



City of Tukwila

Washington

Cover page to Ordinance 2661

The full text of the ordinance follows this cover page.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING VARIOUS ORDINANCES AS STATED HEREIN AND AS CODIFIED IN VARIOUS SECTIONS OF TUKWILA MUNICIPAL CODE (TMC) TITLE 18, "ZONING" (18.41.080, 18.41.090, 18.41.100, 18.50.083 AND 18.52.040), TO SET DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS IN THE TUKWILA SOUTH OVERLAY ZONE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

Ordinance 2661 was amended or repealed by the following ordinances.

AMENDED	
Section(s) Amended	Amended by Ord #
2, 5	2678

REPEALED	
Section(s) Repealed	Repealed by Ord #



City of Tukwila

Washington

Ordinance No. 2661

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING VARIOUS ORDINANCES AS STATED HEREIN AND AS CODIFIED IN VARIOUS SECTIONS OF TUKWILA MUNICIPAL CODE (TMC) TITLE 18, "ZONING" (18.41.080, 18.41.090, 18.41.100, 18.50.083 AND 18.52.040), TO SET DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS IN THE TUKWILA SOUTH OVERLAY ZONE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila desires to implement the proposed Tukwila South Master Plan (Ordinance No. 2234) required by the City's Comprehensive Land Use Plan; and

WHEREAS, the City also desires that its Zoning Code include development standards and design guidelines for residential uses in the Tukwila South area; and

WHEREAS, Ordinance No. 2235 amended Title 18, "Zoning," of the Tukwila Municipal Code (TMC) in 2009 to implement the Tukwila South Master Plan by creating the Tukwila South Overlay (TSO) zone and to integrate regulations for that district with the existing code; and

WHEREAS, Table 18-6, "Land Uses Allowed by District." was amended by Ordinance No. 2235 to allow multi-family dwellings, including multi-family units above office and retail uses, senior citizen housing and assisted living facilities for seniors to be permitted in the Tukwila South Overlay zone after a residential design manual with criteria for approval is adopted by ordinance; and

WHEREAS, when Ordinance No. 2235 adopted the TSO zone and standards in 2009, it was expressly contemplated that development standards regarding residential uses would be adopted in the future; and

WHEREAS, the Tukwila South Project Draft Environmental Impact Statement (DEIS) was issued April 5, 2005, the Final EIS was issued on July 7, 2005, and an Addendum to the Final EIS was issued on September 23, 2005; and

WHEREAS, on July 19, 2021, the City was informed by the Washington State Department of Commerce that it had met the Growth Management Act notice requirements under RCW 36.70A.106; and

WHEREAS, on June 10, 2021, the Tukwila Planning Commission, following adequate public notice, held a public hearing to receive testimony concerning amending the Tukwila Municipal Code and at that meeting adopted a motion recommending the proposed changes; and

WHEREAS, on September 13, 2021, the Tukwila City Council, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning Commission;

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

Section 1. Chapter 18.41.080 Amended. Ordinance Nos. 2580 §3 and 2235 §10 (part), as codified at Tukwila Municipal Code (TMC) Section 18.41.080, “Design Review,” subparagraph E.9, are hereby amended to read as follows:

E.9. Substantial conformance with the criteria contained in the Tukwila South Design Manual for commercial development, the Tukwila South Residential Design Guidelines, or other Design Manual as stipulated by TMC Chapter 18.60.

Section 2. Chapter 18.41.090 Amended. Ordinance Nos 2580 §4 and 2235 §10 (part), as codified at TMC Section 18.41.090, “Basic Development Standards,” are hereby amended to read as follows:

18.41.090 Basic Development Standards

A. Residential Uses.

1. Residential use development on all lands within the TSO shall conform to the development standards set forth in TMC Section 18.41.090.A and the Tukwila South Residential Design Guidelines. Modifications to these standards are available pursuant to TMC Section 18.41.100, “Modifications to Development Standards through Design Review.”

