



INFORMATIONAL MEMORANDUM

TO: Planning and Community Development Committee
FROM: Nora Gierloff, AICP, Director DCD
BY: Neil Tabor, AICP, Senior Planner
CC: Mayor Ekberg
DATE: October 2, 2023
SUBJECT: Zoning Code Amendment Package, Fall 2023

ISSUE

Should staff make amendments to development regulations within TITLE 17 – SUBDIVISIONS AND PLATS and TITLE 18 – ZONING to comply with changes in state law, correct errors identified, amend regulatory requirements, and clarify the code and comprehensive plan amendment process?

BACKGROUND

Staff has identified a number of areas of Tukwila’s code that will be impacted by recent changes in state law, are ambiguous in their current form, or could be amended to provide a clearer and more efficient process.

Due to the amount of recent state legislation that will require code amendments by June 2025, and the time required with the Planning Commission and City Council for the comprehensive plan update, staff suggests separating state law mandated code amendments into multiple code amendment packages, and pairing these items with other beneficial amendments as capacity allows.

The topic was reviewed at the July 17th PCD meeting, August 24th, 2023, Planning Commission meeting, and a public hearing was held before the Planning Commission on September 14th, 2023. There was no public comment received on the topic, and a recommendation to forward the proposed amendments to the Council for approval with no modifications was received from the Planning Commission.

DISCUSSION

The following amendments are proposed, as organized by proposed ordinance.

Proposed Accessory Dwelling Unit Ordinance

1. Accessory Dwelling Units (ADUs)

- Amend TMC 17.14.060 to allow ADUs to use the unit lot subdivision process
- Amend TMC 18.06.016 to update ADU definition
- Amend TMC 18.50.220 ADU standards to comply with upcoming updates to state law

- **Remove TMC 18.50.230 regarding ADU Owner Occupancy Compliance**

EHB 1337 was passed in the 2023 legislative session, which requires Tukwila, and other jurisdictions across the state, to amend accessory dwelling unit (ADU) regulations to comply with certain minimum allowances by June 2025. Tukwila's regulations currently exceed these limits. Staff suggests adopting this update now to preserve additional Planning Commission and staff time for other required work that will be necessary over the next year and a half and to allow residents to use these provisions earlier.

Major updates required to comply with standards within EHB 1337 include:

- Removing owner-occupancy requirements
- Increasing the number of ADUs permitted per lot from one to two
- Increasing the maximum size allowance from 800 sqft to 1,000 sqft
- Allowing ADUs to be sold to separate owners through the condo process

Proposed Comprehensive Plan and Development Regulations Amendment Process Ordinance

2. Comprehensive Plan and Development Regulations Amendment Process

- **Amend TMC 18.80 to remove references to amending development regulations and clarify comprehensive plan amendment docketing process**
- **Create TMC 18.82 "Amendments to Development Regulations"**
- **Amend TMC 18.84 to clarify sequencing of site specific rezones with annual comprehensive plan amendments**

Staff proposes separating the process for amendments of the comprehensive plan and development regulations through creation of a new section of municipal code, TMC 18.82 "Amendments to Development Regulations". The state Growth Management Act (GMA) restricts amendments to the comprehensive plan to only once a year, while development regulations are not bound to the same restriction and multiple amendments may be needed per year based on changes to state law, court rulings, identification of errors or inconsistencies in code, interpretations, or implementation of other planning projects.

It is the intent that separation of these two processes will provide more flexibility to update development regulations to keep up with changes in state requirements, more efficiently distribute staff workload, and provide more clarity to applicants.

Proposed amendments to TMC 18.84, Requests For Changes In Zoning, clarify the timeline and sequencing of rezone requests to comply with GMA limitations of how often the comprehensive plan can be updated and provide clarity to applicants.

Proposed Parking and Housekeeping Ordinance (Topics 3-7)

3. Parking Near Transit Requirements

- **Amend Figure 18-7 to update parking standards to comply with state requirements**
- **Updating parking requirements for ADUs near transit to comply with RCW 36.70A.698**

SHB 2343 became effective on June 11, 2020, codified in RCW 36.70A.620, limiting the amount of parking jurisdictions can require for market rate housing, very low, and extremely low-income housing, and housing for seniors or persons with disabilities near transit. Staff proposes updating the parking table (Figure 18-7) to comply with this existing state requirement.

4. Home Occupation Standards

- **Modify TMC 18.06.430 to remove regulations from home occupation definition**
- **Create TMC 18.50.240 section “Home Occupations”**

Staff is proposing to remove home occupation, or home-based business, standards from the definition of the term and create a new section with these standards. Staff also proposes to add other standards to limit the impact of home occupations on their surrounding neighborhoods.

Per the advice of legal staff, a distinction for allowances between typical home-based businesses and those with special protections under Washington State law is also proposed.

5. Wireless Communication Facility Permit Application Types and Procedures

- **Amend TMC 18.104 to reflect accurate wireless facility terminology**

Staff identified provisions within the permit application types and procedures that are not consistent with language that was updated with the last wireless code update. The proposed draft code amends the items listed in the tables within TMC 18.104 for consistency with the language for these types of applications within TMC 18.58, Wireless Communication Facilities.

6. Variance Requirements for Lot Area

- **Amend TMC 18.70.030 to modify when a lot that is substandard due to lot area needs to apply for a variance prior to development**

Current regulations require that development on lots not meeting the minimum lot area receive a variance prior to developing even a single-family home. This change would provide lots not meeting the lot area minimums with the ability to develop without a variance if all other development standards (setbacks, lot coverage, environmental, etc.) are met. Removing the variance requirement would remove a barrier to development that adds additional unnecessary cost and time to development, as well as staff time. Roughly 20% of Low Density Residential (LDR) lots in Tukwila do not meet the minimum lot size requirements and would require a variance if developed or redeveloped.

7. Amend Footnote Referencing Tukwila South Residential Design Manual

- **Amend Table 18-6 to remove footnote #14 and reference in table**

Staff identified a footnote reference that is now out of date after the adoption of the Tukwila South Residential Design Manual and proposes removing this footnote and reflecting in the table.

FINANCIAL IMPACT

N/A

RECOMMENDATION

The Council is being asked to hold public hearings at the October 23rd, 2023, Committee of the Whole meeting, and approve the ordinances at the November 6th, 2023, Regular Council Meeting.

ATTACHMENTS

- A. Ordinance in draft form (Accessory Dwelling Units)
- B. Ordinance in draft form (Comprehensive Plan and Development Regulations Amendment Process)
- C. Ordinance in draft form (Parking and Housekeeping)
- D. Table 18-6 Proposed Edits
- E. 7-17-23 Planning and Community Development Minutes
- F. 9-14-23 Planning Commission Public Hearing Minutes (DRAFT)

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NOS. 1758 §1 (PART), 1976 §5, 2098 §1, 2199 §4, AND 2581 §1, §11, AS CODIFIED AT VARIOUS SECTIONS OF TUKWILA MUNICIPAL CODE (TMC) TITLES 17 AND 18; REPEALING ORDINANCE NO. 2581 §12 AS CODIFIED AT TMC SECTION 18.50.220, TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS IN ALIGNMENT WITH STATE LAW AND ENCOURAGE HOUSING PRODUCTION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila is an incorporated city within a fully planning jurisdiction under the Growth Management Act (GMA), per RCW 36.70A.040; and

WHEREAS, the City of Tukwila is subject to the provisions of Engrossed House Bill (“EHB”) 1337 as a fully planning jurisdiction; and

WHEREAS, Tukwila Municipal Code (TMC) Title 17, “Subdivisions and Plats,” and Title 18, “Zoning,” establishes a definition and development regulations related to Accessory Dwelling Units (ADUs); and

WHEREAS, many of the development regulations existing within the TMC regarding ADUs need to be updated in alignment with EHB 1337; and

WHEREAS, the City desires to expand housing development opportunities to support the City’s growing need for housing; and

WHEREAS, on September 11, 2023, the City submitted the proposed amendment to the Washington State Department of Commerce for its 60-day review and received documentation of completion of the procedural requirement (Submittal ID 2023-S-6428); and

WHEREAS, in taking the actions set forth in this ordinance, the City has complied with the requirements of the State Environmental Policy Act, Chapter 43.21C RCW and any action taken by a City to comply with the requirements of EHB 1337 is not subject to legal challenge under Chapter 43.21C RCW; and

WHEREAS, on September 14, 2023, 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 October 23, 2023, the Tukwila City Council, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning Commission; and

WHEREAS, based on careful consideration of the facts and law, the City Council finds that the proposed amendments attached and incorporated herein should be approved as presented;

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

Section 1. Findings of Fact. The Tukwila City Council finds as follows:

- A. The above recitals, set forth as “WHEREAS” clauses, are hereby adopted as Findings of Fact in support of the adoption of this ordinance.
- B. The amendments that are established below are consistent with EHB 1337.

