



## **Legislation Passed August 16, 2016**

The Tacoma City Council, at its regular City Council meeting of August 16, 2016, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

---

### **Resolution No. 39517**

A resolution authorizing the execution of a regulatory agreement and a 30-year loan agreement with the Tacoma Community Redevelopment Authority, for use of up to \$3,000,000, budgeted from the Urban Development Action Grant Program Income Funds, to assist with development of the Valhalla Hall project.

[Carey Jenkins, Housing Division Manager; Ricardo Noguera, Director, Community and Economic Development]

### **Ordinance No. 28375**

An ordinance granting a non exclusive franchise to Mashell Telecom, Inc., dba Rainier Connect, to construct, operate, maintain, remove, replace, and repair fiber optic communications facilities within public right of way areas.

[Jeff Lueders, Cable Communications and Franchise Services Manager;  
Gwen Schuler, Director, Media and Communications]

### **Amended Ordinance No. 28376**

An ordinance adopting the 2016 Annual Amendment to the Comprehensive Plan and Land Use Regulatory Code; and amending various chapters in Titles 1 and 13 of the Municipal Code, to implement said amendments, as recommended by the Planning Commission.

[Brian Boudet, Planning Manager; Peter Huffman, Director, Planning and Development Services]



## RESOLUTION NO. 39517

1 A RESOLUTION relating to community and economic development; authorizing  
2 the execution of a regulatory agreement and 30-year loan agreement with  
3 the Tacoma Community Redevelopment Authority, for use of up to  
4 \$3,000,000, budgeted from Urban Development Action Grant ("UDAG")  
Program Income Funds, to assist with the development of the Valhalla Hall  
project.

5 WHEREAS the Tacoma Community Redevelopment Authority ("TCRA") is a  
6 public corporation, organized and existing pursuant to its charter, Chapter 1.60 of  
7 the Tacoma Municipal Code, and the laws of the state of Washington, and  
8

9 WHEREAS, on January 9, 2014, the TCRA Board authorized staff to bid on  
10 a three-story vacant commercial building, known as Valhalla Hall, located at  
11 1216-1218 Martin Luther King, Jr. Way ("Property") at a foreclosure sale, and  
12

13 WHEREAS, on January 17, 2014, the TCRA was the successful bidder and  
14 acquired the Property at a cost of \$305,080.84, using Community Development  
15 Block Grant ("CDBG") funds, and

16 WHEREAS the TCRA reviewed a number of use options for the Property,  
17 ultimately deciding on a housing reuse project with an affordable component, and  
18

19 WHEREAS the Project is consistent with the Hilltop Subarea Plan,  
20 addressing such policy points as creating affordable, healthy, mixed-use,  
21 mixed-income housing; increasing the availability of quality affordable housing units  
22 to households earning no more than 80 percent of the area's median income level;  
23 creating local employment opportunities; and implementing catalytic development  
24 projects in the Hilltop, and  
25  
26



WHEREAS the Project involves the construction of a four-story residential building containing 26 dwelling units, including two work/live units, and will provide rental housing for a variety of income levels, including nine units set aside for households at 50 percent of the area median income ("AMI") under a long-term covenant agreement, and five units set aside for households at 80 percent of AMI which will convert to market rate units at the end of initial tenancy, and

WHEREAS the Project also serves to redevelop a previously foreclosed property along the MLK corridor that would otherwise remain vacant, underutilized, and a nuisance to the surrounding community, and

WHEREAS the current estimated development cost, in the amount of \$7.2 million, is higher than the 2014 estimate and a subsequent cost analysis; however, analysis shows that the current per-unit cost is consistent with similar affordable housing projects funded by the TCRA in the last two years, and

WHEREAS the TCRA has spent approximately \$550,000 to date in federal CDBG and HOME funds to pay for the costs associated with the acquisition and predevelopment of the Project, and

WHEREAS, on July 14, 2016, the TCRA Board approved the negotiation and execution of a 30-year loan agreement with the City, for the use of up to \$3,000,000 in Urban Development Action Grant ("UDAG") funds for the Project secured by a deed of trust and promissory note and governed by a regulatory agreement, and

WHEREAS, at the August 11, 2016, Community Vitality and Safety Committee meeting, the TCRA presented its recommendations for the loan agreement, deed of trust, promissory note, and regulatory agreement, for the



transfer of up to \$3,000,000 in UDAG Program Income Funds to the TCRA, to be  
drawn down for project construction and permanent financing costs, and the

Committee approved the recommendations for consideration by the City Council;

Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to enter into a  
30-year loan agreement, secured by a deed of trust on the Property and an  
accompanying promissory note, along with a regulatory agreement, with the  
Tacoma Community Redevelopment Authority, for use of up to \$3,000,000,  
budgeted from Urban Development Action Grant ("UDAG") Program Income Funds,  
to assist with development of the Valhalla Hall project, said agreement, deed of  
trust, promissory note, and regulatory agreement to be substantially in the form of  
the documents on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney



## ORDINANCE NO. 28375

1 AN ORDINANCE granting a non-exclusive franchise to Mashell Telecom, Inc., a  
2 Washington corporation, d/b/a Rainier Connect, to construct, operate, and  
3 maintain a telecommunications system in the City of Tacoma; setting forth  
4 provisions, terms and conditions of the grant of franchise; specifically  
5 making such grant subject to the provisions of Title 16B, Title 9, and Title 10  
6 of the Tacoma Municipal Code, as well as the Tacoma City Charter;  
7 providing for City regulation of the Telecommunications System; prescribing  
8 liquidated damages and certain other remedies for violation of franchise  
9 provisions in addition to those specified pursuant to the Municipal Code and  
10 the City of Tacoma Charter.

11 WHEREAS Mashell Telecom, Inc., a Washington corporation, d/b/a Rainier  
12 Connect ("Rainier Connect" or "Franchisee") is a telecommunications company  
13 currently involved in the business of operating a telecommunications network  
14 utilizing fiber optic technology, and

15 WHEREAS, as part of expanding such network, Rainier Connect desires to  
16 obtain a franchise to operate its telecommunications network in City of Tacoma  
17 right-of-way, and

18 WHEREAS Rainier Connect has applied to the City to install and operate  
19 fiber optic cable within the City streets and public rights-of-way, and

20 WHEREAS the City Council has determined to grant such a franchise to  
21 Rainier Connect upon those certain terms and conditions which the City Council  
22 deems necessary due to the unique nature of fiber optic cable as set forth herein,  
23 and

24 WHEREAS this City of Tacoma Telecommunications Franchise Ordinance  
25 contains the following sections:  
26



Section 1. Definitions.

1	1.1	City .....	4
2	1.2	City Manager .....	4
	1.3	Intentionally omitted.....	4
3	1.4	Communications system.....	4
	1.5	Construction, operation, or maintenance .....	4
4	1.6	Customer .....	5
5	1.7	Facilities or Installations.....	5
	1.8	Franchise.....	5
6	1.9	Franchise Area .....	5
	1.10	Franchisee.....	5
7	1.11	Gross Receipts .....	5
8	1.12	Operator .....	6
	1.13	Overhead Facilities.....	6
9	1.14	Person .....	6
	1.15	Public Rights-of-Way .....	6
10	1.16	System.....	7
11	1.17	Telecommunications Service.....	7
	1.18	Telecommunications System.....	7
12	1.19	Telephone Service.....	8
	1.20	Title .....	8
13	1.21	Underground Facilities.....	8

Section 2. Franchise.

15	2.1	Grant of Franchise.....	9
	2.2	Franchise Term .....	10
16	2.3	Franchise Non-exclusive .....	10
	2.4	Transfers, Generally .....	10
17	2.5	Revocation.....	11
	2.6	Continuity of Service and Right to Purchase the System .....	15
18	2.7	Right to Require Removal of Property/Right to Remove Property .....	18
19	2.8	Customers' Right to Obtain Service.....	20
	2.9	Responsibility for Costs .....	20
20	2.10	Work of Contractors and Subcontractors.....	21
21	2.11	Survival of Terms.....	21

Section 3. Operation in Streets and Rights-of-Way.

23	3.1	Use of Public Rights-of-Way .....	22
	3.2	Construction, Operation, or Maintenance .....	22
24	3.3	Right to Inspect and Order Corrections .....	30
	3.4	Information Regarding Ongoing Work .....	30



Section 4. Regulatory Provisions.

4.1	Intent .....	31
4.2	Remedies for Franchise Violations .....	31
4.3	Procedure for Remedying Franchise Violations.....	32
4.4	Failure to Enforce .....	34
4.5	Force Majeure .....	34
4.6	Alternative Remedies.....	35
4.7	Compliance with the Laws .....	35

Section 5. Reporting Requirements.

5.1	Quarterly Reports .....	36
5.2	Annual Report.....	36
5.3	Additional Reports .....	37
5.4	Preservation of Confidential Information.....	37

Section 6. Compensation and Financial Provisions.

6.1	Fees; Taxes .....	38
6.2	Auditing and Financial Records .....	41
6.3	Performance Bond.....	43
6.4	Indemnification by Franchisee .....	44
6.5	Franchisee Insurance .....	45
6.6	Security Fund .....	49

Section 7. Miscellaneous Provisions.

7.1	Posting and Publication .....	50
7.2	Guarantee of Performance .....	50
7.3	Governing Law and Venue .....	50
7.4	No Recourse.....	51
7.5	Notice .....	51
7.6	Execution.....	52

Now; Therefore,



BE IT ORDAINED BY THE CITY OF TACOMA:

1       Section 1. Definitions. For the purposes of this Franchise, the following  
2 terms, phrases, words, and their derivations shall have the meaning given herein;  
3 words not defined herein which are defined in Title 16B of the Tacoma Municipal  
4 Code, shall have the same meaning or be interpreted as provided in Title 16B.  
5 Words not defined here or in Title 16B shall be construed consistently with Title 47  
6 of the United States Code, and if not therein, they shall have their common and  
7 ordinary meaning. A reference to any Title of the Tacoma Municipal Code ("City  
8 Code") or to the City's Charter refers to the same, as may be amended from time  
9 to time.  
10  
11

12       1.1 "City" means the City of Tacoma, a municipal corporation of the state of  
13 Washington, and all departments, divisions, and agencies thereof, including  
14 Tacoma Public Utilities.

15       1.2 "City Manager" means the City Manager or the City Manager's  
16 designee.  
17

18       1.3 Intentionally omitted.

19       1.4 "Communications system" refers to a telecommunications system.

20       1.5 "Construction, operation, or maintenance" and similar formulations of  
21 this term mean the named actions interpreted broadly, encompassing, among  
22 other things, installation, extension, maintenance, replacement, or components  
23 thereof, relocation, undergrounding, grading, site preparation, adjusting, testing,  
24 make-ready, and excavation.  
25  
26



1.6 "Customer" means any Person or entity who legally receives within the corporate limits of the City any one or more of the services provided by the Telecommunications System.

1.7 "Facilities" or "Installations" are and refer to and include, but are not limited to, plant, systems, improvements, and equipment owned, leased, or otherwise used by Franchisee, such as poles, fiber, wires, fixtures, equipment, underground circuits, and conduit in Public Rights-of-Way and other property necessary or convenient for the transmission and distribution of communications service where such facilities are located. "Facilities" or "Installations," when used without a modifier, shall be considered to encompass both Overhead Facilities/Installations and Underground Facilities/Installations.

1.8 "Franchise" means the rights granted by this Franchise and conditioned as set forth herein, and under the Tacoma Municipal Code and the City Charter.

1.9 "Franchise Area" means that area within the present and future corporate limits of Tacoma.

1.10 "Franchisee" is Mashell Telecom, Inc., a Washington corporation, d/b/a Rainier Connect, with its home office at 2516 Holgate Street, Tacoma, WA 98402.

1.11 "Gross Receipts," for purposes of this Franchise, means any and all receipts or income received directly or indirectly by Franchisee, which is derived from the operation of its System in the City, less uncollectibles. Gross Receipts shall include, by way of example and not limitation, revenues from its Telecommunications Service, all fees, late fees, installation and connection fees,



1 upgrade and downgrade fees, and rental fees. The term Gross Receipts shall not  
2 include any taxes on Services furnished by Franchisee imposed by any  
3 municipality, state, or other governmental unit and collected by Franchisee for such  
4 governmental unit, nor shall the term include any wholesale services provided by  
5 Franchisee upon which fees or taxes have already been levied within the City of  
6 Tacoma.

7 1.12 "Operator" when used with reference to a system, refers to a Person  
8 (a) who provides service over a Communications System and directly or through  
9 one or more affiliates owns a significant interest in such facility; or (b) who  
10 otherwise controls or is responsible for, through any arrangement, the  
11 management and operation of such a facility. A Person that operates under  
12 agreement of a Telecommunications System or a specific portion of a  
13 Telecommunications System to provide Telecommunications Services shall be  
14 treated as an Operator for purposes of this Franchise.  
15

16 1.13 "Overhead Facilities" refers to electric utility and Communications  
17 Facilities located above the surface of the ground, including the underground  
18 supports and foundations for such Facilities.  
19

20 1.14 "Person" includes any individual corporation, partnership, association,  
21 joint stock company, trust, or any other legal entity, but not the City for purposes  
22 hereof.  
23

24 1.15 "Public Rights-of-Way" mean the public streets and easements over  
25 which, under the City Charter, the Tacoma Municipal Code, City ordinances, and  
26 applicable laws, the City has authority to grant Franchises, permits, or Licenses for



1 use thereof or has regulatory authority there over, but expressly excluding railroad  
2 rights-of-way/crossings, airport, and harbor areas. Public Rights-of-Way, for the  
3 purpose of this Franchise, also do not include buildings, parks, poles, conduits, or  
4 similar facilities or property owned by or leased to the City, including, by way of  
5 example and not limitation, structures in the Public Rights-of-Way such as utility  
6 poles and light poles.

7 1.16 "System" means the Telecommunications System.

8 1.17 "Telecommunications Service" or "Service" means the transmission for  
9 hire of information in electronic or optical form, including, but not limited to, voice,  
10 video, or data, whether or not the transmission medium is owned by the provider  
11 itself. Telecommunications Service includes telephone service but does not  
12 include cable TV or commercial video service or over-the-air broadcasts to the  
13 public-at-large from facilities licensed by the Federal Communications Commission  
14 or any successor thereto.  
15

16 1.18 "Telecommunications System" means a tangible facility that is used to  
17 provide one or more Telecommunications Services, any portion of which occupies  
18 Public Right-of-Way. The term Telecommunications System, by way of example  
19 and not limitation, includes wires, equipment cabinets, guys, conduit, radio  
20 transmitting towers, poles, other supporting structures, and associated and  
21 appurtenant facilities used to transmit telecommunications signals. The term  
22 Telecommunications System includes all devices mounted on light poles in the  
23 Public Rights-of-Way through which Telecommunications Services are originated  
24 or terminated. An Open Video System is not a Telecommunications System to the  
25  
26



extent that it provides only video services; a Cable System is not a

1 Telecommunications System to the extent that it provides only Cable Service.

2 The term Telecommunications System includes any of the tangible components of  
3 a Telecommunications System which occupies Public Rights-of-Way.  
4

5 1.19. "Telephone Service" means the provision of access to a local  
6 telephone network, local telephone network switching service, intrastate toll  
7 service, or coin telephone service, or providing telephonic, video, data, or similar  
8 communication or transmission for hire via a local telephone network, toll line,  
9 channel, cable, microwave, or similar communication or transmission system by  
10 any person. Telephone Service includes intrastate or interstate service, including  
11 toll service, originating from, or received on, communications equipment or  
12 apparatus in this state if the charge for the service is billed to a person in this state.  
13 Telephone Service does not include the providing of Competitive telephone service  
14 as defined in Tacoma Municipal Code § 6A.40.030, the providing of cable  
15 television service, or the providing of broadcast services by radio or television  
16 stations.  
17  
18

19 1.20 "Title," when used alone in the context of referring to this Title of the  
20 Tacoma Municipal Code, shall mean Title 16 (and more specifically Title 16B) of  
21 the Tacoma Municipal Code.  
22

23 1.21 "Underground Facilities" refers to electric utility and Communications  
24 Facilities located under the surface of the ground, excluding the underground  
25 foundations or supports for Overhead Facilities.  
26



## Section 2. Franchise.

1       2.1 Grant of Franchise. The City hereby grants to Franchisee a  
2 non-exclusive Franchise which, once it becomes effective, shall authorize  
3 Franchisee to use the City's Public Rights-of-Way within the Franchise Area to  
4 construct, maintain, and operate a fiber optic Telecommunication System to  
5 provide Telecommunication Service and internet access service, and to use the  
6 City's Public Rights-of-Way as authorized herein.  
7

8       Such grant is subject to and must be exercised in strict accordance with and  
9 subject to this Franchise Agreement, Title 16B, and other applicable provisions of  
10 the Tacoma Municipal Code, and the Tacoma City Charter, including, but not  
11 limited to, the provisions set forth in Article VIII of the Charter, and this Franchise  
12 may be revoked under Section 2.5 if it is not so exercised. The exercise of any  
13 rights pursuant to this Franchise is subject to the exercise of the City's police  
14 powers, and other regulatory powers as the City may have or obtain in the future,  
15 and all rights granted herein must be exercised in strict accordance with applicable  
16 laws, including, by way of example and not limitation, zoning codes and permitting  
17 requirements. No rights shall pass to Franchisee by implication. This Franchise  
18 shall constitute both a right and an obligation to provide the services of the  
19 Telecommunications System as required by the provisions of this Franchise.  
20  
21  
22

23       The grant of this Franchise is limited to the purpose of Franchisee providing  
24 Telecommunications Service and internet access service. This Franchise does not  
25 include permission to provide cable service, as defined in 47 U.S.C. § 522,  
26



multichannel video programming, open video systems, or uses other than  
1 Telecommunications Service.

2           Notwithstanding the above grant to use Public Rights-of-Way, no Public  
3 Rights-of-Way shall be used by Franchisee if the City, in its opinion, determines  
4 that such use is inconsistent with the terms, conditions, or provisions by which  
5 such Public Right-of-Way was created or dedicated, or presently used under  
6 applicable laws.  
7

8           In the event of any conflict between a provision in this Franchise and any  
9 provision of the City Charter, which Charter is incorporated herein by reference,  
10 the applicable provision of the Charter shall control over any inconsistent provision  
11 of this Franchise.  
12

13           2.2 Franchise Term. The term of the Franchise shall be ten years unless  
14 terminated sooner in accordance with this Franchise, Title 16B, or the City Charter.  
15 At the expiration of the term, Franchisee may apply to extend or renew the  
16 Franchise as provided in Title 16B.02.100.  
17

18           2.3 Franchise Non-Exclusive. The Franchise granted herein shall be non-  
19 exclusive.  
20

21           2.4 Transfers, Generally.

22           A. Any transfer of this Franchise, as the term "Transfer" is defined in  
23 Title 16B.01.030.Y, shall be accomplished in accordance with Title 16B.02.120.  
24 Any Transfer not made in accordance with Title 16B.02.120 may be considered a  
25 substantial violation of this Franchise by the City and may subject the Franchise to  
26 termination proceedings by the City as provided herein and in Title 16B.



1 B. Applications for approval of any Transfer shall be filed in  
2 accordance with procedures set out in Title 16B of the Tacoma Municipal Code.

3 C. Franchisee shall, within 60 days of the closing date of any  
4 Transfer, file with the City Clerk a copy of the deed, agreement, contract,  
5 mortgage, lease, SEC filing, or other written instrument evidencing such sale,  
6 lease, contractual agreement, mortgage, assignment, or Transfer, certified and  
7 sworn to as correct by Franchisee, subject to any confidentiality provisions in any  
8 such document. Every such Transfer, whether voluntary or involuntary, may be  
9 deemed void and of no effect as to the effectiveness of this Franchise by the City  
10 unless Franchisee files the required copy within the 60-day period.  
11

12 D. The requirements of this section shall not be deemed to prohibit  
13 the use of Franchisee's property as collateral for security in financing the  
14 construction or acquisition of all or part of the Telecommunications System  
15 franchised hereunder; provided that no such security shall purport to attach to the  
16 City's real property interest in the Public Right-of-Way. In addition, no such  
17 arrangement may be made if it would in any respect under any condition prevent  
18 the Operator or any successor from complying with the Franchise and applicable  
19 law. Any mortgage, pledge, or lease shall be subject to and subordinate to the  
20 rights of the City under this Franchise, and other applicable law.  
21  
22

23 2.5 Revocation. In addition to any rights set out elsewhere in this  
24 Franchise, the City Charter, or Title 16, subject to the notice and cure provisions  
25 contained in Title 16B, Section 16B.05.100, the City reserves the right to declare a  
26



forfeiture or otherwise revoke this Franchise, and all rights and privileges  
1 pertaining thereto, as provided in Title 16B or in the event that:

2                   A. Franchisee is in non-compliance with a material provision of this  
3 Franchise; or  
4

5                   B. Franchisee is found to have engaged in any actual or attempted  
6 fraud or deceit upon the City, Persons or Customers in the City; or

7                   C. Franchisee fails to obtain and maintain any permit required by  
8 any federal or state regulatory body or by the City, relating to the construction,  
9 maintenance, and operation of the Facilities within the Public Rights-of-Way within  
10 the Franchise Area; or  
11

12                   D. At any time during the term of the Franchise, Franchisee fails to  
13 provide and maintain all of the securities required under this Franchise including,  
14 but not limited to, the performance bond required under this Franchise; fails to  
15 maintain the insurance required by this Franchise; or fails to satisfy the indemnity  
16 set out in this Franchise; or if any guarantor of Franchisee revokes its guarantee or  
17 fails to satisfy or becomes unable to satisfy its obligations under such guarantee.  
18

19                   E. The procedures for revocation and forfeiture shall be governed by  
20 Title 16B.05.100. Before the Franchise is revoked, Franchisee shall be given  
21 notice and opportunity to cure at least equivalent to that required by Title 16B as of  
22 the effective date of this Franchise (except in those cases where notice and  
23 opportunity to cure are not required or would be futile), and shall be accorded at  
24 least an opportunity to be heard that provides at least the due process protections  
25  
26



required by Title 16B as of the effective date of this Franchise, which opportunities and protections are set out in Section 2.5.F, below.

F. 1. Where, after notice and providing Franchisee an opportunity to be heard (if such opportunity is requested by Franchisee), the City finds that there has been an act or omission that would justify revocation of the Franchise, the City may make an appropriate reduction in the remaining term of the Franchise or revoke the Franchise. However, the Franchise may only be revoked if Franchisee (a) was given written notice of the default; and (b) 30 days to cure the default; and (c) Franchisee failed to cure the default, or to propose a schedule for curing the default acceptable to the City where it is impossible to cure the default in 30 days. The required written notice shall be given before the City conducts the proceeding required by this paragraph. No opportunity to cure is required for repeated violations of material provisions of the Franchise, and fraud shall be deemed incurable.

2. Notwithstanding the foregoing, the City may declare a Franchise forfeited without opportunity to cure when Franchisee: (a) fails to begin to exercise its rights hereunder within 45 days of Franchisee's acceptance of this Franchise; (b) stops providing all Service it is required to provide under the Franchise; (c) Transfers without the prior consent of the City as and when required in the Franchise; or (d) is found by a court or regulatory body with appropriate jurisdiction to have defrauded or attempted to defraud the City or Franchisee's customers within the City. Notwithstanding the provisions of Title 16B.05.100C.2, if Franchisee fails to timely pay any undisputed Franchise



application/administrative fees or other fees owed hereunder or under Title 16B,  
1 before the City can initiate any termination or forfeiture of rights, Franchisee shall  
2 be provided with ten (10) business days' prior written notice and an opportunity to  
3 cure the failure to pay. However, Franchisee shall have the right to receive  
4 30 days' prior notice of an intent to declare a Franchise forfeited, and shall have  
5 the opportunity to show cause why the Franchise should not be forfeited.  
6

7                   3. Notwithstanding the foregoing and only to the extent  
8 permitted by applicable law, the Franchise will automatically terminate by force of  
9 law 120 calendar days after an assignment for the benefit of creditors or the  
10 appointment of a receiver or trustee to take over the business of Franchisee,  
11 whether in a receivership, reorganization, bankruptcy, assignment for the benefit of  
12 creditors, or other action or proceeding. However, the Franchise may be  
13 reinstated within that 120-day period, if: (a) such assignment, receivership, or  
14 trusteeship has been vacated; or (b) such assignee, receiver, or trustee has fully  
15 complied with the terms and conditions of Title 16B and this Franchise and has  
16 executed an agreement, approved by any court having jurisdiction, assuming and  
17 agreeing to be bound by the terms and conditions of Title 16B and this Franchise.  
18 However, in the event of foreclosure or other judicial sale of any of the facilities,  
19 equipment, or property of a Franchisee, the City may revoke this Franchise,  
20 following a public hearing before the City Council, by serving notice upon  
21 Franchisee and the successful bidder at the sale, in which event the Franchise and  
22 all rights and privileges of this Franchise will be revoked and will terminate  
23 30 calendar days after serving such notice, unless: (a) the City has approved the  
24  
25  
26



Transfer of the Franchise to the successful bidder in writing; and (b) the successful bidder has covenanted and agreed in writing with the City to assume and be bound by the terms and conditions of this Franchise and Title 16B.

#### 2.6 Continuity of Service and Right to Purchase the System.

A. In the event the City has declared a forfeiture for cause or otherwise validly revoked this Franchise as provided herein, or in the event of expiration of the initial term of this Franchise without this Franchise being renewed or extended as provided in Section 2.2 (referred to below collectively as a "termination"), Franchisee shall remove its Facilities from the Public Rights-of-Way under Section 2.7, unless the City elects to purchase the Facilities as provided in Section 2.6.B.

B. In the event the City has declared a forfeiture for cause or otherwise validly revoked this Franchise as provided herein, or in the event of expiration of the initial term of this Franchise without this Franchise being renewed or extended as provided in Section 2.2 (referred to below collectively as a "termination"), the City shall have an option upon termination of the Franchise to purchase that portion of the Telecommunications System located in the Right-of-Way owned by Franchisee, whether termination is, or is not, for cause. This option requires Franchisee to convey the Telecommunications System or such portion thereof as the City may choose to purchase, provided, that nothing herein shall require the City to accept or pay for any contract that it does not wish to assume. Franchisee is not required to convey portions of the Telecommunications System not located in the Right-of-Way, located outside the



City, or that is leased or used (but not owned) by Franchisee from a third party pursuant to a tariff or contract. The foregoing option also requires Franchisee to sell the Telecommunications System owned by Franchisee and located in the Right-of-Way, or such portion thereof as the City may choose to purchase at a fair market price, if Franchise is terminated for cause. If Franchisee's request for a Franchise renewal is denied, the option requires Franchisee to sell the Telecommunications System owned by Franchisee and located in the Right-of-Way, or such portion thereof as the City may choose to purchase, at fair market value, determined on the basis of the value of the Telecommunications System as a going concern (taking into account such property used and useful in providing service within the City that is not to be conveyed) and with no value allocated to the Franchise itself.

C. The City may exercise its Section 2.6.B option rights in the following manner: the City will have up to 180 days after receiving the inventory required by Section 2.6.A to notify Franchisee that it intends to exercise its right to purchase the Telecommunications System or a portion of the Telecommunications System. Within 90 days of the date the City notifies Franchisee of its intent to exercise the option, or by such other time as the parties may separately agree, the parties shall meet to establish a price that comports with the requirements of Section 2.6.B. If the parties are unable to agree to a price within 180 days after the City notifies Franchisee that the City intends to exercise its purchase option, either party may require the price to be set by appraisal by sending the other party notice that it wishes to have the price set by appraisal. Within 45 days of the date that



notice is submitted, each party may appoint one appraiser. If each party appoints an appraiser, the two appraisers shall appoint a third appraiser; if only a single appraiser is appointed (whether by mutual agreement or because of the failure of a party to timely nominate an appraiser) that appraiser shall be the sole appraiser.

The appraiser or appraisers shall establish a price for the System or portion thereof that the City desires to purchase in accordance with Section 2.6.B. This appraisal determination shall be final and non-appealable. The City shall have 120 days after the decision of the appraisers to notify Franchisee that it wishes to conclude the transaction; if it does not so notify Franchisee, the option shall be deemed terminated.

If the City gives the notice required by the preceding paragraph, the parties will thereafter promptly sign all necessary documents required to close the transaction; provided, however, that the City may make conclusion of the transaction conditional upon any necessary voter approval of any bond funding for acquisition of all or a part of the System and, if applicable, the successful sale of the bonds.

The City and Franchisee will share equally the costs associated with any appraiser that is jointly appointed (by them or by the appraisers each selects); the City will bear costs associated with any appraiser that it separately appoints and Franchisee will bear costs associated with any appraiser that it separately appoints.

D. 1. Nothing in this section or in any other section of this Franchise shall prevent the City's exercise of its rights under the Tacoma City



1 Charter. Included within the rights granted under Tacoma's Charter is the right to  
2 purchase or condemn Franchisee's property within the Franchised Area at any  
3 time, which right is expressly set out in Section 8.1(c) of the Charter as follows:

4 "to acquire by purchase or condemnation, for the use of the City  
5 itself or its inhabitants, all of the property of the grantee within the  
6 public streets, alleys, or places at a fair and just value, which shall  
7 not include any valuation of the franchise, right, or privilege, which  
8 shall thereupon be terminated."

9 2. Likewise, nothing in this section or in any other section of  
10 this Franchise shall be read to limit the City's right to acquire the  
11 Telecommunications System through exercise of any right of eminent domain  
12 under state law.

13 3. Nothing in this section shall be read to limit the City's right  
14 to acquire the Telecommunications System as a result of abandonment.

15 E. In the event the City purchases, acquires, takes over, or holds all  
16 or parts of the System, the City shall have the right, without limitation, to assign,  
17 sell, lease, or otherwise transfer its interest in all or parts of such System to any  
18 other Person or entity, including any other Franchisee of a Telecommunications  
19 System, on whatever terms the City deems appropriate.

20 2.7 Right to Require Removal of Property/Right to Remove Property.

21 A. Upon termination of this Franchise, Franchisee may be required  
22 to remove its property from any Public Rights-of-Way, and restore such  
23 Rights-of-Way to the condition required by the City Code and City's Right-of-Way  
24 Restoration Policy, subject to any rights Franchisee may have to abandon property  
25 in place, as set out in Title 16B. If Franchisee fails to remove property that the City  
26



requires it to remove, the City may perform the work and collect the actual cost thereof from Franchisee. The actual cost thereof, including direct and indirect administrative costs, shall be a lien upon all plant and property of Franchisee effective upon filing of the lien with the Pierce County Auditor. In the event that Franchisee is permitted to abandon its Facilities in place, the City acknowledges that any ownership it takes in the Facilities thereafter is taken on an AS-IS, WHERE-IS basis.

B. To the extent any portion of the System in the Public Rights-of-Way or on any other public property of the City is not removed by the Operator within 12 months of the end of the Franchise term, the property will be deemed abandoned in its AS-IS, WHERE-IS condition and shall become the property of the City if the City wishes to own it.

C. Any order by the City issued pursuant to Section 2.7.A to remove Facilities shall be sent by registered or certified mail, postage prepaid, return receipt requested, to Franchisee not later than 24 months following the date of Franchise termination. Removal shall be completed (except with respect to property that Franchisee is permitted to abandon in place) not later than 12 months following the date of notification to remove the Facilities.

D. Franchisee shall file a written removal plan with the City not later than 30 calendar days following the date of the receipt of any orders directing removal, or any consent to removal describing the work that will be performed, the manner in which it will be performed, and a schedule for removal by location. The removal plan shall be subject to approval and regulation by the City, including,



without limitation, the City's Right-of-Way Restoration Policy. The affected property must be restored in compliance with City's Right-of-Way Restoration Policy; and any damage caused by Franchisee's removal must be addressed/compensated to the reasonable satisfaction of the City.

E. The purchase option provided for in Section 2.6 does not affect the City's authority to require Franchisee to remove any portion of its Telecommunications System that the City will not purchase upon Franchise termination, as provided in this section and Title 16B, nor does it affect the City's right to assume ownership of any portion of the Telecommunications System that is abandoned. Within 60 days of a request by the City, Franchisee shall execute such documents as may be required to convey such abandoned property to the City free and clear of all encumbrances.

2.8 Customers' Right to Obtain Service. It shall be the right of all Customers to receive all available services insofar as their financial and other obligations to Franchisee are honored during the term of the Franchise. In addition to the obligations established under the other provisions of this Franchise, in the event that Franchisee elects to overbuild, rebuild, modify, or sell the System, Franchisee shall make its best effort to ensure that all Customers receive service subject to the terms and conditions of the service contract then in effect between the respective Customer and Franchisee.

