



INFORMATIONAL MEMORANDUM

To: Planning and Community Development Committee
From: Nora Gierloff, AICP, Director DCD
By: Max Baker, AICP, Development Supervisor
Copy: Mayor Ekberg
Date: March 21, 2022
SUBJECT: **2022 Housekeeping Code Updates**

ISSUE

Should four Chapters of the Tukwila Municipal Code be amended to address housekeeping items? The affected Chapters include TMC 8 – Public Peace, Morals, and Safety, TMC 17 – Subdivisions and Plats, Chapter 18 – Zoning, and Chapter 19 – Sign Code.

BACKGROUND

Staff has grouped together amendments to the Tukwila Municipal Code for your consideration. The process for these code amendments includes a briefing to the Planning and Community Development Committee, who would then forward the proposed amendments to the Planning Commission to review in detail and conduct a public hearing. Staff would then bring the Planning Commission's recommendations back to Committee. After the committee's review, the recommendations would then be scheduled for a public hearing at a Committee of the Whole meeting.

The proposed amendments will also require review under the State's SEPA regulations, and a 60-day review by the Department of Commerce.

Included in this memo is a list of the proposed amendments with a brief explanation. (Please note that some amendments may require modifications in other code sections to ensure consistency.) The majority of these changes are housekeeping in nature to streamline or clarify processes, correct inconsistencies created by past amendments, correct code citations or numbering, and codify code interpretations. Revisions to the noise ordinance and the zoning district land use table have also been proposed to address anachronous regulations and provide additional clarification where necessary.

DISCUSSION OF PROPOSED CHANGES

A. Title 8 – Public Peace, Morals, and Safety

1. Modify the definition of "Residential Party" to include "Residential Party or Other Noise Generating Event," in both the Noise Code and the section of the Zoning Code so that loud events, other than parties, must also acquire a variance (TMC 8.22.020 and 8.22.120). This clarification will make it clear that Type 1 Noise Variances for parties/events are subject to noticing those within 500 feet. It does not pertain to whether or not they need a variance.
2. Modify the public noticing requirement for Type 1 Noise Variances to clarify that notice is required to residents and businesses within 500 feet in the case of residential parties and events (TMC 8.22.120.B.(3)).
3. Eliminate the requirement that those conducting exempt daytime noise-generating activities submit proof that they have notified adjacent property owners of potential noise (as

required by the code). Examples of these types of exempt activities include construction or the movement of construction-related materials; testing of emergency back-up generators or other emergency equipment; bells, chimes or carillons operating for not more than five minutes in any one hour; and aircraft engine testing and maintenance not related to flight operations (TMC 8.22.110).

B. Title 9 – Vehicles and Traffic

1. Update steps for applicants to apply for traffic concurrency so that they complete information during permit intake and can pay for it under their permit instead of applying for a separate concurrency permit. (TMC 9.50 – Traffic Concurrency)

C. Title 17 – Subdivisions and Plats

1. Clarify that Boundary Line Adjustments and Lot Consolidations shall not result in the creation of lots with split zoning (TMC 17.08.030).

D. Title 18 – Zoning

1. Modify code definitions and the table defining land uses allowed in each zoning district:
 - a. Rename “Outpatient Medical Clinic” to “Clinic, Outpatient Medical” so that it is listed alphabetically between “Clearing” and “Closed Record Appeal.” (TMC 18.06.150)
 - b. In compliance with adopted legislation, revise the definition of Essential Public Facilities to clarify that it does not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings. (RCW 36.70A.200)
 - c. Relocate and renumber location of definition of Revetment (TMC 18.06.677), currently between TMC 18.06.676, Regional Detention Facility and TMC 18.06.680, Research and Development Facility, to correct alphabetizing, and adjust any references in other sections to reference correct code citation.
 - d. Revise the Adult Entertainment Establishments sub-definition for Adult Bathhouse to “a commercial establishment which excludes any person by virtue of age from all or any portion of the premises, or which provides to its patrons an opportunity for engaging in “Specified Sexual Activities,” with or without a membership fee.”
2. Update references in the Zoning Code to “Environmentally Sensitive Areas” (ESAs) to new approved term “Critical Areas” to be consistent with nomenclature changed in the Environmentally Critical Areas chapter, TMC 18.45, in 2020.
3. To support the intent of the Nonconforming provisions of the Code, add a requirement for bonding when the primary structure is proposed to be demolished, while accessory structures are proposed to remain. The bond shall cover the 150% of the demolition cost should an approved primary use not be applied for within 1 year. This has been the City’s practice in the past; however, it has not been codified to date. (TMC 18.70.050)
4. Correct reference and process errors in the Shoreline Overlay chapter of the Code (TMC 18.44). With the update of the Shoreline Master Program in 2020, the City intended to allow Shoreline Conditional Use Permits to be processed as Type 3 permits, rather than Type