Section 2. TMC Section 17.14.060 Amended. Ordinance No. 2199 §4, as codified at TMC Section 17.14.060, “Unit lot subdivisions,” **subparagraph A**, is hereby amended to read as follows:

17.14.060 Unit lot subdivisions

A. Sites developed or proposed to be developed with townhouses, cottage housing, compact single-family, [accessory dwelling units](#), or zero-lot line units may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. Any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.

Section 3. TMC Section 18.06.016 Amended. Ordinance No. 2581 §1, as codified at TMC Section 18.06.016, “Accessory Dwelling Unit,” is hereby amended to read as follows:

18.06.016 Accessory Dwelling Unit

~~“Accessory dwelling unit (ADU)” means a dwelling unit that is within or attached to a single-family dwelling or in a detached building on the same lot as the primary single-family dwelling. An ADU is distinguishable from a duplex by being clearly subordinate to the primary dwelling unit, both in use and appearance.~~

“Accessory dwelling unit” means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

Section 4. TMC Section 18.06.248 Amended. Ordinance Nos. 1758 §1 (part), 1976 §5, and 2098 §1, as codified at TMC Section 18.06.248, “Dwelling, Single-Family,” are hereby amended to read as follows:

18.06.248 Dwelling, Single-Family

“Single-family dwelling” means a building, modular home or new manufactured home, designed to contain no more than one dwelling unit plus ~~two~~^{one} accessory dwelling units.

Section 5. TMC Section 18.50.220 Amended. Ordinance No. 2581 §11, as codified at TMC Section 18.50.220, “Accessory Dwelling Unit (ADU) Standards,” is hereby amended to read as follows:

18.50.220 Accessory Dwelling Unit (ADU) Standards

A. For the purposes of this section, terms shall be defined as follows:

1. “Major transit stop” means a stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, including but not limited to: commuter rail stops, stops on rail or fixed guideway systems, including transitways, stops on bus rapid transit routes, or routes that run on high-occupancy vehicle lanes, stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

2. “Principal Unit” means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

AB. General Standards.

~~1. Detached ADUs may only be built on lots that meet the minimum lot size required in the Zoning District they are located within. Attached ADUs have no minimum lot size requirement.~~

21. Two (2) ADUs may be created per lot. The lot shall contain one (1) principal unit and a maximum of two (2) ADUs. These ADUs may be either attached or detached. Only one ADU, either attached or detached, is permitted per parcel containing a single-family dwelling.

32. Attached ADUs may occupy a maximum of 40% of the square footage of the principal unit primary single-family dwelling (excluding the area of any attached garage) or up to 1,000 square feet, whichever is greater less.

~~4. Attached ADUs created through additions to the primary single-family dwelling shall be consistent with the roof pitch, materials and window type of the existing structure.~~

53. Detached ADUs may be a maximum of 1,000 800 square feet. If built over a detached garage, the detached garage would not count toward the area limit for the ADU.

~~64. Detached ADUs may be up to 25 20 feet in height, except that an ADU built over a detached garage may be up to 25 feet in total height.~~

~~75. ADUs are subject to the development standards of the zoning district they are located within. Development standards relating to setbacks and development coverage do not apply to conversions of existing non-conforming structures that are proposed for ADU conversion. New ADUs are not subject to rear yard setbacks on parcels where the rear yard abuts an alley. Detached ADUs must be set back at least as far from the street as the primary single-family dwelling. This does not apply to the second front of a through or corner lot, where the unit is incorporated into an existing structure, or where there is at least 60 feet between the existing single-family dwelling and the front property line.~~

~~8. ADUs should be designed and located in a manner that minimizes the impact on adjacent development. This can be achieved by avoiding window and door placement directly across from openings on neighboring structures or where that is not practical using clerestory windows or obscure glass. Screening with fences and landscaping can be used to limit visibility of ADUs and enhance privacy.~~

~~9. The ADU may not be sold as a condominium or otherwise segregated in ownership from the primary single-family dwelling.~~

~~106. ADUs may not be rented for periods of less than 30 days.~~

BC. Parking.

~~1. See Figure 18-7 for parking requirements. One off-street parking space must be provided for each studio or one bedroom ADU, with one additional space required for each additional bedroom.~~

~~2. These ADU parking spaces are in addition to any parking spaces required for the primary single-family dwelling.~~

~~32. Tandem spaces are permitted.~~

C. Owner Occupancy Requirement.

~~1. A person who owns at least 50% of the property must physically reside in either the ADU or the primary single-family dwelling. The owner's unit may not be rented to another party for any period of time.~~

~~2. The owner must provide documentation of their occupancy such as a vehicle or voting registration. Falsely certifying owner occupancy or failure to comply with the residency requirement shall result in the loss of ADU registration and penalties per TMC Chapter 5.06.~~

~~3. The owner or owners must sign and record an affidavit on forms provided by the City acknowledging that this requirement shall run with the land.~~

~~4. If the owner occupancy requirement is violated an owner shall either:~~

~~a. Re-occupy one of the units, or~~

~~b. Remove the elements of the accessory dwelling unit that make it a complete, separate dwelling unit.~~

~~D. Failure to comply with any of the requirements of this section shall be subject to enforcement and penalties as prescribed in TMC Chapter 8.45 and the issuance of a Notice of Violation and Order in accordance with TMC Section 8.45.070.~~

Section 6. Repealer. Ordinance No. 2581 §12, as codified at TMC Section 18.50.230, “Accessory Dwelling Unit (ADU) Registration Procedures,” is hereby repealed, thereby eliminating TMC Section 18.50.230.

~~18.50.230 Accessory Dwelling Unit (ADU) Registration Procedures~~

~~A. To gain the City’s approval to establish an ADU, a property owner shall submit a registration form, sign and record an affidavit of owner occupancy, and obtain a building permit for any necessary remodeling or construction.~~

~~B. All ADUs existing prior to the enactment of these requirements shall apply for registration within one year after the effective date of Ordinance No. 2581. Within the one-year amnesty period existing ADUs may be registered without meeting one or more of the following standards:~~

~~1. Exceeding the permitted height for a detached ADU.~~

~~2. Exceeding the permitted area for an attached or detached ADU up to a maximum of 1,200 square feet.~~

~~3. Only providing one parking space when the ADU requires more.~~

~~4. Having a roof pitch of less than 5:12.~~

~~5. Location of the ADU on the lot.~~

~~C. Illegally created ADUs must be brought into compliance with the life safety requirements of the Tukwila Municipal Code, International Residential Code and International Property Maintenance Code or they must be removed.~~

~~D. If either the primary single family dwelling or the ADU will be rented, a Residential Rental Business License per TMC Chapter 5.06 must be obtained prior to occupancy of the unit by a tenant.~~

Section 7. Corrections by City Clerk or Code Reviser Authorized. 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 8. 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 9. 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 _____ day of _____, 2023.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____

Office of the City Attorney

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING VARIOUS ORDINANCES AS CODIFIED IN MULTIPLE SECTIONS OF TUKWILA MUNICIPAL CODE (TMC) CHAPTERS 18.80 AND 18.84 AS DETAILED HEREIN; REPEALING ORDINANCE NOS. 1770 §53 AND 2368 §65, AS CODIFIED AT TMC SECTION 18.80.015; ESTABLISHING TMC CHAPTER 18.82, “AMENDMENTS TO DEVELOPMENT REGULATIONS”; TO CLARIFY THE PROCESS FOR UPDATING THE ANNUAL COMPREHENSIVE PLAN DOCKET AND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Tukwila Municipal Code (TMC) Chapter 18.80, “Amendments to Comprehensive Plan and Development Regulations,” requires that all changes to development regulations in the Zoning Code follow the same standards as changes to the Comprehensive Plan; and

WHEREAS, RCW 36.70A.130(2)(a) limits amendments to the Comprehensive Plan to once every year but does not have a restriction on how often zoning text amendments can occur; and

WHEREAS, the Tukwila Municipal Code currently restricts zoning text amendments and limits flexibility to correction of text errors, consistency with state requirements, and distribution of staff workload throughout the year; and

WHEREAS, these restrictions on zoning text amendments are significantly more limiting than in other jurisdictions comparable to Tukwila in population and area (i.e., South King County); and

WHEREAS, decoupling the Comprehensive Plan update process from the zoning text amendment process would provide more flexibility for staff and reduce Planning Commission workload; and

WHEREAS, separating the Comprehensive Plan update process from the zoning text amendment process would provide a more flexible and predictable process for private applicants; and

WHEREAS, housekeeping changes to TMC Chapter 18.80 would remove outdated references and provide additional clarity on the annual docketing process for Comprehensive Plan amendments; and

WHEREAS, a new TMC Chapter 18.82 is proposed that would provide separate procedures for zoning text amendments not related to a Comprehensive Plan amendment; and

WHEREAS, housekeeping changes to TMC Chapter 18.84 would clarify that site-specific rezones may only be considered and adopted once a year in conformance with the Growth Management Act limitation on amendments to Comprehensive Plans; and

WHEREAS, on September 11, 2023, the City submitted the proposed amendment to the Washington State Department of Commerce for its 60-day review and received documentation of completion of the procedural requirement (Submittal ID 2023-S-6428); and

WHEREAS, in taking the actions set forth in this ordinance, the City has complied with the requirements of the State Environmental Policy Act, Chapter 43.21C RCW; and

WHEREAS, on September 14, 2023, 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 October 23, 2023, the Tukwila City Council, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning Commission; and

WHEREAS, based on careful consideration of the facts and law, the City Council finds that the proposed amendments attached and incorporated herein should be approved as presented;

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

Section 1. Adoption of Findings of Fact. The Tukwila City Council hereby adopts the foregoing recitals and incorporates them herein as support for these amendments.