2. The development standards herein are based on the height of new residential buildings. Specifically:

- a. Buildings three stories or less are subject to townhouse and low-rise standards.
- b. Buildings between four to seven stories are subject to mid-rise standards.
- c. Buildings eight stories or taller are subject to high-rise standards.
- d. For buildings with a varying number of stories, the tallest number of stories shall determine which set of standards apply.

**Table 18.41.090
Tukwila South Overlay Residential Development Standards**

Standard	TSO Townhouses & Low-rise (3 stories or less)	TSO Mid-rise (4-7 stories)	TSO High-rise (8 or more stories)
Setbacks/yards, minimum (feet)			
Front ¹			
Arterial streets	15	15	15
All other streets	10	10	10
Side ²			
Up to 3 rd story	5	5 ³	5 ³
4 th story and above	n/a	15 ⁴	15 ⁴
Rear ³			
Up to 3 rd story	5	5 ³	5 ³
4 th story and above	n/a	15 ⁴	15 ⁴
¹ In the event modification is pursued under TMC Section 18.41.100, front setbacks may be reduced to no less than 5 feet. ² Structures or portions of structures containing multi-family dwelling units that have solar access only from a side or rear setback-facing window(s) must be set back at least 15 feet from side and rear property lines. Structures must also maintain at least 15 feet of separation from adjacent structure elevations that provide the only solar access for a multi-family dwelling unit. See the Tukwila South Residential Guidelines for a graphic example. ³ When adjacent to a townhouse, the minimum setback is 15 feet. ⁴ When adjacent to a townhouse, the setback for portions of a structure taller than 35 feet must increase by 1 foot for each additional 1 foot in building height.			
Building height, maximum (feet)			
Building Height	45	85	125

Standard	TSO Townhouses & Low-rise (3 stories or less)	TSO Mid-rise (4-7 stories)	TSO High-rise (8 or more stories)
Outdoor lighting height, maximum (feet)			
Light poles in parking areas	20	20	20
Light poles along pedestrian walkways, trails, plazas, building entries, and other pedestrian-oriented areas	12	12	12
Building wall-mounted lighting	15	15	15
Building mounted lights fully recessed into the underside of a ceiling, soffit, or overhang	No limit	No limit	No limit
Building length, maximum (feet)			
Maximum building length	200	200	200
Recreation space per unit, minimum square footage (see TMC Section 18.41.090.3 for more information)^{7, 8}			
Recreation space	Residential development must provide on-site ⁹ and off-site ¹⁰ recreation space at the following standard: <ul style="list-style-type: none"> • 200 square feet total. <ul style="list-style-type: none"> • 75 square feet per unit, on-site. • 125 square feet per unit, off-site. 		
<p>⁷ Senior citizen housing must provide 100 square feet of recreation space per unit.</p> <p>⁸ Developments with 10 or more dwelling units must provide a children's play area in the on-site recreation space. A children's play area is not required for senior citizen housing or if the proposed structure or related development project is within 1/4 mile, measured along constructed sidewalks and/or trails of the perimeter, of a recreation facility for children that is open to residents of the proposed structure.</p> <p>⁹ Recreation area provided on-site must be functional space for active and passive recreation purposes and located within the same parcel or tract as the proposed development.</p> <p>¹⁰ The Director may approve the required off-site recreation area to be located on-site provided that the recreation space meets the design guidelines set forth in this chapter. If off-site recreation space is approved to be located on-site, that space must be active outdoor recreation space.</p>			

Standard	TSO Townhouses & Low-rise (3 stories or less)	TSO Mid-rise (4-7 stories)	TSO High-rise (8 or more stories)
Parking spaces per dwelling unit, minimum			
Studio	1	1	1
1-bedroom	1	1	1
2-bedroom	1.5	1.5	1.5
3-bedroom	2	2	2

3. Off-Site Recreational Area Requirements. The following requirements would apply to Off-Site Recreational Areas within the TSO district:

a. *Off-Site Recreational Area Conditions:*

(1) Off-site recreation areas must be accessible within 1/4 mile for a children’s play area up to 1/2 mile for all other offsite recreation areas as measured from the closest structure containing residential units; accessory buildings such as fitness centers, parking garages, utility structures, etc. will not qualify. Off-site recreation space located up to 1 mile from a structure containing residential units as measured along existing or future sidewalks and trails shall be credited toward meeting the offsite recreation space requirement.