- 4 permits. This change was made in in the Shoreline Overlay chapter of the Code, but not made uniformly within other parts the Zoning Code. It needs to be corrected to avoid confusion about the process required for Shoreline CUPs.
5. Change the Supplemental Development Standards (TMC 18.50) as follows:
 - a. Clarify how an applicant can acquire a “Retaining Wall Setback Waiver(s).” The current code does not specify the process to be used, although it is intended to be the “Type 2 Special Permission Decision to the Community Development Director.”
 - b. Codify a January 24, 2020, zoning interpretation that found that the 5/12 roof pitch requirements for single-family dwellings are interpreted to apply to a minimum of 75% of the total building footprint square footage (TMC 18.50.050.6).
 6. Update individual zoning district basic development standards sections to ensure they are consistent with changes made to the Landscape Chapter in 2017. At the time the Landscape Code was updated, it was intended that the individual district requirements would be modified, however this was overlooked in the final adoption process.

Modify reference in TMC 18.54.080 Table A(1) to remove “see Tree Permit Application for additional detail.” Since the Permit Center began taking permit applications online, those applications have been streamlined and additional information is no longer presented in this location.
 7. TMC 18.54.140 - Tree Permit Exception – Modify the Permit Exceptions section of the code to remove reference to a Tree Exception Permit. The tree permit exception criteria listed can be applied to a Tree Permit instead of to a separate Tree Exception Permit. This type of permit is not listed in TMC 18.104. Remove reference to a Tree Exception Permit in TMC 18.54.030.A.3. and TMC 18.54.130.B. Add reference to exception criteria to TMC 18.54.050, “All Tree Permit applications shall meet the criteria outlined below for approval, or meet the criteria for a tree permit exception found in TMC 18.54.140.”
 8. Update Table 18-6 to consolidate uses listed as “Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant” and “Restaurants including cocktail lounges in conjunction with a restaurant” into one use called “Restaurants including drive through, sit down, and cocktail lounges in conjunction with a restaurant.” Along with this change, also consolidate the zones where this use is permitted, combining what is currently listed and matching the zones where brew pubs are permitted. Further work is required at a later date to define the different types of restaurants.
 9. Correct reference in TMC 18.44.110.G.6.a, Administration: Non-Conforming Development: Non-Conforming Parking Lots, which cite landscape standards, but cites wrong section. Currently, citation says “..., except as necessary to meet vegetation protection and landscaping standards consistent with TMC Section 18.44.110.E.7.” The section should reference TMC 18.44.110.G.7, Administration: Non-Conforming Development: Non-Conforming Landscape Areas.

10. In 2017 and 2020, the City's Landscaping Regulations were updated to modify, among other changes, landscape buffer requirements. These changes were made in the landscaping code, however, they did not also modify the requirements listed in the individual zoning district sections of the code. The following changes would address that:
 - a. TMC 18.10.060 (LDR) Basic Development Standards – add a reference to TMC 18.52, as conditioned, for Landscape requirements for Uses other than residential.
 - b. For all other district chapters, remove any previous district landscape requirements and add reference to TMC 18.52 Table A for minimum landscape requirements.
 - c. Revise perimeter landscaping requirements set forth in TMC 18.52 Table A to not be greater than the required setbacks set forth in each district's development standards section.

11. Update Table 18-6, Land Uses Allowed by District, to streamline categories and remove outdated land use types. See Attachment A for proposed changes.

E. Title 19 – Sign

1. TMC 19, Sign Code, has several needed amendments
 - a. Eliminate the excess process that requires businesses to submit a "notice of copy change form" when they wish to reface an existing, permitted sign. (TMC 19.20.040(6)(d), 19.32.075(4), and 19.20.030(B)(7)(D))
 - b. Clarify in TMC 19.20.040 that all freestanding signs follow the monument sign standards. There has been customer confusion as to whether there is another Code section where freestanding sign standards are contained. Suggested language: "Monument and freestanding signs are permitted within all commercial and industrial zones, subject to the following standards."
 - c. Codify 2019 code interpretation for murals, see Attachment B.

FINANCIAL IMPACT

N/A

RECOMMENDATION

The Council is being asked to forward this item for the Planning Commission review and recommendation. After the Planning Commission review staff will come back to the Planning and Economic Development Committee in early summer, following review by the Washington Department of Commerce and completion of the SEPA process. At that time the Committee will decide if the item is ready for a public hearing by the Committee of the Whole.

