City of Tukwila

Washington

Ordinance No. 2543

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, ADOPTING A 6-MONTH MORATORIUM WITHIN THE TUKWILA INTERNATIONAL BOULEVARD STUDY AREA IN THE CITY OF TUKWILA ON THE DEVELOPMENT OF CERTAIN USES SUCH AS HOTELS, MOTELS, EXTENDED-STAY FACILITIES, OR AUTO-ORIENTED USES; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila has adopted a Comprehensive Plan in compliance with the Growth Management Act; and

WHEREAS, the City of Tukwila is currently updating its Zoning Code to comply with its adopted Comprehensive Plan; and

WHEREAS, the Tukwila International Boulevard ("TIB") study area, shown on Exhibit A, is a neighborhood that orients towards TIB, and comprises goods and services as well as higher density housing; and the study area is generally bounded by 42nd Avenue South on the east; South 160th Street on the south; International Boulevard, Military Road, and a stepped edge that follows the boundary of the multi-family zoning districts up to the Mixed Use Office District at approximately South 133rd Street on the north; and

WHEREAS, within the existing Neighborhood Commercial Center (NCC) and Regional Commercial (RC) zoning districts there are certain uses that in the future may not be allowed or may be allowed with conditions; and

WHEREAS, the United States Department of Justice sentenced the owner and operator of one of three crime-infested motels for conspiracy to maintain drug involved premises; and when the three adjacent hotel, motel and extended-stay facilities within the study area were closed, the violent crime rate in the study areas was cut nearly in half; and the City of Tukwila acquired those government surplus properties and razed the operations to better serve the public health and safety in the study area; and

WHEREAS, the City of Tukwila finds that hotels, motels, and extended-stay hotels and motels (hereafter, collectively referred to as "extended-stay facilities") in this study area generate higher than typical rates of crime and the City of Tukwila spent millions of dollars purchasing four motel sites and demolishing those developments; and

WHEREAS, in addition, the Comprehensive Plan goals and policies for the TIB study area are to create a pedestrian oriented, walkable destination, and auto-oriented services, uses and developments are not in keeping with those goals and policies; and

WHEREAS, the City of Tukwila is in the process of updating its land use regulations to comply with the goals and policies of its adopted Comprehensive Plan for the TIB study area and has budgeted for a work plan, shown on Exhibit B, to address the changes that will bring consistency between the City's Comprehensive Plan and Zoning Code; and

WHEREAS, the City of Tukwila conducted a three-day workshop in February 2017 on the future improvements and land use regulations for the TIB study area and preliminarily determined hotels; motels; extended-stay facilities; and auto-oriented commercial uses, including, but not limited to, gas stations, vehicular repair or services, vehicular sales or rentals, vehicular storage, and drive-throughs should be regulated differently than currently regulated; and

WHEREAS, the City desires to ensure the public has many opportunities to provide input on this matter; and

WHEREAS, the City desires to preserve the status quo for the protection of the health, safety and welfare of City residents, as it relates to development in Tukwila, until these matters are more fully considered;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Preliminary Findings. The recitals and findings set forth above are hereby adopted as the City Council's preliminary findings in support of the moratorium imposed by this ordinance. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 5 below.

Section 2. Moratorium Imposed. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted prohibiting within the NCC and RC zoning districts of the TIB study area in the City of Tukwila the development, expansion, intensification or establishment of any new hotel; motel; extended-stay facility; or auto-oriented commercial uses, including, but not limited to, gas stations, car washes, vehicular repair or services, vehicular sales or rentals, commercial parking; and drive-throughs. No land use approval, building permit, construction permit, occupancy permit, or other development permit or approval shall be issued for any of the uses listed above while this moratorium is in effect. Any land use approval, development permits or other permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void and without legal force or effect.

Section 3. Definitions. As used in this ordinance, the following terms have the meanings set forth below:

A. "Hotel" means a building, or buildings or portion thereof, the units of which are used, rented, or hired out as sleeping accommodations only for transitory housing. Hotel rooms shall have their own private toilet facilities, and may or may not have their

own kitchen facilities. Hotels shall not include dwelling units for permanent occupancy. A central kitchen, dining room and accessory shops and services catering to the general public can be provided. No room may be used by the same person or persons for a period exceeding 30 calendar days per year. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

B. "Motel" means a building or buildings or portion thereof, the units of which are used, rented, or hired out as sleeping accommodations only for the purposes of transitory housing. A motel includes tourist cabins, tourist court, motor lodge, auto court, cabin court, motor inn and similar names but does not include accommodations for travel trailers or recreation vehicles. Motel rooms shall have their own private toilet facilities and may or may not have their own kitchen facilities. Motels are distinguished from hotels primarily by reason of providing adjoining parking and direct independent access to each rental unit. Motels shall not include dwelling units for permanent occupancy. No room may be used by the same person or persons for a period exceeding 30 calendar days per year. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