(2) A recreation area constructed in fulfillment of this requirement should be designed to serve the neighborhood in which it is located. The space may be privately-owned, provided residents living in the area have access. New improvements must be located adjacent to, and highly visible from, a street (public or private) or public trail. The facilities to be located will be approved by the Director during the design review and/or platting process.

b. *Minimum Off-Site Recreational Area Design:* Minimum size requirements apply: 1/4 acre of usable off-site recreation space must be provided to meet the standard. This qualifies as the minimum size for an off-site recreation area. Off-site recreational areas must be designed and sized to accommodate a combination of active and passive recreational facilities.

Examples of qualifying facilities:

- (1) Children’s play equipment
- (2) Picnic areas and/or tables
- (3) Benches
- (4) Pea patch/other specialized community garden
- (5) Grass fields/areas of suitable size for active recreation
- (6) Sport courts
- (6) Trails and associated landscaped corridors on private property
- (7) Other amenities the Director determines meet the goal of providing active or passive recreation opportunities

c. *Larger Off-Site Recreational Areas:*

(1) Any offsite recreation area developed in excess of the offsite recreation area requirement for a given development, regardless of their size and subject to the 1/4-acre size minimum, may be banked toward future development for an indefinite period.

(2) Should a larger, consolidated recreation area of 2.0 acres or more be provided, the improvements can be used to fulfill current development proposal requirements. See "Timing of Recreation Space Provision" below for more information.

(3) If a project constructs a recreation area of less than 2.0 acres but greater than a development's required offsite recreation amount, the area developed in excess may be banked only if the offsite recreation area is constructed at the same time as the residential project.

(4) To qualify, the proposed recreation area must be located adjacent to, and highly visible from, a street (public or private) or trail and provide a range of active and passive recreational opportunities (as outlined in this Chapter) for multiple ages and physical abilities. Only those areas that are usable may count towards the off-site recreation space requirement. The following areas are excluded: parking lots, utility sheds, inaccessible natural/planted areas, any landscaped area required by code, and unimproved steep slopes as defined in TMC Section 18.45.120.

(5) Larger off-site recreational areas are typically characterized by recreational activities that serve a range of individuals and groups, such as field games, court games, craft areas, playground apparatus, picnicking, and space for quiet/passive activities. Neighborhood recreation areas may contain active recreational facilities such as softball, basketball, volleyball, handball, tennis, children's play structures, trails, and grass areas for activities and/or picnic facilities.

d. *Timing of Recreation Space Provision:* Construction of off-site recreation space must meet the following timelines.

(1) For sites under 2.0 acres in area, the off-site recreation space must be constructed and receive final construction permit approval prior to the issuance of certificate of occupancies for any project receiving credit for the off-site recreation space.

(2) For sites equal to or in excess of 2.0 acres, the City will permit delayed construction of the off-site recreation space as follows:

(a) Construction permits must be applied for within two years of the associated residential project(s) using such off-site recreation space to satisfy their recreation space requirement and receiving certificate(s) of occupancy. Provided:

i. A financial guarantee (bond, assignment of account, irrevocable standby letter of credit, or cash), acceptable to the Director, in an amount necessary to complete the off-site recreation improvements is provided to the City.

ii. The owner of the property for the off-site recreation area has provided an appropriate legal mechanism acceptable to the City to access the identified off-site recreation area, such as an easement, at no cost, and to construct the off-site

recreation space improvements in the event that the applicant and/or property owner have not completed the improvements within the prescribed timelines.

iii. The requirements in TMC Section 18.41.090.A.3.d.(a).i and ii are not required if the permits for off-site recreation space have received final approval by the City.

(3) No additional residential projects within the 1/2 mile radius of the deferred off-site recreation area will be allowed to move forward with construction until such off-site recreation space construction has been completed.