ATTACHMENTS

- A. Proposed revisions to *Table 18-6: Land Uses Allowed by District*
- B. 2019 code interpretation regarding artistic murals as opposed to signs

Exhibit A – Table 18-6: Land Uses Allowed by District

See Table 18-2 for uses allowed in TUC and Figure 18-1 for uses allowed in Shoreline.

For properties zoned LDR, MDR and HDR that are designated as Commercial Redevelopment Areas (see figure 18-9 or 18-10), the uses and development standards of the adjacent commercial zone are permitted and shall apply, subject to the specific criteria and procedures defined in TMC 18.60.060

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use); C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)																	
Adult day care	A	A	A	A	A				A	A							P
Adult entertainment (subject to location restrictions ¹)										P	P	P	P	P	P	P	P
Airports, landing fields and heliports (except emergency sites)										U	U	U	U	U	U	U	U
Amusement Parks								C	C	C	C	C					P
Animal rendering										U							P
Animal shelters and kennels, subject to additional State and local regulations (less than 4 cats/dogs = no permit)								C	C	C	C	C					P
Animal Veterinary, including associated temporary indoor boarding, access to an arterial required	P	P	P	P	P	P	P	P	P	P							P
Automobile, recreational vehicles or travel trailer or used car sales lots <u>Vehicle sales lot</u> ²								P33	P	P	P	P			P	P	P
Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building), and alternate fueling station (not wholesale distribution facilities), vehicle service station							P34	P34	P	P	P	P	P	P	P	P	P
Beauty or barber shops									P	P	P	P	↔	↔	↔	↔	↔
Bed and breakfast lodging for not more than twelve guests	C	C	C														
Bed and breakfast lodging (no size limit specified)				C													P
Bicycle repair shops					P	P	P	P	P	P	P	P	P	P	P	P	P
Billiard or pool rooms							A	P	P	P	P	P					P
Boarding Homes		C	C														
Brew Pubs				P	P	C	P	P	P	P	P	P	P	P	P	P	P
Bus stations																	P
Cabinet shops or carpenter shops employing less than five people							P	P	P	P	P	P	P	P	P	P	P
Cargo containers (*see also TMC 18.50.060)	A&S	A&S	A&S					A&S	A&S	A&S	A&S	A&S	A&S	A&S	A&S	A&S	A&S
Cement manufacturing										U	U	U	U	U	U	U	U

Commented [MB1]: Define: Any area of land which is used or intended for the landing and takeoff of aircraft, any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities.

Commented [MB2]: Define: Change to "Vehicle Sales Lot" the sale of new and/or used vehicles, including automobiles, trucks, motorcycles, recreational vehicles, boats or marine craft, as well as farm vehicles.

Commented [MB3]: Change to "Service Station." Add "enclosed engine repair" to definition.

Commented [MB4]: Reflects Table 18-2 Remove, covered under "General Retail in 18.06"

Commented [MB5]: Not a standalone use

Commented [MB6]: Not defined, covered by "Manufacturing."

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
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Colleges and universities				C	C		C	C	C	C	C	C	C6	C6	C6	P	
Commercial laundries				P7	P7			P7	P7	P7	P8	P8	P		P8		
Commercial Parking																	
Computer software development and similar uses																	
Contractor storage yards																	
Continuing care retirement facility				C	C		C	C	C	C						C	P
Convalescent & nursing homes & assisted living facility for not more than twelve patients		C	P	P	P	C	P	P	P	P						P	P
Convalescent & nursing homes & assisted living facility for more than twelve patients				C	C		C	C	C	C						C	P
Convention facilities																	P
Correctional institutes					U11												
Daycare Centers (not home-based)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Daycare Family Home (Family Child Care Home) ¹²	A	A	A	A	A	A	A	A	A							A	A
Diversion facilities and diversion interim services facilities south of Strander Blvd										U							
Dormitory	C	C	C	A13	A13	A13	A13	A13	A13	A13	A13	A13			A13	A13	
Drive-in theatres																	
Dwelling – Detached single family (Includes site built, modular home or new manufactured home). One detached single family dwelling per existing lot permitted in MUO, O, RCC, NCC, TVS.	P	P	P	P	P	P	P	P								P	P14
Dwelling- Detached Zero-Lot Line Units		P															
Dwelling- Duplex, triplex or fourplex or townhouse up to four attached units		P															
Dwelling- Townhouses			P														
Dwelling –Multi-family			P					P15									P14
Dwelling – Multi-family units above office and retail uses				P		P	P	P	P						C16 22/ ac	P14	
Dwelling – Senior citizen housing, including assisted living facility for seniors *see purpose section of chapter, uses sections, and development standards		P	P	P	P	P	P	P	P	P						C16 100 /ac	P14
Dwelling unit – Accessory ¹⁷	A	A	A														

Commented [MB7]: Define:
Means an establishment where textiles are washed for commercial, industrial, and institutional entities not located on the same site.