Section 2. TMC Section 18.80.010 Amended. Ordinance Nos. 1758 §1, 1770 §52, and 2368 §64, as codified at TMC Section 18.80.010, "Application," are hereby amended to read as follows:

18.80.010 Application

~~A.~~ Any interested person (including applicants, ~~citizens, Tukwila Planning Commission, residents,~~ City staff and officials, and staff of other agencies) may submit an application for an text amendment to ~~either the Comprehensive Plan or the development regulations~~ to the Department ~~of Community Development~~. Such applications, except site specific rezones along with the underlying Comprehensive Plan map change, are ~~for~~ legislative decisions and are not subject to the requirements or procedures set forth in TMC Chapters 18.104 to 18.116. ~~In addition to the requirements of TMC Section 18.80.015,~~ Ithe application shall specify, in a format established by the Department:

1. A detailed statement of what is proposed and why;
2. A statement of the anticipated impacts of the change, including the geographic area affected and the issues presented by the proposed change;
3. An explanation of why the current Comprehensive Plan or development regulations are deficient or should not continue in effect;
4. A statement of how the proposed amendment complies with and promotes the goals and specific requirements of the Growth Management Act;
5. A statement of how the proposed amendment complies with applicable Countywide Planning Policies;
6. A statement of what changes, if any, would be required in functional plans (i.e., the City's water, sewer, storm water or shoreline plans) if the proposed amendment is adopted;
7. A statement of what capital improvements, if any, would be needed to support the proposed change, and how the proposed change will affect the capital facilities plans of the City; and
8. A statement of what other changes, if any, are required in other City codes, plans or regulations to implement the proposed change.

Section 3. Repealer. Ordinance Nos. 1770 §53 and 2368 §65, as codified at TMC Section 18.80.015, "Documents to be Submitted with Application," are hereby repealed, thereby eliminating TMC Section 18.80.015.

~~18.80.015 Documents to be Submitted with Application~~

~~A.~~ ~~Applications for amendments to the Comprehensive Plan or development regulations shall provide the following documents in such quantities as are specified by the Department:~~

- ~~1. An application form provided by the Department.~~
- ~~2. King County Assessor's map(s) which show the location of each property within 300 feet of the property that is the subject of the proposed amendment.~~

~~3. Two sets of mailing labels for all property owners and occupants (businesses and residents), including tenants in multiple occupancy structures, within 300 feet of the subject property, or pay a fee to the City for generating mailing labels.~~

~~4. A vicinity map showing the location of the site.~~

~~5. A surrounding area map showing Comprehensive Plan designations, zoning designations, shoreline designations, if applicable, and existing land uses within a 1,000-foot radius from the site's property lines.~~

~~6. A site plan, including such details as may be required by the Department.~~

~~7. A landscaping plan, including such details as may be required by the Department.~~

~~8. Building elevations of proposed structures, including such details as may be required by the Department.~~

~~9. Such photomaterial transfer or photostat of the maps, site plan and building elevation, including such details as may be required by the Department.~~

~~10. Such other information as the applicant determines may be helpful in evaluating the proposal, including color renderings, economic analyses, photos, or material sample boards.~~

~~B. The Department shall have the authority to waive any of the requirements of this section for proposed amendments that are not site specific or when, in the Department's discretion, such information is not relevant or would not be useful to consideration of the proposed amendment.~~

Section 4. TMC Section 18.80.020 Amended. Ordinance Nos. 1758 §1, 1770 §54 , and 2071 §1, as codified at TMC Section 18.80.020, "Docket," are hereby amended to read as follows:

18.80.020 Comprehensive Plan Amendment Docket

A. **Purpose.** The purpose of this section is to establish procedures, pursuant to chapter RCW 36.70A, for the review and amendment of the Comprehensive Plan. The Department shall maintain a docket of all proposed changes to the Comprehensive Plan and development regulations that are submitted.

1. The Growth Management Act, chapter RCW 36.70A, provides that the Comprehensive Plan amendments be considered no more than once a year with limited exceptions. The Growth Management Act further provides that all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained.

2. The Annual Comprehensive Plan Amendment Review Docket ("Annual Review Docket") will establish the annual list of proposed Comprehensive Plan amendments and related development regulations that the City Council determines should be included for review and consideration for any given year.

3. Placement of an amendment request on the Annual Review Docket does not mean the amendment request will be approved by the City Council.

B. If either the Department or the Council determines that a proposed change ~~may be~~ is an emergency, the Department shall prepare the staff report described below and forward the proposed change to the Council for immediate consideration, subject to the procedural requirements for consideration of amendments. An emergency amendment is a proposed change or revision that necessitates expeditious action to address one or more of the following criteria:

1. Preserve the health, safety or welfare of the public.
2. Support the social, economic or environmental well-being of the City.
3. Address the absence of adequate and available public facilities or services.
4. Respond to decisions by the Central Puget Sound Growth Management Hearings Board, the state or federal courts, or actions of a state agency or the legislature.

BC. Non-emergency changes shall be compiled and submitted to the Council for review on an annual basis ~~in March to establish items to be included on the annual docket,~~ and so that cumulative effects of the proposals can be determined. Proposed changes received by the Department after January 1 of any year shall be held over for the following year's review, unless ~~the Council or~~ the Department determines the proposed change ~~may be~~ is an emergency.

Section 5. TMC Section 18.80.030 Amended. Ordinance No. 1758 §1, as codified at TMC Section 18.80.030, "Notice and Comment," is hereby amended to read as follows:

18.80.030 Notice and Comment

The docket of proposed changes shall be posted on the Department of Community Development's website and ~~posted in the offices of the Department and~~ made available to any interested person. ~~At least four weeks~~ 28 days prior to the Council's annual consideration of the changes proposed on the docket, the City shall publish a notice in a newspaper of general circulation in the City, generally describing the proposed changes including areas affected, soliciting written public input to the Department ~~of Community Development~~ on the proposed changes, and identifying the date on which the Council will consider the proposed changes.

Section 6. TMC Section 18.80.040 Amended. Ordinance No. 1758 §1, as codified at TMC Section 18.80.040, "Staff Report," is hereby amended to read as follows:

18.80.040 Staff Report

A. At least ~~two weeks~~ 14 days prior to Council consideration of any proposed amendment to ~~either~~ the Comprehensive Plan ~~or development regulations~~, the Department shall prepare and submit to the Council a staff report ~~which that~~ addresses the following:

1. ~~the issues set forth in this chapter~~ An evaluation of the application material;

2. Impact upon the Tukwila Comprehensive Plan and zoning code;
3. Impact upon surrounding properties, if applicable;
4. Alternatives to the proposed amendment; and
5. Appropriate code citations and other relevant documents.

B. The Department's report shall transmit a copy of the application for each proposed amendment, any written comments on the proposals received by the Department, and shall contain the Department's recommendation on adoption, rejection, or deferral of each proposed change.

Section 7. TMC Section 18.80.050 Amended. Ordinance Nos. 1758 §1, 1770 §55, 1856 §1, and 2368 §66, as codified at TMC Section 18.80.050, "Council Consideration," are hereby amended to read as follows:

18.80.050 ~~Council Consideration~~ Review Procedure for Comprehensive Plan Docket Requests

A. The City Council shall consider each request for an amendment to ~~either the Comprehensive Plan or development regulations, except site specific rezones along with the request for a Comprehensive Plan map change,~~ at a public Council meeting, at which ~~the applicant will be allowed to make a presentation.~~ Any person may submitting a written comment on the proposed change ~~or shall also be allowed an opportunity to make an responsive~~ oral presentation. Such opportunities for oral presentation shall be subject to reasonable time limitations established by the Council.

B. The Council will consider the following in deciding what action to take regarding any proposed amendment:

1. Is the issue already adequately addressed in the Comprehensive Plan?
2. If the issue is not addressed in the Comprehensive Plan, is there a public need for the proposed change?
3. Is the proposed change the best means for meeting the identified public need?
4. Will the proposed change result in a net benefit to the community?

C. Following Council consideration as provided by TMC Sections 18.80.050 A and 18.80.050 B, the City Council shall take action as follows:

1. Add the proposed amendment to the Annual Review Docket and r~~Refer the proposed amendment~~ it to the Planning Commission for further review and a recommendation to the City Council;
2. Defer further Council consideration for one or more years to allow the City further time to evaluate the application of the existing plan or regulations and consider it as part of a future Annual Review Docket; or
3. Reject the proposed amendment.