(4) Construction of the off-site recreation improvements must be completed within a timely manner from permit approvals. If adequate provisions, as determined by the Director, cannot be put in place to ensure the future construction of the off-site recreation space, then the space shall be constructed prior to the issuance of any certificate of occupancy for any developments using the off-site area to meet recreational space requirements.

e. *Sensitive Area Tracts*: Off-site recreation space credit can be given for any trails, lookouts, or other passive recreation activities constructed within sensitive area tracts, subject to compliance with the City's Sensitive Area Master Plan for Tukwila South and the City's Environmental Areas Ordinance. The sensitive areas tracts would need to meet the locational requirements outlined in this Chapter (1/2 mile from closest perimeter of a residential project). Only the areas of improvement within a sensitive area tract would count towards the recreation space requirement, not the entire tract.

4. **Performance Standards**: Use, activity, and operations within a structure or a site shall comply with: (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants; (2) TMC Chapter 8.22, "Noise"; and (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, Chapter 43.21C RCW, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.

B. Connectivity and Circulation Guidelines.

1. Any development with a residential component shall front a roadway that meets City approved public or private street standards.

2. Access to development sites needs to include provisions for non-motorized circulation, including dedicated pedestrian access that separates pedestrians from motorized traffic via curb and/or landscaped planter strip. Development along public rights-of-way should not preclude bus stops and bike infrastructure. Private street development, contained within tracts or easements, may be required to include shared and/or dedicated bike lanes, on-street parking, and/or drop-off/loading zones.

3. Existing curb cuts from Southcenter Parkway and South 200th Street are to be used for access to the adjacent development sites and to extend private streets, contained within tracts or easements. If no curb cut exists along an existing road fronting a development site, City of Tukwila Public Works may review and approve new curb cut

location(s) along such street frontage, subject to intersection spacing and site distance standards.

4. New streets are encouraged to connect to adjacent parcels at an interval no greater than 700 feet. Where nearby parcels and associated private streets have already been developed, proposed private streets, whether in tracts or easements, shall align and connect.

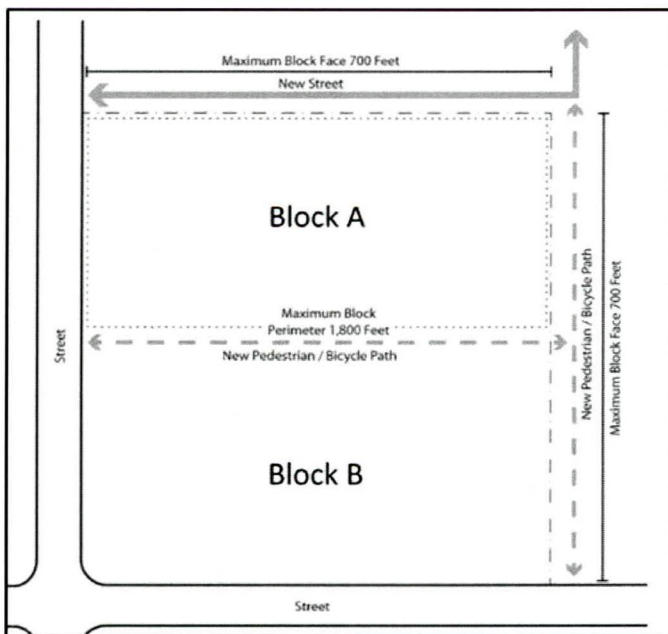
5. Future block development is encouraged to create a maximum block perimeter 2,000 linear feet. The block will be defined with a minimum of two vehicle through connections. The remaining two sides of the block may be pedestrian/bicycle connections only or could accommodate vehicle traffic; see example below.

6. Permanent dead-end streets should be avoided, if possible.

7. All developments must meet minimum Fire Department and Public Works Department access and grade requirements including, but not limited to, minimum street clearance, turning radii, and turnaround design.

8. The Director may provide exceptions to these guidelines in the event they are unable to be adhered to due to physical/topographical constraints, the creation of an unusable parcel(s) of land, or an inability to fulfill the requirements without significantly interfering with the proposed function(s) of the development given that the overall intent of the guidelines is still fulfilled.

