

By Request of Council Member Mello

MOTION FOR CITY COUNCIL CONSIDERATION

November 21, 2017

I MOVE TO AMEND ORDINANCE NO. 28470 AND EXHIBITS B AND D BY
ADDING THE FOLLOWING:

Add interim restrictions on the expansion of all existing use, allowing expansion only through a Conditional Use Permit process.

This amendment would amend the proposed TMC 13.06.400 (Exhibit B) by amending proposed Subsection 1, and adding a new Subsection 3, and would also amend proposed TMC 13.06.580.C (Exhibit D) by adding new Sections 3, 4, and 5.

TMC 13.06.400 (Exhibit B)

G. Interim Special Use Restrictions for Non-industrial Uses in the Port of Tacoma M/IC.

1. Per Ordinance No. 28470, on an interim basis, the intent of these special use restrictions is to place a pause on new or expansion of existing non-industrial uses within the M-2 Heavy Industrial and PMI Port Maritime Industrial Zoning Districts of the Port of Tacoma M/IC until such time as the Tidelands subarea plan is complete.
2. The establishment of certain new non-industrial uses, specified in Table 13.06.400.C.5, is prohibited on an interim basis.
3. Existing uses are allowed. Expansion of existing uses is allowed only subject to approval of a conditional use permit.

TMC 13.06.580.C (Exhibit D).

3. Expansion of existing uses. Expansion of existing uses is allowed only subject to approval of a conditional use permit.

4. Exceptions. Limitations on expansion do not apply to the following uses and activities:

a. Normal Maintenance and Repair. Activities commonly associated with normal maintenance and repair or development activities exempt from shoreline substantial development permits per TMC 13.10 section 2.3.3. Normal maintenance and repair is defined as follows:

Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

b. Building codes and environmental regulations. Alteration, expansion or replacement of structures or facilities in order to comply with building code requirements and/or environmental regulations.

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c. Accessory uses. A subordinate building or use that is incidental to the use of the main building or use.

d. Accessory utilities. Distribution services directly serving a permitted use. For example, power, telephone, cable, communication antennas, water, sewer lines, and stormwater systems.

e. Expansions and improvements that, at the time of adoption of this ordinance, had not yet been constructed, but had already been reviewed and approved by the City through a land use permit, development permit, or environmental review

5. Risk assessment. As part of any applicable SEPA and/or Conditional Use Permit process, a risk analysis will be conducted proportionate to the size and scale of the project and of the particular industrial process being proposed.

Ordinance

AN ORDINANCE relating to zoning; amending Title 13 of the Tacoma Municipal Code by amending Chapters 13.04, 13.05, 13.06, and 13.10 thereof, to enact interim land use regulations limiting the receipt and processing of applications for permits for the establishment or expansion of certain uses within certain zoning districts for an initial period of one year to protect the viability and effectiveness of the Tideflats subarea planning process and its outcomes.

WHEREAS in the interim the existing broadly permissive land use regulations within the Tideflats area could allow substantial or expanded new uses, which might be subject to additional regulation under the completed subarea plan, to vest in the current regulations and endure for decades, and

~~WHEREAS after consideration, the local and regional impact of extending the interim regulations to existing uses is unknown, and the risk of significant adverse economic and other impacts too high to justify application of interim regulations to existing uses, and~~

WHEREAS after carefully considering the local and regional economic impacts of applying interim regulations to existing uses, as well as the potential for major interim expansions of existing uses to effectively negate the outcomes of the subarea plan, the Council has determined to allow expansion of existing uses regulated under the interim regulations only by conditional use permit only, and