Section 8. Regulations Established. TMC Chapter 18.82, “Amendments to Development Regulations,” is hereby established to read as follows:

CHAPTER 18.82

AMENDMENTS TO DEVELOPMENT REGULATIONS

Sections:

- 18.82.010 Application
- 18.82.020 Staff Report
- 18.82.030 Review Procedures
- 18.82.040 Council Decision

Section 9. Regulations Established. TMC Section 18.82.010, “Application,” is hereby established to read as follows:

18.82.010 Application

Any interested person (including applicants, residents, City staff and officials, and staff of other agencies) may submit an application for a text amendment to the Tukwila Municipal Code development regulations to the Department. Such applications are legislative decisions and are not subject to the requirements or procedures set forth in TMC Chapters 18.104 to 18.116. The application shall specify, in a format established by the Department:

1. A detailed statement of what is proposed and why;
2. A statement of the anticipated impacts of the change, including the geographic area affected and the issues presented by the proposed change;
3. An explanation of why the current regulations are deficient or should not continue in effect;
4. A statement of what changes, if any, would be required in functional plans (i.e., the City’s water, sewer, stormwater or shoreline plans) if the proposed amendment is adopted;
5. A statement of what capital improvements, if any, would be needed to support the proposed change, and how the proposed change will affect the capital facilities plans of the City; and
6. A statement of what other changes, if any, are required in other City codes plans or regulations to implement the proposed change.

Section 10. Regulations Established. TMC Section 18.82.020, “Staff Report,” is hereby established to read as follows:

18.82.020 Staff Report

A. Prior to consideration of any proposed amendment, the Department shall prepare and submit to the reviewing body a staff report that addresses the following:

1. An evaluation of the application materials;

2. Impact upon the Tukwila Comprehensive Plan and Zoning Code;
3. Impact upon surrounding properties, if applicable;
4. Alternatives to the proposed amendment; and
5. Appropriate code citations and other relevant documents.

B. The Department's report shall transmit a copy of the application for each proposed amendment, any written comments on the proposals received by the Department, and shall contain the Department's recommendation on adoption, rejection, or deferral of each proposed change.

Section 11. Regulations Established. TMC Section 18.82.030, "Review Procedures," is hereby established to read as follows:

18.82.020 Review Procedures

The following shall apply to processing a text amendment to development regulations:

1. The City Council shall either forward the amendment to the Planning Commission for a recommendation or reject the amendment.

2. If the Planning Commission is directed to review the amendment, the Planning Commission shall, after considering the amendment at a public hearing, vote and forward a written recommendation to the City Council.

3. The Planning Commission's written recommendation shall be presented to the City Council unchanged and accompanied by an Informational Memorandum that includes any staff proposed changes to the Planning Commission's recommendation. If any of staff's proposed changes are substantively different from the Planning Commission's recommendation, the City Council may remand the changes to the Planning Commission before proceeding further with action on the amendment.

4. At least one public hearing shall be held before the Planning Commission prior to the City Council acting on an amendment. An additional hearing before the City Council may be held at the Council's discretion.

5. At least 14 days prior to the public hearing, the City shall publish a notice in the City's newspaper of record generally describing the proposed changes including areas affected, soliciting written public input to the Department on the proposed changes, and identifying the date on which the proposed changes will be considered.

Section 12. Regulations Established. TMC Section 18.82.040, "Council Decision," is hereby established to read as follows:

18.82.040 Council Decision

Following receipt of the Planning Commission's recommendation on a proposed amendment the City Council may:

1. Adopt the amendment as proposed;

2. Modify and adopt the proposed amendment;
3. Remand to the Planning Commission for further proceedings; or
4. Deny the proposed amendment.

Section 13. TMC Section 18.84.010 Amended. Ordinance Nos. 2116 §1 and 2368 §67, as codified at TMC Section 18.84.010, “Application Submittal,” are amended to read as follows:

18.84.010 Application Submittal

Applications for rezone of property, along with the request for a Comprehensive Plan map change, shall be submitted to the Department ~~of Community Development~~. Proposed changes received by the Department after January 1 of any year shall be held over for the following year’s review. A ~~Site-site~~ specific rezone and the accompanying Comprehensive Plan map change application shall be a Type 5 decision processed in accordance with the provisions of TMC Section 18.108.050.

Section 14. TMC Section 18.84.040 Amended. Ordinance No. 2116 §1, as codified at TMC Section 18.84.040, “Ordinance Required,” is amended to read as follows:

18.84.040 Ordinance Required Council Decision

A. After holding a public hearing and evaluating the application against the criteria at TMC Section 18.84.020, the City Council may:

1. Adopt the rezone and map amendment as proposed;
2. Modify or condition the proposed rezone and map amendment; or
3. Deny the proposed rezone and map amendment.

B. Action under TMC Chapter 18.84, which amends the official Zoning Map, shall require the adoption of an ordinance by the City Council pursuant to the Tukwila Municipal Code and State law. Due to the Growth Management Act, RCW 36.70A, which provides that Comprehensive Plan amendments be considered no more frequently than once a year, any rezone ordinance must be adopted by the Council concurrently with action on the Annual Review Docket items.

Section 15. Corrections by City Clerk or Code Reviser Authorized. 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 16. 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 17. 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 _____ day of _____, 2023.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____

Office of the City Attorney

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING VARIOUS ORDINANCES AS CODIFIED IN TUKWILA MUNICIPAL CODE (TMC) TITLE 18, "ZONING," AS DELINEATED HEREIN, TO INCORPORATE A VARIETY OF HOUSEKEEPING CODE AMENDMENTS AND PARKING REGULATIONS RELATED TO: DEFINITIONS (TMC CHAPTER 18.06), NONCONFORMING LOTS, STRUCTURES AND USES (TMC CHAPTER 18.70), AND PERMIT APPLICATION TYPES AND PROCEDURES (TMC CHAPTER 18.104); AMENDING FIGURE 18-7 AND TABLE 18-6; ESTABLISHING TMC SECTION 18.50.240; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila is an incorporated city within a fully planning jurisdiction under the Growth Management Act (GMA), per RCW 36.70A.040; and

WHEREAS, the City reviews development regulations to ensure clarity, fairness, and consistency with State law; and

WHEREAS, the City desires to update its regulations pertaining to parking near transit services in alignment with RCW 36.70A.620; and

WHEREAS, Tukwila Municipal Code (TMC) Chapter 18.06, "Definitions," contains regulations for home occupations that are inconsistent with the general structure of other development regulations; and

WHEREAS, amending home occupation regulations will prevent impacts to surrounding properties that will be beneficial to home occupation business owners and neighbors of home occupation businesses; and

WHEREAS, terminology used in TMC Chapter 18.58, "Wireless Communication Facilities," is inconsistent with terminology used in TMC Chapter 18.104, "Permit Application Types and Procedures," and the City desires to clarify and standardize the language for staff and applicants; and

WHEREAS, current development regulations require existing lots of records that do not adhere to the minimum lot area and/or lot width for their underlying zone to receive a variance prior to the development of an undeveloped lot; and

WHEREAS, the process to receive a variance can be extensive, requiring significant staff time, increasing project time, and increasing the applicant's overall project cost; and

WHEREAS, removing the variance requirement for existing lots of records that do not adhere to the minimum lot area and/or lot width, but comply with all other development standards, would create efficiencies in staff time and would also save applicants time and costs; and

WHEREAS, Table 18-6, "Land Uses Allowed by District," references minor outdated information that is no longer applicable and should be updated for clarity; and

WHEREAS, the City desires to update parking requirements for accessory dwelling units in alignment with RCW 36.70A.698 and Engrossed House Bill ("EHB") 1337; and

WHEREAS, on September 11, 2023, the City submitted the proposed amendment to the Washington State Department of Commerce for its 60-day review and received documentation of completion of the procedural requirement (Submittal ID 2023-S-6428); and

WHEREAS, in taking the actions set forth in this ordinance, the City has complied with the requirements of the State Environmental Policy Act, Chapter 43.21C RCW; and

WHEREAS, on September 14, 2023, 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 October 23, 2023, the Tukwila City Council, following adequate public notice, held a public hearing to receive testimony concerning the recommendations of the Planning Commission; and

WHEREAS, based on careful consideration of the facts and law, the City Council finds that the proposed amendments attached and incorporated herein should be approved as presented;

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

Section 1. Adoption of Findings of Fact. The Tukwila City Council hereby adopts the foregoing recitals and incorporates them herein as support for these amendments.

Section 2. TMC Figure 18-7 Amended. Ordinance Nos. 1758 §1 (part), 1795 §3 (part), 2251 §67, 2368 §55, and 2442 §3, as codified at TMC Section 18.56.050, "Required Number of Parking Spaces," are hereby amended to update **Figure 18-7** as follows:

Figure 18-7 – Required Number of Parking Spaces for Automobiles and Bicycles

NOTE: Automobile parking requirements for TUC-RC, TUC-TOD and TUC-Pond Districts are listed in TMC Section 18.28.260.

