



ORDINANCE NO. 28604

1 AN ORDINANCE relating to land use regulations; amending Ordinance No. 28491,
2 passed on February 20, 2018, to correct a scrivener's error in Exhibit "A,"
3 page 4, of the ordinance.

4 WHEREAS Ordinance No. 28491 was passed on February 20, 2018, and
5 became effective on March 2, 2018, and

6 WHEREAS, during consideration of Ordinance No. 28491, Council
7 Member Ushka proposed an amendment to limit new or expanded correctional and
8 detention facilities to the M-1 zoning district as it existed as of January 1, 2018,
9 and

10 WHEREAS the amendment was intended to apply the limitation to both
11 correctional and detention facilities; however, the limitation was transcribed in only
12 the detention facility box in the Ordinance table exhibit (Exhibit "A," on page 4), and

13 WHEREAS the transcription and ultimate codification of Council Member
14 Ushka's amendment creates the appearance that the City Council intended to treat
15 correction and detention facilities differently when, in fact, the City Council intended
16 that all of the zoning and regulations in Ordinance No. 28491 apply equally to both,
17 and

18 WHEREAS this incomplete transcription has become the basis of an equal
19 protection violation claim by The GEO Group in its federal lawsuit against the City,
20 and, after receipt of The GEO Group's Complaint in this case, City staff realized
21 that Ordinance No. 28491, as codified, contained the scrivener's error in
22 Exhibit "A," and
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WHEREAS a clarifying amendment to Ordinance No. 28491 would address that claim, and fully effectuate the City Council's legislative intent, and

WHEREAS it is recommended that the City Council adopt a clarifying amendment to Ordinance No. 28491, making all of its provisions equally applicable to correction and detention facilities, as was the City Council's original intent; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Exhibit "A" of Ordinance No. 28491, passed on February 20, 2018, is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Exhibit A

Clarifying Amendment (Change highlighted)

13.06.400

Industrial Districts.

* * *

5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
* * *				
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Continuing care retirement community	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Correctional facility*	CU	N	N	Modifications or expansions to existing facilities that increase the inmate/detainee capacity shall be processed as a major modification (see Section 13.05.080). A pre-application community meeting is also required (see Section 13.06.640.Q). This CU is only available in the M-1 zones in place as of 1/1/2018
* * *				
Day care, family	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Day care center	P	P	N	Subject to development standards contained in Section 13.06.155.
Detention facility*	CU	N	N	Modifications or expansions to existing facilities that increase the inmate/detainee capacity shall be processed as a major modification (see Section 13.05.080). A pre-application community meeting is also required (see Section 13.06.640.Q). This CU is only available in the M-1 zones in place as of 1/1/2018
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