BLOCK EXAMPLE:



Section 3. Chapter 18.41.100 Amended. Ordinance No. 2235 §10 (part), as codified at TMC Section 18.41.100, "Modifications to Development Standards through Design Review," is hereby amended to read as follows:

18.41.100 Modifications to Development Standards through Design Review

A. An applicant may request a modification to the Basic Development Standards established by TMC Section 18.41.090 as part of a design review application. The applicant shall submit a written description of the proposed modification and address the decision criteria stated in subsection 18.41.100.B; the Director may condition the approval of a modification request when such conditions are necessary to achieve conformity with these decision criteria.

B. The Director may grant modifications to the Basic Development Standards established by TMC Section 18.41.090 for individual cases provided that, for development of a residential use, the Director shall find that either the modification is allowed because it results in a more thoughtful urban design for the project consistent with the Tukwila South Residential Design Guidelines, or that all five criteria below are met and, for development of a non-residential use, the Director shall find that all five criteria below are met:

1. The modification is required due to unique circumstances related to the subject property that create significant practical difficulties for development and use otherwise allowed by this code;
2. The modification conforms to the intent and purpose of the Tukwila South Master Plan, any applicable development agreements, and this code;
3. The modification will not be injurious to other property(s) in the vicinity;
4. The modification will not compromise the current or reasonably anticipated provision of circulation, access, utility service or any other public service; and
5. An approved modification shall be the minimum necessary to ameliorate the identified practical difficulties giving rise to the request.

Section 4. Chapter 18.50.083 Amended. Ordinance Nos. 2580 §5, 2199 §16, and 1758 §1 (part), as codified at TMC Section 18.50.083, "Maximum Building Length," are hereby amended to read as follows:

18.50.083 Maximum Building Length

In the MDR and HDR zone, the maximum building length shall be as follows:

For all buildings except as described below:	MDR.....50 ft. HDR.....50 ft.
<i>Maximum building length with bonus for modulating off-sets:</i>	
• For structures with a maximum building height of 2 stories or 25 feet, whichever is less, and having horizontal modulation or a minimum vertical change in roof profile of 4 feet at least every two units or 50 feet, whichever is less	MDR.....100 ft. HDR..... 200 ft.

<ul style="list-style-type: none"> For structures with a building height over 2 stories or 25 feet, whichever is less, with a horizontal & vertical modulation of 4 feet or an 8-foot modulation in either direction 	MDR.....100 ft. HDR..... 200 ft.
<ul style="list-style-type: none"> For townhouse structures with horizontal modulation or a minimum vertical change in roof profile of 4 feet at least every two units or 50 feet, whichever is less 	MDR.....80 ft. HDR.....125 ft

Maximum building length with bonus for modulating off-sets: Modulation shall be required for every 2 units or 50 feet, whichever is less, as measured along the building’s length. Grouping of offsets in maximum four unit modules may be permitted only with BAR approval (see Figure 18-5).

Section 5. Chapter 18.52.040 Amended. Ordinance Nos. 2627 §30, 2625 §48, 2580 §6 and 2523 §8, as currently codified at TMC Section 18.52.040, “Perimeter and Parking Lot Landscaping Requirements by Zone District;” and Ordinance Nos. 2442 §1, 2251 §61, 2235 §13, and 1872 §14 (part), as then codified at TMC Section 18.52.020, “Perimeter Landscaping Requirements by Zone District;” are hereby amended to read as follows and codified as TMC Section 18.52.040.

18.52.040 Perimeter and Parking Lot Landscaping Requirements by Zone District

In the various zone districts of the City, landscaping in the front, rear and side yards and parking lots shall be provided as established by the various zone district chapters of this title. These requirements are summarized in the following table (Table A), except for Tukwila Urban Center (TUC) requirements, which are listed in TMC Chapter 18.28.