Use	Automobile Standard	Bicycle Standard
Single-family and multi-family dwellings	2 for each dwelling unit that contains up to 3 bedrooms. 1 additional space for every 2 bedrooms in excess of 3 bedrooms in a dwelling unit. Additional parking may be required for home occupations and accessory dwelling units as otherwise proved by this title.	For multi-family, 1 space per 10 parking stalls, with a minimum of 2 spaces. No requirement for single family.
<u>Multi-family dwelling within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day.</u> <u>*See RCW 36.70A.620(3)</u>	<u>0.75 for each studio</u> <u>1 for each one bedroom unit</u> <u>2 for each unit two bedrooms or larger</u>	<u>For multi-family, 1 space per 10 parking stalls, with a minimum of 2 spaces.</u>
<u>Single-family and multi-family dwellings affordable to 0 - 50% area median income (AMI) within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day.</u> <u>*See RCW 36.70A.620(1)</u>	<u>0.75 for each studio</u> <u>1 for each one bedroom unit</u> <u>2 for each unit two bedrooms or larger</u>	<u>For multi-family, 1 space per 10 parking stalls, with a minimum of 2 spaces. No requirement for single family.</u>
<u>Accessory dwelling units</u>	<u>1 for each unit</u>	<u>N/A</u>
<u>Accessory dwelling units within one-quarter mile of a major transit stop</u> <u>*See TMC 18.50.220(A)(1)</u>	<u>No parking required</u>	<u>N/A</u>

Use	Automobile Standard	Bicycle Standard
Multi-family and mixed-use residential (in the Urban Renewal Overlay (URO))	<p>One for each dwelling unit that contains up to one bedroom. 0.5 additional spaces for every bedroom in excess of one bedroom in a multi-family dwelling unit.</p> <p>At least 75% of required residential parking is provided in an enclosed structure (garage or podium). The structure must be screened from view from public rights of way.</p> <p>One automobile space at no charge to a car sharing program (if available) for every 50 to 200 residential spaces on site. An additional space shall be provided for developments with over 200 parking spaces. All car share spaces are in addition to required residential parking. If car sharing programs are not available when the building is constructed, an equivalent number of guest parking spaces shall be provided. These shall be converted to dedicated car-sharing spaces when the program becomes available</p>	One secure, covered, ground-level bicycle parking space shall be provided for every four residential units in a mixed-use or multi-family development.
Senior citizen housing	For 15 units or less, 1 space per dwelling unit. For dwellings with more than 15 units, a minimum of 15 spaces are required, plus 1 space per 2 dwelling units.	1 space per 50 parking stalls, with a minimum of 2 spaces.
<p>Senior citizen housing and housing for persons with disabilities within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day.</p> <p>*See RCW 36.70A.620(2)</p>	1 for 15 beds with a minimum of 2, to accommodate staff and visitors	1 space per 50 parking stalls, with a minimum of 2 spaces.
Religious facilities, mortuaries and funeral homes	1 for each 4 fixed seats	1 space per 50 parking stalls, with a minimum of 2 spaces.
Convalescent/nursing/ rest homes	1 for every 4 beds with a minimum of 10 stalls	1 space per 50 parking stalls, with a minimum of 2 spaces.
Food stores and markets	1 for each 300 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
High schools	1 for each staff member plus 2 for every 5 students or visitors	1 space per 50 parking stalls, with a minimum of 2 spaces.
Hospitals	1 for each bed	1 space per 50 parking stalls, with a minimum of 2 spaces.

Use	Automobile Standard	Bicycle Standard
Hotels, motels and extended stay	1 for each room, plus one employee space for each 20 rooms, rounded to the next highest figure	1 space per 50 parking stalls, with a minimum of 2 spaces.
Manufacturing	1 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Office, commercial and professional buildings, banks, dental and medical clinics	3.0 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Places of public assembly, including auditoriums, exhibition halls, community clubs, community centers, and private clubs	The Director shall determine the number of required parking spaces, with a minimum of 1 space for every 100 square feet of assembly area. To ensure parking adequacy for each proposal, the Director may consider the following: a. A parking study or documentation paid for by the applicant and administered by the City regarding the actual parking demand for the proposed use, or b. Evidence in available planning and technical studies relating to the proposed use.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Post offices	3 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Restaurant	1 for each 100 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Restaurant, fast food	1 for each 50 square feet of usable floor area. Fifty percent of any outdoor seating area will be added to the usable floor area for parking requirement calculations.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Retail sales, bulk	2.5 for each 1,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.
Retail sales, general	4 for each 1,000 square feet of usable floor area if located within the TVS zoning district; 2.5 for each 1,000 square feet of usable floor area if located in any other zoning district. NOTE: Reference TMC Section 18.28.260 for TUC Districts.	1 space per 50 parking stalls, with a minimum of 2 spaces.
Schools, elementary & junior high	1.5 for each staff member	1 space per classroom
Shopping center (mall), planned, per usable floor area size, as listed below:		
500,000 sq. ft. or larger	5 for every 1,000 square feet	1 space per 50 parking stalls, with a minimum of 2 spaces.
25,000 – 499,999 sq. ft.	4 for every 1,000 square feet	1 space per 50 parking stalls, with a minimum of 2 spaces.
Taverns	1 for every 4 persons based on occupancy load.	1 space per 50 parking stalls, with a minimum of 2 spaces.

Use	Automobile Standard	Bicycle Standard
Theaters	1 for every 4 fixed seats. If seats are not fixed, 1 per 3 seats, with concurrence of Fire Chief, consistent with maximum allowed occupancy	1 space per 100 seats, with a minimum of 2 spaces.
Warehousing	1 for every 2,000 square feet of usable floor area	1 space per 50 parking stalls, with a minimum of 2 spaces.

Section 3. TMC Section 18.06.430 Amended. Ordinance Nos. 1758 §1 (part) and 1974 §11, as codified at TMC Section 18.06.430, “Home Occupation,” are hereby amended to read as follows:

18.06.430 Home Occupation

“Home occupation” means an occupation or profession which is customarily incident 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. ~~;~~ ~~provided, that:~~

- ~~_____ 1. There shall be no change in the outside appearance of the surrounding residential development;~~
- ~~_____ 2. No home occupation shall be conducted in any accessory building;~~
- ~~_____ 3. Traffic generated by such home occupations shall not create a nuisance;~~
- ~~_____ 4. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot;~~
- ~~_____ 5. The business involves no more than one person who is not a resident of the dwelling; and~~
- ~~_____ 6. An off street parking space shall be made available or any non-resident employee.~~

Section 4. Regulations Established. TMC Section 18.50.240, “Home Occupations,” is hereby established to read as follows:

18.50.240 Home Occupations

- A. Home occupations shall meet the following standards:
 - _____ 1. There shall be no change in the outside appearance of the surrounding residential development;
 - _____ 2. No home occupation shall be conducted in any accessory building. This provision shall not apply to adult family homes as defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020;

3. Traffic generated by a home occupation shall not exceed two (2) visitors at any given time, and no more than eight (8) total two-way visitor and non-resident employee trips per day;

4. The number of vehicles associated with a home-occupation shall not exceed two (2) vehicles and must be parked on-site. Vehicles associated with the business shall not exceed:

a. A gross vehicle weight of 10,000 pounds;

b. A height of ten (10) feet; or

c. A length of 22 feet;

5. An off-street parking space shall be made available for any non-resident employee. All parking spaces shall meet all development standards;

6. The business shall not involve more than one person who is not a resident of the dwelling. This provision shall not apply to adult family homes as defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020; and

7. Outdoor storage of materials associated with a home occupation is prohibited.

Section 5. TMC Section 18.70.030 Amended. Ordinance Nos. 2097 §21 and 2153 §1, as codified at TMC Section 18.70.030, "Substandard Lots," are amended to read as follows:

18.70.030 Substandard Lots

A. A lot, as defined in TMC 18.06.500, which does not meet the minimum standard for average lot width and/or minimum lot area for the zone in which it is located, may still be developed, without the need for a variance, as a separate lot if the proposed use is one which is permitted in the zone, and the proposed development can comply with the remaining requirements of this title regarding basic development standards for the applicable zone and other applicable land use and environmental requirements.

~~B. A lot, as defined in TMC 18.06.500, which cannot meet the basic development standards (other than lot width) for the applicable zone and other applicable land use and environmental requirements, may be developed only if it is combined with adjacent lot(s) in a manner which allows the combined lots to be developed in a manner which does comply with the basic development standards for the applicable zone and other applicable land use and environmental requirements. In the event lots are combined in order to comply with the requirements of this subsection, a boundary line adjustment shall occur so that the combined lots are henceforth considered a single lot.~~

CB. Nothing in this subsection shall be deemed to prevent the owner of a substandard lot from applying for or receiving approval of variances pursuant to TMC Chapter 18.72.