Commented [MB8]: include as a part of definition of "Office"

Commented [MB9]: Define:
Means storage yards operated by, or on behalf of a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

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Electrical Substation – Distribution	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	
Electrical Substation – Transmission/Switching											U				U	U	
Electric Vehicle Charging Station – Level 1 and Level 2	A	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P	
Electric Vehicle Charging Station – Level 3, battery exchange stations, and rapid charging stations. (TMC 18.50.140)	A	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P	
Essential public facilities, except those uses listed separately in any of the other zones								U	U	U	U	U	U	U	U	U	
Extended-stay hotel/motel								P35	P	P	P	P			P	P	
Farming and farm-related activities															P	P	
Finance, banking, mortgage, other services																	
Fire & Police Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Food, food or television repair shops/central shops																	
Fratern organizations																	
Frozen food lockers for individual or family use																	
Garage or carport (private) not exceeding 1,500 sq.ft. on same lot as residence and is subject to the regulations affecting the main building.	A	A															
Greenhouses (noncommercial) and storage sheds not exceeding 1,000 Greenhouses or nurseries (commercial)	A	A	A	A				P	P	P	P	P			P	P	
Hazardous waste treatment and storage facilities (off-site) subject to compliance with state siting criteria (RCW Chapter 70.105) (See TMC 21.08)												C					
Heavy equipment repair and salvage										P	P	P	P	P	P		
Helipads, accessory																	
Home Occupation *see definition and accessory use	A	A	A	A	A	A	A	A	A							A	A
Hospitals								C	C	C	C	C			C	C	P
Hospitals, sanitariums, or similar institutes																	
Hotels								P35	P	P	P	P	C	C	C	P	P
Hydroelectric and private utility power generating plants								U	U	U	U	U	U	U	U	U	
Industries involved with etching, film processing, lithography, printing and publishing								P	P	P	P	P	P	P	P	P	
Internet Data/Telecommunication Centers								C									
Landfills and excavations which the responsible official, acting pursuant to the State Environmental Policy Act, determines are significant environmental actions	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Laundries; self-serve, dry cleaning, tailor, dyeing																	
Libraries, museums, or art galleries (public)	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Manuf./Mobile home park ¹⁸		C	P														

Commented [MB10]: Covered as "Retail"

Commented [MB11]: Covered as "General Retail" or "Storage"

Commented [IG12]: @Maxwell Baker I thought we determined this should stay here, and we wanted to exclude home occs from the RC?

Commented [MB13R12]: Yup you're right

Commented [MB14]: Permitted in dwellings as covered in 18.06.430; an occupation or profession which is customarily incidental to or carried on in a dwelling place, and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on by a resident of the dwelling place.

Commented [MB15]: Redundant

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<i>Manufacturing and industrial uses that have little potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts or pollution:</i>																	
A) Manufacturing, processing and/or packaging pharmaceuticals and related products, such as cosmetics and drugs							P19	P	P	P	P	P	P	P	P	P	
B) Manufacturing, processing and/or packaging previously prepared materials including, but not limited to, bags, brooms, brushes, canvas, clay, clothing, fur, furniture, glass, ink, paint, paper, plastics, rubber, tile, and wood							P19	P	P	P	P	P	P	P	P	P	
C) Manufacturing, processing, assembling, packaging and/or repairing electronic, mechanical or precision instruments such as medical and dental equipment, photographic goods, measurement and control devices, and recording equipment							P19	P	P	P	P	P	P	P	P	P	
D) Manufacturing, processing, packaging of foods, such as baked goods, beverages, candy, canned or preserved foods, dairy products and byproducts, frozen foods, instant foods, and meats (no slaughtering)																	
i) Fermenting and distilling included																	
ii) No fermenting and distilling							P19	P	P	P					P	P	
<i>Manufacturing and industrial uses that have moderate to substantial potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts:</i>																	
A) Manufacturing, processing and/or assembling chemicals, light metals, plastics, solvents, soaps, wood, coal, glass, enamels, textiles, fabrics, plaster, agricultural products or animal products (no rendering or slaughtering)										C	C	C	C	C	P	C	
B) Manufacturing, processing and/or assembling of previously manufactured metals, such as iron and steel fabrication; steel production by electric arc melting, argon oxygen refining, and consumable electrode melting; and similar heavy industrial uses										C	C	C	C	C	P	C	
C) Manufacturing, processing and/or assembling of previously prepared metals including, but not limited to, stamping, dyeing, shearing or punching of metal, engraving, galvanizing and hand forging								C	C	C	C	P	P	P	P	C	