TABLE A

ZONING DISTRICTS	FRONT YARD (SECOND FRONT) (linear feet)	LANDSCAPE TYPE FOR FRONTS	LANDSCAPE FOR SIDE YARD (linear feet)	LANDSCAPE FOR REAR YARD (linear feet)	LANDSCAPE TYPE FOR SIDE/REAR	LANDSCAPING FOR PARKING LOTS (square feet)
LDR (for uses other than residential)	15 ²	Type I	10	10	Type I	20 per stall for non-residential uses; 15 per stall if parking is placed behind building
MDR	15 ^{1,2,11}	Type I	10	10	Type I	Same as LDR
HDR	15 ^{1,2,11}	Type I	10	10	Type I	Same as LDR
MUO	15 (12.5) ^{2,11}	Type I ⁷	6 ⁴	6 ^{4,11}	Type I ⁷	20 per stall adjacent to street; 15 per stall if parking is placed behind building
O	15 (12.5) ²	Type I ⁷	6 ⁴	6 ⁴	Type I ⁷	Same as MUO
RCC	20 (10) ^{2,3}	Type I ⁷	6 ⁴	10 ¹¹	Type II	Same as MUO
NCC	10 ^{4,11}	Type I ^{7,13}	0 ⁴	0 ^{4,11}	Type II	Same as MUO
RC	10	Type I ¹³	6 ⁴	0 ⁴	Type II ⁸	Same as MUO
RCM	10	Type I	6 ⁴	0 ⁴	Type II ⁸	Same as MUO

C/LI	15	Type I ⁶	6 ^{5, 12}	0 ^{5, 12}	Type II ⁸	15 per stall; 10 per stall for parking placed behind building
LI	15 ²	Type II	0 ^{4, 12}	0 ^{4, 12}	Type III	15 per stall; 10 per stall for parking placed behind building
HI	15 ²	Type II	0 ^{4, 12}	0 ^{4, 12}	Type III	15 per stall
MIC/L	10 ⁵	Type II	0 ^{5, 12}	0 ^{5, 12}	Type III	10 per stall
MIC/H	10 ⁵	Type II	0 ^{5, 12}	0 ^{5, 12}	Type III	10 per stall
TUC – See TMC Chapter 18.28						
TVS – See TMC Chapter 18.40						
TSO – See TMC Chapter 18.41						

Notes:

1. Minimum required front yard landscaped areas in the MDR and HDR zones may have up to 20% of their required landscape area developed for pedestrian and transit facilities subject to the approval criteria in TMC Section 18.52.120.C.
2. In order to provide flexibility of the site design while still providing the full amount of landscaping required by code, the front yard landscape width may be divided into a perimeter strip and one or more other landscape areas between the building and the front property line if the perimeter strip is a minimum of 10 feet and the landscape materials are sufficient to provide landscaping along the perimeter and screening of the building mass.
3. Required landscaping may include a mix of plant materials, pedestrian amenities and features, outdoor café-type seating and similar features, subject to the approval criteria in TMC Section 18.52.120.C. Bioretention may also be used as required landscaping subject to the approval criteria in TMC Section 18.52.120.E. Required plant materials will be reduced in proportion to the amount of perimeter area devoted to pedestrian-oriented space.
4. Increased to 10 feet if any portion of the yard is within 50 feet of LDR, MDR or HDR.
5. Increased to 15 feet if any portion of the yard is within 50 feet of LDR, MDR or HDR.
6. Increased to Type II if the front yard contains truck loading bays, service areas or outdoor storage.
7. Increased to Type II if any portion of the yard is within 50 feet of LDR, MDR or HDR.
8. Increased to Type III if any portion of the yard is within 50 feet of LDR, MDR or HDR.
9. Only required along public streets.
10. Increased to 10 feet for residential uses; or if adjacent to residential uses or non-TSO zoning.
11. In the MDR and HDR districts and other districts where multifamily development is permitted, a community garden may be substituted for some or all of the landscaping. In order to qualify, a partnership with a nonprofit (501(c)(3)) with community garden expertise is required to provide training, tools and assistance to apartment residents. Partnership with the nonprofit with gardening expertise is required throughout the life of the garden. If the community garden is abandoned, the required landscaping must be installed. If the garden is located in the front landscaping, a minimum of 5 feet of landscaping must be placed between the garden and the street.
12. To accommodate the types of uses found in the C/LI, LI, HI and MIC districts, landscaping may be clustered to permit truck movements or to accommodate other uses commonly found in these districts if the criteria in TMC Section 18.52.120.D are met.
13. For NCC and RC zoned parcels in the Tukwila International Boulevard District, the front landscaping may be reduced or eliminated if buildings are brought out to the street edge to form a continuous building wall, and if a primary entrance from the front sidewalk as well as from off-street parking areas is provided.

