“Standard of service” means the standard adopted by the district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified by the district. The district’s standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities which are used as transitional facilities or for any specialized facilities housed in relocatable facilities. Except as otherwise defined by the school board pursuant to a board resolution, “transitional facilities” shall mean those facilities that are used to cover the time required for the construction of permanent

facilities called for in the capital facilities plan, where the district has the necessary financial commitments in place to complete the permanent facilities.

“*Student factor*” means the number derived by the district to describe how many students of each grade span are expected to be generated by a dwelling unit. Student factors shall be based on district records of average actual student generation rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation, unless such information is not available in the district, in which case data from adjacent districts, districts with similar demographics, or county-wide averages may be used. Student factors must be separately determined for single-family and multifamily dwelling units, and for grade spans.

Section 4. FWRC 19.95.030 is hereby amended to read as follows:

19.95.030 Impact fee program elements.

(1) Impact fees will be assessed on all residential development activity in the city based on the provisions of this chapter ~~FWRC 19.95.050~~.

(2) The impact fee imposed shall be reasonably related to the impact caused by the development and shall not exceed a proportionate share of the cost of system improvements that are reasonably related to the development.

(3) The recommended impact fee ~~imposed~~ shall be based on a capital facilities plan developed by the district and approved by the school board, ~~and adopted by reference by the city as part of the capital facilities element of the city’s comprehensive plan.~~

Section 5. FWRC 19.95.040 is hereby amended to read as follows:

19.95.040 Recommended Fee calculations.

(1) The recommended impact fees calculation for the district shall be ~~calculated~~ based on the formula set forth in Exhibit A attached to the original ordinance codified in this chapter. A copy of

the fee calculation formula shall be kept on file with this ordinance in the office of the Federal Way city clerk. Such formula shall take into account the following: The capital facilities needs of the district as identified in the capital facilities plan, the district's student generation rates for single-family and multifamily dwelling units, the school site and school construction costs per student per grade level, the district's standard of service, and the relocatable facilities cost per student per grade level.

(2) Separate fees shall be calculated for single-family and multifamily dwelling units, and separate student generation rates must be determined by the district for each type of dwelling unit. For purposes of this chapter, manufactured homes shall be treated as single-family dwelling units and duplexes shall be treated as multifamily dwelling units.

(3) The recommended fee calculations shall be made on a district-wide basis to assure maximum utilization of all school facilities in the district currently used for instructional purposes. Impact fees shall be calculated annually and set forth in ~~a the city~~ fee schedule ~~adopted by city council~~ pursuant to FWRC 19.95.100 and 19.95.110.

(4) The formula in Exhibit A provides a credit for the anticipated tax contributions that would be made by the development based on historical levels of voter support for bond issue in the district, which historical levels shall be determined by the district.

(5) The formula also provides for a credit for school sites or facilities actually provided by a developer which the district finds to be acceptable as provided for in FWRC 19.95.060.

Section 6. FWRC 19.95.050 is hereby amended to read as follows:

19.95.050 Assessment of impact fees.

(1) The city shall collect school impact fees, ~~based on~~ in the amounts specified in the fee schedule adopted by city council, from any applicant seeking development approval from the city where

such development activity requires the issuance of a residential building permit or a manufactured home permit.

(2) For all applications for single-family, multifamily residential building permits, and manufactured home permits, the total amount of the impact fees shall be ~~assessed~~calculated at the time of the earliest complete application for a development approval required for the development activity using the fee schedule then in effect and shall be collected from the applicant when the residential building permit or manufactured home permit is issued,~~using the fee schedule then in effect.~~ Notwithstanding the foregoing, for all residential building permits or manufactured home permits associated with the development activity not issued within two years of the earliest complete application for a development approval applicable to the development activity, the total amount of the impact fees for such permits shall instead be calculated and collected at the time each permit is issued, using the fee schedule then in effect. Irrespective of the date that the application for a residential building permit or manufactured home permit was submitted, no permit shall be issued until the required school impact fees set forth in the fee schedule have been paid, except as authorized under FWRC 19.95.055.