C. "Extended-stay hotel or motel" means a building or buildings or portion thereof, the units of which contain independent provisions for living, eating and sanitation including, but not limited to, a kitchen sink and permanent cooking facilities, a bathroom and a sleeping area in each unit, and are specifically constructed, kept, used, maintained, advertised and held out to the public to be a place where temporary residence is offered for pay to persons for a minimum stay of more than 30 days and a maximum stay of six months per year. Extended-stay hotels or motels shall not include dwelling units for permanent occupancy. The specified units for extended-stay must conform to the required features, building code, and fire code provisions for dwelling units as set forth in the Tukwila Municipal Code. Nothing in this definition prevents an extended-stay unit from being used as a hotel or motel unit. Extended-stay hotel or motels shall be required to meet the hotel/motel parking requirements. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

D. "Auto-oriented commercial uses" means the use of a site for primarily the servicing, repair, rental, sales or storage of vehicles, or the servicing of people while in their vehicles such as restaurant drive-throughs. Typical uses include, but are not limited to, gas stations; battery, tire, engine or body repair shops; vehicular sales or rental lots; and commercial parking.

Section 4. Effective Period for Moratorium. The moratorium set forth in this ordinance shall be in effect for a period of 6 months from the date this ordinance is passed and shall automatically expire at the conclusion of that 6-month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

Section 5. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will hold a public hearing at the City Council's regular meeting at 7:00 p.m. in Council Chambers on September 5, 2017, or as soon thereafter as the business of the City Council shall permit, and which date is no more than 60 days after the date of adoption herein, to take public testimony and to consider adopting further findings.

Section 6. Work Program. The Director of Community Development is hereby authorized and directed to address issues related to appropriate zoning regulations within the TIB study area of hotels, motels, extended-stay facilities, and auto-oriented commercial uses in the Tukwila Municipal Code.

Section 7. 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 8. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 9. 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 a majority plus one of the whole membership of the Council in order to protect the public health, safety, property and general welfare. This ordinance shall take effect and be in full force immediately upon passage by the City Council. A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 17TH day of July, 2017.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

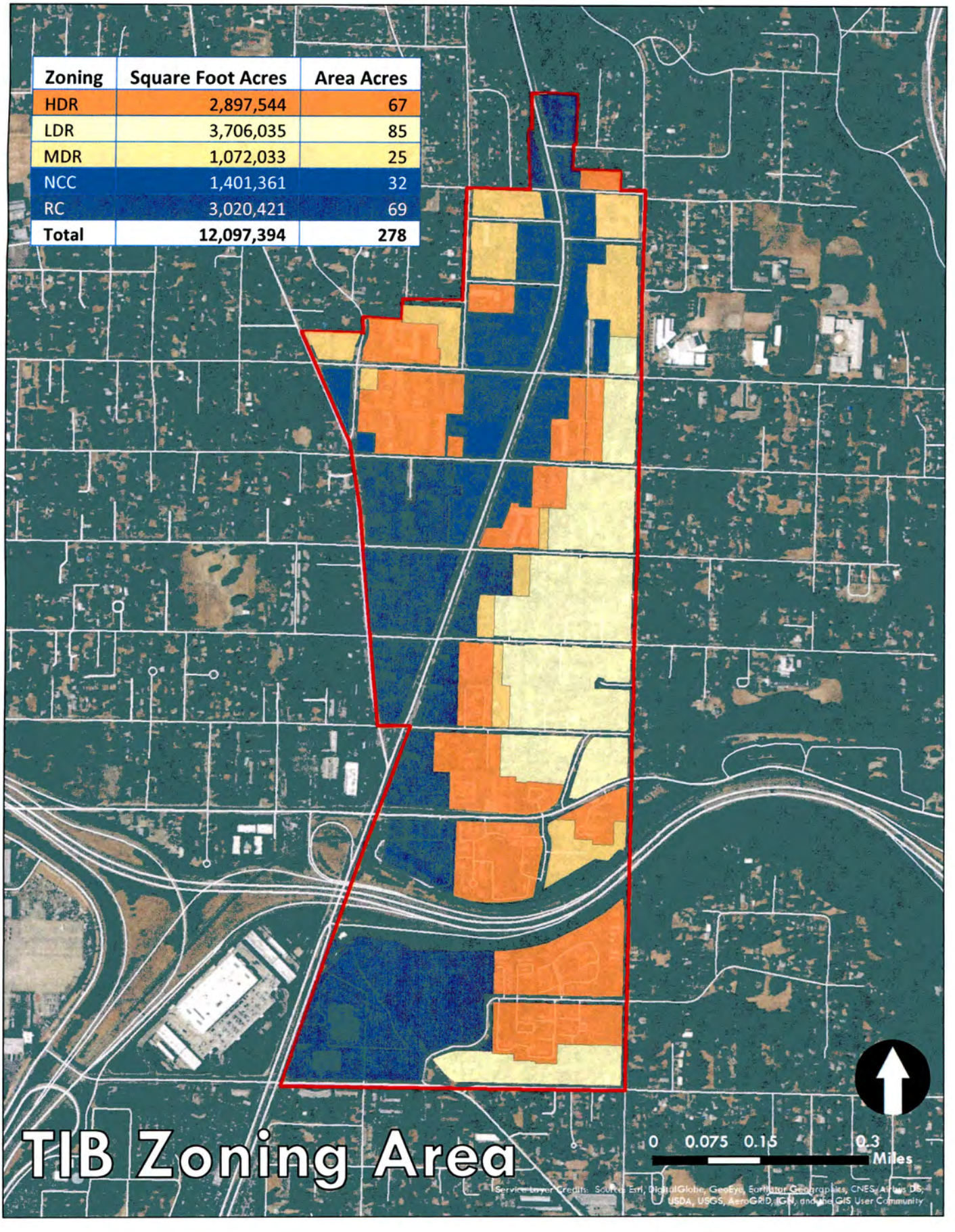
APPROVED AS TO FORM BY:

Rachel B. Turpin, City Attorney

Filed with the City Clerk: 7-12-17
Passed by the City Council: 7-17-17
Published: 7-20-17
Effective Date: per Section 9
Ordinance Number: 2543

Exhibit A – Map of Tukwila International Boulevard (TIB) Study Area
Exhibit B – Tukwila International Boulevard (TIB) Neighborhood Plan 2017 Work Program

Exhibit A
Tukwila International Boulevard (TIB) study area



Zoning	Square Foot Acres	Area Acres
HDR	2,897,544	67
LDR	3,706,035	85
MDR	1,072,033	25
NCC	1,401,361	32
RC	3,020,421	69
Total	**12,097,394**	**278**

Exhibit B

Tukwila International Boulevard (TIB) Neighborhood Plan
2017 Work Program

Work completed – 1st and 2nd Quarters 2017

- Congress for New Urbanism (CNU) Legacy Workshop in Tukwila – February
- CNU Final Report Presentation to City Council Meeting – May
- Refined household and employment Year 2031 forecasts for TIB neighborhood for traffic analysis on the street modification
- Selected a consultant for the SEPA analysis of the proposed TIB Plan
- Contracted for additional transportation professional services on design standards for TIB neighborhood street standards.

Upcoming Work – 2nd – 4th Quarters 2017

- Conduct traffic analysis
- Update the Council on traffic analysis and obtain direction and approval for street changes
- Draft amendments to Comp Plan Map, Zoning Code, and Public Works Infrastructure Design and Construction Standards for TIB Neighborhood
- Draft Environmental Checklist (SEPA)
- Conduct outreach events
- Brief the Council and Planning Commission on Draft TIB Plan
- Transportation & Infrastructure Committee review of Capital Improvement Program changes for TIB
- Planning Commission public hearing and review of TIB Plan
- City Council public hearing, review, and adoption of TIB Plan

Future Products:

- Comprehensive Plan Map Amendments
- Zoning Code and Map Amendments
- Environmental Checklist and Determination
- Infrastructure Design and Construction Standards amendments
- Capital Improvement Program Project

City of Tukwila Public Notice of Ordinance Adoption for Ordinances 2542-2543.

On July 17, 2017 the City Council of the City of Tukwila, Washington, adopted the following ordinance, the main points of which are summarized by title as follows:

Ordinance 2542: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, ADOPTING A NEW CHAPTER OF THE TUKWILA MUNICIPAL CODE RELATED TO TRESPASS WARNINGS ON CITY PROPERTY, TO BE CODIFIED AS TUKWILA MUNICIPAL CODE CHAPTER 8.23; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.
Ordinance 2543: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, ADOPTING A 6-MONTH MORATORIUM WITHIN THE TUKWILA INTERNATIONAL BOULEVARD STUDY AREA IN THE CITY OF TUKWILA ON THE DEVELOPMENT OF CERTAIN USES SUCH AS HOTELS, MOTELS, EXTENDED-STAY FACILITIES, OR AUTO-ORIENTED USES; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be provided upon request.

Christy O'Flaherty, MMC, City Clerk

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