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
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Schools, preschool, elementary, junior & senior high schools (public), and equivalent private schools	C	C	C	C	C	C	C	C	C						C	C	P (public only)
Secure community transition facility ²⁹																	
Self-storage facilities	U	U	U	U	U	U		P	P	P	P	P	P	P	P	P	
Sewage lift station	P	P	P	P	P												
Shelter	A30	A30	A30														
Stable (private)																	
Storage (outdoor) of materials allowed to be manufactured or handled within facilities conforming to uses under this chapter; and screened pursuant to TMC Chapter 18.52								P	P	P	P	P	P	P	P	P	
Storage (outdoor) of materials is permitted up to a height of 20 feet with a front yard setback of 25 feet, and to a height of 50 feet with a front yard setback of 100 feet; security required													P	P	C	C	
Storm water - neighborhood detention + treatment facilities	U	U	U	U	U	U	U										
Storm water pump station	U	U	U	U	U	U	U										
Studios – Art, photography, music, voice and dance								P	P	P	P						
Taverns, nightclubs																	
Telephone exchanges																	
Theaters, except those theaters which constitute "adult entertainment establishments" as defined by this Zoning Code								P	P	P	P	P	P31	P31	P	P	
Tow-truck operations, subject to all additional State and local regulations								P	P	P	P	P			P	P32	
Transfer stations (refuse and garbage) when operated by a public agency																	
Truck terminals																	
Utilities, regional																	
Vehicle storage (no customers onsite, does not include park-and-fly operations)																	
Warehouse storage and/or wholesale distribution facilities								P	P	P	P	P	P	P	P	P	
Water pump station	U	U	U	U	U	U	U										
Water utility reservoir and related facilities	U	U	U	U	U	U	U										
Wireless Telecommunications Facilities (*see TMC Ch. 18.58)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Commented [MB28]: Add to footnote

Commented [MB29]: Define: Truck terminal means land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term storage.

Note: The Director of Community Development will make a determination for uses not specifically listed in the Zoning Code. The Director will consider whether the proposed use is:

- a. Similar in nature to and compatible with other uses permitted out right within a similar zone; and
- b. Consistent with the stated purpose of the zone; and
- c. Consistent with the policies of the Tukwila Comprehensive Plan.

1. Adult entertainment establishments are permitted, subject to the following location restrictions:
 - a. No adult entertainment establishment shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:
 - (1) In or within 1,000 feet of any LDR, MDR, HDR, RCM or TUC zone districts or any other residentially-zoned property;
 - (2) In or within one-half mile of:
 - (a) Public or private school with curricula equivalent to elementary, junior or senior high schools, or any facility owned or operated by such schools; and
 - (b) Care centers, preschools, nursery schools or other child care facilities;
 - (3) In or within 1,000 feet of:
 - (a) public park, trail or public recreational facility; or
 - (b) church, temple, synagogue or chapel; or
 - (c) public library.
 - b. The distances specified in TMC Section 18.30.020.1 shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
 - c. No adult entertainment establishment shall be allowed to locate within 1,000 feet of an existing adult entertainment establishment. The distance specified in this section shall be measured by following a straight line between the nearest points of public entry into each establishment.
2. No dismantling of cars or travel trailers or sale of used parts allowed.
3. ~~Retail sales of health and beauty aids; prescription drugs; food, hardware, notions, crafts and craft supplies; housewares; consumer electronics; photo equipment; and film processing; books; magazines; stationery; clothing; shoes; flowers; plants; pets; jewelry; gifts; recreation equipment and sporting goods; and similar items; retail services such as beauty and barber shops; outpatient and emergency medical/dental services; and recreation/health clubs.~~ Retail sales and services are limited to uses of a type and size that clearly intend to serve other permitted uses and/or the employees of those uses.
4. ~~Retail sales of health and beauty aids; prescription drugs; food, hardware, notions, crafts and craft supplies; housewares; consumer electronics; photo equipment; and film processing; books; magazines; stationery; clothing; shoes; flowers; plants; pets; jewelry; gifts; recreation equipment and sporting goods; and similar items; retail services such as beauty and barber shops; **financial** services; outpatient and emergency medical/dental services; and recreation/health clubs.~~ Retail sales and services are limited to uses of a type and size that clearly intend to serve other permitted uses and/or the employees of those uses.
5. Bed and breakfast facilities, provided:
 - a. the manager/owner must live on-site.
 - b. the maximum number of residents, either permanent or temporary, at any one time is twelve.
 - c. two on-site parking spaces for the owner and permanent residents and one additional on-site parking space is provided for each bedroom rented to customers.
 - d. the maximum length of continuous stay by a guest is 14 days.
 - e. breakfast must be offered on-site to customers, and
 - f. all necessary permits or approvals are obtained from the Health Department.
6. Colleges and universities with primarily vocational curriculum if associated with an established aviation, manufacturing or industrial use.
7. Commercial parking; provided it is:
 - a. located within a structure having substantial ground floor retail or commercial activities and designed such that the pedestrian and commercial environments are not negatively impacted by the parking use; or
 - b. located at least 175 feet from adjacent arterial streets and behind a building that, combined with appropriate Type III landscaping, provides effective visual screening from adjacent streets.
8. Commercial parking subject to TMC Chapter 18.56, Off-Street Parking and Loading Regulations.
9. Offices including, but not limited to, software development and similar uses, financial services, schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use, less than 20,000 square feet. This category does not include outpatient medical and dental clinics.