(3) No less than 60 days prior to the end of the two-year period in FWRC 19.95.050(2), an applicant may submit a written request with supporting documentation to the department of community development requesting an extension of the two-year period for up to one additional year. The community development director may approve such a request only if it meets the following criteria:

(a) The applicant has made substantial progress toward residential building permit or manufactured home permit issuance since the complete application for the development approval;

(b) There are circumstances beyond the applicant’s control which prevented issuance of the residential building permit or manufactured home permit; and

(c) The extension will not create or continue conditions that constitute a code violation or an attractive nuisance, contribute to erosion and sedimentation problems, or impact the public health, safety, and welfare.

Determinations of the community development director under this section shall be subject to the appeal procedures set forth in FWRC 19.95.070.

Section 7. FWRC 19.110.010 is hereby amended to read as follows:

19.110.010 Affordable housing regulations

(1) *Purpose.* To provide affordable housing to the citizens of Federal Way and to comply with the Growth Management Act and the county-wide planning policies for King County.

(2) *Affordable housing defined.* “*Owner-occupied affordable housing*” means dwelling units that are offered for sale at a rate that is affordable to those individuals and families having incomes that are 80 percent or below the median county income. “*Rental affordable housing*” means dwelling units that are offered for rent at a rate that is affordable to those individuals and families having incomes that are 50 percent or below the median county income.

(3) *Multiple-family developments; senior citizen housing; assisted living facilities; townhouse development; zero-lot line townhouse development; mixed-use projects; and cottage housing in multifamily zones.* New projects involving 25 dwelling units or more are required to provide affordable dwelling units as part of the project. At least two dwelling units, or ~~five~~ four percent of the total number of proposed units rounded down to the nearest whole number, whichever is greater, shall be affordable. Projects including affordable dwelling units may exceed the maximum allowed number of dwelling units as follows:

(a) One bonus market rate unit for each affordable unit included in the project; up to 10 percent above the maximum number of dwelling units allowed in the underlying zoning district.

Affordable dwelling units required under the provisions of this subsection in the BC, CC-F, and CC-C zones shall be exempt from parking space requirements.

(4) *Single-family developments.* New single-family developments in the RS-35, RS-15, RS-9.6, and RS-7.2 zoning districts have the option of providing affordable dwelling units as part of the project. Projects including affordable dwelling units may reduce minimum lot size as follows:

(a) Those lots in a new single-family conventional subdivision or short subdivision which are proposed to contain affordable dwelling units may be reduced in area by up to 20 percent of the minimum lot size of the underlying zoning district; provided, that the overall number of dwelling units in the subdivision may not exceed 10 percent of the maximum number of units allowed in the underlying zoning district.

(5) Provisions for affordable housing for cottage housing development in single-family residential zones are set forth in Chapter 19.250 FWRC.

(6) *Duration.* An agreement in a form approved by the city must be recorded with King County department of elections and records requiring affordable dwelling units which are provided under the provisions of this section to remain as affordable housing for ~~the life of the project~~ a minimum of 50 years. This agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.

Section 8. FWRC 19.220.050 is hereby amended to read as follows:

19.220.050 Multifamily dwelling units

(a) One bonus market rate unit for each affordable unit included in the project; up to 10 percent above the maximum number of dwelling units allowed in the underlying zoning district.

Affordable dwelling units required under the provisions of this subsection in the BC, CC-F, and CC-C zones shall be exempt from parking space requirements.

(4) *Single-family developments.* New single-family developments in the RS-35, RS-15, RS-9.6, and RS-7.2 zoning districts have the option of providing affordable dwelling units as part of the project. Projects including affordable dwelling units may reduce minimum lot size as follows:

(a) Those lots in a new single-family conventional subdivision or short subdivision which are proposed to contain affordable dwelling units may be reduced in area by up to 20 percent of the minimum lot size of the underlying zoning district; provided, that the overall number of dwelling units in the subdivision may not exceed 10 percent of the maximum number of units allowed in the underlying zoning district.

(5) Provisions for affordable housing for cottage housing development in single-family residential zones are set forth in Chapter 19.250 FWRC.

(6) *Duration.* An agreement in a form approved by the city must be recorded with King County department of elections and records requiring affordable dwelling units which are provided under the provisions of this section to remain as affordable housing for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.