2.9 Responsibility for Costs. Except as expressly provided otherwise, any act that Franchisee is required to perform under this Franchise shall be performed at its cost. If Franchisee fails to perform work that it is required to perform within



the time provided for performance, the City, after first providing notice and an opportunity to cure as herein provided, may perform the work and bill Franchisee the actual cost thereof. Franchisee shall pay the amounts billed within 30 days of receipt of an itemized bill. The parties agree that any amounts paid pursuant to this section or Title 16B are not franchise fees.

2.10 Work of Contractors and Subcontractors. Work by contractors and subcontractors is subject to the same restrictions, limitations, and conditions as if the work were performed by Franchisee. Franchisee shall be responsible for all work performed by its contractors and subcontractors, and others performing work on its behalf as if the work were performed by it and shall ensure that all such work is performed in compliance with this Franchise and Title 16B, and other applicable laws, including, without limitation, the City's Right-of-Way Restoration Policy. A copy of the presently effective policy has been provided to Franchisee, and the City agrees to provide a current copy of the policy upon subsequent request from Franchisee. Franchisee and its contractors and subcontractors shall be jointly and severally liable for all damages and correcting all damages caused by them. It is Franchisee's responsibility to ensure that contractors, subcontractor, or other Person(s) performing work on Franchisee's behalf are familiar with the requirements of this Franchise, Title 16B, the City's Right-of-Way Restoration Policy, and other applicable laws governing the work performed by them.

2.11 Survival of Terms. Upon the termination or forfeiture of the Franchise, Franchisee shall no longer have the right to occupy the Public Rights-of-Way for the purpose of providing Telecommunications Service. However, Franchisee's



obligations to the City (other than the obligation to provide service to Customers) survive the expiration of these rights according to their terms. By way of illustration and not limitation, Sections 2.6, 2.7, 2.9, 2.10, and 4 of this Franchise shall continue in effect as to Franchisee notwithstanding any expiration, forfeiture, or revocation of the Franchise, except to the extent that a City-approved Transfer, sale, or assignment of the Telecommunications System is completed, and another entity has assumed full and complete responsibility for the Telecommunications System or for the relevant acts or omissions.

### Section 3. Operation In Streets And Rights-of-Way.

3.1 Use of Public Rights-of-Way. Franchisee may, subject to the terms of this Franchise and Title 16B, the City's Right-of-Way Restoration Policy, and other applicable laws, construct, operate, and maintain a fiber optic Telecommunications System in Public Rights-of-Way within the Franchise Area, to provide Telecommunications Services and internet access services. Without limiting the foregoing, Franchisee expressly agrees that it will construct, operate and maintain its System in compliance with the requirements of Title 16B, including those governing the placement of its Telecommunications System, and with other applicable City codes; and will obtain and maintain all bonds and billable work orders required by the same.

3.2 Construction, Operation, or Maintenance. Franchisee shall, in all cases, comply with all lawful City ordinances and regulations now in effect or hereinafter enacted regarding the acquisition of permits and such other items as may be required by the City in connection with the construction, operation, or



1 maintenance of the Telecommunications System, including, without limitation, the  
2 City's Right-of-Way Restoration Policy.

3 Without limiting the foregoing, Franchisee agrees that it shall, in the course  
4 of constructing, operating and maintaining its Telecommunications System comply  
5 with the requirements of Title 16B and among other things:

6 A. 1. Franchisee shall, by a time specified by the City, protect,  
7 support, temporarily disconnect, relocate, or remove any of its property when  
8 required by the City by reason of traffic conditions; public safety; Public  
9 Rights-of-Way construction; Public Rights-of-Way repair (including resurfacing or  
10 widening); change of Public Rights-of-Way grade; construction, installation or  
11 repair of sewers, drains, water pipes, power lines, signal lines, tracks, or any other  
12 type of government-owned Communications System, public work, public project,  
13 public facility, or improvement or any government-owned utility; Public  
14 Rights-of-Way vacation; or for any other purpose where the work involved would  
15 be aided by the removal or relocation of the Telecommunications System.  
16

17 Collectively, such matters are referred to below as the "public work."  
18

19 2. In the event of an emergency, or where the  
20 Telecommunications System creates or is contributing to an imminent danger to  
21 health, safety, or property, the City may protect, support, temporarily disconnect,  
22 remove, or relocate any or all parts of the Telecommunications System without  
23 prior notice, and charge Franchisee for actual costs incurred.  
24

25 3. In the case of non-public work, if any Person that is  
26 authorized to place Facilities in the Rights-of-Way requests Franchisee to protect,



support, temporarily disconnect, remove, or relocate Franchisee's facilities to accommodate the construction, operation, or maintenance of the facilities of such other Person, Franchisee shall, after 30 days' advance written notice, take action to effect the necessary changes requested. In the case of non-public work or non-public projects, unless, and to the extent, the matter is governed by a valid contract between Franchisee and such Person requesting Franchisee to take action under this subsection 3 or governed by a valid state or federal law or regulation, or unless Franchisee's Telecommunications System was not properly installed, the reasonable cost of the same shall be borne by the Person requesting the protection, support, temporary disconnection, removal, or relocation and at no charge to the City, even if the City makes the request for such action.

4. Franchisee shall, on the request of any Person holding a valid permit issued by a governmental authority, temporarily raise or lower its wires to permit the moving of buildings or other objects. The expense of such temporary removal or raising or lowering of wires shall be paid by the Person requesting the same.

B. Franchisee's obligation to construct, operate, and maintain its Telecommunications System in compliance with all applicable laws, ordinances, departmental rules and regulations and published or otherwise readily available practices affecting such System, includes, by way of example and not limitation, the obligation to construct, operate, and maintain in accordance with zoning codes, safety codes, and City construction standards, including the most current version of the Standard Specifications for Road, Bridge and Municipal Construction, as



prepared by the Washington State Department of Transportation ("WSDOT") and the Washington State Chapter of American Public Works Association ("APWA"); the most current version of the APWA Amendments to Division One, and the most current version of the City of Tacoma Amendments thereto. In addition, the construction, operation, and maintenance shall be performed in a manner consistent with industry standards. Franchisee shall exercise reasonable care in the performance of all its activities and shall use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injury, or nuisance to the public or to property. In the event that Franchisee's work or other use of the Public Right-of-Way causes damage to any City facility, Franchisee shall bear the cost of repairing, or replacing as necessary, such City facility.

C. Franchisee's construction, operation, or maintenance of its Telecommunications System shall not commence until all required permits have been properly filed for and obtained from the proper City officials and all required permits and associated fees paid. In any permit so issued, the City may impose, as a condition of the granting of the permit, such conditions and regulations as may be necessary to the management of the Public Rights-of-Way, including, by way of example and not limitation, for the purpose of protecting any structures in the Public Rights-of-Way, maintaining proper distance from other utilities, for the proper restoration of such Public Rights-of-Way and structures, and for the protection of the City and the public and the continuity of pedestrian and vehicular



1 traffic, which conditions shall not be more onerous than those imposed on other  
2 entities in the same portion of the Public Rights-of-Way.

3 D. Franchisee must follow City-established requirements for  
4 placement of Facilities in Public Rights-of-Way, including the specific location of  
5 Facilities in the Public Rights-of-Way, and must in any event install Facilities in a  
6 manner that minimizes interference with the use of the Public Rights-of-Way by  
7 others, including others that may be installing Communications Facilities. The City  
8 may require that Facilities be installed at a particular time, at a specific place, or in  
9 a particular manner as a condition of access to a particular Public Right-of-Way  
10 area; may deny access if Franchisee is not willing to comply with the City's  
11 requirements; and may remove, or require removal of, any Facility that is not  
12 installed in compliance with the requirements established by the City, or which is  
13 installed without prior City approval of the time, place, or manner of installation and  
14 charge Franchisee for all the costs associated with removal; and may require  
15 Franchisee to cooperate with others to minimize adverse impacts on the Public  
16 Rights-of-Way through joint trenching and other arrangements consistent with  
17 requirements the City imposes on other similarly situated franchisees or users of  
18 the Public Rights-of-Way.

19 E. Franchisee agrees that, as a condition of a permit for installation  
20 of conduit, the City may require it to install conduit in excess of its reasonably  
21 foreseeable requirements for the purpose of accommodating the City where the  
22 City Manager determines it is appropriate to do so to minimize disruption of public  
23 passage or infrastructure, to forestall or relieve exhaustion of Right-of-Way  
24  
25  
26



capacity, or to protect environmentally sensitive areas; provided that the City will be responsible for the additional costs, including material and labor, associated with installing such excess conduit if installed for City use; and provided further that City's use of any such excess conduit is limited to non-commercial, governmental uses.

F. To the extent possible and technically and operationally feasible, Franchisee shall use conduit existing at the time of permitting in installing its System.

G. Whenever all existing utilities are located underground in an area in the City, Franchisee, at its own cost, must also locate its Telecommunication System underground, including Telecommunication System Facilities, such as drops, which cross private property.

1. Whenever the owners of poles locate or relocate underground within an area of the City, Franchisee shall concurrently relocate its Facilities underground at its own cost.

2. Whenever an electric utility opens a trench for the purpose of installing or relocating Facilities underground, Franchisee shall concurrently relocate its Facilities underground and, if it uses the same trench, be responsible for its pro-rated share of the cost.

3. The City Manager may, for good cause shown, exempt a particular portion of the Telecommunication System from the obligation to locate or relocate Facilities underground, where relocation is impractical, or where the interest in protecting against visual blight can be protected in another manner.



Nothing in this Section 3.2.G prevents the City from ordering Franchisee to locate or relocate its Telecommunication System underground in areas where other existing utilities are ordered to locate or relocate their facilities underground under other provisions of the Tacoma Municipal Code, it being the intent that the number and extent of Overhead Facilities and the visual pollution resulting therefrom will, over time, be reduced and eventually, to the extent feasible, be eliminated.

H. Franchisee shall participate in conversion to underground Local Improvement Districts ("LIDs") at the same time as other utilities are required to participate in conversion to underground LIDs. Franchisee, at no cost to the City or abutting property owners, shall share fairly with other utilities the cost of undergrounding when done through the LID process. As part of its obligations under the Tacoma Municipal Code, Franchisee shall provide the preliminary cost estimate, facility conversion designs, and final cost estimates to any LID project coordinator in a timely manner. At the request of an LID project coordinator, Franchisee shall perform underground construction and movement of Customer connections underground (overhead reclaim), in coordination with the undergrounding services provided by other LID utilities, at no cost to the City or abutting property owners.

I. Franchisee shall promptly repair any and all Public Rights-of-Way, public property, or private property that is disturbed or damaged during the construction, operation, or maintenance of its Telecommunications System. Public property and Public Rights-of-Way must be restored in conformance with the City's Right-of-Way Restoration Policy.



J. No tree trimming shall be performed without the permission of the City and other affected authorities, and any tree trimming must be performed in strict accordance with the City Code. Even if tree trimming is authorized by the City, Franchisee is liable for any damage it causes during the course of tree trimming.

K. In any dispute over the adequacy of a restoration relative to this section, the Tacoma Department of Public Works Director shall, in his/her sole discretion, make the final determination.

L. Franchisee shall not remove any Facilities except as hereinafter provided.

1. Franchisee shall not remove any Facilities which require trenching or other opening of the Rights-of-Way along the extension of the Facilities to be removed without the express permission of the City, which permission shall not be unreasonably withheld, conditioned or delayed. Franchisee must request permission from the City to remove the Facilities at least 30 days in advance of the date Franchisee proposes to begin removal.

2. Franchisee shall remove such Facilities as the City orders it to remove; provided, that the City may not order removal where such removal is primarily to give economic benefit or advantage to a competing provider of Telecommunications Service.

3. Where trenching or other opening of the Rights-of-Way along the extension of Facilities to be removed is required, Franchisee must post bonds as the City may require ensuring that the property is promptly removed, with



minimum disruption. Franchisee must restore the affected property in  
conformance with the City's Right-of-Way Restoration Policy; and Franchisee must  
compensate those whose property it damages for the damage.

4. Subject to the City's rights to purchase the  
Telecommunications System under Section 2, Franchisee may voluntarily remove  
any Facilities from the streets which have been installed in such a manner that  
they can be removed without trenching or other opening of the Rights-of-Way.

3.3 Right to Inspect and Order Corrections. The City may inspect the  
Telecommunications System at any time reasonable under the circumstances to  
ensure compliance with this Franchise and applicable law, including to ensure that  
Franchisee's Telecommunications System is constructed and maintained in a safe  
condition. If Franchisee's representatives are not on-site performing work on the  
Telecommunications System, whenever feasible, the City shall give reasonable  
advance notice of its intent to inspect so that Franchisee may have a  
representative present during the inspection. If an unsafe condition is found to  
exist, the City, in addition to taking any other action permitted under applicable law,  
may order Franchisee, in writing, to make the necessary repairs and alterations  
specified therein forthwith to correct the unsafe condition on a time table  
established by the City which is reasonable in light of the unsafe condition. The  
City has the right to correct, inspect, administer, and repair the unsafe condition if  
Franchisee fails to do so in a timely manner, and to charge Franchisee therefor.

3.4 Information Regarding Ongoing Work. In addition to providing notice to  
the public of ongoing work as may be required under applicable law, Franchisee



shall make available information regarding any ongoing construction, operation or installation of its Telecommunications System sufficient to show (1) the nature of the work being performed; (2) where it is performed; (3) its estimated completion date; and (4) progress to completion.

#### Section 4. Regulatory Provisions.

4.1 Intent. The City shall have the right to administer and regulate activities of this Franchise up to the fullest extent of the law. The failure to reserve a particular right to regulate, or reference a particular regulation, shall not be interpreted by negative implication or otherwise to prevent the application of a regulation to Franchisee.

4.2 Remedies for Franchise Violations. The City has the right to exercise any and all of the following remedies, singly or in combination, in the event Franchisee violates any provision of this Franchise:

A. Draw upon the performance bond or other security provided under this Franchise; provided, however, such drawing shall be only in such a manner and in such amount as the City reasonably determines is necessary to remedy the default. Should the City take this action, Franchisee shall be responsible for all direct and actual costs related to such action, including, but not limited to, actual legal and administrative costs:

B. Commencing an action at law for monetary damages;

C. Commencing an action for equitable or other relief;

D. Declaring the Franchise to be revoked; and/or



E. Seeking specific performance of any provision, which reasonably lends itself to such remedy.

In determining which remedy or remedies are appropriate for Franchisee's violation, the City may take into consideration the nature and extent of the violation, the remedy needed to prevent such violations in the future, whether Franchisee has a history of previous violations of the same or similar kind, and such other considerations as are appropriate under the circumstances. Remedies are cumulative; the exercise of one shall not foreclose the exercise of others.

4.3 Procedure for Remedying Franchise Violations. Before imposing liquidated damages, or drawing upon the performance bond, or any other security set out in Section 6, the City shall follow the procedure below.

A. Notice of Violation. In the event that the City believes that Franchisee has not complied with the terms of this Franchise, the City shall notify Franchisee in writing, by certified mail, of the nature of the alleged noncompliance.

B. Franchisee's Right to Cure or Respond. Except as provided in Section 4.3.D, Franchisee shall have 30 days from the receipt of notice described above to (a) respond to the City contesting the assertion of noncompliance, or (b) to cure such default or, in the event that by the nature of the default such default cannot be cured within the 30-day period, initiate steps to remedy such default as promptly as possible and complete the cure within a reasonable time. The duty to cure includes the duty to cure all harms caused by the acts or omissions of Franchisee which gave rise to the alleged non-compliance. At the end of the 30-day period, Franchisee shall notify the City, in writing, of the steps it



has taken to cure the default, if any; if the cure is not complete, the reason it is not complete and the projected date for completion; and if the default is disputed, the complete basis for that contention.

C. Public Hearing. The City may schedule a public hearing to investigate any alleged default. The City shall give Franchisee 20 calendar days' notice of the time and place of the hearing and provide Franchisee with an opportunity to be heard.

D. Action after Hearing. If the City determines after such hearing that Franchisee did not timely cure, or initiate steps to cure the default in a timely manner satisfactory to the City, after the notice required by Section 4.3.A was provided, then the City may draw upon any performance bond, security fund or other security, including requiring performance under the guarantee; and impose liquidated damages. However, notice and opportunity to cure are not required for repeat violations, or for a failure to correct a default where Franchisee knew or should have known it was in default; in such cases, the performance bond, letter of credit, or other security may be drawn upon, the guarantor required to perform and liquidated damages imposed after the hearing required by Section 4.3.C.

E. Liquidated Damage Amounts. Because any material failure to comply with the provisions of this Franchise by Franchisee will result in injury to the City, and because it may be difficult to estimate the extent of each such injury, Franchisee and the City agree to the following liquidated damages, which provisions represent the best estimate of the damages resulting from injuries of specific types. The amounts of the liquidated damages set forth in this Franchise



are in 2016 dollars and shall be increased each year by the increase in the U. S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Pacific Cities and U. S. City Average for the greater Seattle area. The amount of liquidated damages for all material violations of this Franchise for which actual damages may not be ascertainable shall be: \$500 per day for each violation for each day the violation continues. It is provided, however, that the City shall allow Franchisee a minimum of 30 days, or longer in appropriate circumstances where cure/compliance efforts have begun within the initial 30 day period, consistent with the right to cure provided above, after notice to Franchisee of such neglect, failure, or refusal to comply within which to meet compliance or correct performance, prior to the assessment of any liquidated damages.

4.4 Failure to Enforce. Franchisee shall not be relieved of any of its obligations to comply promptly with any provision of this Franchise by reason of any failure of the City to enforce prompt compliance, and the City's failure to enforce shall not constitute a waiver of rights or acquiescence in Franchisee's conduct.

4.5 Force Majeure. Franchisee shall not be deemed in default with provisions of this Franchise where performance was delayed or rendered impossible by war or riots, civil disturbances, floods, or other natural catastrophes beyond Franchisee's control; the unforeseeable unavailability of labor or materials; or power outages exceeding back-up power supplies. The acts or omissions of affiliates shall not be deemed to be beyond Franchisee's control, and the knowledge of affiliates shall be imputed to Franchisee. This Franchise shall not be



revoked or Franchisee penalized for such noncompliance, provided that  
1 Franchisee takes immediate and diligent steps to bring itself back into compliance  
2 and to comply as soon as possible under the circumstances with this Franchise  
3 without unduly endangering the health, safety, and integrity of Franchisee's  
4 employees or property, or the health, safety, and integrity of the public, Public  
5 Rights-of-Way, public property, or private property.  
6

7 4.6 Alternative Remedies. No provision of this Franchise shall be deemed  
8 to bar the right of the City or Franchisee to seek or obtain judicial relief from a  
9 violation of any provision of this Ordinance or any rule, regulation, requirement, or  
10 directive promulgated thereunder. Neither the existence of other remedies  
11 identified in this Franchise nor the exercise thereof shall be deemed to bar or  
12 otherwise limit the right of the City or Franchisee to recover monetary damages for  
13 such violation by Franchisee, or to seek and obtain judicial enforcement of  
14 Franchisee's or the City's obligations by means of specific performance, injunctive  
15 relief or mandate, or any other judicial remedy at law or in equity.  
16  
17

18 4.7 Compliance with the Laws. Franchisee shall comply with all applicable  
19 federal and state laws and regulations, including regulations of any administrative  
20 agency thereof, as well as all applicable City ordinances, resolutions, rules,  
21 policies, and regulations heretofore or hereafter adopted or established during the  
22 entire term of the Franchise; provided that, nothing herein shall prevent Franchisee  
23 from challenging a provision of laws that applies only to it as an impairment of  
24 contract. Nothing in this Franchise shall limit the City's right of eminent domain  
25 under state law. Nothing in this Franchise shall be deemed to waive the  
26



requirements of any lawful code or resolution of the City regarding permits, fees to be paid, or manner of construction.

## Section 5. Reporting Requirements.

5.1 Quarterly Reports. Within 30 days after the end of each of Franchisee's fiscal quarters, Franchisee shall submit a written report to the City which shall contain a listing of all categories of Gross Receipts collected by Franchisee for its business activities as identified in Section 2.1, which are activities specifically taxable as a telephone business under Tacoma Municipal Code Title 6. Said written report shall be in sufficient detail and with sufficient explanation to enable the City to understand the report and to verify the accuracy of the report. In addition, Franchisee shall provide such other reports as may be required by Title 16B.

5.2 Annual Report. In the event that changes in applicable laws allow the City to require a franchise fee as referenced at Section 6 below, then no later than 120 days following the end of Franchisee's fiscal year each year after the imposition of franchise fees, Franchisee shall present a written report to the City which shall include:

A. A financial statement certified by Franchisee that includes Gross Receipts from all sources in the City, gross Subscriber revenues from each category of service in the City, as well as an income statement and a balance sheet. In the event any audited financial report has not been published by the date due under this section, then the audited financial report shall be deemed presented on time if presented within 30 days after publication.



All financial reports required under this section shall be presented to the City accompanied by such notes and explanations as are required to fully understand the reports. Such notes and explanations shall include, but not be limited to, an explanation of any and all deductions made from Gross Receipts for the calculation of Fees or taxes to be paid to the City, as well as:

1. A summary of the previous year's activities for the Franchise Area, including, but not limited to, the total number of Customers, miles of Facilities, any services added or dropped, and any technological changes occurring in the system;

2. Plans for the future; and

3. Such other information as is required by Title 16B.

5.3 Additional Reports. Franchisee shall prepare and furnish to the City within 60 days of written request, to the person and address specified in the City's request, in a form reasonably prescribed by the City, such additional reports with respect to Franchisee's operation, affairs, transactions, or property, as may be reasonably necessary and appropriate to ensure compliance with the material provisions of this Franchise, or to permit the performance of any of the rights, functions, or duties of the City in connection with the Franchise.

5.4 Preservation of Confidential Information. Trade secrets and confidential information designated as such by Franchisee shall be subject to such protection as provided in Title 16B or under chapter 42.56 RCW, or as otherwise provided by applicable laws. Franchisee shall be responsible for clearly and conspicuously identifying the work as confidential or proprietary, and shall provide a brief written



1 explanation regarding its position on the protected status of the information under  
2 state or federal law. In the event that the City receives a public records request  
3 under chapter 42.56 RCW or similar law for the disclosure of information  
4 Franchisee has designated as confidential, trade secret, or proprietary, the City  
5 shall promptly provide notice of such disclosure so that Franchisee can take  
6 appropriate steps to protect its interests. Nothing in this section prohibits the City  
7 from complying with chapter 42.56 RCW, or any other applicable law or court order  
8 requiring the release of public records, and the City shall not be liable to  
9 Franchisee for compliance with any law or court order requiring the release of  
10 public records. The City shall comply with any injunction or court order obtained by  
11 Franchisee which prohibits the disclosure of any such confidential records.  
12

13 Section 6. Compensation and Financial Provisions.

14 6.1 Fees; Taxes.

15 A. State Prohibition of Franchise Fee. The parties understand that  
16 RCW 35.21.860 currently prohibits a municipal franchise fee for the intended use.  
17 Franchisee agrees that if this statutory prohibition is removed, the City may assess  
18 a reasonable franchise fee, to be agreed to by the parties if the statutory  
19 prohibition is removed. The parties agree that this Section 6.1.A does not limit the  
20 right of Franchisee to challenge the franchise fee pursuant to 47 USC § 253 or  
21 applicable law.  
22

23 B. Franchisee Subject to the City Telephone Business Tax.

24 Franchisee agrees that its activities in the City of Tacoma identified in Section 2.1,  
25 but excluding internet access service, are activities specifically taxable as a  
26



1 telephone business under Tacoma Municipal Code Chapter 6A, and are taxable at  
2 the 6 percent rate specified in Tacoma Municipal Code 6A.40.050.D now in effect  
3 or as amended, which at the time of the execution of this Franchise agreement is  
4 6 percent of Franchisee's Gross Receipts but excluding any Gross Receipts from  
5 the provision of internet access service. It is agreed that the amount of Gross  
6 Receipts to be taxed will include the amount of tax imposed on Franchisee by City  
7 ordinance. This Franchise does not limit the City's power of taxation.

8 C. Franchisee Obligated to Pay Administrative Costs. In accord with  
9 RCW 35.21.860 as presently effective, and as it may be later amended,  
10 Franchisee must pay the City an amount sufficient to recover administration  
11 expenses incurred in receiving and approving this Franchise, including, but not  
12 limited to, the reasonable costs of outside consultants retained by the City to assist  
13 in the City's consideration and processing of this Franchise application. The first  
14 \$5,000 of said expenses will be covered by the \$5,000 application fee deposited  
15 with the City. To the extent allowed by RCW 35.21.860 or other applicable laws,  
16 Franchisee may be required to pay other costs applicable to this Franchise and  
17 Franchisee's activities hereunder. The amount of payment to be made by  
18 Franchisee to cover these administrative costs is an amount determined to be  
19 reasonable by the Franchise Services Manager. Such obligation further includes  
20 municipal fees related to receiving and approving permits or licenses, inspecting  
21 plans and construction, or relating to the preparation of a detailed statement pursuant  
22 to Chapter 43.21C RCW. Said fees must be paid within 30 days of receipt of the  
23 City's billing therefor.  
24  
25  
26



D. Manner of Payment; Audit. Franchisee will pay the City Telephone

1 Business Tax specified in Section 6.1.B on a monthly basis accompanied by  
2 Franchisee's standard remittance form which specifies the net taxable charges, the  
3 local tax rate, and the local tax due, plus penalties and/or interest, if any is due.  
4  
5 Franchisee shall make all other required fee payments in the form, at the intervals,  
6 and in the manner requested by the City Treasurer, and furnish him/her any  
7 information related to his/her revenue collection functions reasonably requested. In  
8 case of audit, the City Treasurer may require Franchisee to furnish a verified  
9 statement of compliance with Franchisee's obligations or in response to any  
10 questions. Said certificate may be required from an independent, certified public  
11 accountant, at Franchisee's expense. All audits will take place on not less than  
12 10 business days' advance, written notice and shall be conducted during normal  
13 business hours at Franchisee's premises or offices furnished by Franchisee, which  
14 shall be a location within the City of Tacoma or other mutually agreeable place;  
15 however, Franchisee must agree to pay the associated costs of travel. The City shall  
16 not audit Franchisee more than once a year and shall not include in an audit any  
17 period previously audited. Franchisee agrees, within 30 days of written request of  
18 the City Treasurer, to provide, to the person and address specified in the City  
19 Treasurer's request, copies of all documents filed with any federal, state, or local  
20 regulatory agency, to be mailed to the City Treasurer on the same day as filed,  
21 postage prepaid, affecting any of Franchisee's Facilities or business operations in the  
22 City of Tacoma.  
23  
24  
25  
26



1 E. No Other Deductions. No deductions, including current or  
2 previously paid fees, shall be subtracted from the Gross Receipts amount, except  
3 as allowed under state or federal law, upon which payments are calculated and  
4 due for any period, nor shall copyright fees or other license fees paid by  
5 Franchisee be subtracted from Gross Receipts for purposes of calculating  
6 payments.

7 F. Late Payments. Any fees owing which remain unpaid more than  
8 10 days after the dates specified herein shall be delinquent and shall thereafter  
9 accrue interest at the maximum allowable rate pursuant to RCW 19.52.020.  
10

11 G. Period of Limitations. The period for commencing an action for  
12 the recovery of any fee payable hereunder shall be six years from the date on  
13 which payment by Franchisee is due, subject to tolling as provided as a matter of  
14 law or equity. Unless within six years from and after the due date for a particular  
15 payment, the City makes written request to review Franchisee's records with  
16 respect to such fee payment (either individually or as part of a broader request)  
17 recovery shall be barred with respect to such payment and the Franchising  
18 Authority shall be estopped from asserting any claims whatsoever against  
19 Franchisee relating to any alleged deficiencies in that particular payment.  
20

21 6.2 Auditing and Financial Records. Franchisee shall manage all of its  
22 operations in accordance with a policy of keeping books and records open and  
23 accessible to the City. Without limiting its obligations under this Franchise,  
24 Franchisee agrees that it will collect and make books and records available for  
25 inspection and non-confidential books and records for copying by the City in  
26



accordance with Title 16B. Franchisee shall be responsible for collecting the  
1 information and producing it. Books and records shall be made available for  
2 inspection to the City at the Tacoma Municipal Building, or Franchisee's offices in  
3 the City of Tacoma, or such other location as the parties may agree.  
4

5 Notwithstanding any provision of Title 16B or this Franchise, if documents are too  
6 voluminous or for security reasons cannot be produced at the Tacoma Municipal  
7 Building or mutually agreeable location within the City, then Franchisee may  
8 produce the material at another central location, provided that if such location is  
9 outside the City, it also agrees to pay the additional reasonable costs incurred by  
10 the City in reviewing the materials.  
11

12 Franchisee shall take all steps reasonably required, if any, to ensure that it  
13 is able to provide the City all information which must be provided or may be  
14 requested under Title 16B or this Franchise, including by providing appropriate  
15 Subscriber privacy notices. Nothing in this section shall be read to require  
16 Franchisee to violate 47 U.S.C. §§ 222 or 551 or to disclose or make available to  
17 the City any books and records protected from disclosure under other applicable  
18 law. Franchisee shall be responsible for redacting any data that federal law  
19 prevents it from providing to the City. Records shall be kept for at least six years.  
20 In addition to maintaining all records as required by Title 16B, Franchisee shall  
21 maintain records sufficient to show its compliance with the requirements of this  
22 Franchise, and shall produce those records within 30 days of a City request.  
23  
24

25 Franchisee agrees to meet with a representative of the City upon request to  
26 review its methodology of record-keeping, financial reporting, computing fee



obligations, and other procedures, the understanding of which the City deems necessary for understanding the meaning of reports and records.

The City agrees to request access to only those books and records, in exercising its rights under this section, which it deems reasonably necessary as part of a bona fide exercise of its authority over the Telecommunications System under this Franchise, Title 16B, or other applicable law. The City further agrees that it will withhold from public disclosure those books and records made available to it pursuant to this Section 6.2, but only to the extent that the City believes that it has the discretion to do so under state law. The City will, however, provide prompt notice to Franchisee of any request for such books and records in time so that Franchisee can engage whatever protective measures are available to it.

6.3 Performance Bond. At the same time it provides its Franchise acceptance to the City, Franchisee shall provide a performance bond to ensure the faithful performance of its responsibilities under this Franchise and applicable law, including, by way of example and not limitation, its obligations to relocate and remove its facilities; and to restore City Rights-of-Way and other property. The initial amount of the performance bond shall be \$250,000. The amount of the bond may be changed from time to time to reflect changed risks to the City or to the public. Franchisee may be required to obtain additional bonds in accordance with the City's ordinary practices and/or pursuant to applicable Tacoma Municipal Code provisions. The bond shall be in a form and with a surety (authorized to do business in the state of Washington) reasonably acceptable to the City's Risk Manager and in a form reasonably acceptable to the City Attorney. Franchisee



shall pay all premiums or costs associated with maintaining the bond, and shall keep the same in full force and effect at all times during the Franchise Term.

#### 6.4 Indemnification by Franchisee.

A. Franchisee, by accepting this Franchise, agrees to release the City from and against any and all liability and responsibility in or arising out of, or by reason of, or resulting from or of the negligent acts, errors, or omissions of Franchisee during the construction, operation, or maintenance of the Telecommunications System, and, without limiting the provisions of Section 7.4, agrees not to sue or seek any money or damages from City, except to the extent Franchisee or Franchisee's Telecommunication System, or both, are damaged by the negligent acts or omissions or willful misconduct of the City or its employees or agents.

B. Franchisee agrees to indemnify and hold harmless the City, its trustees, elected and appointed officers, agents, and employees, from and against any and all claims, demands, or causes of action of whatever kind or nature, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees, sustained by any third party arising out of, or by reason of, or resulting from or of the acts, errors, or omissions of Franchisee, or its agents, independent contractors or employees related to or in any way arising out of the construction, operation, maintenance, or relocation of the Telecommunications System. Franchisee waives immunity under Title 51 RCW and affirms that the City and Franchisee have specifically negotiated this provision, as required by RCW 4.24.115, to the extent it may apply.



C. Franchisee agrees that the covenants and representations relating to the indemnity provided in Sections A and B above shall survive the term/expiration/termination of this Franchise and continue in full force and effect as to Franchisee's responsibility to indemnify.

#### 6.5 Franchisee Insurance.

A. Franchisee shall maintain, throughout the term of the Franchise, adequate insurance to protect the City, its trustees, elected and appointed officers, agents, and employees against claims and damages that may arise as a result of the construction, operation or maintenance of the Telecommunications System.