10. Offices including, but not limited to, software development and similar uses, financial services, schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use, 20,000 square feet and over.
11. Correctional institution operated by the City of Tukwila.
12. Family child care homes, provided the facility shall be licensed by the Department of Early Learning or its successor agency and shall provide a safe passenger loading zone.
13. Dormitory as an accessory use to other uses that are otherwise permitted or approved conditional uses such as churches, universities, colleges or schools.
14. Allowed on those lands located in the TSO with underlying zoning of LDR, which immediately adjoin lands located in the City of SeaTac to the east of Interstate 5. Allowed on all other lands in the TSO after a residential design manual with criteria for approval is adopted by ordinance.
15. Dwelling - multi-family units on a lot that does not front on Tukwila International Boulevard South, subject to the HDR requirements of TMC Section 18.50.083, Maximum Building Length, and TMC Section 18.52.060, 2-4., Recreation Space Requirements.
16. Dwelling - Multi-family units (Max. 22.0 units/acre except senior citizen housing, which is allowed to 100 units/acre, as a mixed-use development that is non-industrial in nature); must be located on property adjacent to and not greater than 500 feet from the Green River, Tukwila Pond, or Minkler Pond.
17. See TMC Section 18.50.220 for accessory dwelling unit standards.
18. Manufactured/mobile home park, meeting the following requirements:
 - a. the development site shall comprise not less than two contiguous acres;
 - b. overall development density shall not exceed eight dwelling units per acre;
 - c. vehicular access to individual dwelling units shall be from the interior of the park; and
 - d. emergency access shall be subject to the approval of the Tukwila Fire Department.
19. NCC allows businesses that include a retail component in conjunction with their manufacturing operation and meeting other performance standards of Chapter 18.22. These businesses may manufacture, process, assemble and/or package the following:
 - a. foods, including but not limited to baked goods, beverages, candy, canned or preserved foods, dairy products and by products, frozen foods, instant foods and meats (no slaughtering);
 - b. pharmaceuticals and related products such as cosmetics and drugs;
 - c. bags, brooms, brushes, canvas, clay, clothing, fur, furniture, glass, ink, paints, paper, plastics, rubber, tile and wood;
 - d. electronic, mechanical, or precision instruments;
 - e. other manufacturing and assembly of a similar light industrial character;
 - f. industries involved with etching, lithography, printing, and publishing, meeting the City's performance standards and offering their services to the local populace on a walk-in basis;
 - g. businesses that service and repair the above products, that are entirely enclosed within a building, offering their services to the local populace on a walk-in basis and meeting the City's performance standards.
20. Where the underlying zoning is HI or TVS.