Section 8. FWRC 19.220.050 is hereby amended to read as follows:

19.220.050 Multifamily dwelling units

The following uses shall be permitted in the community business (BC) zone subject to the regulations and notes set forth in this section:

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; text-align: center; width: fit-content; margin: 0 auto;"> ZONE BC </div> SPECIAL REGULATIONS AND NOTES
		Lot Size	Required Yards				
	Front		Side (each)	Rear			
Multifamily dwelling units (stacked dwelling units)	Process II or, with SEPA, Process III	None	Same as these regulations for ground floor use except 20 ft. abutting single-family residential zones See notes 2 and 413		65 ft. above average building elevation (ABE) See note 2	See notes 54 – 87 <u>Affordable dwelling units: 0 for each unit</u>	1. All nonresidential ground floor spaces must have a minimum floor-to-ceiling height of 13 ft. and a minimum depth of 15 ft. 2. Building height may not exceed 30 ft. above average building elevation for the portion of the building located within 100 ft. from a single-family residential zone. 3. All buildings except for related parking structures up to 65 ft. in height (six stories), must be gabled with pitched roofs, unless the building is taller than 35 ft. (three stories) with a rooftop that contributes to the multifamily open space requirements. 43. Multi-unit housing and accessory living facilities may be located on the ground floor of a structure buildings on the subject property only as follows: (a) if ground floor level space that spans at least 6040 percent of the total length of the buildings adjacent to the principal commercial facade of all buildings subject primary vehicular access, as determined by the director, is occupied with one or more other permitted use(s) that is open to the public as allowed in this zone; and (b) ground level space that

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS							
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; text-align: center; width: fit-content; margin: 0 auto;"> ZONE BC </div>	
		Lot Size	Required Yards					SPECIAL REGULATIONS AND NOTES
			Front	Side (each)				
						<p>spans at least 40 percent of the total length of all other street-facing facades of all buildings is occupied with one or more other use(s) allowed in this zone.</p> <p>Parking in conjunction with other uses allowed in this zone may also be located on the ground floor of the structure if non-visible from the right-of-way or public areas.</p> <p>54. For 100 dwelling units or more on a subject property, 25 percent of parking shall be underground or on the first floor within the building footprint, except for visitor parking, which can be surface parking.</p> <p>65. Parking spaces shall be provided as follows:</p> <ul style="list-style-type: none"> Efficiency dwelling units – 1.0 per unit Studio dwelling units – 1.25 per unit One bedroom dwelling units – 1.5 per unit Dwelling units with two bedrooms or more – 2.0 per unit. <p>76. Dwelling unit parking stalls are in addition to required parking for all nonresidential ground floor uses.</p> <p>87. Alternatively, applicant may choose to submit a parking study in accordance with FWRC 19.130.080(2).</p> <p>98. Chapter 19.265 FWRC contains regulations regarding accessory uses, buildings and structures. Accessory dwelling units are not permitted.</p>		

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; text-align: center;">ZONE BC</div> SPECIAL REGULATIONS AND NOTES
		Lot Size	Required Yards				
			Front	Side (each)			
						109. Chapter 19.270 FWRC contains regulations regarding home occupations. (Continued on next page)	
						Process I, II, III and IV are described in Chapter 19.55 FWRC, Chapter 19.60 FWRC, Chapter 19.65 FWRC, Chapter 19.70 FWRC respectively. For other information about parking and parking areas, see Chapter 19.130 FWRC. For details of what may exceed this height limit, see FWRC 19.110.050 et seq. For details regarding required yards, see FWRC 19.125.160 et seq.	

19.220.050 Multifamily dwelling units. (Continued)

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; text-align: center;">ZONE BC</div> SPECIAL REGULATIONS AND NOTES
		Lot Size	Required Yards				
			Front	Side (each)			
						110. The subject property must provide usable open space in a total amount equal to at least 150 sq. ft. per dwelling unit, and may include private spaces such as yards, patios, and balconies, as well as common areas such as playgrounds, recreation rooms, plazas, rooftop terraces, pools, active lobbies, atriums, or other areas the	