#### B. General Requirements.

1. The insurance must be provided by an insurer with a rating of A [-] VII or higher in the A.M. Best's Key Rating Guide, and pursuant to RCW 48, licensed to do business in the state of Washington (or issued as a surplus line by a Washington Surplus lines broker). The City reserves the right to approve or reject the insurance provided, based upon the insurer (including financial condition), terms and coverage, the Certificate of Insurance, and/or endorsements.

2. Franchisee shall keep this insurance in force during the entire term of the contract and for thirty (30) days after completion of all work required by the Contract, unless otherwise provided herein.

3. The liability insurance policies required by this section shall contain a "severability of insureds," "separation of interest," or "cross liability" provision.



4. The insurance required by the section shall be primary and non-contributory insurance to any insurance coverage or self-insurance program the City may maintain. The General Liability and Automobile Liability insurance must contain a Waiver of Subrogation endorsement in favor of the City of Tacoma.

5. Franchisee shall provide the City not less than 30 days notice of any cancellation or non-renewal of this required insurance.

6. Upon request, Franchisee shall forward to the City, a full and certified copy of the insurance policy(s) and endorsements required by this Section.

7. Franchisee shall not begin work under the Contract until the required insurance has been obtained and approved by the City.

8. Failure on the part of Franchisee to obtain and maintain the insurance as required by this section shall constitute a material default of the Franchise, upon which the City may revoke the Franchise in accordance with Section 2.5.

9. Franchisee shall be required to maintain insurance at least in the following amounts:

(a) Commercial General Liability Insurance Services Office ("ISO") Form CG0001(04-13) or its equivalent. A policy of Commercial General Liability Insurance ("CGL"), shall be written on an "occurrence," not "claims made," basis, and shall include the following coverage:

- A per project aggregate
- Products Hazard/Completed Operations - Shall be maintained for a period of six years after the termination of the Franchise or License (in the case of the communication System owner or operator ) or completion of the work for



the Communications System Owner or Operator (in the case of contractor or subcontractor).

- Personal/Advertising Injury
- Contractual Liability
- Explosion, Collapse, or Underground Property Damage
- Blasting (only required when Franchisee's work under this Contract includes exposures to which this specified coverage responds)
- If Franchisee is performing work within 50 feet of a railroad right-of-way, the General Liability policy shall be endorsed to eliminate the Contractual Liability exclusion pertaining to work within 50 feet of a railroad right-of-way using ISO Form CG2417(10-01) or the equivalent.
- The City of Tacoma, its trustees, elected and appointed officers, agents, and employees shall be included as an additional insured for both ongoing and completed operation using ISO Forms CG2026(04-13) and CG 2037(04-13) or the equivalent.
- Primary and Non-Contributory with any insurance or self-insurance maintained by the City.
- Waiver of Subrogation in favor of the City.

(b) Workers' Compensation insurance shall be maintained during the life of this contract to comply with statutory limits for all employees, and in the case any work is sublet, Franchisee shall require its contractors and subcontractors similarly to provide workers' compensation insurance for all the latter's employees unless such employees are covered by the protection afforded by Franchisee. Franchisee shall also maintain during the life of this policy employers liability insurance. The following minimum limits must be maintained:

(i) Workers' Compensation	Statutory
(ii) Employer's Liability	\$1,000,000 per occurrence



1 (c) Commercial Automobile Liability Coverage using  
2 Insurance Services Office form CA0001 or the equivalent and shall include all  
3 owned (if any), hired, and non-owned vehicles, with a limit not less than  
4 \$1,000,000 each accident for bodily injury and property damage. Such insurance  
5 shall be Primary and Non-Contributory with any insurance or self-insurance  
6 maintained by the City and shall contain a Waiver of Subrogation in favor of the  
7 City.  
8

9 (d) A Commercial Umbrella Liability or Excess Liability  
10 policy with limits not less than \$5,000,000 each occurrence and \$5,000,000  
11 aggregate. Such policy must provide coverage in excess of the above required  
12 Commercial General Liability, Commercial Automobile Liability, and Employer's  
13 Liability policies.  
14

15 C. The required insurance must be obtained and maintained for the  
16 entire period Franchisee has facilities in the Public Rights-of-Way, and for six years  
17 thereafter. If Franchisee, its contractors, or subcontractors do not have the  
18 required insurance, the City may order such entities to stop operations until the  
19 insurance is obtained and approved.  
20

21 D. Certificates of insurance, reflecting evidence of the required  
22 insurance and naming the City as an additional insured with all required  
23 endorsements on the General Liability and Automotive policies described above,  
24 shall be filed with the City's Risk Manager. The certificate shall be filed with the  
25  
26



acceptance of the Franchise, and annually thereafter, and as provided in Section E below.

E. Policies shall be issued by companies authorized to do business under the laws of the state of Washington. Financial Ratings must be no less than A [-] VII in the latest edition of A.M. Best's Key Rating Guide.

F. In the event that the insurance certificate provided indicates that the insurance shall terminate or lapse during the period of the Franchise, Franchisee shall furnish, at least 30 days prior to the expiration of the date of such insurance, a renewed certificate of insurance as proof that equal and like coverage has been or will be obtained prior to any such lapse or termination during the balance of the period of the Franchise.

G. The City shall reserve the right to require any other insurance coverage it deems necessary during the term of the Franchise, depending upon the exposures.

H. It is Franchisee's responsibility to ensure that each subcontractor obtains and maintains adequate liability insurance coverage, and upon request of the City, Franchisee shall provide evidence of such insurance.

6.6 Security Fund. Franchisee shall establish a cash security fund or provide the City an irrevocable letter of credit or assignment of funds in the amount of \$50,000 as additional security to secure the payment of fees owed, to secure any other performance promised in this Franchise, and to pay any taxes, fees, or liens owed to the City. Any letter of credit shall be in a form and with an institution acceptable to the City's Director of Finance and in a form acceptable to the City



1 Attorney. Should the City draw upon the cash security fund or letter of credit or  
2 assignment of funds, it shall promptly notify Franchisee, and Franchisee shall  
3 promptly restore the fund or the letter of credit or assignment of funds to the full  
4 required amount. The City may, from time to time, change the amount of the  
5 required security fund/letter of credit/assignment of funds to reflect changes in the  
6 risks to the City and to the public, including delinquencies in taxes or other  
7 payments to the City.

#### 8 Section 7. Miscellaneous Provisions.

9  
10 7.1 Posting and Publication. Franchisee shall assume the cost of posting  
11 and publication of this Franchise, as such posting and publication is required by  
12 law, and such is payable upon Franchisee's filing its acceptance of the Franchise.

13 7.2 Guarantee of Performance. Franchisee acknowledges that it enters  
14 into the Franchise voluntarily in order to secure and in consideration of the grant  
15 from the City of a ten-year Franchise. Performance pursuant to the terms and  
16 conditions of this Franchise agreement is guaranteed by Franchisee.

17  
18 7.3 Governing Law and Venue. The Franchise shall be governed by and  
19 construed in accordance with the laws of the state of Washington without recourse  
20 to any principles of Conflicts of Laws, except that where federal law preemptively  
21 applies it shall control. Any litigation between the City and Franchisee arising  
22 under or regarding this Franchise shall occur, if in the state courts, in the Superior  
23 Court of Pierce County, and if in the federal courts, in the United State District  
24 Court for the Western District of Washington.  
25  
26



7.4 No Recourse. Without limiting such immunities as the City or other  
Persons may have under applicable law, Franchisee shall have no monetary  
recourse whatsoever against the City or its officials, boards, commissions, agents  
or employees for any loss, costs, expense, or damage arising out of any provision  
or requirement of Title 16B or because of the enforcement of Title 16B or the City's  
exercise of its authority pursuant to Title 16B, this Franchise, or other applicable  
law, except to the extent Franchisee or Franchisee's Telecommunication System,  
or both, are damaged by the negligent acts or omissions or willful misconduct of  
the City or its representatives.

7.5 Notice. Unless expressly otherwise set forth herein or agreed between  
the parties in writing, every notice, billing, or response required by this Franchise to  
be served upon the City or Franchisee shall be in writing, and shall be deemed to  
have been duly given to the required recipient upon actual receipt or refusal of  
delivery and shall be sent by a nationally recognized overnight courier or by  
U.S. certified mail, return receipt requested postage prepaid. The notices or  
responses to the City shall be addressed as follows:

City of Tacoma  
Municipal Services Building  
1224 MLK Jr. Way  
Tacoma, WA 98405  
Attn: Franchise Services Manager

The notices or responses to Franchisee shall be addressed as follows:

Mashell Telecom, Inc. d/b/a Rainier Connect  
Attn: Brian Haynes  
2516 Holgate Street  
Tacoma, WA 98402



With a copy to (which alone shall not constitute notice)

1 Richard A Finnigan, Attorney  
2 2112 Black Lake Blvd. SW  
3 Olympia, WA 98512

4 The City and Franchisee may designate such other address from time to  
5 time by giving written notice to the other, but notice cannot be required to more  
6 than two addresses.

7 7.6 Execution. Franchisee shall execute and return to the City three  
8 original countersigned copies of this Ordinance and a signed acceptance of the  
9 Franchise granted hereunder within 30 days after the date of passage of the  
10 Ordinance by the City Council. The acceptance shall be submitted in the form  
11 attached hereto or other form acceptable to the City Attorney and in accepting the  
12 Franchise, Franchisee warrants that it has carefully read the terms and conditions  
13 of this Franchise and unconditionally accepts all of the terms and conditions of this  
14 Franchise and agrees to abide by the same and acknowledges that it has relied  
15 upon its own investigation of all relevant facts, that it has had the assistance of  
16 counsel, that it was not induced to accept a Franchise, that this Franchise  
17 represents the entire agreement between Franchisee and the City, and that  
18 Franchisee accepts all risks related to the interpretation of this Franchise. The  
19 countersigned Ordinance and acceptance shall be returned to the City  
20 accompanied by: evidence of insurance; a payment for publication costs; billable  
21 work order deposit; and the security fund deposit and performance bond.  
22

23  
24 The Franchise rights granted herein shall not become effective until all of  
25 the foregoing is received in acceptable form. In the event Franchisee fails to  
26



submit the countersigned Ordinance and acceptance as provided for herein, or  
1 fails to provide the required accompanying documents and payments, within the  
2 time limits set forth in this section, the grant of the Franchise shall be null and void.  
3

4 Passed \_\_\_\_\_  
5

6 Mayor: \_\_\_\_\_

7 Attest: City Clerk  
8  
9 \_\_\_\_\_

10 Approved as to form  
11  
12 \_\_\_\_\_

13 Deputy City Attorney  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



## ACCEPTANCE OF CITY FRANCHISE

Ordinance No. \_\_\_\_\_, effective \_\_\_\_\_, 2016.

I, \_\_\_\_\_, am the \_\_\_\_\_ of  
Mashell Telecom, Inc., a Washington corporation, d/b/a Rainier Connect, and am  
the authorized representative to accept the above referenced City franchise  
ordinance on behalf of Mashell Telecom, Inc. d/b/a Rainier Connect.

I certify that this franchise and all terms and conditions thereof are accepted  
by Mashell Telecom, Inc. d/b/a Rainier Connect.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Mashell Telecom, Inc. d/b/a Rainier Connect

By \_\_\_\_\_

Its \_\_\_\_\_



## ORDINANCE NO. 28376

1 AN ORDINANCE relating to the City's comprehensive plan; adopting the proposed  
2 2016 amendments to the Comprehensive Plan and Land Use Regulatory  
3 Code; and amending Tacoma Municipal Code Chapter 1.37, Transfer of  
4 Development Rights Program Administrative Code; Chapter 1.39,  
Affordable Housing Incentives and Bonuses Administrative Code; and  
Title 13, Land Use Regulatory Code, to implement said amendments.

5 WHEREAS amendments to the City's Comprehensive Plan ("Plan") and  
6 development regulations are considered on an annual basis, as required by the  
7 Growth Management Act, RCW 36.70A, and

8  
9 WHEREAS, based on the 2015-2016 Planning Work Program, staff  
10 compiled and submitted five applications to the Planning Commission  
11 ("Commission") for consideration as part of the 2016 Annual Amendment, and

12 WHEREAS, pursuant to Tacoma Municipal Code ("TMC") 13.02.045.E, the  
13 Commission conducted an assessment of the applications and approved the  
14 Assessment Report on January 6, 2016, with technical analyses of the applications  
15 conducted in subsequent months, and

16  
17 WHEREAS the Commission completed its review of the 2016 Annual  
18 Amendment through a public review process, including public hearings on May 4  
19 and May 18, 2016, and made recommendations to the City Council on June 15,  
20 2016, as documented in the Planning Commission's Findings of Fact and  
21 Recommendations Report, and

22  
23 WHEREAS proposed amendments include area-wide rezones and  
24 amendments to the Future Land Use Map of the Comprehensive Plan ("One  
25 Tacoma") in the following areas, as more particularly set forth in the attached  
26



Exhibit "A": (1) Nob Hill, South Downtown; (2) McKinley Police Substation;  
(3) Franke Tobey Jones; (4) North 33rd and Pearl Streets; (5) north of Tacoma  
Community College to 6th Avenue; and (6) South Tacoma Industrial Zones, and

WHEREAS the Commission considered two additional area-wide rezones  
for South Alaska and 72nd Streets, and Cheney Stadium and Foss High School,  
and recommends postponing said area-wide rezones until further community  
outreach and zoning alternatives may be considered, and

WHEREAS the postponement of the area-wide rezones for South Alaska  
and 72nd Streets, and Cheney Stadium and Foss High School has no effect on  
present use and development under existing zoning, including the current  
conditional use permit that covers Cheney Stadium, and

WHEREAS the Commission recommends proposed amendments to  
TMC 13.06 relating to (1) multi-family design standards, as shown in the attached  
Exhibit "B," (2) wireless communication facilities, as shown in the attached  
Exhibit "C," and (3) short-term rentals, as shown in the attached Exhibit "D," and

WHEREAS the Commission also recommends proposed amendments to  
TMC Chapter 1.37, Transfer of Development Rights Program Administrative Code,  
Chapter 1.39, Affordable Housing Incentives and Bonuses Administrative Code;  
and Title 13, Land Use Regulatory Code; and the Comprehensive Plan, as set  
forth in the attached Exhibit "E," to provide for Plan and TMC updates, and

WHEREAS the Commission has additionally conveyed four overall  
recommendations for City Council consideration, as follows:



(1) Evaluate and prioritize designated Open Space Corridors for acquisition and preservation in areas likely at risk from development. The Commission recognizes that the Comprehensive Plan includes general prioritization criteria for acquiring open space lands, but further discussion and strategies could balance existing criteria with some weight given to areas likely to see development pressure, either from proposed area-wide rezones or because existing zoning encourages development;

(2) Engage with Metro Parks Tacoma, the Tacoma School District, the Tacoma Rainiers, and the Central Neighborhood Council to discuss the long-term future of the Cheney Stadium, Foss High School campus area, including Heidelberg Park, and explore the development of a guiding Master Plan for these public uses. The Commission recognizes that existing zoning does not adequately reflect or accommodate current uses, but with the potential of a street car on South 19th Street, this campus area could grow to become an even more dynamic destination for public use, entertainment and recreation;

(3) Adopt an amendment to the Engagement, Administration + Implementation Element of the Comprehensive Plan to add a policy to limit site-specific rezone applications in areas where staff or the Commission are currently evaluating an area-wide rezone proposal. As the City continues to implement the Future Land Use Map through area-wide rezone studies, site-specific zoning proposals should primarily be considered as part of these larger discussions. A proposed amendment is included in Exhibit "E," Plan and Code Cleanups; and



(4) Evaluate strategies for establishing a connective street grid, where  
lacking, within areas proposed for area-wide rezone to a higher density or intensity  
zoning classification, to ensure walkable access from residential areas to  
commercial amenities and other services, and

WHEREAS the Infrastructure, Planning and Sustainability Committee  
reviewed the components of the 2016 Annual Amendment on February 24,  
May 11, and June 8, 2016, and is recommending the proposed amendment for  
consideration by the City Council, and

WHEREAS the City Council conducted a public hearing on July 19, 2016, in  
accordance with TMC 13.02, to receive public comments on the Planning  
Commission's recommendations, and

WHEREAS the proposed amendments are intended to become effective  
September 12, 2016; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the proposed amendments relating to area-wide rezones  
and amendments to the Future Land Use Map of the Comprehensive Plan ("One  
Tacoma"), as set forth in the attached Exhibit "A," are hereby approved.

Section 2. That Chapter 13.06 of the Tacoma Municipal Code (TMC"),  
relating to multi-family design standards, is hereby amended as set forth in the  
attached Exhibit "B."

Section 3. That Chapter 13.06 of the TMC, relating to wireless  
communication facilities, is hereby amended as set forth in the attached  
Exhibit "C."



Section 4. That Chapter 13.06 of the TMC, relating to short-term rentals, is hereby amended as set forth as shown in the attached Exhibit "D."

Section 5. That TMC Chapter 1.37, Transfer of Development Rights Program Administrative Code; Chapter 1.39, Affordable Housing Incentives and Bonuses Administrative Code, and Title 13, Land Use Regulatory Code; and the proposed 2016 amendments to the Comprehensive Plan are hereby amended as set forth in the attached Exhibit "E."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

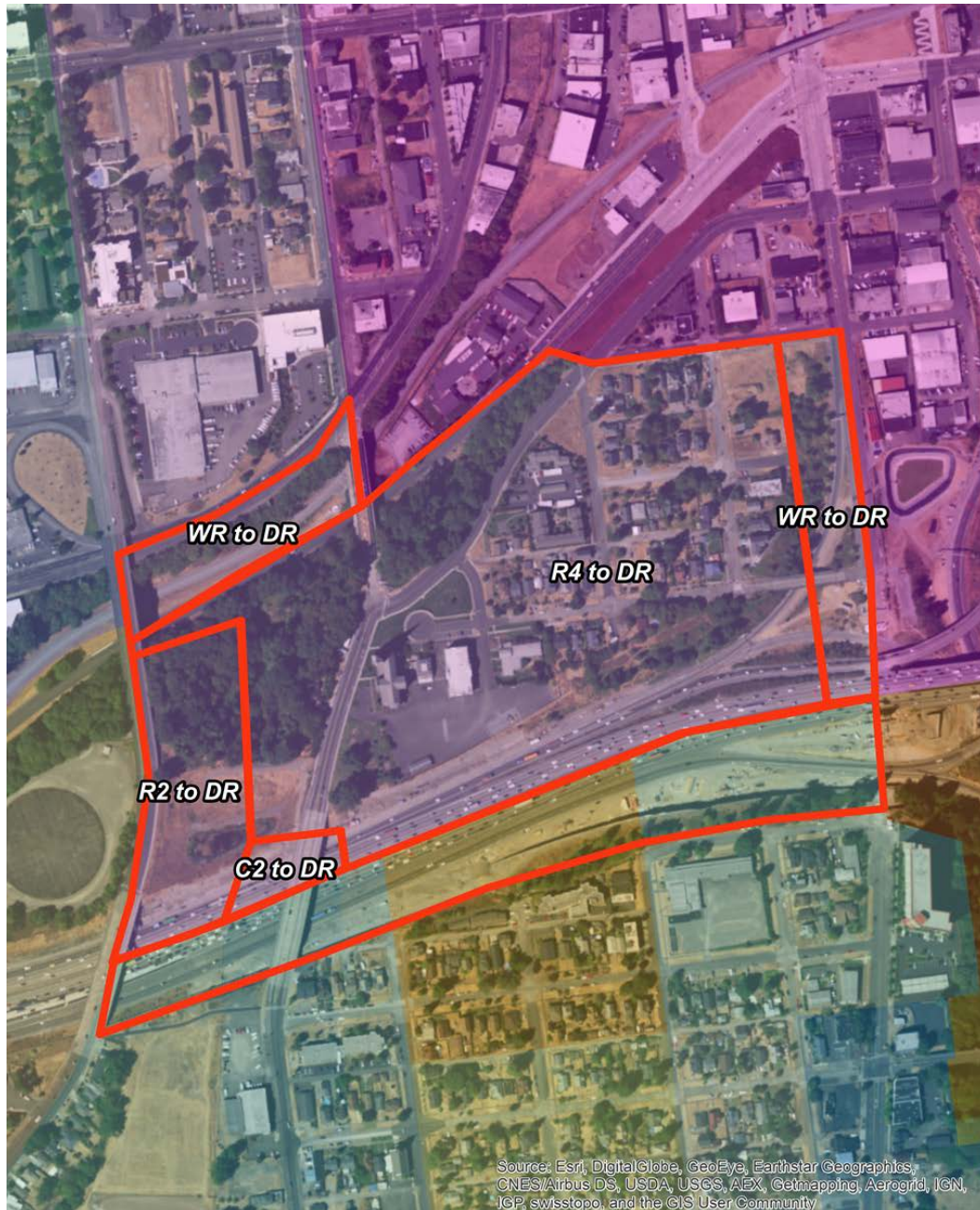
\_\_\_\_\_  
Deputy City Attorney



**Exhibit A –  
Future Land Use Map  
Implementation**

**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

Exhibit A-1: Area-Wide Rezone  
Area 1: Nob Hill, South Downtown



**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

---

Exhibit A-1: Area-Wide Rezone  
Area 2: McKinley Police Substation



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

---

Exhibit A-1: Area-Wide Rezone  
Area 3: N 33<sup>rd</sup> and Pearl

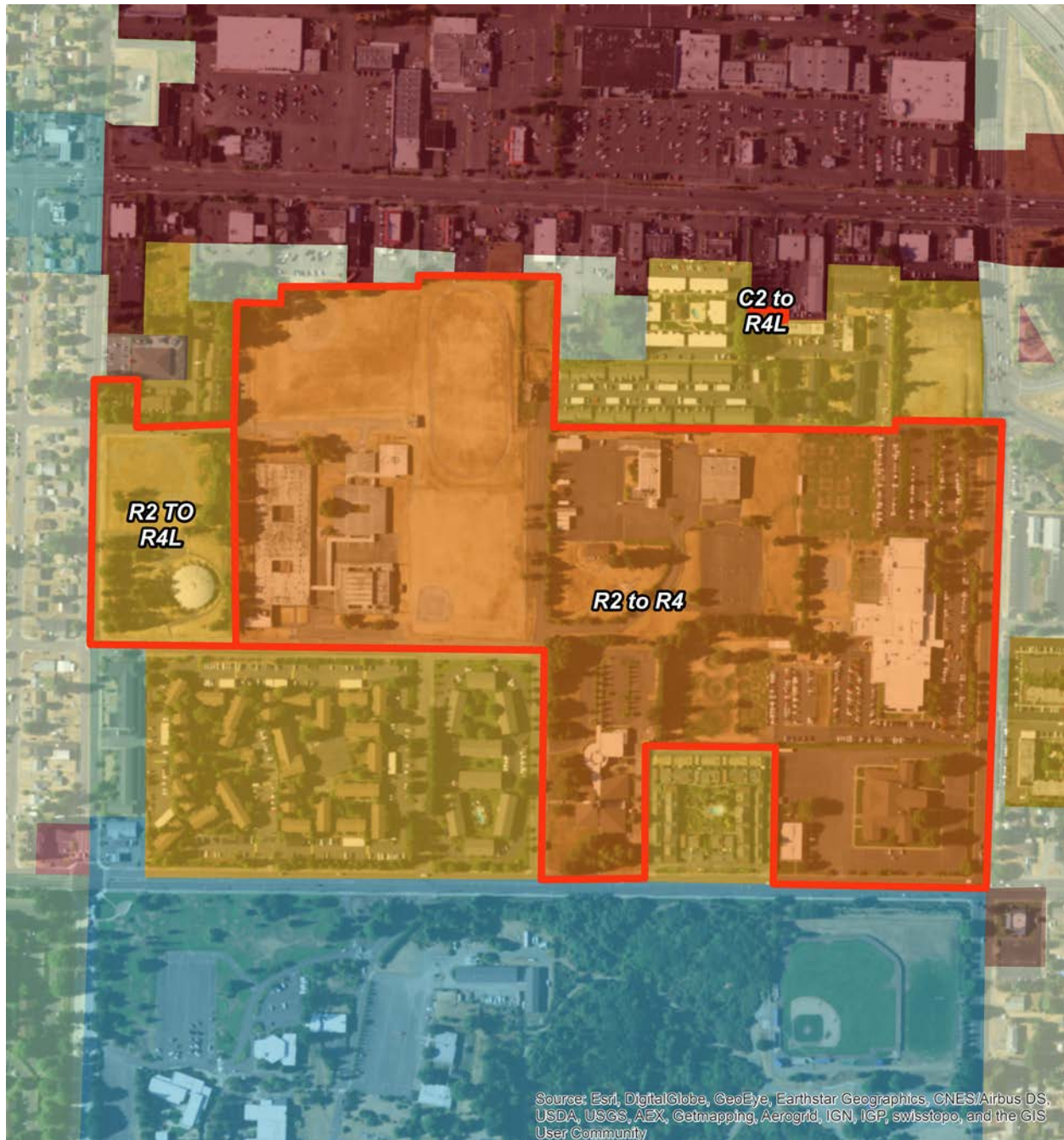


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,  
CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN,  
IGP, swisstopo, and the GIS User Community

**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

---

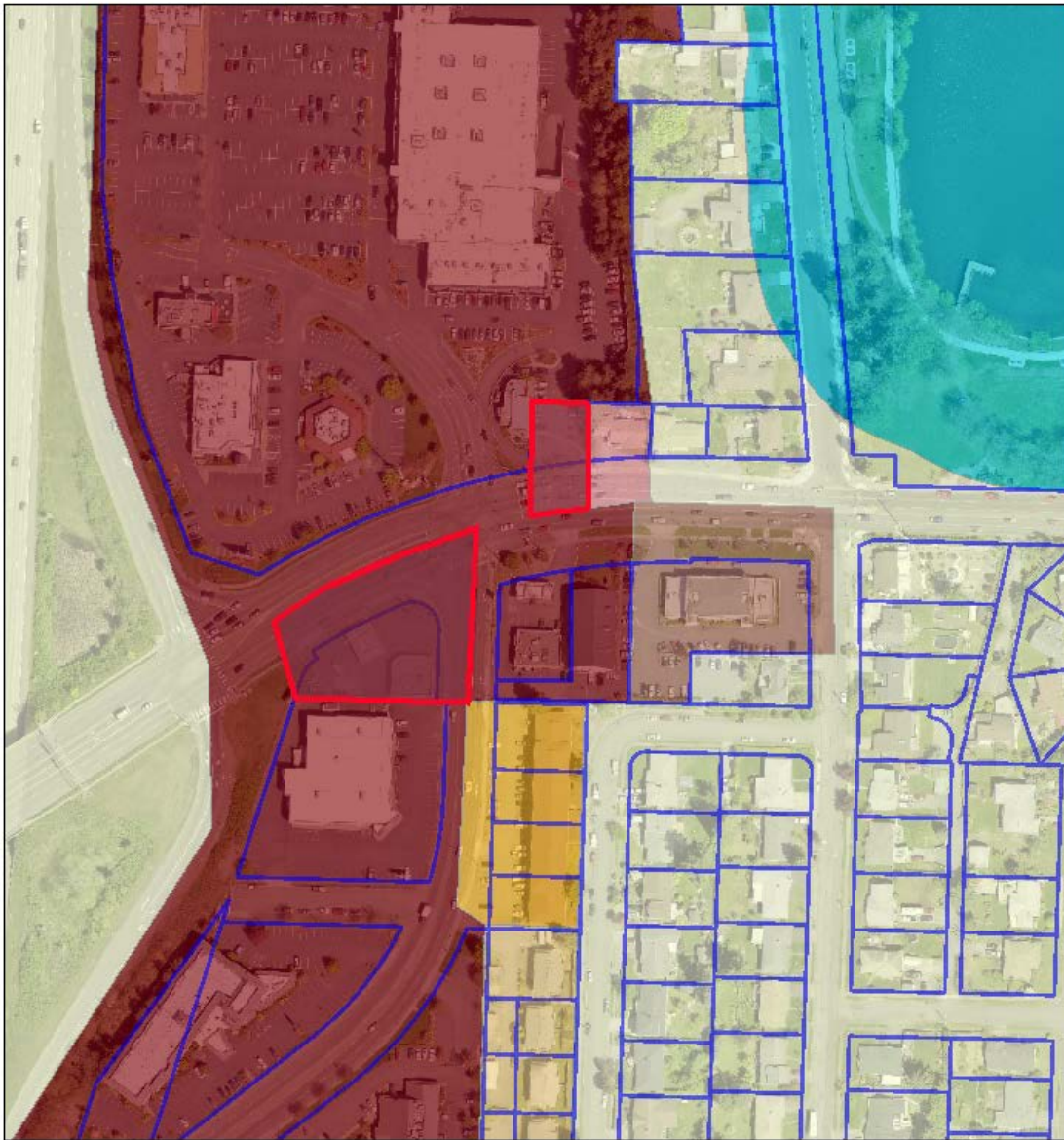
Exhibit A-1: Area-Wide Rezone  
Area 4: N of TCC to 6<sup>th</sup> Ave



**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

---

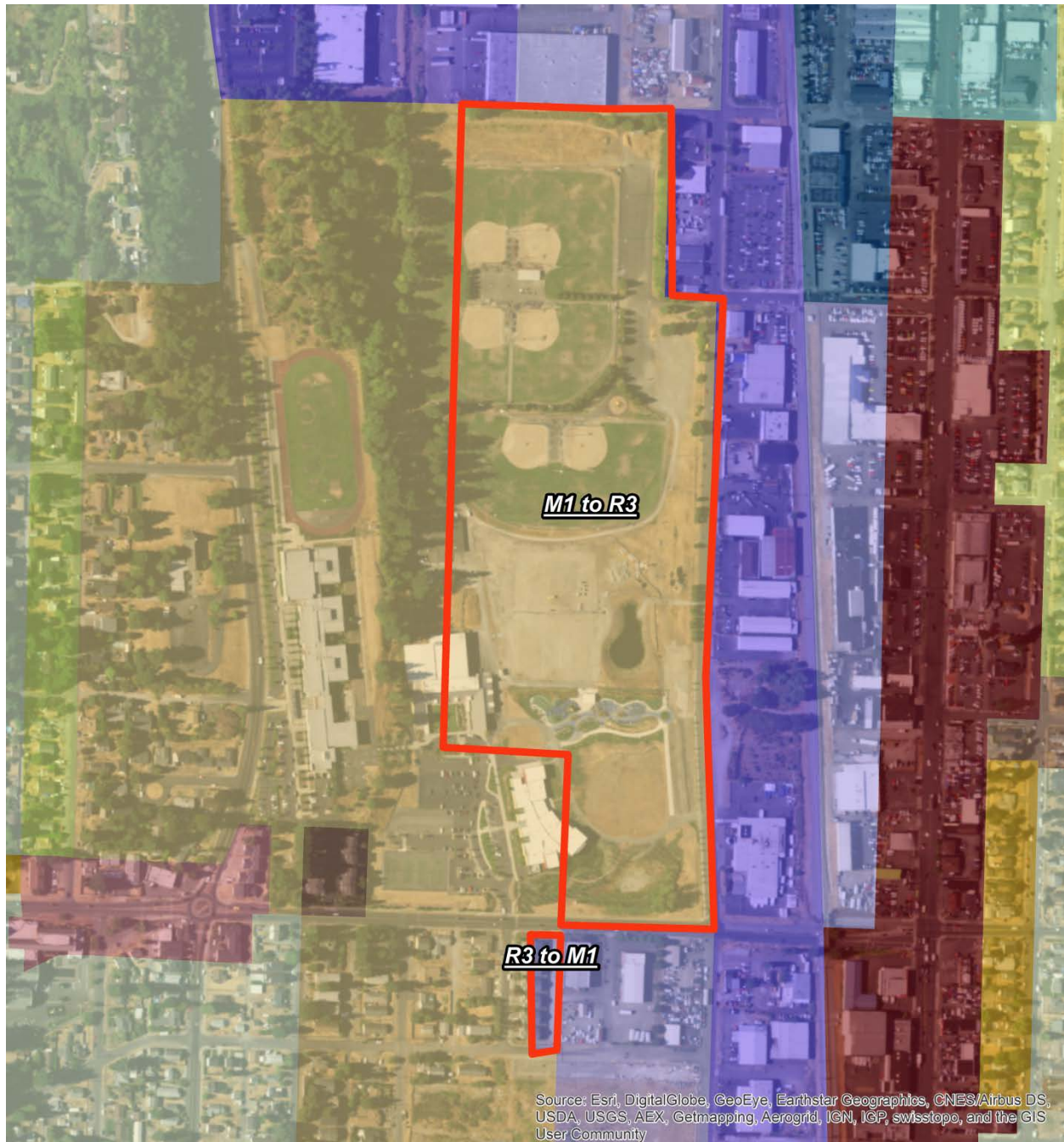
Exhibit A-1: Proposed Area-Wide Rezone  
Area 5: 72<sup>nd</sup> General Commercial