Section 6. 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 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. 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 five 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 18th day of October, 2021.

ATTEST/AUTHENTICATED:

eSigned via SeamlessDocs.com
Christy O'Flaherty
Key: 79ea828951b7aa3db8aa727a087fbb51

Christy O'Flaherty, MMC, City Clerk



Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

eSigned via SeamlessDocs.com
Kari L. Sand
Key: 3682c8858941d8658701f6646762f0ea

Office of the City Attorney

Filed with the City Clerk: 10-12-21
Passed by the City Council: 10-18-21
Published: 10-21-21
Effective Date: 10-26-21
Ordinance Number: 2661

[Attachment: Tukwila South Residential Design Guidelines dated October 18, 2021](#)

City of Tukwila Public Notice of Ordinance Adoption for Ordinance 2661.

On October 18, 2021 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 2661: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING VARIOUS ORDINANCES AS STATED HEREIN AND AS CODIFIED IN VARIOUS SECTIONS OF TUKWILA MUNICIPAL CODE (TMC) TITLE 18, "ZONING" (18.41.080, 18.41.090, 18.41.100, 18.50.083 AND 18.52.040), TO SET DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS IN THE TUKWILA SOUTH OVERLAY ZONE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Christy O'Flaherty, MMC, City Clerk

Published Seattle Times: October 21, 2021

From: [Kari Sand](#)
To: [Barbara Saxton](#)
Cc: [Christy O'Flaherty](#); [Andy Youn](#); [Maxwell Baker](#); [Nora Gierloff](#)
Subject: Re: Potential scrivener's error
Date: Friday, March 11, 2022 11:11:26 AM
Attachments: [image001.png](#)
[image002.png](#)

Barbara and all--

Yes, please make the needed corrections, as explained below, and I agree these are all scrivener's errors.

Thank you for catching and correcting these.

Have a good day,
Kari

[Kari L. Sand | Attorney](#)

[Ogden Murphy Wallace, PLLC](#)
901 Fifth Avenue, Suite 3500 | Seattle, WA 98164
Direct: 206.447.2250 | Fax: 206.447.0215
ksand@omwlaw.com | www.omwlaw.com

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW).

From: Barbara Saxton <Barbara.Saxton@TukwilaWA.gov>
Sent: Friday, March 11, 2022 9:22 AM
To: Kari Sand <Kari.Sand@TukwilaWA.gov>
Cc: Christy O'Flaherty <Christy.OFlaherty@TukwilaWA.gov>; Andy Youn <Andy.Youn@TukwilaWA.gov>; Maxwell Baker <Max.Baker@TukwilaWA.gov>; Nora Gierloff <Nora.Gierloff@TukwilaWA.gov>
Subject: Potential scrivener's error

During the codification process for Ordinance No. 2661 (Development standards for multi-family residential developments in the TSO zone), Andy noticed some irregularities with Section 5. Please advise if the following can be corrected as scrivener's errors. Thank you, Kari.