21. Minor expansion of an existing warehouse if the following criteria are met:
- The area of the proposed expansion may not exceed 5% of the floor area of the existing warehouse;
 - The proposed expansion will not increase any building dimension that is legally non-conforming;
 - Only one minor expansion may be permitted per warehouse in existence as of the date of adoption of the Tukwila South Project Development Agreement;
 - The proposed expansion must be constructed within two years of the date of approval;
 - The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
 - All measures have been taken to minimize the possible adverse impacts the proposed expansion may have on the area in which it is located.
22. Movie theaters with more than three screens if the following criteria are met:
- The applicant must demonstrate through an economic analysis that the theater will not have a significant financial impact on any other theater in Tukwila;
 - The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
 - The proposed theater must demonstrate substantial conformance with the goals and policies of the Comprehensive Land Use Policy Plan and the Tukwila South Master Plan;
 - All measures have been taken to minimize the possible adverse impacts the proposed theater may have on the area in which it is located.
23. Offices, when such offices occupy no more than the first two stories of the building or basement and floor above.
24. Offices, when such offices occupy no more than the first two stories of the building, or basement and floor above, or three stories, in the Urban Redevelopment Area along Tukwila International Boulevard.
25. Offices; must be associated with another permitted use (e.g., administrative offices for a manufacturing company present within the MIC).
26. Offices not associated with other permitted uses and excluding medical/dental clinics, subject to the following location and size restrictions:
- New Office Developments:
 - New office developments shall not exceed 100,000 square feet of gross floor area per lot that was legally established prior to 09/20/2003.
 - No new offices shall be allowed on lots that abut the Duwamish River and are north of the turning basin. The parcels that are ineligible for stand-alone office uses are shown in Figure 18-12.
 - An existing office development established prior to 12/11/1995 (the effective date of the Comprehensive Plan) that exceeds the maximum size limitations may be recognized as a conforming Conditional Use under the provisions of this code. An existing office development established prior to 12/11/1995 (the effective date of the Comprehensive Plan) may convert to a stand-alone office use subject to the provisions of this code.
27. Planned shopping center (mall) up to 500,000 square feet.
28. Schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use.

29. Secure community transition facility, subject to the following location restrictions:
- a. No secure community transition facility shall be allowed within the specified distances from the following uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:
 - (1) In or within 1,000 feet of any residential zone.
 - (2) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity/facility" as defined in RCW 71.09.020 as amended, that include:
 - (a) Public and private schools;
 - (b) School bus stops;
 - (c) Licensed day care and licensed preschool facilities;
 - (d) Public parks, publicly dedicated trails, and sports fields;
 - (e) Recreational and community centers;
 - (f) Churches, synagogues, temples and mosques; and
 - (g) Public libraries.
 - (3) One mile from any existing secure community transitional facility or correctional institution.
 - b. No secure community transition facility shall be allowed on any isolated parcel which is otherwise considered eligible by applying the criteria listed under TMC 18.38.050-12.a, but is completely surrounded by parcels ineligible for the location of such facilities.
 - c. The distances specified in TMC 18.38.050-12.a shall be measured as specified under Department of Social and Health Services guidelines established pursuant to RCW 71.09.285, which is by following a straight line from the nearest point of the property parcel upon which the secure community transitional facility is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
 - d. The parcels eligible for the location of secure community transition facilities by applying the siting criteria listed above and information available as of August 19, 2002, are shown in Figure 18-11, "Eligible Parcels for Location of Secure Community Transition Facilities." Any changes in the development pattern and the location of risk sites/facilities over time shall be taken into consideration to determine if the proposed site meets the siting criteria at the time of the permit application.
30. Private stable, if located not less than 60 feet from front lot line nor less than 30 feet from a side or rear lot line. It shall provide capacity for not more than one horse, mule or pony for each 20,000 square feet of stable and pasture area, but not more than a total of two of the above mentioned animals shall be allowed on the same lot.
31. No night clubs.
32. Theaters for live performances ~~only~~, not including adult entertainment establishments; and movie theaters with three or fewer screens are permitted. Movie theaters with more than three screens will require a Special Permission Permit.
33. Automotive sales must have an enclosed showroom with no outdoor storage of vehicles. Pre-existing legally established uses in the TIB Study Area, as set forth in Figure 18-60, on December 15, 2020, are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on that date. Pre-existing legally established automotive sales where existing parking lots abut the public frontage must provide effective visual screening of the parking lot from sidewalks (or street if no sidewalk currently exists) using Type II landscaping when any of the following occurs: an expansion or alteration of the structure, a change of ownership, or when the business is vacated or abandoned for more than 24 consecutive months and a new business is proposed.
34. Allowed; however, if in the TIB Study Area, as set forth in Figure 18-60, the following conditions apply: Outdoor storage of vehicles, tires, or other materials used for service is not permitted. Gas stations are permitted if the pumps and parking are located behind the building, the pumps meet the setback requirements, and the pumps comply with building and fire codes. Queuing lanes are not permitted between buildings and back of sidewalk. Wholesale distribution and storage of fuel (e.g. natural gas, propane, gasoline) are not permitted in the TIB Study Area. Pre-existing legally established automotive service uses with outdoor storage or parking abutting the public frontage must provide effective visual screening of the parking and outdoor stored materials from sidewalks (or street if no sidewalk currently exists) using Type II landscaping when any of the

- following occurs: an expansion or alteration of the structure, a change of ownership, or when the business is vacated or abandoned for more than 24 consecutive months and a new business is proposed.
35. Allow if the following are provided: a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 90 rooms.
36. Allowed, however if in the TIB Study area, as set forth in Figure 18-60, the following conditions apply: Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. Where the use is located on a corner or with access to an alley, drive-throughs must exit to a side street or an alley that connects to a side street, where feasible.
37. Automotive rentals must have an enclosed showroom with no outdoor storage of vehicles. Pre-existing legally established uses in the TIB Study Area, as set forth in Figure 18-60, on December 15, 2020, are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on that date.