**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

---

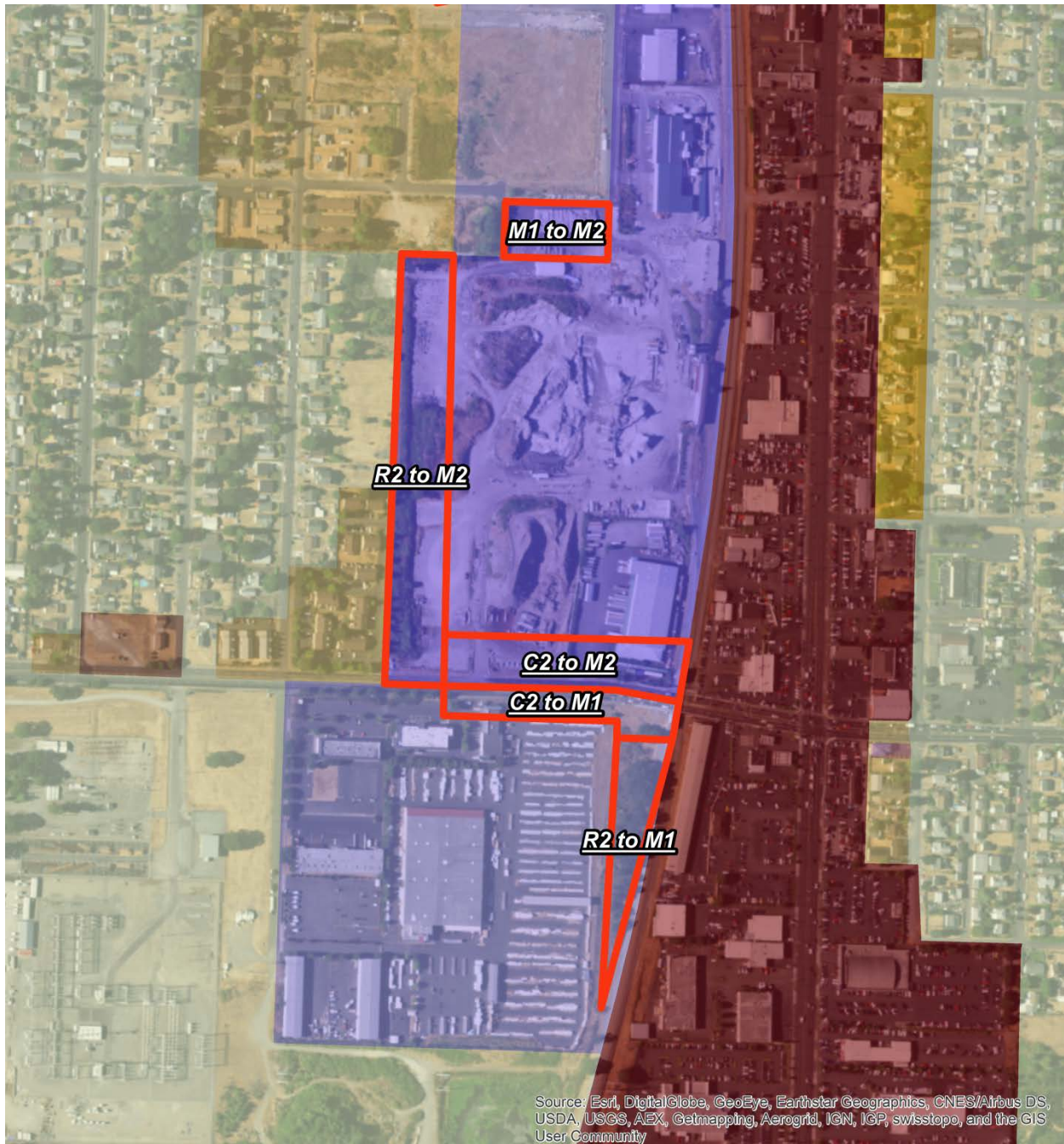
Exhibit A-1: Area-Wide Rezone  
Area 6: South Tacoma Industrial Zones



**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

---

Exhibit A-1: Area-Wide Rezone  
Area 7: South Tacoma Industrial Zones



**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

---

Exhibit A-2: Future Land Use Map Amendment  
Area 1: Franke Tobey Jones



**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

---

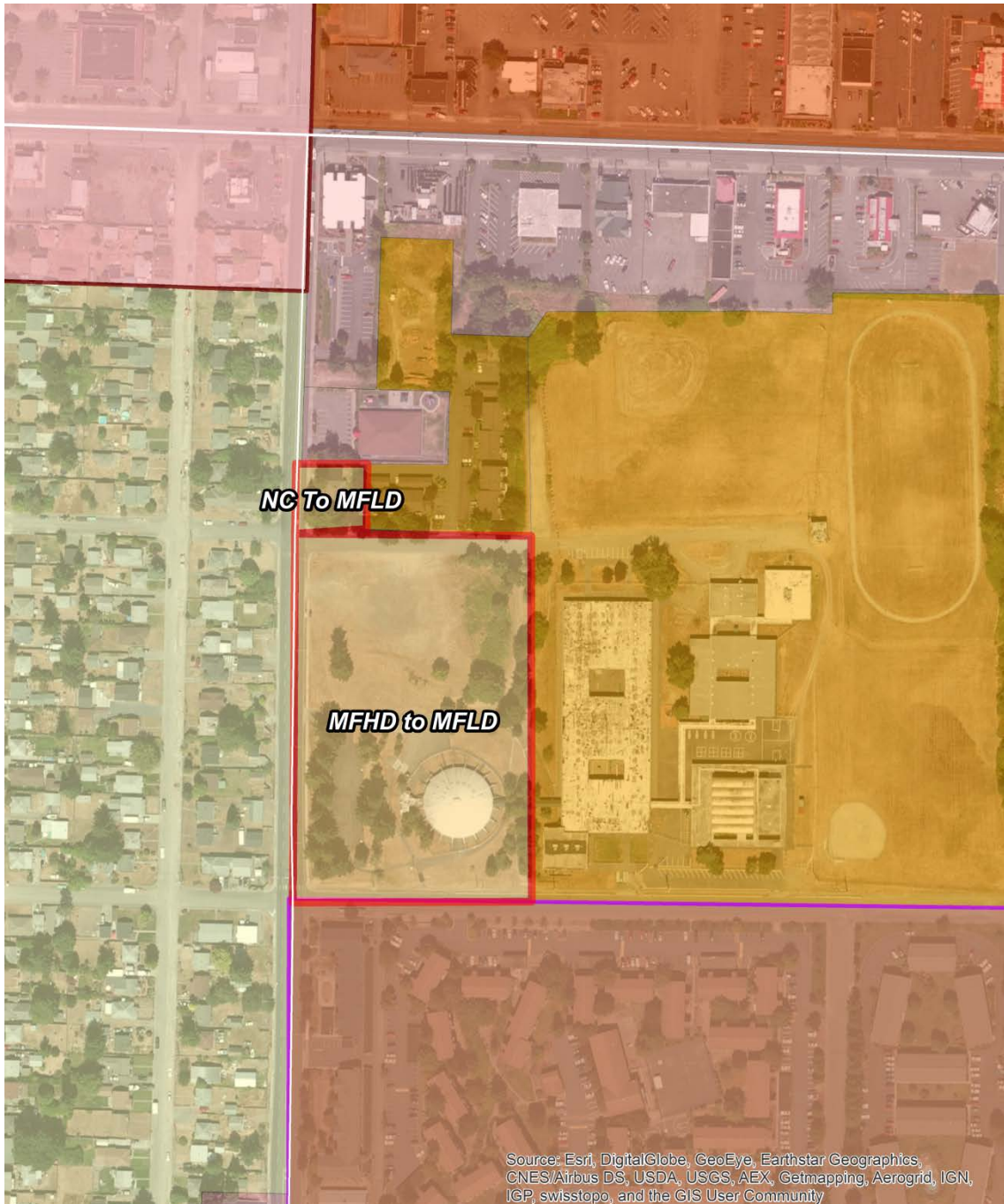
Exhibit A-2: Future Land Use Map Amendment  
Area 2: N 33<sup>rd</sup> and Pearl



**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

---

Exhibit A-2: Future Land Use Map Amendment  
Area 3: Mildred Between TCC and 6<sup>th</sup> Ave





**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

**Chapter 13.06  
ZONING**

**13.06.100 Residential Districts.**

The 100 series will contain regulations for all residential classifications, including the following:

R-1	Single-Family Dwelling District
R-2	Single-Family Dwelling District
R-2SRD	Residential Special Review District
HMR-SRD	Historic Mixed Residential Special Review District
R-3	Two-Family Dwelling District
R-4	Multiple-Family Dwelling District
R-4-L	Low-Density Multiple-Family Dwelling District
R-5	Multiple-Family Dwelling District
PRD	Planned Residential Development District (see Section 13.06.140)

\* \* \*

**C. Land use requirements.**

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.100. All portions of 13.06.100 and applicable portions of 13.06.500 apply to all new development of any land use variety, including additions, and remodels, in all districts in Section 13.06.100, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.100.A through Section 13.06.100.C are not eligible for variances. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply. For individually designated properties listed on the Tacoma Register of Historic Places, and for contributing buildings within Historic Special Review Districts, where there is a conflict between the regulations of this chapter and historic guidelines and standards, the historic guidelines and standards shall prevail pursuant to TMC 13.05.046.

2. [Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.](#)

3. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

**4. Use table abbreviations.**

P = Permitted use in this district.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
N = Prohibited use in this district.

**5. District use table. (see next page for table)**

\* \* \*

## Tacoma Municipal Code

### D. Lot size and building envelope standards.

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<b>1. Minimum Lot Area (in square feet, unless otherwise noted)</b>								
Single-family detached dwellings – Standard Lots	7,500	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Single-family detached dwellings – Small Lots (Level 1)	6,750	4,500	4,500	4,500	2,500	2,500	2,500	2,500
Two-family dwellings		6,000	6,000	6,000	6,000	4,250	3,750	3,500
Three-family dwellings			9,000	9,000	9,000	5,500	5,000	4,500
Multiple-family dwellings					9,000	6,000 sq. ft. plus 1,500 sq. ft. for each unit in excess of four	6,000	6,000
Townhouse dwellings		3,000	3,000	3,000	3,000	1,500	1,000	1,000
Mobile home/trailer court						3.5 acres, provided at least 3,500 sq. ft. is provided for each mobile home		
Pre-existing lots	A lot which was a single unified parcel of land as indicated by the records of the Pierce County Auditor as of May 18, 1953 or a lot which was configured legally to conform to the applicable requirements but which became nonconforming as a result of subsequent changes to this chapter or other official action by the City, and which has been maintained in that configuration since, having an average width, frontage, or area that is smaller than the applicable minimum requirements may be occupied by a single-family dwelling; provided all other applicable requirements are complied with, including required setbacks, yards and design standards (see Sections 13.06.145 and 13.06.630).							
Single-family Small Lots – Exceptions to Standard Minimum Lot Area Requirements	<p>Reductions to minimum detached single-family dwelling lot area requirements, as shown above, may be allowed pursuant to Section 13.06.145. Lots smaller than the Minimum Lot Area for Standard Lots must meet the applicable Design Standards of Section 13.06.145.</p> <p>Single-family Small lot development must be oriented such that the lot frontage and the front façade of the house face the street.</p> <p>Small lot exceptions are not applicable to pipestem lots.</p>							

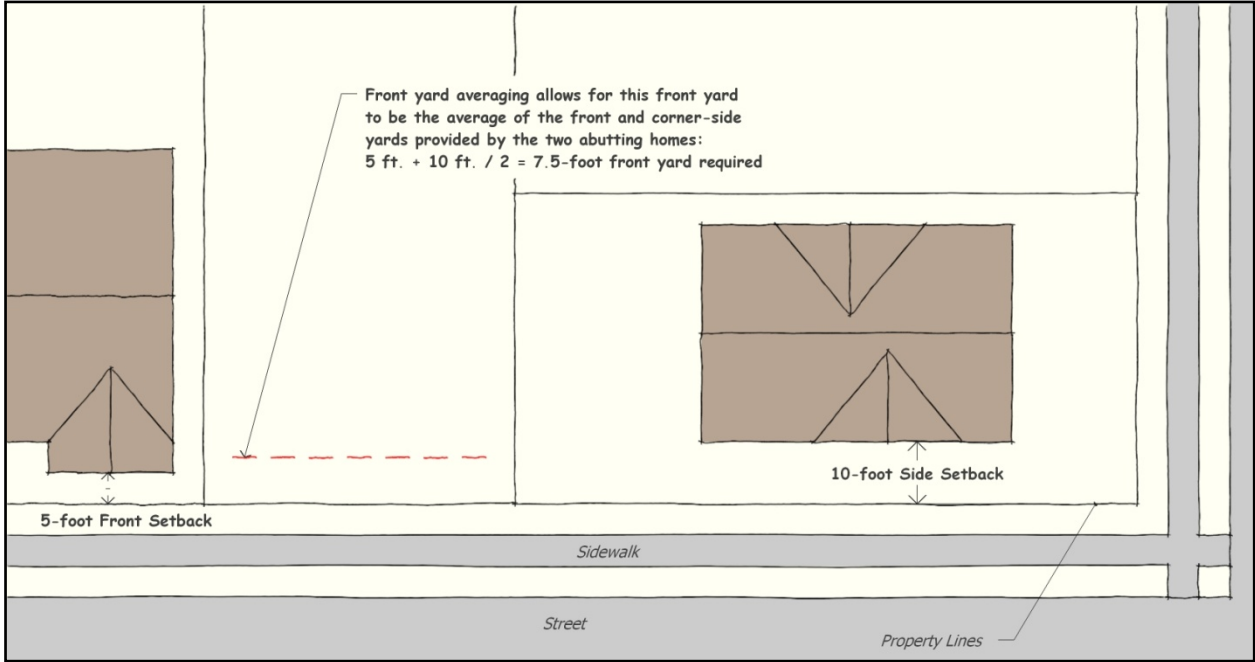
	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Single-family detached dwellings – Small Lots (Level 2):  Additional exceptions to Minimum Lot Area Requirements	One of the following exceptions may be applied per parcel to allow for reductions in minimum lot area below the Single-family Level 1 Small Lot minimum size. In no case shall a new lot be smaller than the following without grant of a variance: R-1: 4,500 sq. ft.; R-2, R-2SRD, HMR-SRD: 3,000 sq. ft.; R-3 and above: 2,500 sq. ft.  Lot Size Averaging – Infill: To provide for consistency with pre-existing development patterns, the average size of lots along the street frontage and block (excluding the site) may be substituted for the zoning district minimum lot size.  Lot Size Averaging – Subdivisions: Within proposed Short and Full Plats, lots are permitted to a minimum size of 4,500 square feet in the R-1 District and 3,000 square feet in other districts, provided that the overall average lot size within the Short or Full Plat meets the Standard Lots minimum lot size of the zoning district. Critical areas and buffers may not be counted toward lot size averaging.  Alley lot area credit: In R-1, R-2, and R2-SRD and HMR-SRD Districts, half of the width of abutting alleys which are utilized for vehicular access to the lot may be counted toward the required minimum lot area, up to an additional reduction equivalent to 10 percent of the Standard Minimum Lot Size.  Level 2 Small Lots must meet the Level 2 Small Lot Design Standards of Section 13.06.145.F.  Small lot exceptions are not applicable to pipestem lots.							
Critical Areas Density Bonus	Critical Areas Protection Ordinance Residential Density Bonus: Per Section 13.11.260, in order to provide flexibility to avoid critical area impacts, minimum lot sizes and setbacks may be reduced in association with Critical Areas approvals.							
Planned Residential Districts	Planned Residential Districts: Exceptions to the standard and small lot provisions of this section may be permitted through the provisions of Section 13.06.140.							
<b><u>2. Lot Measurements (in feet)</u></b>								
Minimum Average Lot Width – Standard Lots	50	50	50	50	50	50	50	50
					16 for townhouse dwellings; 32 for two-family dwellings			
Single-family Small Lots – Minimum Average Lot Width	45	35	35	35	30	25	25	25
Minimum Lot Frontage	25	25	25	25	25	25	25	25
	The minimum lot frontage requirement does not apply to townhouse dwellings. Pipestem lots which only serve one single-family dwelling are not required to meet the minimum lot frontage requirements, provided the access easement or lot extension to such pipestem lot has a minimum width of 10 feet.							
Small Lots – Exceptions to Minimum Average Lot Width	Reductions to minimum lot width, as shown above, may be allowed pursuant to Section 13.06.145. Small lot exceptions are not applicable to pipestem lots.							
<b><u>3. Building Lot Coverage (total building coverage / lot area x 100 = percentage)</u></b>								
Maximum <del>lot</del> -building coverage, <u>percent of lot</u>	-	-	-	-	<u>-50</u>	<u>3550</u>	<u>-65</u>	<u>-65</u>

**Tacoma Municipal Code**

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<a href="#">Bonus</a>	=	=	=	=	<a href="#">Corner Lot: May add an additional 10% of the lot area to the total lot area for the purpose of calculating the maximum building coverage allowance. Alley: Lots with an alley may count 50% of the abutting alley as lot area for calculating the maximum allowable building coverage.</a>			
<a href="#">Exceptions</a>	=	=	=	=	<a href="#">Usable Yard Space that is covered, but not enclosed, shall not count towards the maximum building coverage. Detached Accessory Dwelling units and small-lot single family: Building coverage limitations do not apply to Detached ADUs, small –lot single family, or cottage housing that meet the standards in 13.06.145, 13.06.150 and 13.06.160.</a>			
<a href="#">4. Minimum Density (units per gross acre)</a>								
	=	=	=	=	<a href="#">10</a>	<a href="#">14</a>	<a href="#">18</a>	<a href="#">22</a>
<a href="#">5. Max. Height Limits (in feet)</a>								
Main Buildings	35	35	35	35	35	35	60	150
Accessory Buildings	15-feet							
Exceptions	Buildings within a View Sensitive Overlay district are subject to the additional height restrictions contained in 13.06.555. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602. Single-family Small Lot development on lots with an average width between 40 and 50 feet: Maximum height is 30 feet. Single-family Small Lot development on lots with an average width of less than 40 feet: Maximum height is 25 feet.							
<a href="#">6. Setbacks (in feet)</a>								
	These residential setback requirements are designed to provide yard areas that help to minimize impacts between neighboring uses, allow space for recreational activities, allow access to light and air, serve as filtration areas for storm water run-off, provide a level of privacy and comfort, provide emergency and utility access around and into buildings, provide public view corridors, create a pleasing, rhythmic streetscape, promote consistency with existing development patterns, and promote the desired character of residential neighborhoods. Certain conditional uses may require different minimum setbacks. See Section 13.06.640.							
Minimum Front Setback, <a href="#">except where Build-to Area is required</a>	25	20	20	20	20	20	15	10


	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<a href="#">Build-to Area for lots located on a designated pedestrian street</a>	=	=	=	=	<a href="#">Occupied structures must be located between 5 feet and 20 feet from the front lot line abutting the pedestrian street right-of-way for a minimum of 50% of the pedestrian street frontage.</a>  <a href="#">Exception: porches, entries, landscaping and residential transition areas may be located within 5’ of the lot line abutting the pedestrian street right-of-way.</a>  <a href="#">Exemptions:</a> <ul style="list-style-type: none"><li>• <a href="#">Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided, the addition reduces the level of nonconformity as to maximum setback.</a></li><li>• <a href="#">When a public easement precludes compliance with this standard, the setback requirement shall be measured from the back edge of the easement.</a></li><li>• <a href="#">Public facilities on sites greater than 5 acres shall be exempt from Build-to Area requirements. This exemption shall expire upon the establishment of a new Institutional Zoning designation, an Institutional Master Plan process, or similar zoning process for reviewing, evaluating and approving large, public, campus-like facilities.</a></li><li>• <a href="#">Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.</a></li></ul>			
Townhouse Dwelling Minimum Front Setback	For townhouse dwellings, the minimum front yard setback shall apply only along the front property line of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.100.G.							
Vehicular Doors Facing the front property Line	Vehicular doors that face the front property line, where such property line abuts a public street or private road, shall be setback a minimum of 20 feet from the front property line or private road easement.							
Pipestem Lot Setback	Pipestem lots shall provide the required front setback along one of the property lines that abut or are nearest to the accessway/lot extension. The accessway/lot extension shall not be included when measuring the setback. The front yard setback will determine the orientation of the other required setbacks.							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Front Setback Averaging	<p>For residential uses, the minimum front yard setback shall be either the minimum front setback required for the zoning district in which it is located (as noted above) or the average of the front yard setbacks provided by the structures on either side, whichever is less.</p> <p>Front yard averaging allows for this front yard to be the average of the front yards provided by the two abutting homes: <math>20 \text{ ft.} + 10 \text{ ft.} / 2 = 15\text{-foot front yard required}</math></p> <p>20-foot front setback</p> <p>10-foot front setback</p> <p>Sidewalk</p> <p>Street</p>							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
	<p>(1) Where a side property line abuts the rear property line of an adjacent corner lot (see example below), the front yard setback for the main building shall be either the average of the adjacent side and front setbacks provided by the structures on either side, or the minimum front yard setback required for the zoning district in which it is located, whichever is less.</p>  <p>(2) For properties where one side abuts an undeveloped lot, a street or an alley, the setback shall be equal to that provided by the one abutting house.</p> <p>(3) In no case shall averaging be construed to require a greater setback than the standard minimum setback required by the regulations of the district.</p>							
Minimum Side Setback (Interior Lots)	7.5	5	5	5	5	5	5	<p>5 ft. for buildings less than 6 stories</p> <p>Each side yard setback shall be increased 1-ft. in width for each story, or part thereof, above 6 stories.</p>

Tacoma Municipal Code

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
Townhouse Dwelling Minimum Side Setback	For townhouse dwellings, the minimum side yard setback shall apply only along the side property lines of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.100.G.							
Minimum Side Setback (Corner Lots)	<p>On corner lots, the side yard setback regulations shall be the same as for interior lots, except where the rear lot line of a corner lot abuts the side lot line of a lot in the rear (see example below). In this case, there shall be a side yard setback on the street-side of such corner lot of not less than one-half of the front yard setback provided on the lot in the rear, but such side yard setback need not exceed half the standard front yard setback requirement for the district. In no case, however shall the side yard setback be less than five feet.</p> <p>Side Yard Averaging allows for the street-side yard requirement here to be 1/2 of the front yard provided by the lot in the rear (10 feet / 2 = 5 feet)</p> <p>Existing Home - 10-foot Front Setback</p> <p>Property Lines</p> <p>Sidewalk</p> <p>Street</p>							
Minimum Rear Setback	25	25	25	25	25	20	25 20 ft. for mobile home parks	20
Townhouse Dwelling Minimum Rear Setback	For townhouse dwellings, the minimum rear yard setback shall apply only along the rear property line of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.100.G.							





	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<b>7. Minimum Usable Yard Space Additional Residential Development Standards</b>								
<b>Minimum Usable Yard Space</b> <b>a. Single Family Dwelling</b>	All <del>lots</del> <u>single family dwellings</u> shall provide a contiguous rear or side usable yard space equivalent to at least 10% of the lot size. This usable yard space shall <del>meet all of the following standards</del> <u>be subject to the following limitations</u> :							
	<ul style="list-style-type: none"><li>• Have no dimension less than 15-feet, except for lots that are less than 3500 SF, where the minimum dimension shall be no less than 12 feet;</li><li>• Not include structures, parking, alley or driveway spaces or required critical areas <u>and</u> buffers;</li><li>• Not be located in the front yard, <u>with the exception of front porches, which may be counted towards the overall yard space requirement where meeting the design standards in e.1 below.</u></li></ul> <p><u>For townhouse and multi-family developments, this usable yard space requirement can be calculated based on the overall project site and the yard space(s) provided to meet the requirement can be any combination of individual and shared yard spaces, as long as each meets the above standards and as long as all dwellings have access to at least one qualifying yard space.</u></p> <p>For through lots, the required yard space may be located within the “functional rear yard” (see Subsection 13.06.100.F.5.a for additional information about “functional rear yards”).</p>							
								

**Tacoma Municipal Code**

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<a href="#">b. Duplex/Triplex</a>	<p><a href="#">In the R-1, R-2, R-2SRD and HMR-SRD districts, duplex and triplex developments shall provide usable yard space in accordance with the standards for single family dwellings, above.</a></p> <p><a href="#">In the R-3, R-4L , R-4 and R-5 Districts, duplex and triplex development shall provide at least 400 square feet of yard space for each dwelling unit. Private and common yard space must meet the design requirements specified in e. below.</a></p>							
<a href="#">c. Townhouse</a>	<p><a href="#">At least 300 square feet of private yard space and 100 square feet of common yard space is required for each townhouse. Private and common yard space must meet the design requirements specified in e. below.</a></p>							
<a href="#">d. Multi-family</a>	<p><a href="#">At least 20% of the lot area is required to be usable yard space. A minimum of 35% of the yard space shall be provided in common. The remainder can be provided as private or common yard space. Private and common yard space must meet the design requirements specified in e. below.</a></p>							

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
e. Usable Yard Space Design	<p>(1) Private Yard Space. To qualify, private yard space must meet the following standards:</p> <ul style="list-style-type: none"><li>• Have no dimension less than 15-feet, except where lots are less than 3500 total SF, in which case the minimum single dimension of outdoor usable yard space shall be no less than 12 feet.</li><li>• Private usable yard space shall be direct and immediately accessible from the dwelling unit or a bedroom.</li><li>• Private usable yard space may be provided as balconies, porches, decks, patios or yards. To qualify as yard space, such spaces shall be at least 50 square feet, with no dimension less than five feet.</li></ul> <p>(2) Common Yard Space. This includes landscaped courtyards or decks, front porches, community gardens with pathways, children’s play areas, or other multi-purpose outdoor recreational and/or green spaces. Requirements for (and limitations on) common yard spaces include the following:</p> <ul style="list-style-type: none"><li>• No dimension shall be less than fifteen feet in width.</li><li>• Spaces shall be visible from multiple dwelling units and positioned near pedestrian activity.</li><li>• Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.</li><li>• Individual entries shall be provided onto common yard space from adjacent ground floor residential units, where applicable.</li><li>• Spaces should be oriented to receive direct sunlight for part of the day, facing east, west, or (preferably) south, when possible.</li><li>• Common yard space shall be open to the sky, except for clear atrium roofs and shared porches. A maximum of 25% of the common yard space may be covered but not enclosed.</li><li>• Shared porches qualify as common yard space provided no dimension is less than eight feet.</li></ul> <p>(3) Interior recreational space (for multi-family development only). Interior recreational space includes swimming pools, fitness centers, and other recreation spaces that are located within the primary structure or as an accessory structure. Interior recreational spaces may be used to meet up to 35% of the overall yard space requirement.</p> <p>(4) Rooftop decks may be used to meet the yard space requirements. To qualify, rooftop decks must meet the following standards:</p> <ul style="list-style-type: none"><li>• No more than 50% of the rooftop deck may be used to meet private yard space requirements.</li><li>• Must include amenities such as seating areas and landscaping.</li><li>• Must feature appropriate hard surfacing to encourage active use.</li><li>• Must include lighting for residents’ safety.</li><li>• No dimension shall be less than 15 feet in width.</li></ul> <p>(5) Landscaping. Up to 35% of the usable yard space may be comprised of landscaping, including groundcover and shrubs.</p> <p>(6) Vehicular access areas shall not count as yard space.</p>							

Tacoma Municipal Code

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<a href="#">f. Yard Space Exceptions</a>	<p><a href="#">(1) Critical Area Exception:</a></p> <ul style="list-style-type: none"><li><a href="#">When the lot contains identified critical areas and/or buffers, said critical areas and/or buffer area shall be excluded from the lot size calculation for determining the required usable yard space required on site.</a></li><li><a href="#">For usable yard space required on a per unit basis, critical areas and/or buffer areas may be counted towards the landscaping allowance.</a></li></ul> <p><a href="#">(2) Proximity to Active Public Recreation:</a></p> <ul style="list-style-type: none"><li><a href="#">When the site is located within a quarter mile, using the shortest route, of a public park or school that has accessible outdoor recreation facilities, the common yard space requirement may be waived, reducing the overall required usable yard space to 13 percent of the lot area for multi-family development and 300 total square feet for townhouses.</a></li></ul>							
<a href="#">g. Acceptable Yard Space Examples</a>	<div></div> <p><a href="#">Balconies are a good source of private yard space.</a></p> <p><a href="#">Above: Examples of common open space.</a></p> <p><a href="#">Example of a shared rooftop deck.</a></p>							
<b><a href="#">8. Tree Canopy</a></b>								
<a href="#">Tree Canopy, percentage of lot area</a>	=	=	=	=	<a href="#">30</a>	<a href="#">30</a>	<a href="#">20</a>	<a href="#">15</a>

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
<u>Calculating Tree Canopy</u>	<p><u>Tree Canopy is measured as a percentage of the overall lot area. Example: 6,000 square foot lot in the R-3 District would require a tree canopy of 1800 square feet (6000 x .3 = 1800). The Urban Forest Manual classifies trees as small, medium, and large based on the overall tree factor, which also weighs growth rate. In meeting the tree canopy requirement planted trees will receive the following canopy credit:</u></p> <ul style="list-style-type: none"> <li><u>• Small Trees: 300 sq. ft.</u></li> <li><u>• Medium Trees: 500 Sq. ft.</u></li> <li><u>• Large Trees: 1000 sq. ft.</u></li> </ul> <p><u>1800 square feet of tree canopy could be met as a combination of one large, one medium, and one small tree, or any other combination that meets or exceeds the overall canopy requirement.</u></p> <p><u>The canopy requirement may include the trees located on the lot or from street trees planted in the abutting right-of-way that overhang the lot. Tree canopy provided on the lot as a result of other landscaping requirements of this Chapter may be used to fulfill this requirement.</u></p>							
<u>Other standards and flexibility</u>	<p><u>Trees planted to meet this requirement are subject to the standards in Section 13.06.502.C General Landscaping Requirements applicable to all required landscaping. Trees may be located within private or common usable yard space. Tree retention credits from Section 13.06.502.D may be applied.</u></p>							
<u>Enforcement</u>	<p><u>Violations of the provisions of this section are subject to Code Enforcement, per TMC 13.05.100.</u></p>							
<u>Vehicular Access and Parking</u>	<p><u>All on-site parking for dwellings and buildings other than dwellings shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard or not practicably limited only to the rear and sides (such as for institutional and other large uses), subject to determination by the City Engineer, then vehicular access to the front may be developed. However, in all cases such access and parking shall be limited to the minimum necessary and in no case shall driveway and/or parking areas exceed a total of 50 percent of the front yard or 50 percent of a corner street side yard. In the case of Small Lots, see the additional provisions of Section 13.06.145.</u></p>							
<u>Main Building Orientation</u>	<p><u>All dwellings shall maintain primary orientation to the adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance.</u></p>							

\* \* \*

## Tacoma Municipal Code

### 13.06.200 Commercial Districts.

A. District purposes. The specific purposes of the Commercial Districts are to:

1. Implement goals and policies of the City's Comprehensive Plan.
2. Implement Growth Management Act goals, county-wide, and multi-county planning policies.
3. Create a variety of commercial settings matching scale and intensity of use to location.
4. Attract private investment in commercial and residential development.
5. Provide for predictability in the expectations for development projects.
6. Allow for creative designs while ensuring desired community design objectives.