USE REGULATIONS ↓ ⇒		USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
		Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> ZONE BC </div>
			Lot Size	Required Yards				
	Front	Side (each)		Rear				
							<p>director deems appropriate. A minimum of 25 percent of the usable open space provided must be common open space. Private open space such as a patio, porch, balcony, or yard may be credited toward total residential usable open space, if such private open space is a minimum of 48 square feet and has a minimum dimension of six feet.</p> <p>1211. No maximum lot coverage is established. Instead, the buildable area will be determined by other site development requirements, e.g., required buffers, parking lot landscaping, surface water facilities, among others.</p> <p>1312. For community design guidelines that apply to the project, see Chapter 19.115 FWRC.</p> <p>1413. Refer to Chapter 19.125 FWRC, Outdoors, Yards, and Landscaping, for appropriate requirements.</p> <p>1514. For sign requirements that apply to the project, see Chapter 19.140 FWRC.</p> <p>1615. For affordable housing requirements, see FWRC 19.110.010.</p> <p>1716. For provisions that relate to the keeping of animals, see Chapter 19.260 FWRC.</p>	
							<p>For other information about parking and parking areas, see Chapter 19.130 FWRC.</p> <p>For details of what may exceed this height limit, see FWRC 19.110.050 et seq.</p>	

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> ZONE BC </div> SPECIAL REGULATIONS AND NOTES
		Lot Size	Required Yards				
Front	Side (each)		Rear				

For details regarding required yards, see FWRC [19.125.160](#) et seq.

Section 9. FWRC 19.225.070 is hereby amended to read as follows:

19.225.070 Multifamily dwelling units, senior citizen, or special needs housing

The following uses shall be permitted in the city center core (CC-C) zone subject to the regulations and notes set forth in this section:

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> ZONE CC-C </div> SPECIAL REGULATIONS AND NOTES
		Lot Size	Required Yards				
Front	Side (each)		Rear				

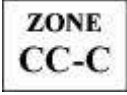
Multifamily dwelling units (stacked dwelling units) Senior citizen or special needs housing (stacked dwelling units)	Process II Possible Process III See note 1	None	Multifamily dwelling units, senior housing, or special needs housing: same as these regulations for ground floor use Stand-alone senior citizen or special needs housing: 20 ft. 5 ft. 5 ft. See notes 1, 2 and 4 <u>10</u>	70 ft. or 200 ft. See notes 1 and 7	Multifamily dwelling units: 1 per unit if underground or in structured parking or 1.7 per unit if surface parking See notes 2416 – 2419 Senior citizen housing: 1 for each unit	1. The city may, using process III, modify required yard, height, lot coverage, and other site design and dimensional requirements for a proposed development that meets the following criteria: a. The proposed development will be consistent with the adopted comprehensive plan policies for this zone; and b. The proposed development will be consistent with the applicable design guidelines; and c. The street, utilities, and other infrastructure in the area
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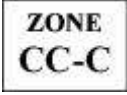
USE ZONE CHART								
DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS								
USE REGULATIONS ↓ ⇒	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; display: inline-block; text-align: center;"> ZONE CC-C </div> SPECIAL REGULATIONS AND NOTES	
		Lot Size	Required Yards					
			Front	Side (each)				Rear
							<p>are adequate to support the proposed development.</p> <p>2. No setback is required adjacent to rights-of-way for senior citizen and special needs housing, when publicly visible street-scape amenities, as defined in FWRC 19.05.190, are located along the right-of-way; the siting and design of which shall be approved by the director.</p> <p>3. The entire ground floor must be utilized with retail space(s) with a minimum floor-to-ceiling height of 13 ft. A minimum of 15% of the ground floor must be comprised of non-residential uses open to the public. Where any portion of the subject property is located adjacent to the intersection of multiple streets, the ground floor space for a distance of 50 feet from the nearest point of the subject property to any such street intersection, shall be limited to Entertainment or Retail uses. Ground floor space limited to entertainment or retail uses under the preceding sentence may count toward the 15% non-residential use requirement under this note.</p> <p>4. Retail uses allowed in this zone may be permitted on the ground floor of stacked senior citizen or special needs housing with a minimum floor-to-ceiling height of 13 ft.</p>	