Link to ordinance:

 [2661 Tukwila South Multi-Family Residential Development 10-14-21.docx](#)

→ ~~Section 5. Chapter 18.41.100 Amended. Chapter 18.52.040 Amended.~~ Ordinance Nos. 2580 §6 and 2523 §8, as currently codified at TMC Section 18.52.040, "Perimeter and Parking Lot Landscaping Requirements by Zone District," and Ordinance Nos. 2442 §1, 2251 §61, 2235 §13, and 1872 §14 (part), as then codified at TMC Section 18.52.020, "Perimeter Landscaping Requirements by Zone District," are hereby amended to read as follows and codified as TMC Section 18.52.040.¶¶

1. "Chapter 18.41.100 Amended" should be removed from the title. I probably copied it from Section 3 of this ordinance as a template for the section title and then just repeated it with the correct section title (18.52.040) instead of replacing it.
2. This is one of those TMC sections where the TMC section number had been previously changed, making the citations more convoluted than normal. So what is there is correct, EXCEPT, I should have also included Ordinance Nos. 2627 §30 and 2625 §48 as being amended (see below). The codification of those two SMP ordinances was delayed to our workload, but should have been complete by the time Ord. 2661 was written, so I do not have a reason for why they were missed.

Ordinance Nos. **2627 §30, 2625 §48**, 2580 §6 and 2523 §8, as currently codified at TMC Section 18.52.040, "Perimeter and Parking Lot Landscaping Requirements by Zone District;" and Ordinance Nos. 2442 §1, 2251 §61, 2235 §13, and 1872 §14 (part), as then codified at TMC Section 18.52.020, "Perimeter Landscaping Requirements by Zone District," are hereby amended to read as follows and codified as TMC Section 18.52.040.

From: [Christy O'Flaherty](#)
To: [Barbara Saxton](#)
Cc: [Andy Youn](#)
Subject: RE: Codification of Ord. 2661 - Scrivener's Error?
Date: Thursday, March 10, 2022 2:32:07 PM

Sure thing. Since these particular changes will affect the need for Ana to show amendments to the 2 referenced ordinances, let's remember to loop her in when the scrivener's error process has been completed.

Christy

From: Barbara Saxton <Barbara.Saxton@TukwilaWA.gov>
Sent: Thursday, March 10, 2022 2:23 PM
To: Christy O'Flaherty <Christy.OFlaherty@TukwilaWA.gov>
Cc: Andy Youn <Andy.Youn@TukwilaWA.gov>
Subject: FW: Codification of Ord. 2661 - Scrivener's Error?

Andy noticed some issues while codifying Ordinance No. 2661. We would like to contact Kari about whether items 1 and 2 below could be considered Scrivener's Errors and corrected. Thank you.

From: Andy Youn <Andy.Youn@TukwilaWA.gov>
Sent: Thursday, March 10, 2022 1:20 PM
To: Barbara Saxton <Barbara.Saxton@TukwilaWA.gov>
Subject: Re: Codification of Ord. 2661

That's great. I assumed it was because the codification of 2625 wasn't up when you drafted this one but wanted to check with the expert. Thank you!!!

Andy Youn

Deputy City Clerk
Records Governance | City Clerk's Office
City of Tukwila

On Mar 10, 2022, at 1:12 PM, Barbara Saxton <Barbara.Saxton@tukwilawa.gov> wrote:

Per your Teams message today (3/10/22) (below the line)...

1. I think "Chapter 18.41.100 Amended" should be removed. I probably copied it from Section 3 of this ordinance as a template for the section title and then just repeated it with the correct section title (18.52.040) (instead of replacing it).
2. This is one of those TMC sections where the section number was changed. So what

is there is correct, EXCEPT, I should have also included Ordinance Nos. 2625 §48 and 2627 §30 as being amended. The codification of those SMP ordinances should have been complete by the time Ord. 2661 was written, so I'm not sure why I missed them. I feel a Scrivener's Error request coming on.

Let me know if this makes sense and addresses what you were thinking.

[

Section 5. Chapter 18.41.100 Amended. Chapter 18.52.040 Amended. Ordinance Nos. 2580 §6 and 2523 §8, as currently codified at TMC Section 18.52.040, "Perimeter and Parking Lot Landscaping Requirements by Zone District;" and Ordinance Nos. 2442 §1, 2251 §61, 2235 §13, and 1872 §14 (part), as then codified at TMC Section 18.52.020, "Perimeter Landscaping Requirements by Zone District," are hereby amended to read as follows and codified as TMC Section 18.52.040.