CODE INTERPRETATION

Code interpreted: Sign, Title 19

Date: August 26, 2019

Proposal from Seattle Chocolate:

Seattle Chocolate submitted a proposal for a mural to the City on August 21, 2019. The proposed location for the mural is on the front façade of the building located at 1180 Andover Park W. Due to the texture of the wall the mural will be printed on vinyl, and will be 56 feet by 13 feet. The mural proposal request and the proposed design are attached.

Interpretation:

The question at hand is whether or not murals are permitted in the City of Tukwila. A contradiction in TMC 19 and a desire by businesses to put murals on their blank walls requires a code interpretation to determine what constitutes a mural and what constitutes a sign.

The City's interpretation is that murals that do not convey a message that represents a product, service, or registered trademark, and which do not identify the uses, are not considered signs.

Why this interpretation developed?

There has been growing interest in creating murals in the City. In the industrial and commercial areas of the City there is ample wall space for showcasing artwork and creativity.

To be considered a "sign" under the City's Sign Code, the materials placed or constructed must convey a message or image and be used to inform or attract the attention of the public. Once considered a sign, it must adhere to the size and placement requirements outlined in the code.

A disconnect in TMC 19 has been identified. While a mural could be construed to fit the code's definition of a sign, in TMC 19.20.050.F.4. *Incentive Signage* allows a business to have a building-mounted sign on a wall without a public entrance given they provide architectural interest. One of the allowable options for architectural interest listed in the code is "artwork such as mosaic, mural, or sculptural relief over at least 50 percent of the wall surface."

What is the justification for the interpretation?

Murals in a cityscape can contribute to placemaking and creating a sense of identity and community, which are all elements of goals outlined in the City's Comprehensive Plan.

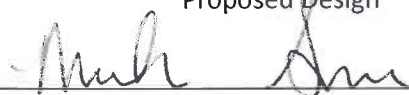
Goal 1.7 of Tukwila's Comprehensive Plan states, "Tukwila's retail areas are characterized by high-quality urban design that accommodates a mix of compatible residential, commercial and light industrial uses." Policy 1.7.7. of this goal is to "encourage placemaking through creative use of signage, art, and high-quality materials."

Moving forward, The City will develop a process for regulating murals and artwork on businesses within the City, as well as for distinguishing a mural from a sign.

Conditions:

- The vinyl must be maintained to avoid fading and deterioration due to weather.
- Any change to the design must be submitted to the City.

Attached: Code Interpretation Request
Proposed Design



Signature of Interpreter

8/27/19
Date:



Approved by Director of Community Development

8/27/19
Date:



8/21/19

Ms. Meredith Sampson
Ms. Minnie Dhaliwal
City of Tukwila Department of Community Development
6200 Southcenter Boulevard
Tukwila, WA 98188

Re: Zoning verification letter

Dear Meredith and Minnie,

Thank you for working with me on the Kyler Martz art installation for outside our Seattle Chocolate headquarters here in Tukwila. We commissioned Kyler to design something special and arresting for our building that reflected what our company and brands represented in Seattle. Kyler came up with two concepts that we liked, but we agreed that the attached concept was the one that best represented our 80% female staff, love of color and enthusiasm for our business and Seattle. He calls the piece, the Cha Cha's and uses his iconic retro tattoo imagery for their faces.

Our hope for this art installation is that it will stop passersby and they will wonder what the message is and what is going on behind that wall. They'll see that it's thought provoking, but also fun and a celebration of something. Hopefully, they'll come inside and discover our factory, its tour and our chocolate products and we'll have new fans and customers.

We don't believe that the rectangular shapes are unique to chocolate or are obvious communicators of our products as people drive by, like a good sign would be. Therefore, the code and limits that pertain to signs in Tukwila, should not apply to this mural.

There will be one major modification to the Cha Cha's and that is that the legs will cross the bodies more like a Rockette and have less opportunity for low-minded, crude graffiti or selfie posts.

I think this will attract a following and fan base among Washington residents and visitors alike. Thank you for your support.

Sincerely,

Jean Thompson
CEO and Owner
Seattle Chocolate Company

\$375 fee