B. Districts established.

1. T Transitional District. This district is intended as a transition between commercial or institutional areas and residential areas. It may also provide a transition between residential districts and commercial districts on arterial street segments supported by the Comprehensive Plan. It primarily consists of office uses with negligible off-site impacts. It is characterized by lower traffic generation, fewer operating hours, smaller scale buildings, and less signage than general commercial areas. Residential uses are also appropriate. A T Transitional District may, in limited circumstances, also be applied to locations that meet the unique site criteria of the Comprehensive Plan. This classification is not appropriate inside a designated mixed-use center.
2. C-1 General Neighborhood Commercial District. This district is intended to contain low intensity land uses of smaller scale, including office, retail, and service uses. It is characterized by less activity than a community commercial district. Building sizes are limited for compatibility with surrounding residential scale. Residential uses are appropriate. Land uses involving vehicle service or alcohol carry greater restriction. This classification is not appropriate inside a plan designated mixed-use center or single-family intensity area.
3. C-2 General Community Commercial District. This district is intended to allow a broad range of medium- to high-intensity uses of larger scale. Office, retail, and service uses that serve a large market area are appropriate. Residential uses are also appropriate. This classification is not appropriate inside Comprehensive Plan designated mixed-use centers or low-intensity areas.
4. PDB Planned Development Business District. This district is intended to provide limited areas for a mix of land uses that includes warehousing, distribution, light assembly, media, education, research, and limited commercial. The developments in this district are intended to have fewer off-site impacts than would be associated with industrial or community commercial areas. Retail uses are size limited and signage is reduced. These areas should be designed for improved residential compatibility on boundaries by landscaping and other design elements. Sites should have reasonably direct access to a highway or major arterial. This district is not appropriate inside Comprehensive Plan designated mixed-use centers or low-intensity areas.

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.200. All portions of Section 13.06.200 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels, in all districts in Section 13.06.200, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.200.A through Section 13.06.200.C are not eligible for variance. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. [Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as "Pedestrian Streets." The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.](#)

3. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E. Certain street level use restrictions may apply; see Section 13.06.200.C.4 below.

[See next page for table.]

\* \* \*

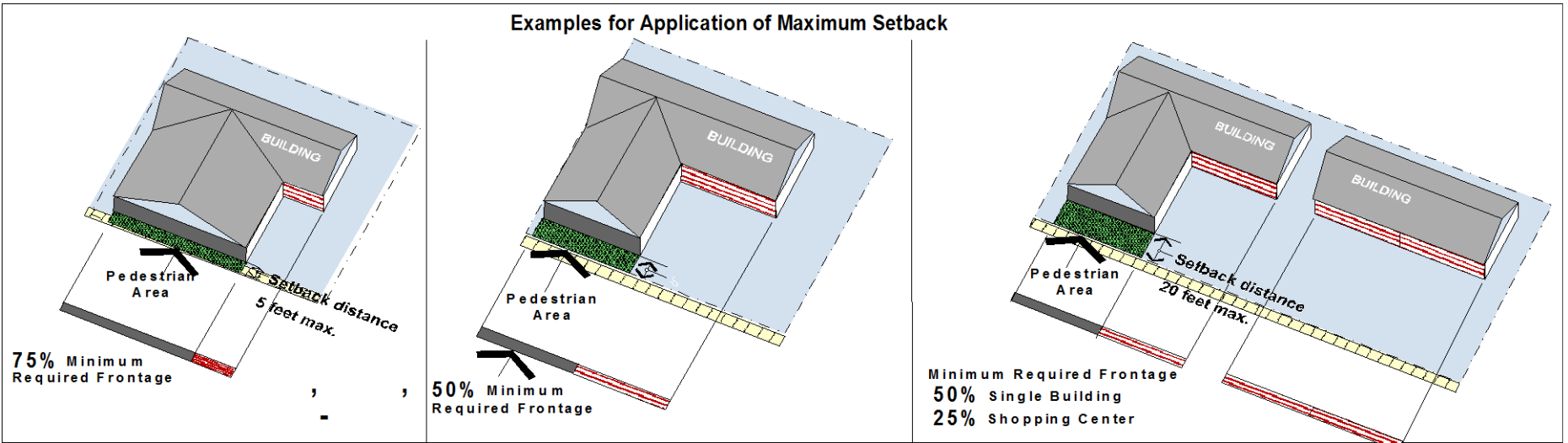
## D. Building envelope standards.

	T	C-1	C-2	PDB
Minimum Lot Area	0 non-residential; <u>1,500 square feet per residential unit</u> <u>1,500 square feet per residential unit</u> <u>Minimum residential lot size in accordance with the R-4L District</u>	0 <del>non-residential</del> ; <u>Minimum residential lot size in accordance with the R-4L District</u>	0 <del>non-residential</del> ; <u>Minimum residential lot size in accordance with the R-4 District</u>	0 <del>non-residential</del> ; <u>Minimum residential lot size in accordance with the R-4 District</u>
Minimum Lot Width	0	0	0	0
Maximum <del>Lot</del> Building Coverage	None <del>non-residential</del> ; <u>Residential maximum building coverage in accordance with the R-4L District</u>	None <del>non-residential</del> ; <u>Residential maximum building coverage in accordance with the R-4L District</u>	None <del>non-residential</del> ; <u>Residential maximum building coverage in accordance with the R-4 District</u>	None <del>non-residential</del> ; <u>Residential maximum building coverage in accordance with the R-4 District</u>
Minimum Front Setback	In all districts listed above, 0 feet, unless abutting a residential zoning, then equal to the residential zoning district for the first 100 feet from that side. Maximum setbacks (Section 13.06.200.E) supersede this requirement where applicable. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Minimum Side Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Minimum Rear Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Maximum Setback from Designated Streets	See Section 13.06.200.E for application with any district listed above on designated segments of North 30th Street and 6th Avenue. <u>Residential development shall meet the Build-to Area standard in 13.06.100.D.6.</u>			
Maximum Height Limit	35 feet	35 feet	45 feet	45 feet
	Height will be measured consistent with Building Code, Height of Building, unless a View Sensitive Overlay District applies. Height may be further restricted in View-Sensitive Overlay Districts, per Section 13.06.555. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.			
Maximum Floor Area	20,000 square feet per building	30,000 square feet per building	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J.	7,000 square feet per business for eating and drinking, retail and personal services uses
<u>Minimum Usable Yard Space – for residential development applies to single-use residential development only</u>	<u>Minimum usable yard space shall be provided in accordance with the residential building type requirements in 13.06.100.D.7. Duplex/triplex dwellings shall provide usable yard space in accordance with the R-3, R-4L, R-4 and R-5 Districts.</u>			
<u>Tree Canopy Coverage (percent of lot) – applies to single-use residential development only for residential uses (percent of lot)</u>	<u>30</u>	<u>30</u>	<u>20</u>	<u>20</u>
	<u>Tree canopy shall be provided in accordance with the standards in 13.06.100.D.8.</u>			

## Tacoma Municipal Code

E. Maximum setback standards on designated streets. To achieve a pedestrian supportive environment, where buildings are located in close proximity to the street and designed with areas free of pedestrian and vehicle movement conflicts, maximum building setbacks are required as follows:

Designated Pedestrian Streets in Commercial Districts	Requirements
<b>1. Designated Pedestrian Streets Requiring Maximum Setback</b>	<ul style="list-style-type: none"> <li>a. 6th Avenue (Madison Street to Alder Street).</li> <li>b. 6th Avenue (Sprague Avenue to I Street).</li> <li>c. North 30th Street (from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline).</li> </ul>
<b>2. Maximum Setback Applied</b>	<ul style="list-style-type: none"> <li>a. 10 feet maximum front and/or corner side setback from property lines at the public right-of-way shall be provided for at least 75 percent of building facing the designated street frontage.</li> <li>b. When the site is adjacent to a designated pedestrian street, that street frontage shall be utilized to meet the maximum setback requirement with the front, side, and/or corner side of the façade as indicated above.</li> <li>c. This requirement supersedes any stated minimum setback.</li> <li>d. Maximum setback areas shall be designed to be sidewalk, pedestrian plaza, public open space, landscaping, and/or courtyard and to be free of motor vehicles at all times.</li> </ul>
<b>3. Exceptions</b>	<ul style="list-style-type: none"> <li>a. Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided the addition does not increase the level of nonconformity as to maximum setback..</li> <li>b. Buildings that are 100 percent residential do not have a maximum setback..</li> <li>c. The primary building of a gas station, where gas stations are allowed, is subject to the maximum setback on only one side of the building on corner parcels. Kiosks without retail and intended for fuel payment only are exempt.</li> <li>d. Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.</li> </ul>



\* \* \*

**13.06.400 Industrial Districts.**

The 400 series contains regulations for all industrial classifications, including the following:

M-1	Light Industrial District
M-2	Heavy Industrial District
PMI	Port Maritime & Industrial District

**13.06.400.A.** Industrial district purposes.

The specific purposes of the Industrial districts are to:

1. Implement goals and policies of the City's Comprehensive Plan.
2. Implement Growth Management Act goals, county-wide planning policies, and multi-county planning policies.
3. Create a variety of industrial settings matching scale and intensity of use to location.
4. Provide for predictability in the expectations for development projects.

**13.06.400.B.** Districts established.

M-1	Light Industrial District
M-2	Heavy Industrial District
PMI	Port Maritime & Industrial District

\* \* \*

**13.06.400.C.** —Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.400. All portions of Section 13.06.400 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as "Pedestrian Streets." The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

\* \* \*

**E. Residential Development**

1. Minimum Usable Yard Space. Residential development shall provide usable yard space in accordance with the provisions of 13.06.100.D.7 based on the building type.

2. Tree canopy coverage. Residential uses shall meet the tree canopy coverage requirements in 13.06.100.D.8 in accordance with the R-4 District.

F. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.400 by reference.

Refer to Section 13.06.500 for the following requirements for development in Industrial Districts:

13.06.502	Landscaping and buffering standards.
13.06.503	Residential transition standards.
13.06.510	Off-street parking and storage areas.
13.06.511	Transit support facilities.
13.06.512	Pedestrian and bicycle support standards.
13.06.520	Signs.
13.06.602	General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

## Tacoma Municipal Code

### **13.06.400.D.**—Building envelope standards.

	<b>M-1</b>	<b>M-2</b>	<b>PMI</b>
Minimum Lot Area	N/A	N/A	N/A
Minimum Lot Width	N/A	N/A	N/A
Maximum Lot Coverage	None	None	None
Minimum Front Setback	In all districts listed above, 0 feet, unless: <ul style="list-style-type: none"> <li>• Created by requirements in Section 13.06.502; or</li> <li>• Abutting a dwelling district, then equal to the dwelling district setback for the first 100 feet from that side.</li> </ul> The above setback requirements may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Minimum Side Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502, which may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Minimum Rear Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502, which may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Maximum Height Limit	75 feet	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.
Maximum Height Exceptions	Certain specified uses and structures are allowed to extend above height limits, per Sections 13.06.602.A.2 and 13.06.545.		

\* \* \*

**13.06.501 Building design standards.**

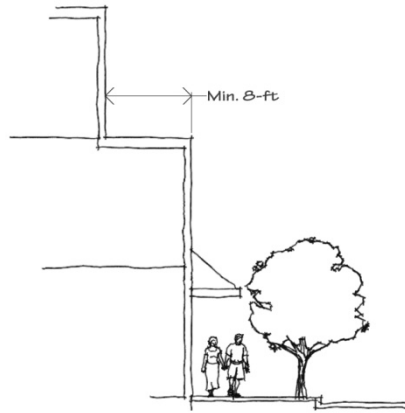
A. General applicability. The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The building design standards apply to all new development ~~in C-1, C-2, HM, T, PDB, and Mixed-Use Center Districts and alterations, as outlined below, as well as to townhouses in R districts,~~ except as follows:

1. Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.
2. Alterations. Three thresholds are used to gauge the extent of design standard compliance on alterations to existing development:
  - a. Level I alterations include all remodels and/or additions within a two year period whose cumulative value is less than 50% of the value of existing development or structures, as determined by the applicable Building Code. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.
  - b. Level II alterations include all remodels and/or additions within a two year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the applicable Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II alterations.
  - c. Level III alterations include all remodels and/or additions within a two year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code. Such alterations shall conform to ALL standards.
  - d. The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.
  - e. No addition or remodel shall increase the level of nonconformity or create new nonconformities to the development or design standards.
3. Super regional malls. Additions to super regional malls of less than 10,000 square feet of floor area are exempt from the design standards of this section.
4. Temporary. Temporary structures are exempt from the design standards of this section.
5. Residential and/or mixed-use. Single, two, and three-family dwellings are subject only to the design standards in Subsection N. Townhouses are subject only to the design standards in Subsection O. For other residential uses, such as mixed-use buildings and multi-family dwellings of 4 units or more, the standards herein apply unless otherwise noted.
  - a. Single-family dwellings legally established prior to August 1, 2011 are exempt from these standards. However, remodels and additions to such single-family dwellings shall not increase the level of nonconformity.
6. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.
7. Religious assembly facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.
8. Floor area. For purposes of this section of the code (Section 13.06.501), "floor area" shall not include spaces below grade.
9. Parks, recreation and open space uses. Accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the design standards of this section.

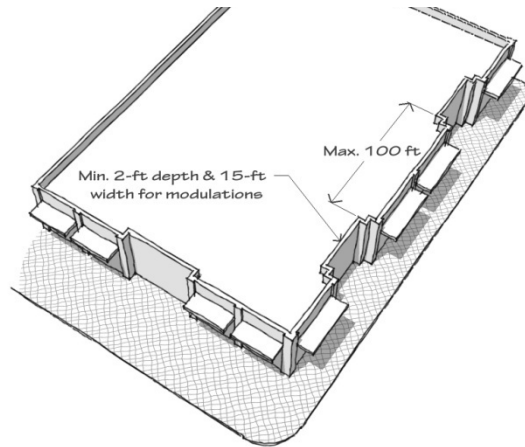
**B. Commercial District Minimum Design Standards.**

1. Applicability. The following requirements apply to the C1, C2, T, and PDB zoning districts. See Section 13.06.501.H, below, for X-District requirements. Single-use multi-family residential developments in the C1, C2, T, and PDB zoning districts are subject to the requirements in Section 13.06.501.D Multi-family Residential Minimum Design Standards.

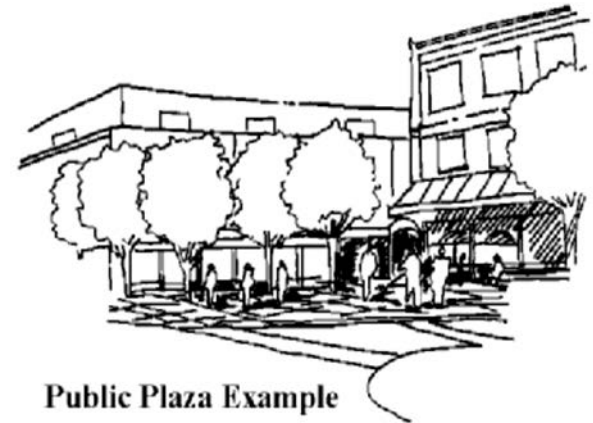
<p><b><del>2B. General Mass Reduction Standards.</del></b> <del>The following requirements apply to the C1, C2, T, and PDB zoning districts. See Section 13.06.501.H, below, for X-District requirements.</del> <del>Purpose:</del> The following design choices of this item are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.</p>	
<p><del>a1.</del> Size to choice ratio for 2 below</p>	<p><del>(1)a.</del> Buildings under 7,000 square feet of floor area are not required to provide mass reduction.</p> <p><del>(2)b.</del> Buildings from 7,000 square feet of floor area to 30,000 square feet of floor area shall provide at least one mass reduction feature.</p> <p><del>(3)e.</del> Buildings over 30,000 square feet of floor area shall provide at least two mass reduction features.</p>
<p><del>b2.</del> Mass reduction choices</p>	<p><del>(1)a.</del> Upper story. Buildings with a maximum footprint of 7,000 square feet of floor area, that do not exceed 14,000 square feet of floor area, may count use of a second story as a mass reduction feature.</p> <p><del>(2)b.</del> Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.</p> <p><del>(3)e.</del> Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.</p> <p><del>(4)d.</del> Public plaza. A public plaza of at least 800 square feet or 5 percent of building floor area, whichever is greater. The plaza shall be located within 50 feet of and visible to the primary public entrance; and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or art work for each 200 square feet of plaza area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza. Where public seating is provided, it shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. Plazas may be permeable pavement or pavers where feasible. Low Impact Development vegetated stormwater features may be used for up to 30% of the plaza requirement where feasible.</p> <p><del>e.</del> <del>Housing. The provision of upper story residential dwelling units at a site density consistent with the applicable land use intensity designation of the Comprehensive Plan.</del></p>



Upper Story Setback



Wall Modulation Example



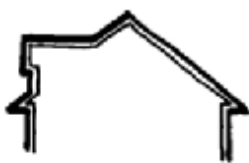
Public Plaza Example

<b>3C. General Roofline Standards.</b> <del>The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.I, below, for X District requirements.</del> <u>Purpose:</u> These requirements following standards are intended to ensure that roofline is addressed as an integral part of building design to avoid flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with residential and human scale development. <u>All buildings with rooflines of 100 feet or more in length, except where otherwise noted, must use one or more of the following roofline choices.</u>	
a. Roofline Choices <del>(All buildings shall use one or more of the roofline options)</del>	<div>(1) Sloped roof. Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.</div> <div>(2) Modulated roof. Use of features, which are a minimum of 2 feet in height, such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements in C-1 Districts and on sides facing residential uses or districts. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated.</div> <div>(3) Corniced roof*. A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12 inches high for buildings 10 feet or less in height; 18 inches for buildings greater than 10 feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.</div> <div>(4) Canopy Exemption. Fueling station canopies, drive-through canopies, or similar canopies are exempt from roofline requirements.</div>

Modulated Roof



Sloped Roof



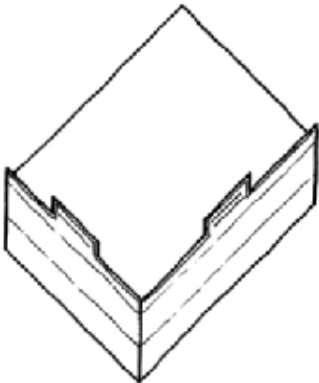
Sloped Roof



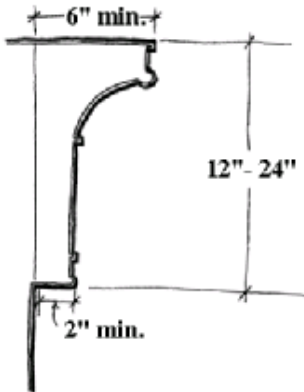
Sloped Roof



Roofline Examples



Modulated Roof Example

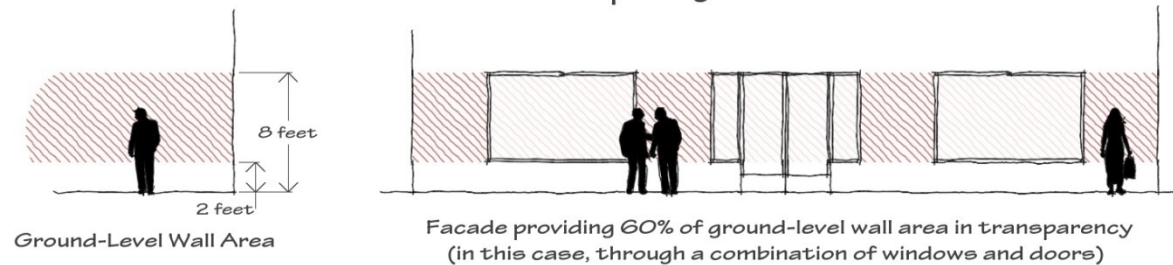


Cornice Example

**4D. General Windows and Openings.** ~~The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.J, below, for X-District requirements.~~ ~~Purpose:~~ These requirements following standards are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, and to provide architectural detailing and variety to building elevations on each story.

<del>a1.</del> Street level	<p><del>(1)a.</del> Front, side, or corner side exterior walls facing streets or that contain customer entrances and face customer parking lots of 20 stalls or greater shall have transparent window or openings for at least 50 percent of the ground level wall area. This standard shall apply on a maximum of 2 such building elevations. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for portions of façades where the grade level of the sidewalk of the abutting street is 4 feet or more above or below the adjacent floor level of the building. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement.</p> <p><del>(2)b.</del> Required view. Required windows or openings must provide either views into building work areas, sales areas, lobbies, merchandise displays, or artworks. Art and display windows shall be at least 2 feet deep, recessed and integrated into the façade of the building (tack on display cases do not qualify).</p> <p><del>(3)c.</del> The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</p> <p><del>(4)d.</del> Limited alternatives. Alternatives of decorative grilles, art work, or similar features can be substituted for those portions of uses where the provision of natural light can be demonstrated to nullify the intended use (examples include movie theater viewing areas and light sensitive laboratories) and for parking structures, provided an equivalent wall area is covered.</p>
<del>b2.</del> Upper levels	<p><del>(1)a.</del> Front, side, or corner side exterior walls facing streets or walls that contain customer entrances and face customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor on a minimum of 2 such building elevations.</p> <p><del>(2)b.</del> Upper level windows shall be a different type than the ground level windows on the same elevation.</p> <p><del>(3)c.</del> For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.</p>
<del>c3.</del> Exemptions	<p><del>(1)a.</del> Residential privacy. On sides where C, T, or PDB District boundaries adjoin R-1, R-2, R-2SRD, or R-3 District boundaries, structures within the C, T, or PDB District that are set back at least 7 feet from the property line and screened by landscaping to a minimum height of 6 feet are exempt from the window and opening requirements on the effected side.</p> <p><del>b.</del> Residential buildings. Residential buildings or residential portions of mixed-use buildings are exempt from street level windows or openings.</p>

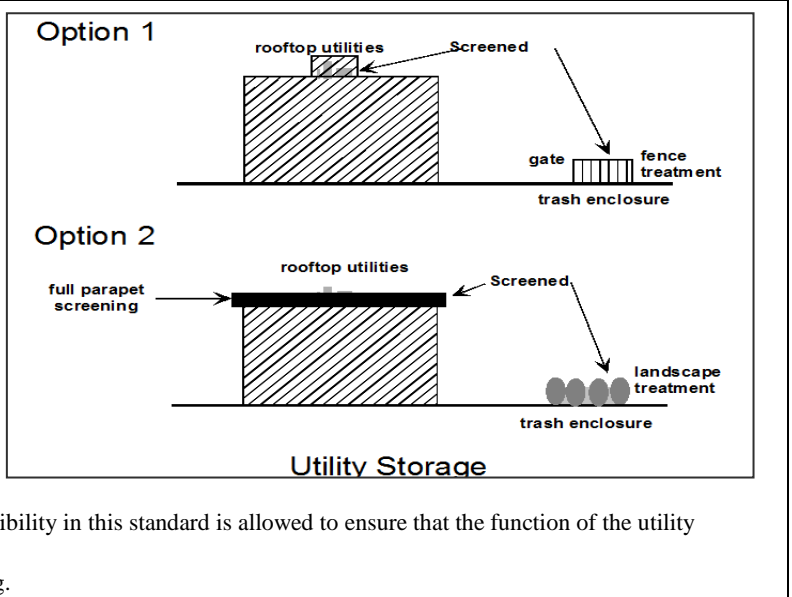
### Development Requirements for Facades Windows/Openings



## Tacoma Municipal Code

<p><b><del>5E. General Façade Surface Standards.</del></b> <del>The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.K, below, for X-District requirements.</del> <u>Purpose:</u> <del>These requirements following standards</del> are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.</p>	
<del>a1.</del> Blank wall limitation	<del>a.(1)</del> Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or customer parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least 1 foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.
<del>b2.</del> Façade variety	<p><del>(1)a-</del> Buildings with under 2,000 square feet of floor area are exempt from the variety requirement.</p> <p><del>(2)b-</del> Buildings with 2,000 square feet of floor area to 30,000 square feet of floor area shall use at least 2 different materials, textures, or patterns on each building elevation.</p> <p><del>(3)e-</del> Buildings with over 30,000 square feet of floor area shall use at least 3 different materials, textures, or patterns on each building elevation.</p> <p><del>(4)d-</del> For purposes of this requirement, each material, texture, or pattern must cover a minimum of 10 percent of each building elevation. Glass does not count toward this requirement. Different texture or pattern shall be visibly different from adjacent public right-of-way or parking area.</p>
<del>c3.</del> Building face orientation	<p><del>(1)a-</del> The building elevation(s) facing street or highway public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</p> <p><del>(2)b-</del> This requirement applies to a maximum of 2 building elevations on any given building.</p>
<p><b><del>6F. General Pedestrian Standards.</del></b> <del>The following requirements apply to all development in the C-1, C-2, T, and PDB districts, except where noted or specifically exempted. See Section 13.06.501.L, below, for X-District requirements.</del> <u>Purpose:</u> <del>These requirements following standards</del> are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.</p>	
<del>a4.</del> Customer entrances	<p><del>(1)a-</del> Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation.</p> <p><del>(2)b-</del> Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.200.E or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of floor area, the maximum distance is increased to 60 feet.</p>
<del>b2.</del> Street level weather protection	<p><del>(1)a-</del> Weather protection shall be provided above a minimum of 25 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage.</p> <p><del>(2)b-</del> Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.</p> <p><del>(3)e-</del> Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar building accessories to not less than 3 feet in width.</p>

**7G. General Fencing and Utilities.** The following requirements apply to the C-1, C-2, T, and PDB zoning districts. See Section 13.06.501.M, below, for X District requirements. **Purpose:** These requirements are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.

<p><b>a4.</b> Utility screening</p>	<p><b>(1)a-</b> Rooftop. All rooftop mechanical equipment for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Limited flexibility in this standard is allowed to ensure that the function of the HVAC equipment is not compromised by the screening requirement.</p> <p><b>(2)b-</b> All ground level. Mechanical or utility equipment, loading areas, and dumpsters shall be screened from adjacent public street right-of-way, including highways, or residential uses. Items that exceed 4 feet in height must use fencing, structure, or other form of screening, except landscaping. Items that do not exceed 4 feet above ground level may be screened with landscaped screening. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting. Limited flexibility in this standard is allowed to ensure that the function of the utility equipment is not compromised by the screening requirement.</p> <p><b>(3)e-</b> Chain link fencing, with or without slats, is prohibited for required screening.</p>	 <p>The diagram, titled 'Utility Storage', shows two architectural options for screening rooftop utilities. Option 1 features a building with a hatched roof; rooftop utilities are shown on top, with an arrow pointing to a 'Screened' area. Below the building is a 'trash enclosure' with a 'gate' and 'fence treatment'. Option 2 shows a similar building, but with a 'full parapet screening' indicated by an arrow pointing to a solid black line on the roof. Again, rooftop utilities are shown, with an arrow pointing to a 'Screened' area. Below the building is a 'trash enclosure' with 'landscape treatment' indicated by three circles. The entire diagram is labeled 'Utility Storage' at the bottom.</p>
<p><b>b2.</b> Fencing type limitation</p>	<p><b>(1)a-</b> Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.</p> <p><b>(2)b-</b> Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.</p> <p><b>(3)e-</b> Electrified. The use of electrified fencing is prohibited in all zoning districts.</p>	

C. Mixed-Use District Minimum Design Standards

1. Applicability: The following requirements apply to all development located in any X-District, except where noted or unless specifically exempted.

**H2. X-District Mass Reduction Standards.Facade Articulation.**

Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation. ~~The following requirements apply to all development located in any X-District, unless specifically exempted.~~

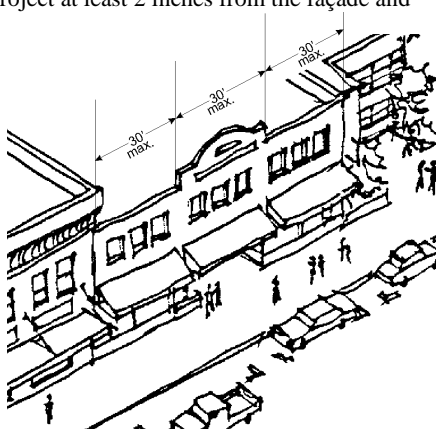
~~1. Façade Articulation: The following design choices are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.~~




a. All building façades fronting directly on a Designated Pedestrian Street must include at least two of the following articulation features at intervals no greater than 40 feet to reinforce the desired pattern of small storefronts adjacent to the sidewalk. Buildings that have 60 feet or less of frontage on the designated pedestrian street are exempt from this standard.

- (1) Use of window and/or entries that reinforce the pattern of small storefront spaces.
- (2) Use of vertical piers to reinforce the pattern of small storefront spaces. Such piers must project at least 2 inches from the façade and extend from the ground floor to the roofline.
- (3) Use of weather protection features that reinforce the pattern of small storefronts. For example, for a business that occupies three lots, use three separate awnings to break down the scale of the storefronts. Alternating colors of the awnings may be useful as well.
- (4) Roofline modulation as defined in Section [13.06.501.C.513.06.501.H](#)
- (5) Change in building material or siding style.


**Example Figures**

Right: This building uses roofline modulation, window configurations, and weather protection elements to reinforce the pattern of small storefronts.  
Below: Other acceptable façade articulation examples. All use window configurations to reinforce the desired small storefront pattern. Other features used in these examples to meet the standards include:



	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Vertical piers</p>  </div> <div style="text-align: center;"> <p>Roofline modulation</p>  </div> <div style="text-align: center;"> <p>Different weather protection elements</p>  </div> </div>
<p>b. All non-residential façades fronting on a non-Pedestrian Designated Street or containing a pedestrian entrance must include at least three of the following articulation features at intervals no greater than 60 feet. Buildings that have 120 feet or less of frontage on the non-designated street are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.</p>	<ol style="list-style-type: none"> <li>(1) Use of window configurations and/or entries that reinforce the pattern of storefront spaces.</li> <li>(2) Vertical building modulation. The minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation as defined in Section 13.06.501.I. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.</li> <li>(3) Use of separate weather protection features that reinforce the pattern of storefront spaces.</li> <li>(4) Roofline modulation as defined in Section <a href="#">13.06.501.C.5</a><del>13.06.501.I</del></li> <li>(5) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 feet of the façade.</li> <li>(6) Change in building material or siding style.</li> <li>(7) Use of vertical piers. Such piers must project at least 2 inches from the façade and extend from the ground floor to the roofline.</li> <li>(8) Providing a trellis, tree, or other landscape feature within each interval. Such feature must be at least one-half the height of the building (at planting time for any landscaping element).</li> </ol>

**Tacoma Municipal Code**

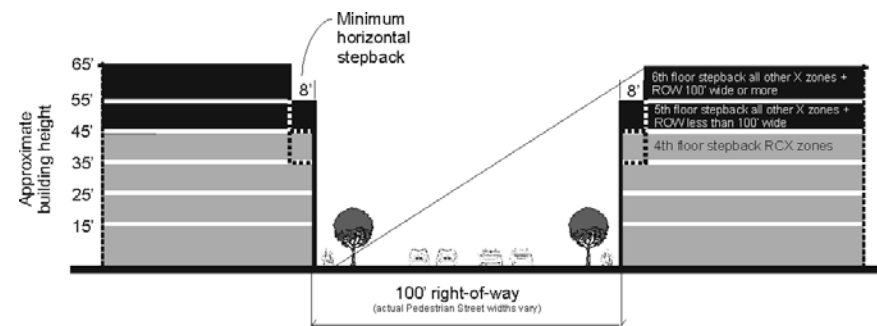
<p>c. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following articulation features at intervals of no more than 30 feet along all façades facing a street, common open space, or common parking areas. Buildings that have 60 feet or less of frontage on the street or façade width facing the common open space or common parking area are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.</p>	<div> <div> <div>(1) Repeating distinctive window patterns at intervals less than the required interval.</div> <div>(2) Vertical building modulation. Minimum depth and width of modulation is 2 feet and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation as defined in Section <a href="#">13.06.501.C.5</a>.<del>13.06.501.I</del> Otherwise, minimum depth and width of modulation is 10 and 15 feet, respectively. Balconies may not be used to meet modulation option unless they are recessed or projected from the façade at least 18 inches.</div> <div>(3) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 percent of the façade</div> <div>(4) Roofline modulation as defined in Section <a href="#">13.06.501.C.5</a>.<del>13.06.501.I</del></div> <div>(5) Vertical articulation of the façade. This refers to design treatments that provide a clear delineation of the building’s top, middle and bottom. <div> <div>(a) Top features may include a sloped roofline or strong cornice line as defined in Section <a href="#">13.06.501.C.5</a>.<del>13.06.501.I</del> For façades utilizing upper level stepbacks, the “top” design treatment may be applied to the top of the front vertical plane of the building or the top of the building where it is set back from the building’s front vertical wall (provided the top of the building is visible from the centerline of the adjacent street).</div> <div>(b) Middle features: provide consistent articulation of middle floors with windows, balconies, exterior materials, modulation, and detailing</div> <div>(c) Bottom: provide a distinctive ground floor or lower floors design that contrasts with other floors through the use of both contrasting window design/configuration and contrasting exterior materials</div> <div>(d) Façade reduction elements including balconies and bay windows may project into street rights-of-way, where allowed by the Public Works Department, but not into alley rights-of-way</div> </div> </div> <div> <div> <div>30' max.</div> <div>30' max.</div> <div>30' max.</div> </div> <div>  </div> <div> <p>Above: Residential building articulation at 30-foot or less intervals. Below: Articulation examples of mixed-use buildings containing residential uses on upper floors. These examples include vertical and horizontal modulation and changes in building materials at no more than 30-foot articulation intervals.</p> </div> </div> </div> </div>
---	---



### 32. Mass Reduction: Upper Floor Streetfront Stepbacks.

**Purpose:** The following standards are intended to reduce the appearance of bulk and reduce the potential for shade and shadow impacts on pedestrian streets. They apply to all development along designated pedestrian streets, unless specifically exempted.