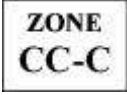
USE ZONE CHART								
DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS								
USE REGULATIONS ↓ ⇒	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; display: inline-block; text-align: center;"> ZONE CC-C </div> SPECIAL REGULATIONS AND NOTES	
		Lot Size	Required Yards					
			Front	Side (each)				Rear
							<p>54. Primary building entries to residential, retail, or parking must face an arterial street with no multifamily residential ground-floor parking visible from arterial streets.</p> <p>6. All buildings, except for related parking structures up to 65 ft. in height (six stories), must be gabled with pitched roofs, unless the building is taller than 35 ft. (three stories) with a rooftop that contributes to the multifamily open space requirements.</p> <p>75. Building height may be increased from the permitted outright height of 70 ft. to 200 ft. in exchange for providing publicly visible streetscape amenities, as defined in FWRC 19.05.190, along the right-of-way; the siting and design of which shall be approved by the director.</p> <p>86. The subject property must provide usable open space in a total amount equal to at least 100 sq. ft. per dwelling unit and may include private open spaces such as yards, patios, and balconies, as well as common open spaces such as plazas, playgrounds, recreation rooms, rooftop terraces, p-patches, pools, active lobbies, and atriums. A minimum of 25 percent of the usable open space provided must be common open space. All eligible usable open space shall</p>	

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS							
	Required Review Process	Lot Size	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> ZONE CC-C </div>
			Required Yards					
			Front	Side (each)	Rear			
								<p>SPECIAL REGULATIONS AND NOTES</p> <p>also meet the requirements specified in FWRC 19.115.115. A fee-in-lieu payment may be utilized for up to 50 percent of the usable open space as specified in FWRC 19.115.115. 97. Any common open space requirements for senior housing or special needs housing may be reduced at the discretion of the director, if an open space study documents that less common open space will be adequate to serve the needs of the residents.</p> <p>(Continued on next page)</p>
	<p>Process I, II, III and IV are described in Chapter 19.55 FWRC, Chapter 19.60 FWRC, Chapter 19.65 FWRC, Chapter 19.70 FWRC respectively.</p>						<p>For other information about parking and parking areas, see Chapter 19.130 FWRC.</p> <p>For details of what may exceed this height limit, see FWRC 19.110.050 et seq. For details regarding required yards, see FWRC 19.125.160 et seq.</p>	

19.225.070 Multi-unit housing. (Continued)

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	 SPECIAL REGULATIONS AND NOTES
		Lot Size	Required Yards				
			Front	Side (each)			
						<p>108. No maximum lot coverage is established. Instead, the buildable area will be determined by other site development requirements, e.g., required buffers, parking lot landscaping, surface water facilities, among others.</p> <p>149. For community design guidelines that apply to the project, see Chapter 19.115 FWRC.</p> <p>1210. Refer to Chapter 19.125 FWRC, Outdoors, Yards, and Landscaping, for appropriate requirements.</p> <p>1311. For sign requirements that apply to the project, see Chapter 19.140 FWRC.</p> <p>1412. Chapter 19.265 FWRC contains regulations regarding accessory uses, buildings and structures. Accessory dwelling units are not permitted.</p> <p>1513. Chapter 19.270 FWRC contains regulations regarding home occupations.</p> <p>1614. For affordable housing requirements, see FWRC 19.110.010.</p> <p>1715. For provisions that relate to the keeping of animals, see Chapter 19.260 FWRC.</p> <p>18. Single-story buildings may not exceed a total ground floor area of 16,000 gross sq. ft., unless approved under the provisions of FWRC 19.110.080, or approved by the director for minor additions such as entry structures, lobbies, seating or dining areas, bay windows, and similar features; provided, that such addition(s) shall not exceed 1,000 sq. ft. per building in any one consecutive 12-month period.</p>	


USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	 SPECIAL REGULATIONS AND NOTES
		Lot Size	Required Yards				
			Front	Side (each)			
						<p>19. No more than 16,000 sq. ft. of new single-story construction may occur on a subject property, excluding increases approved under the provisions of FWRC 19.110.080 and minor additions approved by the director under note 18.</p> <p>20. Multiple-story buildings are not subject to notes 18 and 19; provided, that each floor contains at least 75 percent of the gross sq. ft. of the floor below it and contains a retail use(s).</p> <p>2116. Parking may be provided underground or above ground in structured parking or may be permitted as surface parking.</p> <p>2217. Dwelling unit parking stalls are in addition to required parking for all nonresidential ground floor uses.</p> <p>2318. Surface parking areas for multifamily development must be located so that they are not visible from arterials or pedestrian oriented walkways. When determined by the community development director or designee that such requirement is not feasible, surface parking may be screened from public view by a compact evergreen hedge, a solid wall or fence, or in a manner approved by the community development director or designee.</p> <p>2419. Required parking may be reduced under the provisions of FWRC 19.130.020(3) (a), (b), (c), and (d).</p>	
						<p>Process I, II, III and IV are described in Chapter 19.55 FWRC, Chapter 19.60 FWRC,</p> <p>For other information about parking and parking areas, see Chapter 19.130 FWRC.</p>	