Section 6. TMC Section 18.104.010 Amended. Ordinance Nos. 2119 §1, 2135 §19, 2235 §19, §2251 §75, 2368 §70, 2442 §6, 2627 §32, 2649 §11, and 2678 §22, as codified at TMC Section 18.104.010, “Classification of Project Permit Applications,” **subparagraphs 1, 2, and 3**, are hereby amended to read as follows:

1. **TYPE 1 DECISIONS** are made by City administrators who have technical expertise, as designated by ordinance. Type 1 decisions may be appealed to the Hearing Examiner who will hold a closed record appeal hearing based on the information presented to the City administrator who made the decision. Public notice is not required for Type 1 decisions or for the appeals of those decisions.

TYPE 1 DECISIONS

TYPE OF PERMIT	DECISION MAKER
Administrative Variance for Noise – 30 days or less (TMC Section 8.22.120)	Community Development Director
Any land use permit or approval issued by the City, unless specifically categorized as a Type 2, 3, 4, or 5 decision by this chapter	As specified by ordinance
Boundary Line Adjustment, including Lot Consolidation (TMC Chapter 17.08)	Community Development Director
Minor Modification of a Boundary Line Adjustment or Lot Consolidation Preliminary Approval (TMC Section 17.08.030)	Community Development Director
Development Permit	Building Official
Minor modification to design review approval (TMC Section 18.60.030)	Community Development Director
Minor Modification to PRD (TMC Section 18.46.130)	Community Development Director
Tree Permit (TMC Chapter 18.54)	Community Development Director
Wireless Communication Facility, Minor-Eligible Facilities (TMC Chapter 18.58)	Community Development Director

2. **TYPE 2 DECISIONS** are decisions that are initially made by the Director or, in certain cases, other City administrators or committees, but which are subject to an open record appeal to the Hearing Examiner, Board of Architectural Review, or, in the case of shoreline permits, an appeal to the State Shorelines Hearings Board pursuant to RCW 90.58.

TYPE 2 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (open record appeal)
Administrative Design Review (TMC Section 18.60.030)	Community Development Director	Board of Architectural Review
Administrative Planned Residential Development (TMC Section 18.46.110)	Short Plat Committee	Hearing Examiner
Administrative Variance for Noise – 31-60 days (TMC Section 8.22.120)	Community Development Director	Hearing Examiner

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (open record appeal)
Binding Site Improvement Plan (TMC Chapter 17.16)	Short Plat Committee	Hearing Examiner
Cargo Container Placement (TMC Section 18.50.060)	Community Development Director	Hearing Examiner
Code Interpretation (TMC Section 18.90.010)	Community Development Director	Hearing Examiner
Exception from Single-Family Design Standard (TMC Section 18.50.050)	Community Development Director	Hearing Examiner
Modification to Development Standards (TMC Section 18.41.100)	Community Development Director	Hearing Examiner
Parking standard for use not specified (TMC Section 18.56.100), and modifications to certain parking standards (TMC Sections 18.56.065, .070, .120)	Community Development Director	Hearing Examiner
Critical Areas (except Reasonable Use Exception) (TMC Chapter 18.45)	Community Development Director	Hearing Examiner
Shoreline Substantial Development Permit (TMC Chapter 18.44)	Community Development Director	State Shorelines Hearings Board
Shoreline Tree Permit	Community Development Director	Hearing Examiner
Short Plat (TMC Chapter 17.12)	Short Plat Committee	Hearing Examiner
Minor Modification of a Short Plat Preliminary Approval (TMC Section 17.12.020)	Community Development Director	Hearing Examiner
Minor Modification of a Subdivision Preliminary Plat (TMC Section 17.14.020)	Community Development Director	Hearing Examiner
Subdivision – Final Plat (TMC Section 17.14.030)	Community Development Director	Hearing Examiner
Modification to TUC Corridor Standards (TMC Section 18.28.110.C)	Community Development Director	Hearing Examiner
Modification to TUC Open Space Standards (TMC Section 18.28.250.D.4.d)	Community Development Director	Hearing Examiner
Transit Reduction to Parking Requirements (TMC Section 18.28.260.B.5.b)	Community Development Director	Hearing Examiner
Wireless Communication Facility, Minor (TMC Chapter 18.58)	Community Development Director	Hearing Examiner
Wireless Communication Facility, Macro Facilities – No New Tower (TMC 18.58.060)	Community Development Director	Hearing Examiner

3. **TYPE 3 DECISIONS** are quasi-judicial decisions made by the Hearing Examiner following an open record hearing. Type 3 decisions may be appealed only to Superior Court, except for shoreline variances and shoreline conditional uses that may be appealed to the State Shorelines Hearings Board pursuant to RCW 90.58.

TYPE 3 DECISIONS

TYPE OF PERMIT	INITIAL DECISION MAKER	APPEAL BODY (open record appeal)
Resolve uncertain zone district boundary	Hearing Examiner	Superior Court
Variance (zoning, shoreline, sidewalk, land alteration, sign)	Hearing Examiner	Superior Court
TSO Special Permission Use (TMC Section 18.41.060)	Hearing Examiner	Superior Court
Conditional Use Permit	Hearing Examiner	Superior Court
Modifications to Certain Parking Standards (TMC Chapter 18.56)	Hearing Examiner	Superior Court
Reasonable Use Exceptions under Critical Areas Ordinance (TMC Section 18.45.180)	Hearing Examiner	Superior Court
Variance for Noise in excess of 60 days (TMC Section 8.22.120)	Hearing Examiner	Superior Court
Variance from Parking Standards over 10% (TMC Section 18.56.140)	Hearing Examiner	Superior Court
Subdivision – Preliminary Plat with no associated Design Review application (TMC Section 17.14.020)	Hearing Examiner	Superior Court
Subdivision Phasing Plan (TMC Section 17.14.040)	Hearing Examiner	Superior Court
Wireless Communication Facility, Major or Waiver Request Macro Facilityies or -New Towers (TMC Chapter 18.58.070)	Hearing Examiner	Superior Court
Shoreline Conditional Use Permit	Hearing Examiner	State Shorelines Hearings Board

Section 7. Table 18-6, “Land Uses Allowed by District,” Amended. Ordinance No. 2678 §38, as codified at Table 18-6, “Land Uses Allowed by District,” is hereby amended as set forth in the amended Table 18-6 attached as Exhibit A.

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

Section 9. 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 10. 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 _____ day of _____, 2023.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____

Office of the City Attorney

Attachment: Exhibit A, Table 18-6: "Land Uses Allowed by District"

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			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			C		
Animal Veterinary, including associated temporary indoor boarding; access to an arterial required	P	P	P	P	P	P	P	P	P	P							
Bed and breakfast lodging for not more than twelve guests ⁵	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	P
Boarding Homes			C														
Brew Pubs				P	P	C	P	P	P	P	P	P	P	P	P	P	P
Bus stations							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	P	P	P	P	P	P	
Cement manufacturing										U	U	U	U	U	U	U	
Cemeteries and crematories	C	C	C	C	C			C	C	C	C	C			C	C	
Colleges and universities				C	C		C	C	C	C	C	C	C6	C6	C6	C6	P
Commercial laundries								P	P	P	P	P	P	P	P	P	
Commercial Parking (Commercial parking is a use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily, or weekly fees are charged. TMC Section 18.06.613)				P7	P7			P7	P7	P7	P8	P8				P8	

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
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Contractor storage yards										P	P	P	P	P	P		
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	P	P	P	P			P	P	
Correctional institutes					U11						U	U					
Daycare Centers (not home-based)		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							
Domestic Shelter	P	P	P	P	P												
Dormitory	C	C	C	A13	A13	A13	A13	A13	A13	A13	A13	A13			A13	A13	
Drive-in theatres								C	C	C	C	C			C		
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	P14	
Dwelling- Detached Zero-Lot Line Units		P															
Dwelling- Duplex, triplex or fourplex or townhouse up to four attached units		P														P14	
Dwelling- Townhouses			P													P14	
Dwelling –Multi-family			P					P15 P14								P14	
Dwelling – Multi-family units above office and retail uses				P		P	P		P						C16 C15 22/ ac	P14	
Dwelling – Senior citizen housing, including assisted living facility for seniors *see purpose section of chapter, uses sections, and development standards		P meeting density and all other MDR standards	P 60/ac	P 60/ac		P	P 60/ ac	P 60/ac	P 60/ac						C16 C15 100/ ac	P14	
Dwelling unit – Accessory ¹⁷	A	A	A														
Electrical Substation – Distribution	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Electrical Substation – Transmission/Switching												U			U	U	U

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TWS	TSO	PRO
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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	P	P	P	P	P	P	P	P	P	P	
Emergency Housing								P378	P378	P378	P378	P378	P378	P378	P378	P378	
Emergency Shelter								P378	P378	P378	P378	P378	P378	P378	P378	P378	
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								P345									
Farming and farm-related activities																	
Fire & Police Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Fraternal organizations				P	P	C	P	P	P	P	P	P			P	P	
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 sq/ft	A	A	A	A													
Greenhouses or nurseries (commercial)						P	P	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		C			
Heavy equipment repair and salvage										P	P	P	P	P	P		
Helipads, accessory																C	
Home Occupation (Permitted in dwellings as covered in TMC Section 18.06.430.)	A	A	A	A	A	A	A	A	A						A	A	
Hospitals				C	C			C	C	C	C	C			C	P	
Hotels								P345	P	P	P	P	C	C	C	P	
Hydroelectric and private utility power generating plants								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		P	P	P	P	P	P	P	
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				P	P	P	P	P	P	P	P	P	P	P	P	P	
Libraries, museums, or art galleries (public)	C	C	P	P	P	C	P	P	P	P	P	P	P	P	P	P	
Manuf./Mobile home park ¹⁸		C	P														