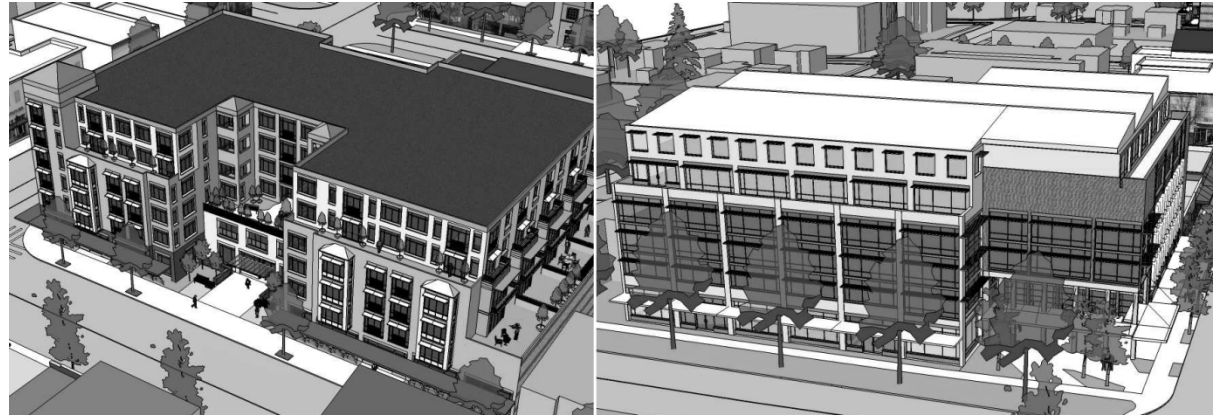
- 8' minimum stepback along the streetfront façade for 4th floor and above in RCX Districts.
- 8' minimum horizontal stepback along for 5th floor and above in X Districts other than RCX, where the ROW width is less than 100'.
- 8' minimum horizontal stepback for 6th floor and above in X zones other than RCX, where the ROW width is 100' or greater.
- Exceptions to b and c above: One distinctive design element of no more than 25 feet in width is allowed to extend vertically without these required stepbacks for each façade along a designated pedestrian street.



**43. Mass Reduction: Maximum Façade Widths.**

**Purpose:** The following standards are intended to incorporate a significant modulation of the exterior wall through all floors except the ground floor. They apply to the upper story façades of multi-story buildings that are greater than 120 feet in width. Such buildings shall include at least one of the following features to break up the massing of the building and add visual interest:

- a. Provide vertical building modulation at least 20 feet deep and 30 feet wide. For multi-story buildings the modulation must extend through more than one-half of the building floors.
- b. Use of a contrasting vertical modulated design component that extends through all floors above the first floor fronting on the street (upper floors that are stepped back more than 10 feet from the façade are exempt) and featuring at least two of the following:
  - (1) Utilizes a change in building materials that effectively contrast from the rest of the façade.
  - (2) Component is modulated vertically from the rest of the façade by an average of 6 inches.
  - (3) Component is designed to provide roofline modulation per [13.06.501.C.5-13.06.501-I](#), below.
- c. Façade employs building walls with contrasting articulation that make it appear like two distinct buildings. To qualify for this option, these contrasting façades must employ the following:
  - (1) Different building materials and/or configuration of building materials.
  - (2) Contrasting window design (sizes or configurations).



Examples of façades wider than 120 feet that effectively use techniques to reduce the apparent bulk and scale of the structure. The image on the left uses street and upper level courtyards whereas the right image uses both vertical building modulation and the use of contrasting building materials and articulation.

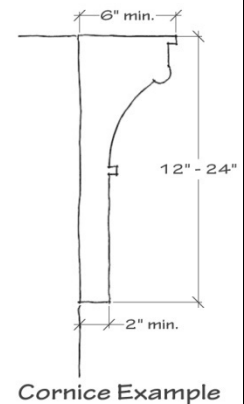
**5.I. X-District Roofline Standards.** The following requirements apply to all development located in any X-District, unless specifically exempted. Purpose: The following roofline design choices are intended to ensure that roofline is addressed as an integral part of building design to discourage flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with human scale development.

**a1.** Roofline modulation. Roofline modulation is not required of all buildings. However, in order to qualify as a façade articulation element in other mass reduction standards herein, the roofline shall meet the following modulation requirements along façades facing a street:

- (1)~~a~~ For flat roofs or façades with horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of 2 feet or 0.1 multiplied by the wall height (finish grade to top of the wall) when combined with vertical building modulation techniques. Otherwise, the minimum vertical dimension of roofline modulation is the greater of 4 feet or 0.2 multiplied by the wall height.
- (2)~~b~~ Buildings with pitched roofs must include a minimum slope of 5:12 and feature modulated roofline components (such as gabled, hipped, shed, or other similar roof forms) at the interval
- 
- required per the applicable standard in Section H, above. Rounded, gambrel, and/or mansard forms may be averaged.

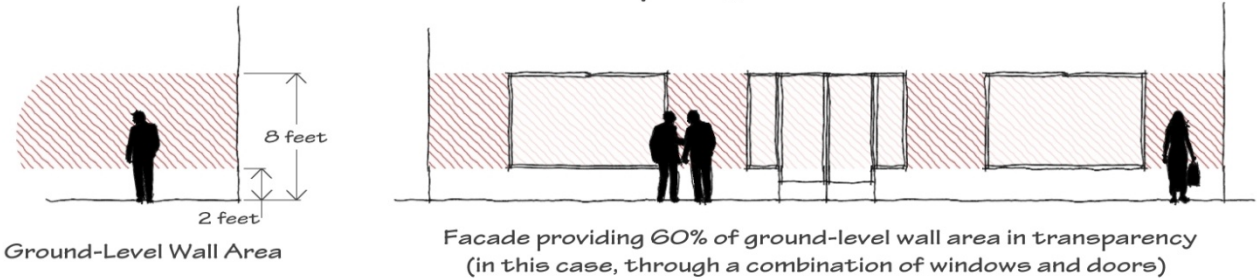
**b2.** Flat roof standards. Buildings or portions thereof featuring flat roofs (horizontal roofs with either no slope or only a slope sufficient to effect drainage, often which incorporate surrounding parapets) that do not incorporate roofline modulation, as described above, shall employ decorative roofline treatments incorporating one or more of the following design elements along façades facing a street:

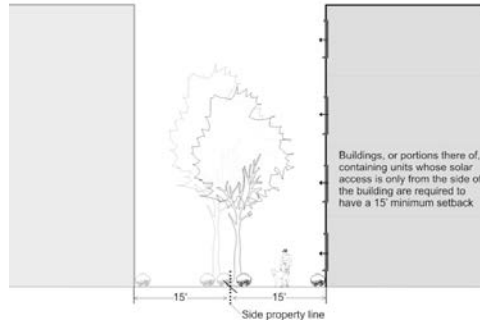





- (1)~~a~~ A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. See graphic at right. The height of the cornice shall be at least 12-inches high for buildings 10 feet or less in height; 18-inches for buildings greater than 10 feet and less than 30 feet in height; and 24-inches for buildings 30 feet and greater in height. The cornice must extend along at least 75 percent of the façade.
- (2)~~b~~ A one-piece cornice element that projects at least 18 inches from the façade for buildings four stories or less or at least 2 feet from the façade for buildings taller than 4 stories. The cornice line must extend along at least 75 percent of the façade.
- (3)~~c~~ Use of balcony/deck railings that function as a visual roofline element. Such railings must be at least 2 feet in height and extend along at least 75 percent of the façade and shall be visible from the adjacent street centerline.
- (4)~~d~~ Use of contrasting building materials on the top floor or top two floors for buildings five stories or taller, for at least 75 percent of the façade.




**c3.** Roofline elements shall not project over property lines, except where permitted on property lines abutting public right-of-way.

**d4.** Canopy Exemption. Fueling station canopies, drive through canopies, or similar canopies are exempt from roofline requirements.

<p><b>6.J. X-District Windows and Openings: Façade Transparency and Solar Access.</b> <del>The following requirements apply all development in any X-District, unless specifically exempted.</del> <u>Purpose:</u> <del>(These requirements following standards</del> are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, to provide for natural lighting to buildings interiors to conserve energy, and to provide architectural detailing and variety to building elevations on each story.</p>	
<p><u>a.</u> Street level transparency standards for non-residential uses:</p>	<p><del>(1)a.</del> Façades facing a designated Core Pedestrian Street shall have transparent windows or openings for at least 60 percent of the ground level wall area.</p> <p><del>(2)b.</del> Façades facing a designated Pedestrian Street shall have transparent windows or openings for at least 50 percent of the ground level wall area.</p> <p><del>(3)c.</del> Façades facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater shall have transparent windows or openings for at least 40 percent of the ground level wall area.</p> <p><del>(4)d.</del> Flexibility for sloping properties. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for building elevations where the finished grade level adjacent to the building is four feet above or below the level of the sidewalk. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades running parallel to the elevation and crossing the floor plates of the building.</p> <p><del>(5)e.</del> Flexibility for industrial uses. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for the façades of industrial uses located along designated Pedestrian Streets and reduced to 20 percent of the ground level wall area for the façades of industrial uses facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater.</p> <p><del>(6)f.</del> Flexibility for structured parking. For structured parking or portions of a building containing structured parking that is located at the ground level and subject to these requirements, the window and opening requirement for that portion of the ground-level wall area shall be reduced to 30 percent along façades facing designated Pedestrian Streets and 20 percent along façades facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater. Additionally, alternatives such as decorative grilles, art work, display windows, or similar features can be substituted for the transparency required in that portion of the ground-level façade.</p> <p><del>(7)g.</del> Required view. Required windows or openings must provide either views into building work areas, sales areas or lobbies. Art or display windows may substitute for transparent elements for up to 25% of the requirement on façades facing designated Pedestrian Streets and up to 50% on all other applicable façades. Art and display windows shall be at least 2 feet deep, recessed and integrated into the façade of the building (tack on display cases do not qualify).</p> <p><del>(8)h.</del> The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</p> <p><del>(9)i.</del> This standard shall apply on a maximum of 2 such building elevations, and shall apply in the order provided above. As an example, for a building that faces a Core Pedestrian Street, a non-pedestrian street, and a qualifying parking lot, the requirements would apply to the façade facing the Core Pedestrian and either the façade facing the non-designated street or the façade facing the parking lot.</p> <p><del>(10)j.</del> Rough openings are used to calculate this requirement.</p> <div> <p style="text-align: center;"><b>Development Requirements for Facades Windows/Openings</b></p>  <p style="text-align: center;">Facade providing 60% of ground-level wall area in transparency (in this case, through a combination of windows and doors)</p> </div>

<p><u>b2.</u> Upper level transparency standards for non-residential uses:</p>	<p>(1)<del>a.</del> Exterior walls facing streets or containing a customer entrance and facing customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor.</p> <p>(2)<del>b.</del> Upper level windows shall be a different type than the ground level windows on the same elevation.</p> <p>(3)<del>c.</del> For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.</p>
<p><u>c3.</u> Residential buildings and residential portions of mixed-use buildings shall incorporate transparent windows and doors equal to at least 15% of all vertical façade surfaces facing the street and equal to at least 10% of all vertical surfaces facing alleys, courtyards, plazas and surface parking lots.</p>	
<p><u>d4.</u> Solar access for residential units.</p>	<p>(1)<del>a.</del> Buildings or portions thereof containing dwelling units whose solar access is only from the side or rear of the building (facing towards the side or rear property line) shall be set back from the applicable side or rear property lines at least 15 feet. This standard shall not apply in cases where the rear or side property line abuts an alley. Examples are provided below.</p> <div data-bbox="716 537 1192 857">  </div> <div data-bbox="1226 500 1661 857">  </div>
<p><u>e5.</u> Window/Trim Detailing. Building façades shall employ techniques to recess or project individual windows or groupings of windows above the ground floor at least two inches from the surrounding façade or incorporate window trim at least four inches wide surrounding the windows. Windows on façades that face the rear property line or alleys are exempt from this standard.</p> <p>Examples:</p>	<div data-bbox="447 984 669 1011"> <p>Recessed window OK</p> </div> <div data-bbox="829 984 1052 1011"> <p>Projected window OK</p> </div> <div data-bbox="1161 984 1388 1011"> <p>Window with trim OK</p> </div> <div data-bbox="1539 984 1686 1011"> <p>Unacceptable</p> </div>
	<div data-bbox="730 1027 1110 1365">  </div> <div data-bbox="1115 1027 1440 1365">  </div> <div data-bbox="1444 1027 1812 1365">  </div>

<p><b>7K. X-District Façade Surface Standards.</b> <del>The following requirements apply to all development in any X Districts, unless specifically exempted.</del> <u>Purpose:</u> These requirements following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.</p>	
<p><u>a1.</u> Blank walls limitation</p>	<p><del>(1)a-</del> Blank wall definition: A ground floor wall or portion of a ground floor wall that is over 4 feet in height and has a horizontal length greater than 15 feet without a transparent window or door</p> <p><del>(2)b-</del> Blank walls facing a street, internal pathway, or customer parking lot of 20 stalls or greater must be treated in one or more of the following ways:</p> <ul style="list-style-type: none"> <li>• <del>(1)</del> Transparent windows or doors.</li> <li>• <del>(2)</del> Display windows at least 2 feet in depth and integrated into the façade (tack-on display cases do not qualify).</li> <li>• <del>(3)</del> Landscape planting bed at least 5 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Such planting areas shall include planting materials that are sufficient to obscure or screen at least 60 percent of the wall's surface within 3 years.</li> <li>• <del>(4)</del> Installing a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 60 percent of the wall's surface within 3 years. For large areas, trellises should be used in conjunction with other blank wall treatments.</li> </ul>
<p><u>b2.</u> Building face orientation</p>	<p><del>(1)a-</del> The building elevation(s) facing street public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</p> <p><del>(2)b-</del> For buildings that have more than 2 qualifying elevations, this requirement shall only be applied to two of them.</p>
<p><u>c3.</u> Building Details for Core Pedestrian Streets</p>	<p><del>(1)</del> All façades facing designated Core Pedestrian Streets shall be enhanced with appropriate details. All new buildings shall employ at least one detail element from each of the three categories below. To qualify as an element, features must be used continuously along the façade or at 30-foot intervals.</p> <p><del>(a)-</del> Window and/or entry treatment:</p> <ul style="list-style-type: none"> <li>• <del>(1)</del> Display windows divided into a grid of multiple panes.</li> <li>• <del>(2)</del> Transom windows.</li> <li>• <del>(3)</del> Roll-up windows/doors.</li> <li>• <del>(4)</del> Recessed entry.</li> <li>• <del>(5)</del> Decorative door.</li> <li>• <del>(6)</del> Arcade.</li> <li>• <del>(7)</del> Landscaped trellises or other permanent decorative elements that incorporate landscaping near the building entry.</li> </ul> <p><del>(b)-</del> Decorative façade attachments:</p> <ul style="list-style-type: none"> <li>• <del>(1)</del> Decorative weather protection element(s) such as a steel canopy or glass, fixed-fabric, or retractable awning.</li> <li>• <del>(2)</del> Decorative building-mounted light fixtures.</li> </ul>




	<p><u>(c)</u> Decorative building materials and other façade elements:</p> <ul style="list-style-type: none"> <li>• <u>(+)</u> Use of brick, stonework, and architectural pre-cast concrete for at least 10 percent of siding material on the façade.</li> <li>• <u>(2)</u> Incorporating a decorative mix of building materials.</li> <li>• <u>(3)</u> Decorative kick-plate, pier, or belt course.</li> </ul>	
	<p>Decorative elements referenced above must be distinct and unique elements or unusual designs that require a high level of craftsmanship. The examples below include a decorative door, use of materials, transom windows, and a retractable awning (left image), decorative lights, arcade, use of brick, and decorative planters near the entry (center image), and decorative canopies, decorative windows, and use of brick (right image).</p> <div data-bbox="420 430 1959 815">  </div>	

<p><b><u>8L. X-District Pedestrian Standards.</u></b> <del>The following requirements apply to all development in any X-District, except where noted or specifically exempted.</del> <u>Purpose:</u> These requirements following standards are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.</p>	
<p><u>a1.</u> Customer entrances</p>	<p><del>(1)a.</del> Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation.</p> <p><del>(2)b.</del> Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.200.E or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of floor area, the maximum distance is increased to 60 feet.</p>
<p><u>b2.</u> Street level weather protection</p>	<p><del>(1)a.</del> Weather protection shall be provided above a minimum of 50 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage. Façades or portions of façades where planting strips of more than 5 feet in width separate the walkway from the building wall are exempt from these standards.</p> <p><del>(2)b.</del> Mixed-Use Center District designated pedestrian streets. Weather protection shall be provided above a minimum of 80 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage.</p> <p><del>(3)e.</del> Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.</p> <p><del>(4)d.</del> Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar accessories to not less than 3 feet in width.</p> <p><del>(5)e.</del> Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</p>

<p><b><u>9M. X-District Fencing, Retaining Wall and Utility Standards.</u></b> <del>The following requirements apply to all development in any X-District, unless specifically exempted.</del> <u>Purpose:</u> <del>They following standards</del> are intended to provide for thoughtful placement and design of utilities, mechanical equipment, service areas and fences to mitigate visual impact on public views, general community aesthetics and residential privacy.</p>	
<p><u>a1.</u> Utility screening</p>	<p><del>(1)a-</del> Rooftop. All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Limited flexibility in this standard is allowed to ensure that the function of the HVAC equipment is not compromised by the screening requirement.</p> <p><del>(2)b-</del> All ground level. Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street and other pedestrian areas. If such elements are mounted in a location visible from the street, common open space or pedestrian plaza, internal pedestrian pathway, customer parking lots (alleys are excluded), or shared internal access roads for residential uses, they shall be screened with vegetation or by architectural features. All landscape screening shall provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting. Items that exceed 4 feet in height must use an opaque fence or structure to screen the element. Limited flexibility in this standard is allowed to ensure that the function of the utility equipment is not compromised by the screening requirement.</p> <p><del>(3)e-</del> Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Where there is no alley available, service elements shall be located and/or screened to minimize the negative visual, noise, odor, and physical impacts.</p>
<p><u>b2.</u> Fencing type limitation</p>	<p><del>(1)a-</del> Chain link fencing, with or without slats, is prohibited for required screening.</p> <p><del>(2)b-</del> Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.</p> <p><del>(3)e-</del> Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.</p> <p><del>(4)d-</del> Electrified. The use of electrified fencing is prohibited in all zoning districts.</p> <p><del>(5)e-</del> The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided the portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment. Fences required by the Washington State Liquor Control Board shall also be exempt from the maximum height limitation, provided any portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent.</p> <p><del>(6)f-</del> Fences along alleys are allowed provided fences greater than 3 feet in height are at least 20% transparent between 3 and 7 feet above grade. If no transparency is provided, the maximum height of such fence shall be 3 feet.</p>
<p><u>c3.</u> Retaining Walls</p>	<p><del>(1)a-</del> Retaining walls located adjacent to public street rights-of-way shall be terraced such that individual sections are no greater than 4 feet in height. Bench areas between retaining wall sections shall be planted with Type C or D landscaping to soften the view of the wall and contribute to the pedestrian environment.</p>

#### D. Multi-family Residential Minimum Design Standards.

1. Applicability: The following requirements apply to multi-family residential developments in all districts, except, see Section 13.06.501.C Mixed-Use District Minimum Design Standards for X-District requirements. Multi-family residential development with commercial ground floor uses are subject to the requirements of 13.06.501.B Commercial District Minimum Design Standards.

<p><u>2. Pedestrian Orientation Standards.</u></p> <p><u>Purpose: These requirements are intended to enhance pedestrian mobility and safety by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.</u></p>	
<p><u>a. Entrances</u></p>	<p><u>(1) Buildings meeting the “build-to area” for designated pedestrian streets shall provide at least 1 entrance within 8 feet of the longest street-facing wall of the building. Buildings that have a shared main entrance must use the shared main entrance to fulfill the requirements of this standard.</u></p> <p><u>(a) The shared main entrance must face the street or be at an angle of up to 45 degrees from the street.</u></p> <p><u>(b) The shared main entrance may open onto a porch. The porch must have a minimum dimension of 4 feet by 6 feet; have a roof that is no more than 12 feet above the floor of the porch; and be at least 30 percent solid. If at least 30 percent of the porch is covered with a solid roof, the rest may be covered with an open material, such as a trellis.</u></p> <p><u>(2) Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</u></p>
<p><u>b. Transition areas</u></p>	<p><u>(1) Residential buildings meeting the “build-to” requirements along designated pedestrian streets shall provide a transition area between the public right-of-way and the ground floor dwelling units.</u></p> <p><u>(a) Transitions can be accomplished through grade changes that elevate the ground floor units and main entry or through landscaping and other design elements, such as plazas, artwork, fountains, bioswales, or other amenities.</u></p> <p><u>(b) Fences, walls, and gateways may be used to provide some visual separation of private residences, but not to hide the transition area.</u></p> <p><u>(c) Fences over 3’ in height must be transparent and cannot exceed 5’ in height.</u></p> <p><u>(d) The transition area may be used to meet usable yard space requirements.</u></p> <p><u>(e) Parking may not be used as a feature of the transition area.</u></p> <div>    </div> <p><u>Examples: The above examples use trees and landscaping, elevation changes, transparent fencing, and arbors to create an effective transition between public and private spaces.</u></p>

### 3. Mass Reduction Standards.

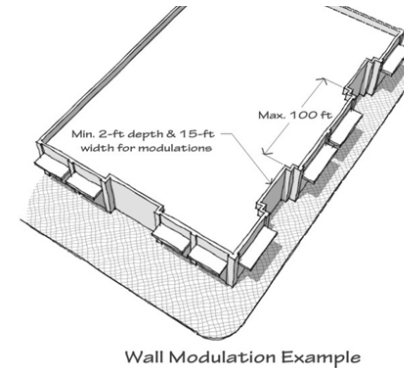
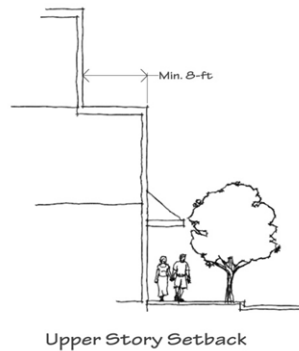
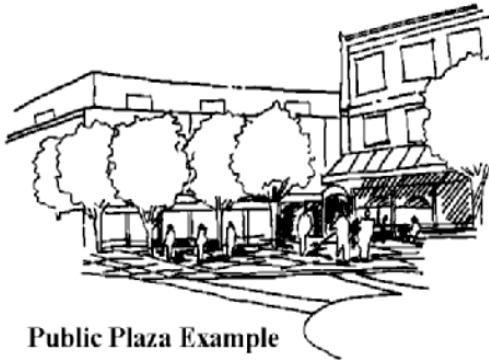
Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.

#### a. Size to choice ratio for 2 below

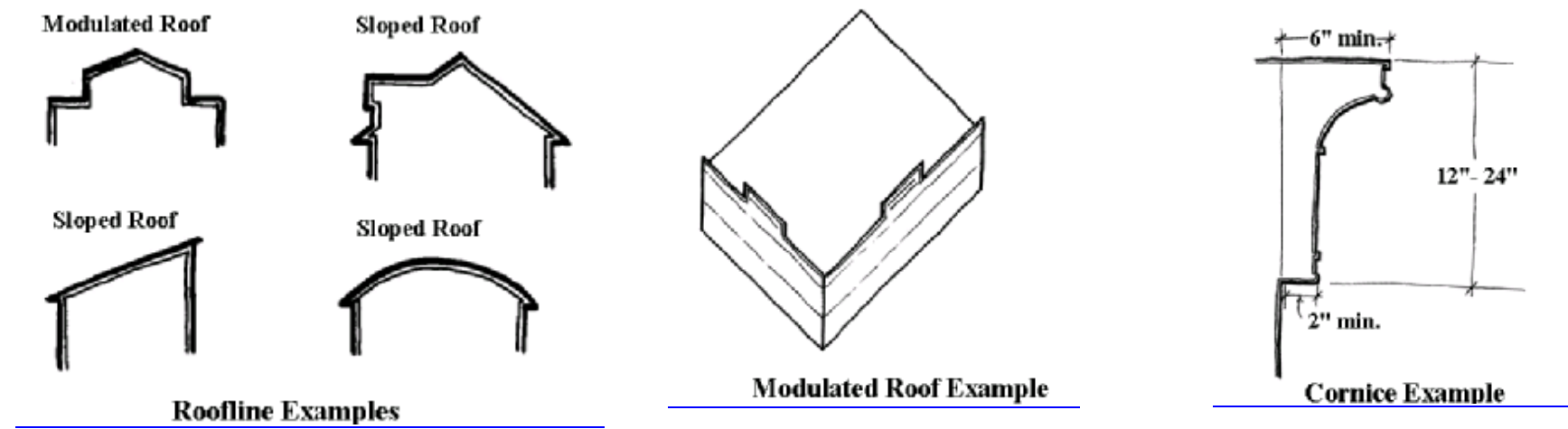
- (1) Buildings under 7,000 square feet of floor area are not required to provide mass reduction.
- (2) Buildings from 7,000 square feet of floor area to 30,000 square feet of floor area shall provide at least one mass reduction feature.
- (3) Buildings over 30,000 square feet of floor area shall provide at least two mass reduction features.

#### b. Mass reduction choices

- (1) Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.
- (2) Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.
- (3) Plaza. A plaza of at least 800 square feet or 5 percent of building floor area, whichever is greater shall be located within 50 feet of, and visible to, the primary public entrance; and such plaza shall contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or art work for each 200 square feet of plaza area. Plaza features may be counted toward other requirements, including landscaping and usable yard space standards. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza. Where public seating is provided, it shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. Plazas may be permeable pavement or pavers where feasible. Low Impact Development vegetated stormwater features may be used for up to 30% of the plaza requirement where feasible.







<b>4. Roofline Standards.</b>	
<b>Purpose:</b> The following standards are intended to ensure that roofline is addressed as an integral part of building design to avoid flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with residential and human scale development.	
<b>a. Roofline Choices (All buildings shall use one or more of the roofline options)</b>	<p>(1) <u>Sloped roof.</u> Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.</p> <p>(2) <u>Modulated roof.</u> Use of features, which are a minimum of 2 feet in height, such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements in C-1 Districts and on sides facing residential uses or districts. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated.</p> <p>(3) <u>Corniced roof.</u> A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12 inches high for buildings 10 feet or less in height; 18 inches for buildings greater than 10 feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.</p>




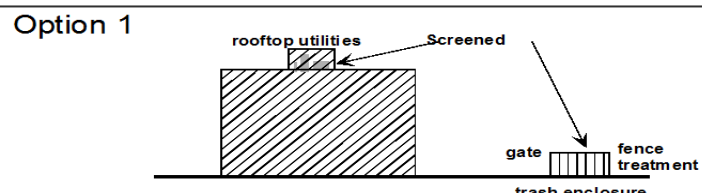
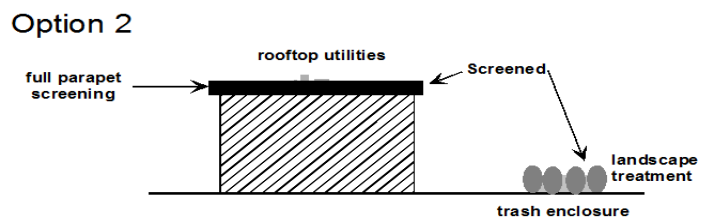


### 5. Windows and Openings

Purpose: These requirements are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps to encourage pedestrian mobility, to provide a visual connection between the living area of the residence and the street, and to provide architectural detailing and variety to building elevations on each story.

<u>a. Street level</u>	<p>(1) <u>Front, side, or corner side exterior walls facing designated pedestrian streets shall have transparent windows or openings equal to at least 35 percent of the ground level wall area. Rough openings are used to calculate this requirement. This standard shall apply on a maximum of 2 such building elevations. The requirement shall be reduced to 15 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be facing the street property line.</u></p> <p>(2) <u>The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</u></p>
<u>b. Transparency</u>	<p><u>Vertical façade surfaces facing a street shall incorporate transparent doors and windows equal to at least 15% of all vertical façade surfaces. Vertical façade surfaces facing alleys, courtyards, plazas, and surface parking lots shall incorporate transparent doors and windows equal to at least 10% of all vertical façade surfaces. Rough openings are used to calculate this requirement. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.</u></p>
<u>c. Window and Trim detailing</u>	<p><u>Building façades shall employ techniques to recess or project individual windows or groupings of windows above the ground floor at least two inches from the surrounding façade or incorporate window trim at least four inches wide surrounding the windows. Windows on façades that face the rear property line or alleys are exempt from this standard.</u></p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p><u>Recessed window OK</u></p> </div> <div style="text-align: center;">  <p><u>Projected window OK</u></p> </div> <div style="text-align: center;">  <p><u>Window with trim OK</u></p> </div> <div style="text-align: center;">  <p><u>Unacceptable</u></p> </div> </div>

<p><u>6. Façade Surface Standards.</u></p> <p><u>Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.</u></p>	
<p><u>a. Building face orientation</u></p>	<p><u>All dwellings shall maintain primary orientation to an adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</u></p>
<p><u>b. All residential buildings shall include at least three of the following articulation features at intervals of no more than 30 feet along all façades facing a street, common open space, or common parking areas. Buildings that have 60 feet or less of frontage on the street or façade width facing the common open space or common parking area are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.</u></p>	<p><u>(1) Repeating distinctive window patterns at intervals less than the required interval.</u></p> <p><u>(2) Vertical building modulation. Minimum depth and width of modulation is 2 feet and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation as defined in Section 13.06.501.D.3. Otherwise, minimum depth and width of modulation is 2 and 15 feet, respectively. Balconies may not be used to meet modulation option unless they are recessed or projected from the façade at least 18 inches.</u></p> <p><u>(3) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 percent of the façade</u></p> <p><u>(4) Roofline modulation as defined in Section 13.06.501.D.3.</u></p> <p><u>(5) Vertical articulation of the façade. This refers to design treatments that provide a clear delineation of the building’s top, middle and bottom.</u></p> <p><u>(a) Top features may include a sloped roofline or strong cornice line as defined in Section 13.06.501.D.3. For façades utilizing upper level stepbacks, the “top” design treatment may be applied to the top of the front vertical plane of the building or the top of the building where it is set back from the building’s front vertical wall (provided the top of the building is visible from the centerline of the adjacent street).</u></p> <p><u>(b) Middle features: provide consistent articulation of middle floors with windows, balconies, exterior materials, modulation, and detailing.</u></p> <p><u>(c) Bottom: provide a distinctive ground floor or lower floors design that contrasts with other floors through the use of both contrasting window design/configuration and contrasting exterior materials</u></p> <p><u>(d) Façade reduction elements including balconies and bay windows may project into street rights-of-way, where allowed by the Public Works Department, but not into alley rights-of-way</u></p>

	 <p><u>Above: Residential building articulation at intervals of 30-foot or less.</u></p>
<u>c. Blank wall limitation</u>	<p><u>(1) Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least 1 foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.</u></p>

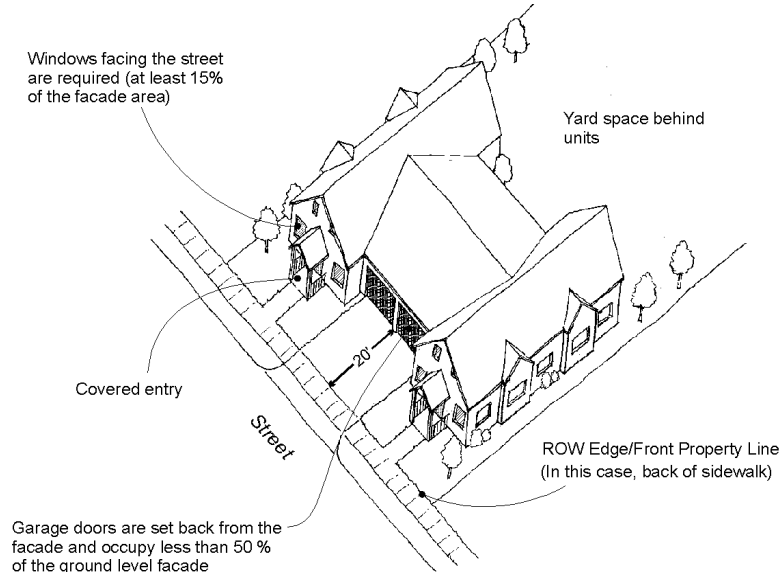
7. Fencing and Utilities.		
Purpose: The following standards are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.		
a. <u>Utility screening</u>	<p>(1) <u>Rooftop.</u> All rooftop mechanical equipment for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Limited flexibility in this standard is allowed to ensure that the function of the HVAC equipment is not compromised by the screening requirement.</p> <p>(2) <u>All ground level.</u> Mechanical or utility equipment, loading areas, dumpsters and other utility apparatus shall be located and/or designed to minimize their visibility from the street, including highways, and other pedestrian areas and residences. If such elements are mounted in a location visible from the street, common open space or pedestrian plaza, internal pedestrian pathway, or shared internal access roads for residential uses, they shall be screened with vegetation or by architectural features. Items that exceed 4 feet in height must use fencing, structure, or other form of screening, except landscaping. Items that do not exceed 4 feet above ground level may be screened with landscaped screening. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting. Limited flexibility in this standard is allowed to ensure that the function of the utility equipment is not compromised by the screening requirement.</p> <p>(3) <u>Chain link fencing, with or without slats, is prohibited for required screening.</u></p>	<div><div><div>Option 1</div></div><div><div>Option 2</div></div><div>Utility Storage</div></div>
	<div><p><u>Well-designed service enclosure example.</u></p></div> <div><p><u>Landscaping helps to minimize the negative visual impacts of utility meters.</u></p></div> <div><p><u>Exposed utility meters like this will not be allowed where visible from common open spaces, streets or pedestrian areas.</u></p></div>	

b. <u>Fencing type limitation</u>	<u>(1) Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.</u> <u>(2) Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.</u> <u>(3) Electrified. The use of electrified fencing is prohibited in all zoning districts.</u>
-----------------------------------	--

E. Single, Two and Three-Family Dwelling Minimum Design Standards.

1. Applicability: The following requirements apply to all single, two, and three-family dwellings in X-Districts, and to all two and three-family dwellings in all districts.