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	 SPECIAL REGULATIONS AND NOTES
		Lot Size	Required Yards				
			Front	Side (each)			
Chapter 19.65 FWRC, Chapter 19.70 FWRC respectively.							

Section 10. FWRC 19.230.060 is hereby amended to read as follows:

19.230.060 Multifamily dwelling units, senior citizen, or special needs housing

The following uses shall be permitted in the city center frame (CC-F) zone subject to the regulations and notes set forth in this section:

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	 SPECIAL REGULATIONS AND NOTES
		Lot Size	Required Yards				
			Front	Side (each)			
Multifamily dwelling units (stacked dwelling units) Senior citizen or special needs housing (stacked dwelling units)	Process II Possible Process III See note 1	None	Multifamily dwelling units, senior housing, or special needs housing: Same as these requirements for ground floor use Stand-alone senior citizen or special needs housing:	70 ft. or 85 ft. See notes 1, 53 and 64	Multifamily dwelling units: 1 per unit if underground or in structured parking or 1.7 per unit if surface parking	1. The city may, using process III, modify required height, yard, landscape and other site design and dimensional requirements for a proposed development that meets the following criteria: a. The proposed development will be consistent with the adopted comprehensive plan policies for this zone; and	

USE REGULATIONS ↓ ⇒	USE ZONE CHART						
	DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; display: inline-block; text-align: center;"> ZONE CC-F </div>
		Lot Size	Required Yards				
Front			Side (each)	Rear			
		20 ft.	5 ft.	5 ft.			
		See notes <u>4, 6, 8, and 10, and 12</u>					

See notes 2116 - 2318

Senior citizen housing: 1 for each unit

Special needs housing: 0.5 for each unit

Affordable dwelling units: 0 for each unit

SPECIAL REGULATIONS AND NOTES

b. The proposed development will be consistent with applicable design guidelines; and

c. The street utilities and other infrastructure in the area are adequate to support the proposed development.

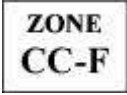
~~2. All buildings, except for related parking structures up to 65 ft. in height (six stories), must be gabled with pitched roofs, unless the building is taller than 35 ft. (three stories) with a rooftop that contributes to the multifamily open space requirements.~~

~~3. Multi-unit housing and accessory living facilities may be located on the ground floor of a structure buildings on the subject property only as follows: (a) if ground floor level space that spans at least 60/40 percent of the total length of the buildings adjacent to the principal commercial facade of all buildings subject primary vehicular access, as determined by the director, is occupied with one or more other permitted use(s) that is open to the public, as allowed in this zone; and (b) ground level space that spans at least 40 percent of the total length of all other street-facing facades of all buildings is occupied with one or more other use(s) allowed in this zone.~~ Parking in conjunction with other uses

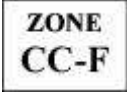
USE ZONE CHART								
DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS								
USE REGULATIONS ↓ ⇒	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; display: inline-block; text-align: center;"> ZONE CC-F </div>	
		Lot Size	Required Yards					
			Front	Side (each)				Rear
							<p>SPECIAL REGULATIONS AND NOTES</p> <p>allowed in this zone may also be located on the ground floor of the structure if non-visible from the right-of-way or public areas.</p> <p>4. Commercial uses allowed in this zone may be permitted on the ground floor of stacked senior citizen or special needs housing with a minimum floor-to-ceiling height of 13 ft.</p> <p>53. Building height may be increased from the permitted outright height of 70 ft. to 85 ft. in exchange for providing publicly visible streetscape amenities, as defined in FWRC 19.05.190, along the right-of-way; the siting and design of which shall be approved by the director.</p> <p>64. Structures on property that adjoins a single-family residential zone shall be set back a minimum of 20 ft. from the property line adjacent to the single-family residential zone. The height of structures shall not exceed 30 ft. above average building elevation when located within 100 ft. from such property line.</p> <p>75. The subject property must provide usable open space in a total amount equal to at least 100 sq. ft. per dwelling unit and may include private spaces such as yards, patios, and balconies, as well as common open spaces such as plazas, playgrounds, recreation rooms,</p>	