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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							P189	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							P189	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							P189	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							P189	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	P	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	P	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	P	P	P	P	C		
D) Manufacturing, processing, assembling and/or packaging of electrical or mechanical equipment, vehicles and machines including, but not limited to, heavy and light machinery, tools, airplanes, boats or other transportation vehicles and equipment										P	P	P	P	P	C		
E) Heavy metal processes such as smelting, blast furnaces, drop forging or drop hammering													C	P			

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
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Manufacturing that includes rock crushing, asphalt or concrete batching or mixing, stone cutting, brick manufacture, marble works, and the assembly of products from the above materials										C	C	P	C	P	C	C	
Manufacturing, refining or storing highly volatile noxious or explosive products (less than tank car lots) such as acids, petroleum products, oil or gas, matches, fertilizer or insecticides; except for accessory storage of such materials												U		U	U	U	
Marijuana producers, processors, or retailers (with state issued license)												P			P	P20 P19	
Mass transit facilities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Medical and dental laboratories				P	P			P	P	P	P	P			P	P	
Minor expansion of an existing warehouse ²¹																	S
Mortician and funeral homes								P	P	P	P	P					C
Motels								P	P	P	P	P	C	C	P	P	
Offices including: medical, dental, government (excluding fire & police stations), professional, administrative, computer software development, business, e.g. travel, real estate & commercial				P223	P	P223	P234	P	P	P	P	P	P9 C10	P245 C256	P	P	
Office or sample room for wholesale or retail sales, with less than 50% storage or warehousing							P										
Park & ride lots				C	C	C	C	C	C	C	C	C	C	C	C	C	
Parking areas	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Parking areas, for municipal uses and police stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Parks, trails, picnic areas and playgrounds (public), but not including amusement parks, golf courses, or commercial recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pawnbroker/Payday lender								C	C	P	P	P			P	P	
Permanent Supportive Housing	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	
Planned Shopping Center (mall)								P	P	P	P	P			P	P	P207
Radio, television, microwave, or observation stations and towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Railroad freight or classification yards												U	U	U	U		
Railroad tracks (including lead, spur, loading or storage)										P	P	P	P	P	P	P	

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
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Recreation facilities (commercial – indoor) – athletic or health clubs				P	P		P	P	P	P	P	P	C3	P	P	P	
Recreation facilities (commercial – indoor), including bowling alleys, skating rinks, shooting ranges							C	P	P	P	P				P	P	
Recreation facilities (commercial – outdoor), including golf courses, golf driving ranges, fairgrounds, animal race tracks, sports fields										C	C	C				C	
Recreation facilities (public), including, but not limited to sports fields, community centers and golf courses	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	P
Recreational area and facilities for employees																	
Religious facilities with an assembly area less than 750 sq. ft.	C	C	C	P	P		P	P	P	P	P	P	A	A	A	A	
Religious facilities with an assembly area greater than 750 sq. ft. and associated community center buildings	C	C	C	C	C		C	C	C	C	C	C					
Removal and processing of sand, gravel, rock, peat, black soil and other natural deposits together with associated structures										U	U	U	U	U	U	U	
Rental of vehicles not requiring a commercial driver's license									P	P	P	P	P	P	P	P	
Rental of commercial trucks and fleet rentals requiring a commercial driver's license										P	P	P	P	P	P	P	
Research and development facilities																P	P
Residences for security or maintenance personnel				A	A		A	A	A	A	A	A	A	A	A	A	A
Restaurants, drive-through permitted									P	P	P	P	P	P	P	P	
Restaurants, drive-through not permitted				P	P		C	P									
Retail, General				P	P4		P	P356	P	P	P	P	C3	C3	P	P	
Sales and rental of heavy machinery and equipment subject to landscaping requirements of TMC Chapter 18.52*										P	P	P	P	P	P	P	
Salvage and wrecking operations												P		P	C		
Salvage and wrecking operations which are entirely enclosed within a building										P	P	P	P	P	P	P	
Sanitariums, or similar institutes																	
Schools and studios for education or self-improvement				P	P		P	P	P	P	P	P	P9 C10	P278	P	P	
Schools, preschool, elementary, junior & senior high schools (public), and equivalent private schools	C	C	C	C	C		C	C	C						C	C	P (public only)
Secure community transition facility ²⁹														U			

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
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Self-storage facilities								P	P	P	P	P	P	P	P	P	
Sewage lift station	U	U	U	U	U	U	U									P	
Shelter	P	P	P	P	P												
Stable (private)	A2930	A2930	A2930													P	
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	P	C	C	
Storm water - neighborhood detention + treatment facilities	U	U	U	U	U	U	U									P	
Storm water pump station	U	U	U	U	U	U	U										
Studios – Art, photography, music, voice and dance				P	P	P	P	P	P	P					P	P	
Taverns, nightclubs								P	P	P	P	P	P304	P304	P	P	
Telephone exchanges					P		P	P	P	P	P	P	P	P	P	P	
Theaters, except those theaters which constitute “adult entertainment establishments” as defined by this Zoning Code							P	P	P	P	P	P			P	P312	
Tow-truck operations, subject to all additional State and local regulations										P	P	P	P	P	P	P	
Transfer stations (refuse and garbage) when operated by a public agency												U	U	U	U		
Transitional Housing	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	P389	
Truck terminals										P	P	P	P	P	P		
Utilities, regional																	
Vehicle sales lot?								P323		P	P	P			P	P	
Vehicle service station							P334	P334	P	P	P	P	P	P	P	P	
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		
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

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, MUO, O, NCC, RC, 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.a 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 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 as part of a planned mixed-use development where at least 50% of gross leasable floor area development is for office use; no auto-oriented retail sales (e.g. drive-ins, service stations).
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. a structured parking facility 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. a surface parking facility 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 these lands located in the ISO 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 ISO 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.~~

1929. Where the underlying zoning is HI or TVS.

204. Minor expansion of an existing warehouse if the following criteria are met:

- a. The area of the proposed expansion may not exceed 5% of the floor area of the existing warehouse;
- b. The proposed expansion will not increase any building dimension that is legally non-conforming;
- c. Only one minor expansion may be permitted per warehouse in existence as of the date of adoption of the Tukwila South Project Development Agreement;
- d. The proposed expansion must be constructed within two years of the date of approval;
- e. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
- f. All measures have been taken to minimize the possible adverse impacts the proposed expansion may have on the area in which it is located.

212. Movie theaters with more than three screens if the following criteria are met:

- a. The applicant must demonstrate through an economic analysis that the theater will not have a significant financial impact on any other theater in Tukwila;
- b. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
- c. 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;
- d. All measures have been taken to minimize the possible adverse impacts the proposed theater may have on the area in which it is located.

223. Offices, when such offices occupy no more than the first two stories of the building or basement and floor above.

234. Offices, when such offices occupy no more than the first two stories of the building, or basement and floor above, in the Urban Redevelopment Area along Tukwila International Boulevard.

245. Offices; must be associated with another permitted use (e.g., administrative offices for a manufacturing company present within the MIC).

256. Offices not associated with other permitted uses and excluding medical/dental clinics, subject to the following location and size restrictions:

- a. New Office Developments:
 - (1) 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.
 - (2) 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.
- b. 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.

267. Planned shopping center (mall) up to 500,000 square feet.

278. Schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use.

289. 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.

2930. 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.

30-4. No night clubs.

31-2. Theaters for live performances, 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.

32-3. 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 about 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.

33-4. 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.

34-5. 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.

35-6. 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.

[367](#). 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.

[378](#). Subject to the criteria and conditions at TMC 18.50.250 and 18.50.270.

[389](#). Subject to the criteria and conditions at TMC 18.50.260 and 18.50.270.

B. Miscellaneous Code Updates



Staff briefed the Committee on potential code amendments, including process improvements, clarifications, and compliance with state law.

Committee Recommendation

Unanimous approval to forward code amendment package to Planning Commission.

c. MISCELLANEOUS

The meeting adjourned at 6:44 p.m.

RGH Committee Chair Approval



**CITY OF TUKWILA
BOARD OF ARCHITECTURAL REVIEW (BAR)
AND
PLANNING COMMISSION (PC)
PUBLIC HEARING
MINUTES**

Date: September 14, 2023
Time: 6:30 PM
Location: Hybrid Meeting - via Microsoft Teams / public, in-person attendance, Council Chambers,
6200 Southcenter Blvd, Tukwila, WA 98188

I. Call to Order

Chair Sidhu called the Board of Architectural Review (BAR) meeting to order at 6:30 pm.

II. Roll Call

The Planning Commission (PC) Secretary took roll call.