2. Purpose: The following standards are intended to promote pedestrian access, compatibility with residential neighborhoods, building orientation to the street, and to minimize the impacts of vehicular access.

<b><u>N. Single, Two, and Three Family Dwelling Standards.</u></b> The following requirements apply to all single, two, and three family dwellings in X Districts, and to all two and three family dwellings in all districts. They are intended to emphasize pedestrian access, compatibility with residential neighborhoods, building orientation to the street, and to minimize impacts of vehicular access.	
<b><u>3. Main building orientation.</u></b> All dwellings shall maintain primary orientation to the adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance.	 <p>Windows facing the street are required (at least 15% of the facade area)</p> <p>Yard space behind units</p> <p>Covered entry</p> <p>Street</p> <p>Garage doors are set back from the facade and occupy less than 50 % of the ground level facade</p> <p>ROW Edge/Front Property Line (In this case, back of sidewalk)</p>
<b><u>4. Entries.</u></b> Covered entries are required for each common entry or individual dwelling unit entry with minimum dimensions of 4 feet by 6 feet.	
<b><u>5. Windows and openings, on the street.</u></b> At least 15 percent of the street-facing façades (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.	
<b><u>6. Garage design standards.</u></b> <ul style="list-style-type: none"><li>a. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as an abutting right-of-way that is or can be developed, is available.</li><li>b. For garages that include vehicular doors facing the front property line, the building or portion of the building with such doors shall be setback at least 20 feet from the property line or private road easement.</li><li>c. The garage face or side wall shall occupy no more than 50 percent of the length of a ground-level façade facing a street.</li><li>d. Where the garage faces the side, but is visible from the frontage, the garage shall incorporate a window on the front-facing façade so that it appears to be a habitable portion of the building. The window size and design must be compatible with the windows on habitable portions of the dwelling.</li><li>e. Driveway approaches shall also be consistent with the standards in Section 13.06.510.</li></ul>	
<b><u>7. Corner duplexes.</u></b> Duplexes located on corner lots shall be designed with pedestrian entries located on opposite street frontages so that the structure appears to be a single-family dwelling from each street, or with a single shared entrance that presents the appearance of one single-family house. Where no alley is available for vehicular access, separate driveways for each unit may be placed on opposite streets.	
<b><u>8. Articulation Building design, duplexes and triplexes.</u></b> Duplexes and triplexes shall be articulated to either look like two or three distinct dwelling units from the street or to look like one single-family dwelling. Specifically: <ul style="list-style-type: none"><li>a. Buildings articulated to look like distinct dwelling units shall include individual covered entries plus one of the following:<ul style="list-style-type: none"><li>(1) Roofline modulation consistent with Section 13.06.501.I.1 to distinguish one unit from another (or the appearance of separate units) as viewed from the street; or</li><li>(2) Vertical building modulation to help distinguish between the different units in the building. The minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.</li></ul></li><li>b. Buildings designed to look like one large single-family dwelling shall feature only one entrance visible from the street. This could be a common entrance for all units, or the entrances for additional units could be provided at the side or rear of the building.</li></ul>	

96. Façade variety. ~~Building design, single-family detached.~~ Single-family detached dwellings shall not use front façades that are duplicative with adjacent single-family detached dwellings. In order to qualify as a different façade elevation, dwellings shall have different roofline configurations and different entry/porch designs. Simple reverse configurations of the same façade elevation on adjacent lots are not sufficient to meet this requirement. In addition, a minimum of two of the following alternatives shall be utilized:
- Different window opening locations and designs,
  - One and two-story dwellings,
  - Different exterior finish materials and finishes, or
  - Different garage location, configuration and design.
107. Utilities.
- Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.
  - Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk.
118. Fencing.
- Chain link fencing, with or without slats, is prohibited for required screening.
  - Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.
  - Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.
  - Electrified. The use of electrified fencing is prohibited in all zoning districts.
  - The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment.

#### F. Townhouse Minimum Design Standards.


1. Applicability. The following requirements apply to all townhouse dwellings in all districts.

2. Purpose. The following standards are intended to provide façade articulation that emphasizes individual units and reduces the apparent mass of structures, minimizes impacts of vehicular access and service elements, and emphasizes pedestrian access and building orientation to the street.

~~**O. Townhouse Standards.** The following requirements apply to all townhouse dwellings in all districts. These requirements are intended to provide façade articulation that emphasizes individual units and reduces the apparent mass of structures, minimize impacts of vehicular access and service elements, and emphasize pedestrian access and building orientation to the street.~~

34. Building Mass:
- The maximum number of units in one building is six, with minimum spacing between buildings of 10 feet.
  - Unit articulation. Façades with more than two townhouses facing a street, alley, common open space or common parking area shall be articulated to emphasize individual units. This can be accomplished by either roofline modulation consistent with Section 13.06.501.I.1 and/or vertical building modulation. To qualify for vertical building modulation, the minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.

## Tacoma Municipal Code

<p><u>42.</u> Garage Orientation &amp; Vehicular Access:</p> <ol style="list-style-type: none"> <li>Garages shall not face any street</li> <li>Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as abutting right-of-way that is or can be developed, is available.</li> <li>Where street-front vehicular access is necessary, driveway approaches shall be limited to no more than one for every 9 units in the development.</li> <li>Driveway approaches shall also be consistent with the standards in Section 13.06.510.</li> </ol>	
<p><u>53.</u> Pedestrian Orientation:</p> <ol style="list-style-type: none"> <li><u>Non X-Districts:</u> <ol style="list-style-type: none"> <li><u>All dwellings shall maintain primary orientation to the adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director.</u></li> <li><u>Townhouses must have an individual entry that faces and is accessible from the street/sidewalk. Townhouses on corner lots only need to provide such an entry to one of the two adjacent streets/sidewalks.</u></li> <li><u>The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</u></li> </ol> </li> <li><u>In designated centers:</u> <ol style="list-style-type: none"> <li><u>All townhouses on lots with street frontage must have an individual entry that faces and is accessible from the street/sidewalk. Townhouses on corner lots only need to provide such an entry to one of the two adjacent streets/sidewalks.</u></li> <li><u>A continuous pedestrian walkway, which can be a shared walkway, must be provided between the front entrance of each unit and the nearest public sidewalk. Walkways shall be either a raised sidewalk or composed of materials different from any adjacent vehicle driving or parking surfaces. Walkways accessing individual units shall be a minimum of 4 feet wide and walkways accessing multiple units shall be a minimum of 5 feet wide.</u></li> </ol> </li> </ol>	
<p><u>64.</u> Windows <del>on the street</del> <u>and openings</u>. At least 15 percent of the façade (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.</p>	
<p><u>75.</u> Utilities:</p> <ol style="list-style-type: none"> <li>Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.</li> <li>Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk.</li> </ol>	

**86. Fencing.**

- a. Chain link fencing, with or without slats, is prohibited for required screening.
- b. Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.
- c. Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.
- d. Electrified. The use of electrified fencing is prohibited in all zoning districts.
- e. The maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment.

\* \* \*

**13.06.502 Landscaping and buffering standards.**

A. Intent. The landscaping requirements, as a whole, are intended to contribute to the aesthetic environment of the City; enhance livability and foster economic development by providing for an attractive urban setting; provide green spaces that can support the urban citywide tree canopy; wildlife, such as birds, in the urban environment; help reduce storm water runoff; filter pollution; buffer visual impacts of development; and, contribute to the planting, maintenance, and preservation of a stable and sustainable urban forest.

B. Applicability. Unless specifically exempted, landscaping shall be provided consistent with this section for all new development, including structures and/or parking lots, as well as alterations to existing development, and street improvements, as outlined below. Vegetated Low Impact Development Best Management Practices (LID BMPs) designed in accordance with the City of Tacoma Stormwater Management Manual may be counted as landscaping. [Trees and landscaping provided as required under this section, may also be counted towards compliance with tree canopy and usable yard space standards.](#)

\* \* \*

**13.06.510 Off-street parking and storage areas.**

\* \* \*

**TABLE 2 – Required Off-Street Parking Spaces in Mixed-Use Center Districts**

Quantity	<p>Residential Uses. Minimum 1.0 stall per unit.</p> <p>Commercial or Office Uses. Minimum 2.5 stalls per 1000 square feet of floor area.</p> <p>Other Uses. For uses not specifically listed above, the parking requirement in the Mixed-Use Center Districts shall be 70% of the parking requirement for that use identified in Table 1.</p> <p>See Section 13.06.510.B.2.f for use of compact stalls.</p> <p>For purposes of calculating parking quantity requirements, “floor area,” when used, shall not include space devoted to parking.</p>
Exemptions	<p>No parking is required for any structure in existence upon the date the Mixed-Use Center was created within which it exists (see Section 13.17.020). New development shall provide parking as required.</p> <p>In NCX and CCX Districts, no parking is required for buildings located within 10 feet of the right-of-way of the designated pedestrian streets (see Section 13.06.300.C).</p> <p>In NCX, CCX, and UCX Districts, no parking is required for the first 3,000 square feet of each ground-level retail or eating and drinking establishment.</p> <p>Small, affordable housing types: Group housing; student housing; and, efficiency multi-family dwellings (250-450 sf in size) are exempt from vehicular parking requirements (with the exception of required accessible parking), provided that within a single building, no more than 20 dwelling units, or 50 percent of the total dwelling units (whichever is greater), may utilize this exemption.</p>
<b>Parking Quantity Reductions. The parking requirements for mixed-use, multi-family, group housing, commercial, institutional and industrial developments within X-Districts may be reduced as follows:</b>	
Transit Access	Parking requirement shall be reduced by 25% for sites located within 500 feet of a transit stop and 50% for sites located within 500 feet of a transit stop at which a minimum of 20-minute peak hour service is provided (routes which serve stops at least every 20 minutes during peak hours). Applicants requesting this reduction must provide a map identifying the site and transit service schedules for all transit routes within 500 feet of the site.
Trip Reduction Plan	Parking requirement shall be reduced by 25% for developments that create and implement a site-specific Trip Reduction plan and program that includes features such as employer-provided transit passes, telecommuting, ridesharing, carpooling, car-sharing, bicycling, flexible work schedules, etc. The trip reduction plan shall be reviewed and approved by the City’s CTR Coordinator and yearly reports shall be provided to evaluate the effectiveness of the program and ensure its continued maintenance and operation.
Car-Sharing Stalls	Parking requirements shall be reduced by one stall for each stall that is dedicated and designated for use by a locally-operating car sharing program, such as “Zipcar.”
Mixed-Use/Shared Parking Credit	No parking shall be required for the residential units in a mixed-use project where at least 50 percent of the floor area is designed for commercial or institutional use.
On-Street Parking Credit	Parking requirements shall be reduced ½ stall per each new public, on-street parking stall provided as part of the project (through the installation of angled or perpendicular spaces with bulb-outs and curbs or other methods). Any modifications to the right-of-way are subject to the acceptance and approval of the Public Works Department. This one-time credit applies at the time of the development and shall not be affected by any future changes to the right-of-way configuration, design or alignment.

Bicycle Parking Credit	For every five non-required bicycle parking spaces provided on the site (beyond the standard requirements, as found in Section 13.06.512.D), the automobile parking requirement shall be reduced by one space. This credit is limited to a maximum of 5 automobile spaces, or 15% of the standard parking requirement for the development, whichever is less.
Motorcycle/Scooter Parking Credit	For every 4 motorcycle/scooter parking spaces provided, the automobile parking requirement shall be reduced by one space. Each motorcycle/scooter parking space must be at least 4 feet wide and 8 feet deep and may be located in areas that are otherwise unusable for automobile parking (such as in corners, at aisle ends and near pillars). This credit is limited to a maximum of 5 automobile spaces, or 5% of the standard automobile parking requirement for the development, whichever is less.
The Director or designee shall have the authority to require any and all necessary agreements or documentation, as they deem appropriate, to ensure that projects utilizing this parking quantity reduction program maintain all required features for the life of the project. Any such agreements or documentation shall be in a format acceptable to the City Attorney and shall be recorded on the title of the property.	

## **2. Off-Street Parking Development Standards – ~~Location~~ – X-Districts and Multi-family Residential**

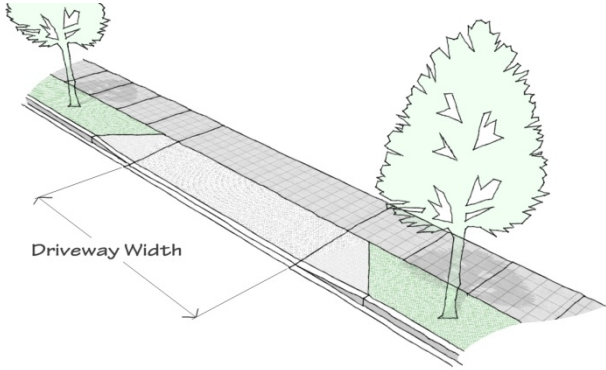
[a. Applicability: The following standards apply to all X-Districts and multi-family residential development, except where otherwise noted.](#)

[b. Purpose: The size and placement of vehicle parking areas and access are regulated in order to enhance the appearance of neighborhoods, to break up monotonous street frontages with active uses, and to create a well-defined public realm.](#)

### [c. Off-street Parking Location:](#)

<u><a href="#">(1) NCX, RCX, NRX, and URX Districts</a></u>	Parking shall be located to the rear, side, within, or under a structure, or on a separate lot. Surface parking located to the side of a structure shall not exceed a maximum of 60 feet in width for paved vehicular area along designated pedestrian street frontages.
<u><a href="#">(2) CCX, UCX, HMX and CIX Districts</a></u>	Parking may be located on any side provided maximum setback requirements are met.

(3) Multi-Family Development Parking	<p>In multi-family residential developments with multiple buildings, off-street surface parking and circulation areas shall, to the extent practicable, be located on the sides and rear portions of the development site. <u>In X-Districts, Areas between buildings and along street frontages shall be used to fulfill yard space requirements (see Section 13.06.501.N).</u></p> <p><u>Non-X-Districts: In multi-family residential developments all on-site parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard or not practicably limited only to the rear and sides (such as for institutional and other large uses), subject to determination by the City Engineer, then vehicular access to the front may be developed. However, in all cases such access and parking shall be limited to the minimum necessary and in no case shall driveway and/or parking areas exceed the following:</u></p> <ul style="list-style-type: none"> <li>• <u>Surface parking and access thereto shall not occupy more than 50% of the front yard and corner street side yard street frontages and more than 80 feet in continuous street level frontage.</u></li> <li>• <u>Surface parking located to the side of a structure meeting the maximum setback shall not exceed a maximum of 60 feet in width for paved vehicular area.</u></li> <li>• <u>Surface parking shall not be located between a structure meeting the “build-to area” maximum setbacks and the pedestrian street right-of-way.</u></li> </ul>
(4) Loading Spaces	<p>In NCX and RCX Districts, off-street loading spaces for retail sales and service uses shall only be required in shopping centers.</p>
<b>3. Development Standards – Compact Stalls.</b>	
a. Compact Stalls	<p>A maximum 30 percent of the parking spaces provided may be composed of compact stalls, except that for any parking provided in excess of the minimum quantity requirements, up to 50% of those excess stalls may be composed of compact stalls.</p>
<b>4. Development Standards – Driveways.</b> Driveways shall be located and developed in a manner that recognizes the overall goals for promoting pedestrian activity over vehicle orientation. They shall be limited in size and number and located in the preference order described below:	
a. Driveway location	<p>Driveways shall meet the location requirements of TMC 10.14.050.</p>

<p><u>b.</u> Driveway size</p>	<p>The maximum driveway approach width shall be 25 feet on designated pedestrian streets and 30 feet on all other streets.</p> <p>For two and three-family and townhouse dwellings, driveway approach widths on streets are limited to 14 feet when serving one unit and 20 feet in width when serving multiple units.</p> <p>In all cases, the driveway approach width limitations indicated are exclusive of the radii of the returns (see graphic below).</p>  <p>Measuring Driveway Width</p>
<p><u>c.</u> Pedestrian street driveway frequency</p>	<p>Driveways shall be no closer than 150 feet to another driveway as measured from centerlines on designated pedestrian streets.</p> <p>The centerline of a driveway shall be no closer than 50 feet to a designated pedestrian street corner.</p>
<p><u>d.</u> Review of new driveways</p>	<p>New driveways in Mixed-Use Center Districts are subject to review and approval by the City Engineer pursuant to Chapter 10.14, taking into account safe traffic flow, existing and planned transit operations, the objectives and requirements of this chapter, and the efficient functioning of the development.</p> <p>In addition to these standards, the driveway standards contained in Chapter 10.14 shall apply. When portions of Chapter 10.14 or this chapter are in conflict, the more restrictive shall apply.</p> <p>Exceptions may be allowed by the City Traffic Engineer for public safety or if strict application of these standards would prohibit vehicular access to a development, pursuant to Chapter 10.14.</p> <p>Any proposed exception to the standards and/or requirements for driveways in Chapter 10.14 or this chapter shall be forwarded to Pierce Transit for review and comment.</p>
<p><b><u>5. Development Standards – Parking Garages.</u></b> The following standards apply to parking garages. They are intended to limit parking garage impacts on the pedestrian environment and reduce opportunities for crime in parking garages.</p>	
<p><u>a.</u> Core Pedestrian Streets</p>	<p>Parking garages are prohibited at street level along the frontage of designated core pedestrian streets. These areas are intended to include uses and portions of uses that encourage pedestrian activity and interaction between adjacent uses and the streetscape.</p> <p>To support pedestrian activity and urban vibrancy along these key streets, parking garage space shall not occupy more than 60% of a building elevation facing a designated core pedestrian street.</p>

<p><u>b.</u> Pedestrian Streets</p>	<p>Parking garages shall not occupy more than 50% of the length of a building's street-level frontage along a designated pedestrian street. The remaining portions are intended to include uses and portions of uses that encourage pedestrian activity and interaction between adjacent uses and the streetscape. To support pedestrian activity and urban vibrancy along these key streets, parking garage space shall not occupy more than 60% of a building elevation facing a designated core pedestrian street.</p>
<p><u>c.</u> Parking Garage Design Standards</p>	<p>These standards apply to parking garages for five or more vehicles. Parking garage openings, including vehicular access openings, shall not exceed 50% of the total ground floor façade adjacent to a public street or sidewalk. Parking garage openings at the level of and facing a street, alley, courtyard, plaza, or open parking area shall incorporate decorative grilles, architectural elements, planters, and/or artworks that effectively reduce the visibility of vehicles within the garage while still allowing for limited visibility into and out of the garage. Any portion of the screening that is between 3 and 7 feet above the adjacent grade shall be at least 20% transparent but not more than 80% transparent. Vehicular access openings shall be exempt from this standard. For structured parking located within upper floors along designated pedestrian and core pedestrian streets, openings shall be designed to follow the rhythm and scale of the prevailing window pattern for the occupied spaces along the same elevation. Sloped parking decks and ramps should not be located along designated pedestrian or core pedestrian street elevations or, where such design is infeasible, shall be concealed from public view.</p>

62. Off-site parking. Parking areas for all uses shall be located on the same parcel with such uses; however, it is recognized that more efficient use of land, business, or organization growth, safety, or similar considerations may make off-site parking desirable. Therefore, an exception is provided that off-street parking areas may be constructed on a parcel separate from the main building or buildings occupied by such uses, under the following circumstances:

- a. Where allowed. The parking area shall be considered an extension of the use it serves. The parking area shall be permitted, prohibited, or subject to conditional use permit in the same manner as the associated land use.
- b. Proximity to use. The parcel(s) for such off-site parking area shall be located within 500 feet of the parcel(s) to be served. The distance shall be measured between the nearest points of pedestrian access between the two parcels.
- c. Availability confirmation. Required parking spaces within such an off-site parking area are owned or under legal contract by the owner(s) or lease holder(s) of the property intended to be served.
- d. Sign. A sign with a maximum area of 1.5 square feet shall be posted on the principal site providing notice of the availability and location of the additional parking. Said sign area will not be subtracted from any sign allowance in Section 13.06.520.
- e. Pedestrians. Upon review, the Traffic Engineer, or designee, may require sidewalk or pedestrian crossing improvements or fence openings to enhance pedestrian safety and mobility from the off-site parking to the use it serves when conditions warrant such improvements.

73. Shared parking. Parking areas for all uses shall be located on the same parcel with such uses; however, it is recognized that more efficient use of land, business, or organization growth, safety, or similar considerations may make shared parking desirable. Therefore, two or more uses may share common parking facilities, subject to the following:

- a. Off-site. The shared parking site shall comply with the provisions of off-site parking (subsection 2 above).
- b. Performance. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- c. Availability confirmation. Required parking spaces within such a shared parking area are owned or under legal contract by the owner(s) or lease holder(s) of the property intended to be served.
- d. Total spaces. When two or more uses share common parking facilities, the total number of parking spaces required shall be the sum of spaces required for those uses individually.

(1) General exception. Where the uses involved are both daytime and nighttime uses, as defined below, the total required parking for all uses may be reduced by 50 percent of the daytime use requirement or the nighttime use requirement, whichever is smaller.

(2) Religious assembly and school exception. All of the parking spaces required by this section for a religious assembly or for an auditorium incidental to a public or private school, college, or university may be supplied by the off-street parking areas provided by daytime uses.

(3) Daytime uses established. For the purposes of this section, the following uses are considered as daytime uses: banks; business and professional offices; retail stores; daycare centers, manufacturing and warehouse buildings; and similar primarily daytime uses as determined by the City Engineer.

(4) Nighttime uses established. For the purposes of this section, the following uses are considered as nighttime uses: auditoriums incidental to a public or private school; college; or university; churches; bowling alleys; dance halls; theatres; taverns; cocktail lounges; night clubs; or restaurants; and similar primarily nighttime uses as determined by the City Engineer.

(5) Similar sharing of parking may be allowed between other uses whose parking demand generally occurs at different times, such as between those that operate primarily on weekdays and those that operate primarily on weekends, as determined by the City Engineer.

e. Pedestrians. Upon review, the Traffic Engineer, or designee, may require sidewalk and pedestrian crossing improvements or fence openings to enhance pedestrian safety and mobility between the uses sharing parking and the parking area shared when conditions warrant such improvements.

#### 84. Other limitations on parking areas.

a. Where the principal use is changed and additional parking space is required as a result, it is unlawful and a violation of this chapter to begin or maintain such altered use until such time as the required off-street parking provisions of this chapter are complied with.

b. Where the minimum number of required off-street parking spaces has been provided to serve a use, such parking area shall not be subsequently reduced in the number of parking spaces provided.

c. Where off-street parking areas are developed and operated as a business and where a parking fee is charged, the parking area shall be located only in a commercial or industrial district.

#### 95. Driveways. Except as otherwise stipulated in the TMC, driveways shall be constructed according to the requirements of TMC 10.14.050 (or as amended), which include the following standards:

a. Except as otherwise provided by TMC 10.14.050, the width of any driveway shall not exceed 30 feet, exclusive of the radii of the returns, the measurement being made parallel to the center line of the street, unless special authorization is given by the Director of Public Works;

b. The width of any driveway shall not be less than 10 feet, exclusive of the radii of the returns, the measurement being made parallel to the center line of the street;

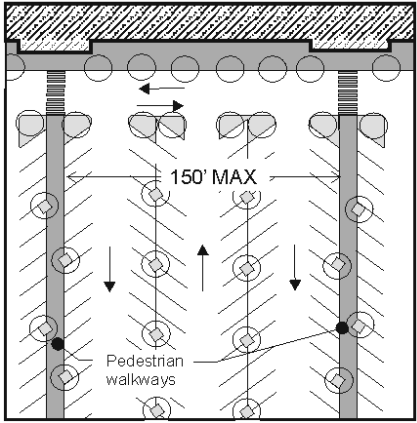
c. All driveways for other than single-family residences and duplexes shall be a minimum of 20 feet in width, exclusive of the radii of the returns, the measurement being made parallel to the center line of the street. The radius of all driveway returns shall be a minimum of 10 feet, except on non-arterial streets for single-family residences or duplexes, which shall have a minimum radius of five feet;

d. The total width of all driveways on a street for any one parcel shall not exceed 50 percent of the frontage of that parcel along the street, and shall not be more than two in number except as allowed under TMC 10.14.050.B.6.e.

106. Vehicle access and parking in R-Districts for all single, two and three dwelling residential uses and townhouses, and all non-residential development in R-Districts (except see Section 13.06.510.C for applicable standards in X-Districts). All on-site parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard or not practicably limited only to the rear and sides (such as for institutional and other large uses), subject to determination by the City Engineer, then vehicular access to the front may be developed. However, in all cases such access and parking shall be limited to the minimum necessary and in no case shall driveway and/or parking areas exceed a total of 50 percent of the front yard or 50 percent of a corner street side yard. In the case of Small Lots, see the additional provisions of Section 13.06.145. Additional limitations on vehicular access and parking in R-Districts are contained in Section 13.06.100.D.

\* \* \*

**13.06.512 Pedestrian and bicycle support standards.**

<b>A. General Applicability.</b>	
1. Application. The pedestrian and bicycle support standards apply to all new development and alterations that, within a two-year period, exceed 50 percent of the value of existing development or structures, as determined by the Building Code, unless specifically exempted herein. The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements. No alteration shall increase the level of nonconformity or create new nonconformities to these standards.	
2. Standards. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.	
3. Super regional malls. Additions to super regional malls which add less than 10,000 square feet of floor area shall be exempt from these standards. Larger additions shall meet the requirements of this table at a ratio of at least 1 to 3 for the entire mall site (in the same manner described above, under subsection 3), except that additions of an anchor tenant or 140,000 or more square ft. shall require full provision of these requirements for the entire mall site.	
4. Temporary. Temporary structures are exempt from the standards of this section.	
5. Residential or Mixed-Use. Residential structures of 4 dwelling units or fewer only need to comply with the standards of subsection B, below. Mixed-use structures shall comply with all of the standards.	
6. Parks, recreation and open space uses shall meet the standards of this table, except as specifically exempted below.	
7. Historic. In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.	
8. Fractions. Any requirement resulting in a fraction when applied shall be rounded up or down to the nearest whole number.	
<b>B. Walkways (Illustrated). To support transportation choices, including walking, the following standards shall be met to assist pedestrian safety, comfort, and mobility, including access to uses from public ways and access from parking areas.</b>	
1. Direct. A direct walkway shall be provided between all customer and/or public entrances and the nearest public sidewalk. For residential dwellings, the required walkway shall be provided between the front entrance and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right-of-way.	
2. Multiple use sites. Shopping centers and sites with multiple uses shall provide a walkway network along building façades and through the parking lot that provides pedestrian circulation within the development and that links all customer and/or public building entrances to the public sidewalk. For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a ratio of 3 per 100 feet and pedestrian scaled lighting at a ratio of 2 per 100 feet. For example, a 50-foot long walkway would require 2 trees and 1 pedestrian scaled light while a 90-foot long walkway would require 3 trees and 2 pedestrian scaled lights. Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.	
3. Minimum connection frequency. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 150 feet of street frontage or every three parking aisles, whichever is less. Walkways shall be located to provide the shortest practical route from the public sidewalk or walkway network to customer and/or public building entrances. This standard does not apply to residential uses containing 4 or fewer dwelling units.  — Parks and recreation uses (excluding passive open space), or portions thereof, which are undeveloped with buildings, shall provide a minimum of one walkway, and an additional walkway for each additional improved street frontage greater than 500 feet in length (unless topography, critical areas or public safety issues preclude reasonable provision of such additional accesses).	
4. Size and materials. All walkways must either be a raised sidewalk or composed of materials different from parking lot and vehicle access areas. Required walkways must be at least 5 feet wide, excluding vehicular overhang, except for walkways accessing individual residential dwelling units, where the minimum width shall be 4 feet. When more than one walkway is required, at least one walkway must be 10 feet wide. Permeable pavement surfaces are encouraged where feasible.	

5. Transit access. A direct walkway shall be provided between the principal customer and/or public building entry and any bus stop adjacent to the site. This may be the same as the walkways above. A separate walkway is required if the bus stop is not within 100 feet of a walkway connection to the sidewalk. This standard does not apply to residential structures of 4 dwelling units or fewer, or to parks, recreation and open space uses without buildings adjacent to the street.

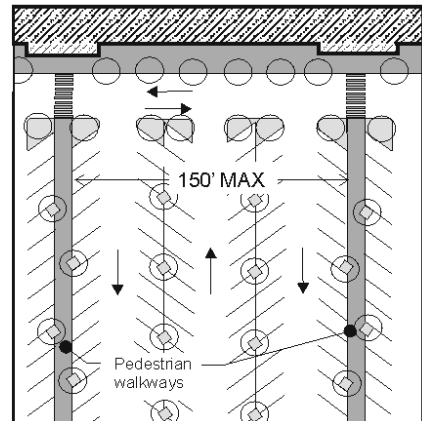
**B. Bicycle and Pedestrian Connections.** Purpose: Pedestrian and bicycle standards encourage a safe, direct, attractive, and usable multimodal circulation system in all developments as well as connections between abutting streets and buildings on the development site, and between buildings and other activities within the site.

1. Interior Access Roads. Interior access roads in multi-building developments shall be designed to look and function like public streets. This includes planting strips and street trees, sidewalks on one or both sides, and perpendicular or parallel parking on one or both sides.

2. Connection between streets and entrances. There must be a connection between one main entrance of each building on the site and the adjacent street. The route may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Where there is more than one street frontage, an additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance of each building.

3. Minimum connection frequency. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 150 feet of street frontage or every three parking aisles, whichever is less. Walkways shall be located to provide the shortest practical route from the public sidewalk or walkway network to customer and/or public building entrances. This standard does not apply to residential uses containing 4 or fewer dwelling units.

Parks and recreation uses (excluding passive open space), or portions thereof, which are undeveloped with buildings, shall provide a minimum of one walkway, and an additional walkway for each additional improved street frontage greater than 500 feet in length (unless topography, critical areas or public safety issues preclude reasonable provision of such additional access points).



4. Route directness. Connections to streets shall be designed and located to facilitate direct travel to all bus stops, transit stations/centers, schools, public bicycle facilities, trails, or shared-use paths in proximity of the development site.