USE ZONE CHART							
DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS							
USE REGULATIONS ↓ ⇒	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> ZONE CC-F </div>
		Lot Size	Required Yards				
			Front	Side (each)			
							<p>SPECIAL REGULATIONS AND NOTES</p> <p>rooftop terraces, p-patches, pools, active lobbies, and atriums. A minimum of 25 percent of the usable open space provided must be common open space. All eligible usable open space shall also meet the requirements specified in FWRC 19.115.115. A fee-in-lieu option is available for up to 50 percent of the usable open space as specified in FWRC 19.115.115.</p> <p>(Continued on next page)</p>
							<p>Process I, II, III and IV are described in Chapter 19.55 FWRC, Chapter 19.60 FWRC, Chapter 19.65 FWRC, Chapter 19.70 FWRC respectively.</p> <p>For other information about parking and parking areas, see Chapter 19.130 FWRC.</p> <p>For details of what may exceed this height limit, see FWRC 19.110.050 et seq. For details regarding required yards, see FWRC 19.125.160 et seq.</p>

19.230.060 Multifamily dwelling units, senior citizen, or special needs housing. (Continued)

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	 SPECIAL REGULATIONS AND NOTES
		Lot Size	Required Yards				
			Front	Side (each)			
						<p>86. Any common open space requirements for senior housing or special needs housing may be reduced at the discretion of the director, if an open space study documents that less common open space will be adequate to serve the needs of the residents.</p> <p>97. No maximum lot coverage is established. Instead, the buildable area will be determined by other site development requirements, e.g., buffers, parking lot landscaping, surface water facilities, among others.</p> <p>108. No setback is required adjacent to rights-of-way for senior citizen and special needs housing, when publicly visible streetscape amenities, as defined in FWRC 19.05.190, are located along the right-of-way, the siting and design of which shall be approved by the director.</p> <p>119. For community design guidelines that apply to the project, see Chapter 19.115 FWRC.</p> <p>1210. Refer to Chapter 19.125 FWRC, Outdoors, Yards, and Landscaping, for appropriate requirements.</p> <p>1311. For sign requirements that apply to the project, see Chapter 19.140 FWRC.</p> <p>1412. Chapter 19.265 FWRC contains regulations regarding accessory uses, buildings and structures. Accessory dwelling units are not permitted.</p> <p>1513. Chapter 19.270 FWRC contains regulations regarding home occupations.</p> <p>1614. For affordable housing requirements, see FWRC 19.110.010.</p>	

USE REGULATIONS ↓ ⇒	USE ZONE CHART DIRECTIONS: FIRST, read down to find use . . . THEN, across for REGULATIONS						
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	<div style="border: 1px solid black; padding: 5px; text-align: center;"> ZONE CC-F </div>
		Required Yards					
		Lot Size	Front	Side (each)			
SPECIAL REGULATIONS AND NOTES							
						<p>17<u>15</u>. For provisions that relate to the keeping of animals, see FWRC 19.260.010 et seq.</p> <p>18. Single-story buildings may not exceed a total ground floor area of 16,000 gross sq. ft., unless approved under the provisions of FWRC 19.110.080, or approved by the director for minor additions such as entry structures, lobbies, seating or dining areas, bay windows, and similar features; provided, that such addition(s) shall not exceed 1,000 sq. ft. per building in any one consecutive 12-month period.</p> <p>19. No more than 16,000 sq. ft. of new single-story construction may occur on a subject property, excluding increases approved under the provisions of FWRC 19.110.080 and minor additions approved by the director under note 18, above.</p> <p>20. Multiple-story buildings are not subject to notes 18 and 19, above; provided, that each floor contains at least 75 percent of the gross sq. ft. of the floor below it and contains a principal use(s) permitted in this zone.</p> <p>21<u>16</u>. Parking may be provided underground or above ground in structured parking or may be permitted as surface parking.</p> <p>22<u>17</u>. Dwelling unit parking stalls are in addition to required parking for all nonresidential ground floor uses.</p> <p>23<u>18</u>. Required parking may be reduced under the provisions of FWRC 19.130.020(3) (a), (b), (c), and (d).</p>	
Process I, II, III and IV are described in 							