Present: Chair Apneet Sidhu, Commissioners Louise Strander, Sharon Mann, Alexandria Teague, and Martin Probst

Excused Absence: Commissioner Martinez was noted as potentially arriving late but should have been noted as tentative for attending.

Staff: Director Nora Gierloff, American Institute of Certified Planners (AICP), Department of Community Development (DCD); Development Supervisor Max Baker, AICP, DCD; Long Range Planning Manager Nancy Eklund, AICP, DCD; Senior Planner Neil Tabor, AICP, DCD; Associate Planner Isaac Gloor, DCD; and PC Secretary Wynetta Bivens

III. Amendment of the Agenda

No amendment was requested.

IV. Adoption of Minutes

Commissioner Probst moved to adopt the August 24, 2023, minutes. Commissioner Stander moved to second the motion. Commissioner Mann abstained due to absence. Motion passed.

V. General Public Comments

There were no general-public comments submittals.

VI. Old Business

None

VII. New Business

Chair Sidhu stated that the evening's new business involved two public hearings – one quasi-judicial and one legislative in nature. Chair Sidhu asked staff to review the meeting protocols.

Meeting Protocols – Board of Architectural Review

Max Baker, Development Supervisor, AICP, DCD, explained the protocol for the BAR public hearing.

a. Board of Architectural Review – Public Hearing, L23-0004

Chair Sidhu **opened the BAR public hearing** for:

CASE NUMBER: L23-0004
PURPOSE: Design Review Hearing for Village at 47th Senior Housing
LOCATION: 10811 47th Ave S Tukwila WA

Chair Sidhu swore in the Staff and Applicant who would be speaking.

Max Baker asked the BAR the Appearance of Fairness Questions. There were no disclosures.

Staff Presentation

Max Baker, Development Supervisor, AICP, DCD gave the presentation (detail of the proposal is found in the Staff Report in the Planning Commission packet). He provided an overview on the High Density Residential (HDR) multi-family proposed development that requires design review because it is over 1,500 sq. ft. He provided background on the proposed project to construct a four-story, 272-unit senior housing building. He noted that the project provided bridge access, two drive aisles, utility improvements, storm drainage and frontage improvements along 47th Ave., etc. The required on-site garage parking exceeds the requirements and includes six accessible American Disability Acts (ADA) parking stalls located inside the garage.

Max reviewed the five design review criteria to be applied to the Commission's decision making. The project complies with the development standards of Title 18. He said that the project went through several review processes and corrections prior to coming to the BAR for approval. The PowerPoint presentation provides a more detailed analysis than the PC packet. Topography and site design of the development area were also shown. The building position and orientation on the site was intended to preserve the wooded steep slopes, three large wetlands, and wetland buffers. These measures are designed to minimize impacts to the single-family residents. It was noted that staff recommended revisions to the eastern elevation of the building and the applicant added additional landscaping to provide elevation screening, etc.

Staff addressed clarifying questions from the PC.

Staff recommended approval of the design review application with no conditions.

Applicant Presentation

The Chair asked if the applicant wished to speak. Chris Weiland, the project Architect, expressed appreciation for the supportive staff report. He said that they are happy to present this project and that they have a long working relationship with Vintage Housing. He addressed the revisions for the additional landscaping, which he said was to help soften the building’s large concrete wall. He also addressed questions from the BAR.

Public Comment

The Chair asked if there was any public comment on the project. A member of the public, Barry Bonds, asked a question about whether the building design considered solar elements, and this question was addressed by the Architect. There was no additional public comment.

Public Hearing Closed, Deliberation

Chair Sidhu closed the public hearing. There were no deliberations.

Staff provided input on the BAR’s procedures for the vote to deliberate and then the motion to vote on the project.

Motion

Commissioner Mann moved to approve Case Number L23-0004, Design Review with no conditions as recommended by staff. Commissioner Probst seconded the motion. Motion carried.

Commissioner Mann thanked everyone that worked on the project and told the applicant that PC appreciated the applicant’s patience to work through the process. Commissioner Sidhu was in consensus and said that it’s going to take a lot of money for this project and told the applicant that they are providing due diligence for the City with this project.

b. Planning Commission – Public Hearing, L23-0092

Chair Sidhu introduced the project to be considered and invited staff to go over the meeting protocols.

Meeting Protocols – Planning Commission

Neil Tabor, Senior Planner, AICP, DCD, reviewed the meeting protocols for the PC public hearing.

Chair Sidhu **opened the PC public hearing** for:

CASE NUMBER: L23-0092
PURPOSE: Update to development regulations in Tukwila Municipal Code including Accessory Dwelling Units (ADUs), Parking and other miscellaneous other updates in Title 17 and Title 18.
LOCATION: N/A

Chair Sidhu swore in staff and the applicant wishing to speak. Chair Sidhu asked staff to review the meeting protocols.

Neil Tabor asked the Commissioners the Appearance of Fairness Questions. There were no disclosures. *(In error, Staff directed the Chair to include this process, however it is unnecessary for legislative public hearings)*

Joint Staff Presentation

Neil explained the purpose of the public hearing is to discuss the proposed amendments to the Zoning Code for several topics and for the PC to make a recommendation. He stated due to the amount of state law changes staff is recommending separating code amendments into multiple packets and this is the first packet (detail of the entire proposal is found in the Staff Report found in the Planning Commission packet.)

Isaac Gloor, Associate Planner, DCD, gave the staff presentation for topic 1.

1. ADUs: He stated HB1337 was passed by the legislature earlier this year, which established a baseline of standards that jurisdictions must meet for ADUs. He gave an overview on the following ADU amendments that Tukwila is required to make:

- Remove owner-occupancy requirements.
- Increase the number of ADUs permitted per lot from one to two:
 - Increase the maximum size allowance from 800 sq. ft. to 1,000 sq. ft.
 - Increase maximum height.
 - Allow ADUs to be sold to separate owners through the condo process.
 - Allow ADUs to be sold through the unit lot sub-division process, which allows ownership of the land beneath the ADU.
 - Update parking requirements for ADUs near transit to comply with RCW 36.70A.698; adding a definition for principal unit for the ADU codes.

Neil Tabor gave the staff presentation for topics 2 – 7, providing an overview and giving some background for the following proposed amendments:

2. Parking near transit requirements

- Amend Figure 18-7 to update parking standards to comply with state requirements;

3. Comprehensive Plan and Development Regulations Amendment Process

- Amend Tukwila Municipal Code (TMC) 18.80 to remove references to amending development regulations and clarify comprehensive plan amendment docketing process;
- Create TMC 18.82 “Amendments to Development Regulations”;
- Amend TMC 18.84 to clarify sequencing of site-specific rezones with annual comprehensive plan amendment.

4. Home Occupation Standards

- Modify TMC 18.06.430 to remove regulations from home occupation definition;
- Create TMC 18.50.240 section “Home Occupations.”

5. Wireless communication facility permit application type procedures.

- Amend TMC 18.104 to reflect accurate wireless facility terminology

6. Variance requirements for lot area.
 - Amend TMC 18.70.030 to modify when a lot that is substandard due to lot area needs to apply for a variance prior to development.
7. Amend footnote referencing Tukwila South Residential Design Manual
 - Amend Table 18-6 to remove footnote #14 and reference in table.

Explanation and background information was provided on the frequency of the Growth Management Act (GMA) allowance for Comprehensive Plan Updates and the reason for splitting regulations, state requirement, and why development regulations are split apart, etc.

Neil addressed clarifying questions from the PC on the following Tukwila Municipal Code references:

18.80.010 – Application

Opposition was raised regarding replacing the language ‘citizens, Tukwila PC’ with the language “residents.” A request was made to maintain the language “citizens, Tukwila PC”. Extensive discussion transpired.

18.80.020 - Docket

Inquiry and discussion.

18.82.020 - Review Procedures, number 3

Inquiry and discussion.

18.84.010 – Application Submittal

Inquiry and Discussion.

18.50.240 – Home Occupation Standards

Inquiry and Discussion.

Public Comment

There was no public testimony.

Public Hearing Closed, Deliberation

Chair Sidhu **closed the public hearing.**

There were no deliberations.

Motion

Commissioner Mann moved to forward Case Number L23-0092 proposed amendments and E23-0008 to the City Council. Commissioner Probst seconded the motion. Motion carried.

VIII. Director’s Report

- 9/20 – Comp Plan open house, Showalter Middle School, 4628 S. 144th St., Seattle.
- Upcoming PC meetings:
 - 9/28

- 10/5 – Note unusual meeting date, 1st Thursday of the month.
- 11/9 – Holiday meeting schedule, 2nd Thursday of the month.
- 12/14 – Holiday meeting schedule, 2nd Thursday of the month.
- 1/25/24 – Normal meeting schedule, 4th Thursday of the month.

Chair Sidhu asked for a motion to **adjourn**. Commissioner Probst moved to adjourn, and Commissioner Mann seconded the motion.

Adjourned: 8:26 PM

Submitted by: Wynetta Bivens
PC Secretary

DRAFT