



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:
- Rename “Outpatient Medical Clinic” to “Clinic, Outpatient Medical” so that it is listed alphabetically between “Clearing” and “Closed Record Appeal.” (TMC 18.06.150)
 - 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)
 - 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.
 - 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
- C. [Title 8: Public Peace, Morals, and Safety – Proposed Markups](#)
- D. [Title 17: Subdivisions and Plats – Proposed Markups](#)
- E. [Title 18: Zoning – Proposed Markups](#)
- F. [Title 19: Signs – Proposed Markups](#)