USE REGULATIONS ↓ ⇒	USE ZONE CHART						 SPECIAL REGULATIONS AND NOTES
	Required Review Process	Minimums			Height of Structure	Required Parking Spaces	
		Required Yards					
	Lot Size	Front	Side (each)	Rear			
Chapter 19.55 FWRC, Chapter 19.60 FWRC, Chapter 19.65 FWRC, Chapter 19.70 FWRC respectively.						For other information about parking and parking areas, see Chapter 19.130 FWRC. For details of what may exceed this height limit, see FWRC 19.110.050 et seq. For details regarding required yards, see FWRC 19.125.160 et seq.	

Section 11. A new section FWRC 19.95.045 is hereby added to Chapter 19.95 FWRC to read as follows:

19.95.045 Impact fee maximum.

(1) For developments in the CC-C, CC-F, or BC zones, notwithstanding the recommended fee calculation under FWRC 19.95.040, the impact fee assessed under FWRC 19.95.040 for studio, one bedroom, and two-bedroom dwelling units in the development may not exceed \$0.

(2) For other dwelling units in developments in the CC-C, CC-F, or BC zones, and developments outside the CC-C, CC-F, and BC zones, notwithstanding the recommended fee calculation under FWRC 19.95.040, the impact fee assessed under FWRC 19.95.040 may not exceed:

(a) \$3,604.00 per single-family dwelling unit; or

(b) \$2,222.00 per multifamily dwelling unit.

(3) Starting in 2025, the impact fee maximum established in FWRC 19.95.045(2) shall be increased by 5% or by the percentage change in the previous calendar year’s average monthly

Engineering News-Record (ENR) Seattle Area Construction Cost Index values, relative to the corresponding average monthly ENR Construction Cost Index values for the preceding year, as calculated from August 1st through July 31st, whichever is lower.

Section 12. A new section FWRC 19.95.047 is hereby added to Chapter 19.95 FWRC to read as follows:

19.95.047 Council discretion in adopting impact fee.

As provided in FWRC 19.95.040 and 19.95.045, the impact fee adopted by city council in the fee schedule shall be based on the recommended fee calculation, and no higher than the impact fee maximum. The city council may, at its discretion, impose a lesser impact fee than the recommended fee calculation amount and/or impact fee maximum.

Section 13. A new section FWRC 19.95.057 is hereby added to Chapter 19.95 FWRC to read as follows:

19.95.057 Administrative fees.

(1) For each impact fee imposed, there shall be charged an administrative fee for the administration of the school impact fee program in the amount specified in the city fee schedule. The administrative fee shall be deposited into an administrative fee account within the school impact fee fund provided for in FWRC 19.95.080. Administrative fees shall be used only to defray the cost incurred by the city in performing actions related to implementation of this chapter and update of the school impact fee program. The administrative fee is not creditable or refundable.

(2) The administrative fee shall be paid by the applicant at the same time as the impact fee.

Section 14. FWRC 19.95.065 is hereby repealed in its entirety.

Section 15. 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 any other persons or circumstances.

Section 16. Corrections. The City Clerk and the 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 17. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 18. Effective Date. This ordinance shall be effective five (5) days after passage and publication as provided by law.

PASSED by the City Council of the City of Federal Way this 6th day of June, 2023.

[signature to follow]

CITY OF FEDERAL WAY:



JIM FERRELL, MAYOR

ATTEST:



STEPHANIE COURTNEY, CMC, CITY CLERK

APPROVED AS TO FORM:



J. RYAN CALL, CITY ATTORNEY

FILED WITH THE CITY CLERK:	<u>06/06/2023</u>
PASSED BY THE CITY COUNCIL:	<u>06/06/2023</u>
PUBLISHED:	<u>06/09/2023</u>
EFFECTIVE DATE:	<u>06/14/2023</u>
ORDINANCE NO.:	23-958