5. Internal pedestrian system. On sites larger than 10,000 square feet, and with multiple buildings or uses, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.

## 6. Facility Design.

a. Lighting and landscaping. For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a rate equivalent to the linear requirements for street trees in 13.06.502.C, and pedestrian-scaled lighting shall be provided at a ratio of 2 per 100 feet. Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.

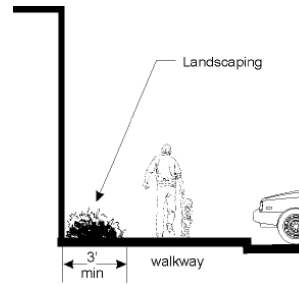
### b. Size and materials.

(1) Required walkways must be hard-surfaced and at least 5 feet wide, excluding vehicular overhang, except for walkways accessing less than 4 residential dwelling units, where the minimum width shall be 4 feet. When more than one walkway is required, at least one walkway must be 10 feet wide. Permeable pavement surfaces are encouraged where feasible.

(2) Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.

(3) Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

(4) Internal pathways in multi-building residential developments shall be separated from structures at least 3 feet by landscaping, except where adjacent to usable yard spaces or other design treatments are included on or adjacent to the wall that add visual interest at the pedestrian scale. Examples include the use of a trellis with vine plants, sculptural, mosaic, bas-relief artwork, or other decorative wall treatments.



Above left and center: Parking lot pathway examples. Above right: Separate walkway from structures with at least 3' of landscaping.

c. Bicycle facilities. At least one driveway and travel lane on site shall be designed to accommodate bicycles in accordance with the Public Works Design Manual. Where a 10' walkway is provided, it may be used as a shared-use path for both pedestrians and bicyclists. The route shall include signage to direct bicyclists to on-site bicycle parking facilities.

**C. Street Furniture.**

**Purpose:** To support transportation choices, including walking, the following standards shall be met to assist pedestrian safety, comfort, and mobility, including resting places at reasonable intervals.

1. Minimum. A minimum of one fixed bench or equivalent seating area for every 250 feet of street frontage. This requirement determines quantity and not distribution, not required if site has less than 250 feet of street frontage. Projects in the PMI District are exempt from this requirement. Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings fronting on a street.
2. Minimum on designated pedestrian streets in Mixed-Use Center Districts. A minimum of one fixed bench or equivalent seating area for every 150 feet of street frontage. This requirement determines quantity and not distribution, not required if site has less than 150 feet of street frontage. Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings fronting on a street.
3. Design. Furniture shall be consistent with any applicable adopted business area improvement plans and shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. See examples below.



4. Credit. Any adjacent public street furniture can be counted toward this requirement.

\* \* \*



**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

**Chapter 13.06**

**ZONING**

\* \* \*

**13.06.545 Wireless communication facilities.**

A. Purpose. These standards were developed to protect the public health, safety, and welfare, and minimize visual impacts on residential areas and Mixed-Use Center Districts, while furthering the development of wireless communication services in the City. These standards were designed to comply with the Telecommunication Act of 1996, [as well as the relevant provisions of the Middle Class Tax Relief and Job Creation Act of 2012 and the associated Federal Communications Commission's Report and Order, FCC 14-153](#). The provisions of this section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting wireless communication services. This section shall not be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent wireless communication services. This section shall not be used to regulate uses and development activity located within street rights-of-way.

To the extent that any provision of this section is inconsistent or conflicts with any other City ordinance, this title shall control. Otherwise, this section shall be construed consistently with the other provisions and regulations of the City.

B. Exemptions. The following are exempt from the provisions of this section and shall be permitted in all zones:

1. Antennas and related equipment no more than three feet in height.
2. Wireless radio utilized for temporary emergency communications in the event of a disaster.
3. Licensed amateur (ham) radio stations not exceeding the permitted height requirements of the underlying zone. Amateur radio towers or antenna support structures exceeding the height limit shall be allowed only with approval of a Conditional Use Permit, in accordance with the provisions of Section 13.06.640. Modification or use of such towers for commercial use shall require full compliance with this section.
4. Satellite dish antennas less than seven feet in diameter, including direct to home satellite services, when used as an accessory use of the property.
5. Routine maintenance or repair of a wireless communication facility and related equipment (excluding structural work or changes in height or dimensions of antenna, tower, or buildings), provided that compliance with the standards of this regulation are maintained.
6. A COW or other temporary wireless communication facility shall be permitted for a maximum of 90 days during the construction of a permitted, permanent facility or during an emergency.
7. Residential television antennas as an accessory installation on a residential dwelling unit.

C. Permits required.

1. Where a transmission tower or antenna support structure is located in a zoning district, which allows such use as a permitted use activity, administrative review, and a building permit shall be required, subject to the project's consistency with the development standards set forth in Section 13.06.545.HG. In instances where the antenna height exceeds the height limit of the zoning district or is not allowed as a permitted use activity, a conditional use permit and building permit shall be required in addition to a demonstration of consistency with all required development standards. [Table A, below; The table in Section 13.06.545.E](#) specifies the permits required for the various types of wireless service facilities that meet the standards of this ordinance.

D. Required submittals.

1. Administrative review-building permit. Application for administrative review and building permit shall include the following:

a. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, including the related equipment facilities, and the proposed color(s) of the facility. The landscape plan shall address the required method of fencing, finished color, and, if applicable, the method of camouflage and illumination.

b. A signed statement indicating that:

(i) the applicant for a new tower has provided notice to all other area wireless service providers of its application to encourage the collocation of additional antennas on the structure. Notice shall be published in a newspaper of general circulation once per week, for a minimum period of 30 days, and an affidavit of publication shall be provided at the time of application as proof that the required notice has occurred. This requirement shall not apply to the development of concealed or camouflaged towers; and

(ii) the applicant and/or landlord agree to remove the facility within one year after abandonment.

c. Copies of any environmental documents required, pursuant to the State Environmental Policy Act ("SEPA") (WAC 197-11). Project actions which are categorically exempt from SEPA shall also be exempt from this requirement. Copies of any environmental documents required by a federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.

d. An engineered and stamped site plan clearly indicating the location, type, and height of the proposed tower and antenna, the anticipated antenna capacity of the tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures.

e. Legal description of the parcel and Pierce County Assessor's Parcel Number.

f. A letter signed by the applicant stating the tower will comply with all FAA regulations and applicable standards, and all other applicable federal, state, and local laws and regulations.

g. A signed statement indicating that such installation, repair, operation, upgrading, maintenance, and removal of antenna(s) by the wireless communication provider shall be lawful and in compliance with all applicable laws, orders, ordinances, and regulations of federal, state, and local authorities having jurisdiction.

h. Where applicable, proof that the applicant is an FCC-licensed wireless communication provider or that it has agreements with an FCC-licensed wireless communication provider for use or lease of the proposed facility. The wireless communication service provider must demonstrate that it is licensed by the FCC if required to be licensed under FCC regulations.

i. The applicant, if not the wireless communication service provider, shall submit proof of lease agreements with an FCC licensed wireless communication provider, if such wireless communication provider is required to be licensed by the FCC.

2. Conditional use permit-building permit. Application for conditional use permit and building permit shall include the following:

a. All the required submittals set forth in Section 13.06.545.D.1 above.

b. Photo-simulations of the proposed facility. The required photo-simulations shall be taken from at least four line-of-site views. The photo-simulations shall be labeled as to the view depicted, the maximum height and elevation of the structure, including antennas, the elevation from which the photo-simulation was taken, proposed color scheme, and method of screening.

c. A current map showing the location of the proposed tower and associated wireless service facilities, the locations of other wireless service facilities operated by the applicant, and those proposed by the applicant that are within the City or outside of the City, but within one-half mile of the City boundary.

d. The approximate distance between the proposed tower or antenna and the nearest residentially-zoned property.

e. At the time of site selection, the applicant should demonstrate how the proposed site fits into its existing overall network within the City.

f. Confirmation from the applicant and/or the applicable Neighborhood Council Board (“NCB”) that a pre-application public meeting has been held, or is scheduled to occur (unless the requirement for the meeting has been waived by the NCB), with the applicant to discuss the siting of the proposed wireless communication tower or antenna and any issues related to such siting.

#### E. Wireless communication towers and facilities use category.

1. Wireless communication towers or wireless communication facilities. Wireless communication towers or wireless communication facilities use type refers to facilities used in the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. These types of facilities also include central office switching units, remote switching units, telecommunications radio relay stations, and ground level equipment structures.

Level 1: Modification ~~of an existing wireless tower, including~~ This may include the complete replacement of an existing wireless communication tower or antenna support structure to its existing height, ~~or modifications to accommodate collocation, or the installation of a concealed antenna. Such modifications are limited to a cumulative increase in height and/or width from the originally permitted facility, as specified in the criteria pertaining to substantial changes as set forth in subsection 13.06.545.G.8. Also,~~ Level 1 also includes an antenna attached to the ~~roof or~~ sides of a building, an existing tower, water tank, or a similar structure. This level is limited to the following types of antenna(s): an omni-directional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which it is attached; a panel antenna no more than 16 square feet in total area per panel and extending above the structure to which it is attached by no more than 16 feet; or a parabolic dish no greater than three feet in diameter per dish and extending no more than 16 feet above the structure to which it is attached.

Level 2: Wireless communication towers with associated antennas or dishes to a height of 60 feet, as well as building or structure-mounted antennae that exceed the associated limitations of Level 1 facilities outlined above.

Level 3: Wireless communication towers with associated antennas or dishes over 60 feet in height and not exceeding 140 feet in height.

Level 4: Wireless communication towers with associated antennas or dishes over 140 feet in height.

Wireless Communication Tower or Wireless Facility Use Category	Zoning District Classifications—Table A					
	R-1; R-2; R-2SRD; R-3; R-4; R-4-L; R-5; PRD; T; HM; HMX; DR; NRX	PDB	C-1; C-2	NCX; CCX; RCX; URX	UCX; CIX; M-1; M-2; PMI	DCC; DMU; WR
<i>Level 1</i>	A <sup>1,3,4</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A	A
<i>Level 2</i>	S <sup>4</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	A	A
<i>Level 3</i>	S <sup>4</sup>	S	S	S	A	S
<i>Level 4</i>	S <sup>4</sup>	S	S	S	S	S

#### Notes—Symbols

A—Administrative review—Subject to building permit.

S—Requires conditional use permit and building permit.

1—Permitted on public facility sites, subject to administrative review and building permit.

2—Allowed 16 feet above underlying zoning district height limit, except in the C-1, C-2, and NCX Districts.

- ~~3 - Attached, rooftop antennas are permitted outright, a maximum of 16 feet over the height of an existing building or water tank, regardless of the height of the structure~~
- ~~4 - New wireless communication towers and antennas prohibited in R-1, R-2, R-2SRD, and R-3 Districts, except on public or quasi-public property developed with existing public or quasi-public facilities and properties developed with existing wireless communication facilities.~~

<u>Wireless Facility Use Category</u>	<u>Zoning District Classifications</u>			
	<u>R-1; R-2; R-2SRD; R-3; R-4; R-4L; R-5; T; HMX; DR; NRX</u>	<u>PDB; C-1; C-2, NCX; CCX; RCX; URX; UCX; DCC; DMU; WR</u>	<u>CIX; M-1</u>	<u>M-2; PMI</u>
<u>Level 1</u>	<u>A<sup>1, 3</sup></u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Level 2</u>	<u>C<sup>3</sup></u>	<u>C<sup>2</sup></u>	<u>A</u>	<u>A</u>
<u>Level 3</u>	<u>C<sup>3</sup></u>	<u>C</u>	<u>C</u>	<u>A</u>
<u>Level 4</u>	<u>C<sup>3</sup></u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Symbols:</u> <u>A - Allowed with administrative review</u> <u>C - Allowed only with approval of a Conditional Use Permit</u> <u>Footnotes:</u> <u>1 - Permitted on public facility sites, subject to administrative review and building permit.</u> <u>2 - Allowed 16 feet above underlying zoning district height limit, except in the C-1, C-2, and NCX Districts.</u> <u>3 - New wireless communication towers and antennas prohibited in R-1, R-2, R-2SRD, and R-3 Districts, except on public or quasi-public property developed with existing public or quasi-public facilities and properties developed with existing wireless communication facilities.</u>				

~~F. Site selection criteria. The following criteria shall be utilized to evaluate all conditional use permits, in addition to the criteria set forth in Section 13.06.640.C:~~

- ~~1. Any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's grid system. Further, the applicant must demonstrate, by engineering evidence, that the height requested is the minimum height necessary to fulfill the site's function within the grid system, and that collocation is not feasible. If a technical dispute arises, the Director may require a third-party technical study to resolve the dispute. The cost of the technical study shall be borne by the applicant or wireless service provider.~~
- ~~2. Applications for necessary permits will only be processed when the applicant demonstrates either that it is an FCC-licensed wireless communication provider or that it has agreements with an FCC-licensed wireless communication provider for use or lease of the support structure.~~
- ~~3. Wireless service facilities shall be located and designed to minimize any significant adverse impact on residential uses. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.~~
- ~~4. In all zones, location and design of facilities shall consider the impact of the facility on the surrounding neighborhood and the visual impact within the zoning district.~~

~~GE. Priority for siting and type of facility. The order of priority for the siting of new wireless communication towers and facilities is intended as guidance to applicants for the development of sites with wireless communication towers, antennas, and associated facilities. The priority for the type of facility shall be subject to the provisions set forth in Section 13.06.545.GE.3.a(4).~~

- ~~1. Priority for siting.~~

a. Place antennas on appropriate rights-of-ways and existing public and private structures, such as buildings, towers, water towers, and smokestacks.

b. Place antennas and any necessary support structures, on public property developed with existing public facilities and properties developed with existing telecommunication facilities and, if practical, on non-residentially-zoned sites.

c. Place antennas and any necessary support structures, in ~~M-1, M-2,~~ and PMI Industrial Districts.

d. Place antennas and any necessary support structures in ~~UCX-M-1~~ and CIX Mixed-Use Center Districts.

e. Place antennas and any necessary support structures in other non-residentially-zoned property.

f. Place antennas and any necessary support structures on public property developed with existing public facilities and, if practical, on multiple-family structures in residentially-zoned sites.

g. Place antennas and any necessary support structures in R-4-L, R-4, R-5, NCX, URX, RCX, CCX, T, ~~and HMX,~~ ~~and HM~~ Districts. Such placement shall be subject to the following criteria:

(1) An applicant that proposes to locate a new antenna support structure in a residential, mixed commercial, or transitional zone shall demonstrate that a diligent effort has been made to locate the proposed wireless communications facility on a public facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic, or technological feasibility, no appropriate location is available.

(2) Applicants are required to demonstrate:

(a) That in the R-4-L, R-4, R-5, NCX, URX, RCX, CCX, T, ~~and HMX,~~ ~~and HM~~ Districts, they have contacted the owners of structures ~~that are at least the height of the proposed facility in excess of the permitted height of the applicable district~~ within a one-quarter mile radius of the site proposed and which, from a location and height standpoint, could provide part of a network for transmission of signals; and

(b) After proposing a lease agreement for the site consistent with the documented average market rate for similar properties, were denied permission to use such property or, due to other onerous lease-related terms, chose not to pursue the lease.

(3) The information submitted by the applicant shall include:

(a) a map of the area served by the tower or antenna;

(b) its relationship to other cell sites in the applicant's network; and

(c) an evaluation of existing buildings as addressed by Section 13.06.545.GF.1.g(2)(a) within one-quarter mile of the proposed tower or antenna, which, from a location and height standpoint, could provide part of a network to provide transmission of signals.

h. Place antennas and any necessary support structures on public property developed with existing public facilities and properties developed with existing wireless communication facilities in R-1, R-2, R-2SRD, NRX, and R-3 Districts.

i. New antennas and necessary support structures shall be prohibited in R-1, R-2, R-2SRD, NRX, and R-3 Districts, except as noted above.

2. Siting priority on public property. Where public property is sought to be utilized by an applicant, priority for the use of City-owned land for wireless communication facilities shall be given to the following entities in descending order:

a. City of Tacoma, General Government and Public Utilities; and

b. Other governmental agencies.

3. Priority for type of facilities.

a. Facility preference. Proposed antennas, associated structures, and placement shall be evaluated, based on available technologies, for approval and use in the following order of preference:

(1) Collocation of facilities and the installation of concealed ~~and/or flush mounted~~ ~~antennas and attached facilities;~~

(2) ~~Concealed/camouflaged~~ Free-standing facilities, which extend no more than 16 feet above adjacent existing vegetation or structures, only when subsection (1) cannot be reasonably accomplished;

(3) ~~Concealed/camouflaged~~ Free-standing facilities, which extend more than 16 feet above adjacent existing vegetation or structures, only when subsections (1) and (2) cannot be reasonably accomplished; or

(4) New building/structure-mounted facilities that are not concealed within a new or existing building feature or are not flush-mounted to the side of the building/structure; or

(5) If the applicant chooses to construct new free-standing facilities, the burden of proof shall be on the applicant to show a facility of a higher order of preference cannot reasonably be accommodated on the same or other properties. The City reserves the right to retain a qualified consultant, at the applicant's expense, to review the supporting documentation for accuracy.

4. For Conditional Use Permits, in addition to the criteria set forth in Section 13.06.640.C, any applicant proposing to construct an antenna support structure, or mount an antenna on an existing structure, shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's grid system. Further, the applicant must demonstrate, by engineering evidence, that the height requested is the minimum height necessary to fulfill the site's function within the grid system, and that collocation on existing facilities is not feasible. If a technical dispute arises, the Director may require a third-party technical study to resolve the dispute. The cost of the technical study shall be borne by the applicant or wireless service provider.

HG. Development standards. The following special requirements and performance standards shall apply to any wireless communication tower or wireless facility:

1. Visual impacts. Wireless communication towers or antenna support structures and related facilities shall be located and installed in such a manner so as to minimize the visual impact on the skyline and surrounding area. Facilities shall be placed in locations where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening. The use of attached antennas, concealed facilities, or the camouflaging of towers, antennas, and associated equipment shall be used, to the greatest degree technically feasible, in and adjacent to all residential districts, in and adjacent to the View Sensitive, Historic and Conservation Overlay Districts, and in the URX, NRX, RCX, NCX, UCX, and CCX Mixed-Use Center Districts. Visual impacts shall be addressed in the following manner:

a. Site location and development shall preserve the pre-existing character of the surrounding buildings, land use, and the zoning district to the extent possible, while maintaining the function of the communications equipment. Wireless communication facilities shall be integrated through location, siting, and design to blend in with the existing characteristics of the site through application of as many of the following measures as possible (examples are also provided below):

~~(1) Existing on-site vegetation shall be preserved, insofar as possible, or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area;~~

~~(2) Towers or mounts shall be screened by placement of the structure among and adjacent to, within 20 feet, of three or more trees at least 50 percent of the height of the facility;~~

~~(3) Location of facilities close to structures of a similar height;~~

~~(4) Location of facilities toward the center of the site, and location of roof-mounted facilities toward the interior area of the roof and the use of screening, in order to minimize view from adjacent properties and rights-of-way;~~

~~(5) Provision of required setbacks;~~

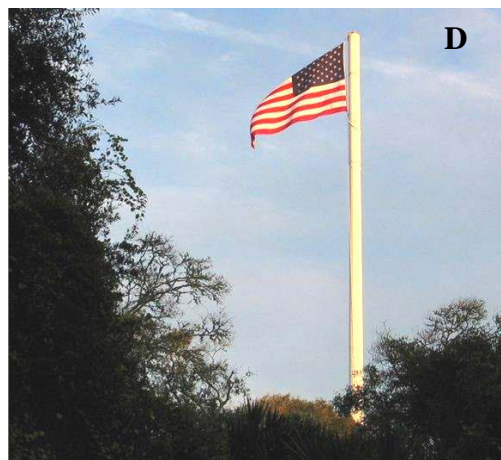
~~(6) Incorporation of the antenna, associated support structure, and equipment shelter as a building element or architectural feature; and~~

~~(7) Designing freestanding towers to appear as another structure or object that would be common in the area, such as a flagpole or tree.~~

(1) Provide required setbacks;

(2) Incorporate the antenna, associated support structure, and equipment shelter as a building element or architectural feature;

- (3) Locate facilities toward the center of the site, and locate roof-mounted facilities toward the interior area of the roof;
- (4) Flush mount the antenna to the side of an existing building or structure and paint to match;
- (5) Use screening of building-mounted support structures and antennas in order to minimize view from adjacent properties and rights-of-way;
- (6) Preserve and improve existing on-site vegetation insofar as possible, and minimize disturbance of the existing topography, unless such disturbance would result in less visual impact of the site to the surrounding area;
- (7) Screen towers or mounts by placement of the structure among and adjacent to, within 20 feet, of three or more trees at least 50 percent of the height of the facility;
- (8) Locate facilities close to structures of a similar height;
- (9) Design freestanding towers to appear as another structure or object that would be common in the area, such as a flagpole or tree; and
- (10) Alternative designs which meet the same intent may be considered.



The examples of methods used to minimize the visual impacts of wireless facilities shown above include the preservation and use of existing vegetation (examples A and C), flush mounting and color-matching wireless facilities (examples B, F and G), screening above-ground equipment (example C), disguising a wireless facility as another freestanding structure, (example D, as a flagpole; examples A and C, as a tree), and incorporation of wireless facilities into a building feature (example E, inside the cupola; example F, top left looking like a brick parapet; and example G).

b. Related equipment facilities used to house wireless communications equipment shall be located within buildings or placed underground when possible. When they cannot be located in existing buildings or placed underground, equipment shelters or cabinets shall be limited to a maximum floor area of 400 square feet and a maximum height of 12 feet, shall be screened, and shall be insulated to ensure noise levels do not exceed the ambient pre-development noise level at any residential receiving property abutting the site with a maximum sound pressure level of 40 dB, pursuant to the 1993 ASHRAE [Handbook Handbook](#). Alternate methods for screening may include the use of

building or parapet walls, sight-obscuring fencing and/or landscaping, screen walls, or equipment enclosures or camouflaging; and

c. Wireless communication facilities and related equipment facilities shall be of neutral colors such as white, gray, blue, black, or green, or other appropriate color designed to disguise, conceal, or camouflage the facility or equipment, or similar in building color in the case of facilities incorporated as part of the features of a building, unless specifically required to be painted another color by a federal or state authority. Other screening methods, such as the use of siding which is architecturally compatible with adjacent buildings, or site-obscuring fencing materials may also be utilized. For such screening, including the screening for structure-mounted facilities, the applicant should use recognized durable, low maintenance materials that are similar to those used on the adjacent buildings or on the structure on which the facilities are being mounted. Wooden poles are not required to be painted.

## 2. Setbacks.

a. Towers and other support structures up to 60 feet in height shall provide the setbacks required for the underlying zone. Where a conditional use permit is required, minimum setbacks of 20 feet from all property lines or the setbacks of the underlying zone, whichever are greater, shall be required. Towers over 60 feet shall provide one additional foot of setback for every foot over 60 feet of height.

b. Towers and other support structures located in M-1, M-2, and PMI Districts, which meet the height limit of the underlying zone and abut residential zones, shall provide the required setback of the underlying zone. Towers located in M-1, M-2, and PMI Districts, which exceed the height of the underlying zone, shall be setback from the abutting residential district one additional foot for each foot of height over the maximum height permitted by the zone.

c. All setbacks shall be measured from the property lines of the site to the base of a monopole, lattice tower, or equipment mount, or in the case of a guyed tower, from the property lines of the site to the base of the guy wires which support it.

d. Attached facilities located on existing structures, which are nonconforming as to setback requirements, shall be allowed no closer to a property line than the nonconforming structure.

e. Equipment structures shall comply with the setback requirements of the underlying zone, except in the R-1, R-2, R-2SRD, NRX, and R-3 Districts, in which case a minimum setback of 20 feet from all property lines shall be provided, or the minimum setback of the underlying zone, whichever is greater.

3. Tower separation. An applicant will be required to demonstrate why it is necessary, from a technical standpoint, to have a tower within one-half mile of a tower, whether it is owned or utilized by the applicant or another provider, as well as why collocation is not feasible. The distance shall be measured tower-to-tower regardless of property lines and rights-of-way. If a technical dispute arises, the Director may require a third-party technical study to resolve the dispute. The cost of the technical study shall be borne by the applicant or wireless service provider.

4. Security fencing. Security fencing a minimum of six feet in height shall be required around the perimeter of any tower site. The required fencing shall be colored or should be of a design which blends into the character of the existing environment. No razor or ribbon wire may be utilized in conjunction with the fence installation.

5. Signage. No signs shall be permitted on towers. One non-illuminated identification sign, with a maximum area of six square feet for all faces, shall be required per development site. The design of the sign and its location on the site shall be subject to the approval of the Director and shall include the name and telephone number of the provider(s).

6. Lights and signals. No lights or signals shall be permitted on towers unless required by the FCC or the FAA. Building-mounted lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Ground-mounted floodlighting or light projecting above the horizontal plane is prohibited. All lighting, unless required by the FAA, or other federal or state authority, shall be shielded so that the direct illumination is confined to the property boundaries of the sight source.

7. Noise. No equipment shall be operated so as to produce noise in violation of Section 13.06.545.HG.1.b and the maximum noise levels set forth in WAC 173-60.

8. Minor modifications. Minor modifications to existing wireless communication facilities, including the installation of additional antenna and associated equipment, for which a valid conditional use permit exists, may be approved by Planning and Development Services, provided it is determined there is ~~minimal or no~~ substantial change in the

visual appearance or the physical dimensions of the facilities and said modifications comply with the performance standards set forth in this section. A modification substantially changes the physical dimensions of a facility if it meets any of the following criteria, as set forth in the FCC's Report and Order, FCC 14-153:

a. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(1) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

b. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

c. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

d. It entails any excavation or deployment outside the current site;

e. It would defeat the concealment elements of the eligible support structure; or

f. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

9. Variance to~~Waiver of~~ development standards~~s requirements~~. The Director may, in such cases as deemed appropriate, ~~modify~~waive any of the aforementioned development standards upon a finding that: (a) reasonable alternatives are to be provided to said standards which are in the spirit and intent of this section; or (b) strict enforcement of the standards would cause undue or unnecessary hardship due to the unique character or use of the property. Applications for ~~variances~~waivers shall be processed in accordance with the provisions of Chapter 13.05. ~~In the case where a conditional use permit is required, the waiver's consistency with the criteria necessary to be met for the authorization shall be addressed under the conditional use permit and shall not require a separate application and fee.~~

H. Non-Use/Abandonment. Not less than 30 days prior to the date that a wireless communication provider plans to abandon the operation of a facility, the provider must notify the City, by certified mail, of the proposed date of abandonment. In the event that such notice is not provided, the records of the City of Tacoma, Department of Public Utilities, shall be utilized to determine the date of abandonment. Upon such abandonment, the provider shall have one year to reactive the use of the facility or dismantle and remove it. If the tower, antenna, foundation, and/or associated facility are not removed within one year, the City may remove them at the expense of the wireless communication providers.

Nothing in this subsection shall be construed to require the removal of architectural elements, including, but not limited to, false church steeples or flag poles that have been installed, pursuant to a valid building or conditional use permit, to conceal wireless communication facilities.

I. Enforcement. Enforcement of the provisions set forth in this section shall be in accordance with the provisions set forth in Section 13.05.100.

\* \* \*

### 13.06.700 Definitions and illustrations.

\* \* \*

Abandonment of wireless facility. The termination or shutting-off of electrical power to a wireless communication tower and/or associated antenna and equipment facility for a period of one calendar year or more. The records of the City of Tacoma, Department of Public Utilities, shall be utilized to determine the date of power termination.

\* \* \*

Antenna. Any system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

1. Directional antenna (also known as “panel” antenna). An antenna which transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
2. Omni-directional antenna (also known as a “whip” antenna). An antenna that transmits and receives radio frequency signals in a 360 degree radial pattern.
3. Parabolic antenna (also known as a dish antenna). An antenna that is a bowl-shaped device for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.
4. Concealed antenna. An antenna and associated equipment enclosure, installed inside a non-antenna structure or camouflaged to appear as a non-antenna structure.

Antenna height. The vertical distance measured from the base of the antenna support structure at a grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances, and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna support structure. Any pole, telescoping mast, tower, tripod, or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

\* \* \*

Camouflaged (wireless communication facility). A wireless communication facility that is integrated with a building or the landscape in terms of design, colors, materials and height, so as to be disguised, hidden, concealed, masked, or integrated with an existing structure that is not a monopole or tower, or a wireless communication facility that is placed within an existing or proposed structure, or new structure, tower, or mount within trees so as to be significantly or screened from view.

\* \* \*

Facility location (wireless communication facility). Location may include placement of facilities in one or more of the following manners:

1. Attached Facility is a facility that is affixed to an existing structure, such as a building or water tower, and is not considered a component of the attached wireless communication facility.
2. Collocation Facility is a single-support structure, such as a building, monopole, or lattice tower to which more than one wireless communications provider mounts equipment.
3. Free-standing Facility is a facility that includes a separate support structure including, but not limited to, monopoles, lattice towers, wood poles, or guyed towers.

\* \* \*

Wireless communication tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term encompasses wireless communication facilities, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, wireless communication towers, building-mounted structural supports and/or the building where equipment is mounted directly to the building's structure, and alternative tower structures, and the like.



**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

**Chapter 13.06**

**ZONING**

**13.06.100 Residential Districts.**

- 13.06.100.B.1 R-1 Single-Family Dwelling District.
- 13.06.100.B.2 R-2 Single-Family Dwelling District.
- 13.06.100.B.3 R-2 SRD Residential Special Review District.
- 13.06.100.B.4 HMR-SRD Historic Mixed Residential Special Review District.
- 13.06.100.B.5 R-3 Two-Family Dwelling District.
- 13.06.100.B.6 R-4-L Low-Density Multiple Family Dwelling District.
- 13.06.100.B.7 R-4 Multiple-Family Dwelling District.
- 13.06.100.B.8 R-5 Multiple-Family Dwelling District.
- 13.06.105 *Repealed.*
- 13.06.110 *Repealed.*
- 13.06.115 *Repealed.*
- 13.06.118 *Repealed.*
- 13.06.120 *Repealed.*
- 13.06.125 *Repealed.*
- 13.06.130 *Repealed.*
- 13.06.135 *Repealed.*
- 13.06.140 PRD Planned Residential Development District.
- 13.06.145 Small-lot single-family residential development.
- 13.06.150 Accessory dwelling units.
- 13.06.155 Day care centers.
- 13.06.160 Cottage Housing.

**13.06.200 Commercial Districts.**

- 13.06.200.A District purposes.
- 13.06.200.B Districts established.
- 13.06.200.B.1 T Transitional District.
- 13.06.200.B.2 C-1 General Neighborhood Commercial District.
- 13.06.200.B.3 C-2 General Community Commercial District.
- 13.06.200.B.4 HM Hospital Medical District.
- 13.06.200.B.5 PDB Planned Development Business District.
- 13.06.200.C Land use requirements.
- 13.06.200.D Building envelope standards.
- 13.06.200.E Maximum setback standards on designated streets.
- 13.06.200.F Common requirements.

**13.06.300 Mixed-Use Center Districts.**

- 13.06.300.A District purposes.
- 13.06.300.B Districts established.
- 13.06.300.B.1 NCX Neighborhood Commercial Mixed-Use District.
- 13.06.300.B.2 CCX Community Commercial Mixed-Use District.
- 13.06.300.B.3 UCX Urban Center Mixed-Use District.
- 13.06.300.B.4 RCX Residential Commercial Mixed-Use District.
- 13.06.300.B.5 CIX Commercial Industrial Mixed Use District.
- 13.06.300.B.6 NRX Neighborhood Residential Mixed-Use District.
- 13.06.300.B.7 URX Urban Residential Mixed-Use District
- 13.06.300.B.8 HMX Hospital Medical Mixed-Use District
- 13.06.300.C Applicability and pedestrian streets designated.
- 13.06.300.D Land use requirements.

13.06.300.E	Building envelope standards.
13.06.300.F	Maximum setback standards.
13.06.300.G	Residential X-District Yard Space Standards.
13.06.300.H	Common requirements.
<b>13.06.400</b>	<b>Industrial Districts.</b>
13.06.400.A	Industrial district purposes.
13.06.400.B	Districts established.
13.06.400.B.1	M-1 Light Industrial District.
13.06.400.B.2	M-2 Heavy Industrial District.
13.06.400.B.3	PMI Port Maritime & Industrial District.
13.06.400.B.4	ST-M/IC South Tacoma Manufacturing/Industrial Overlay District.
13.06.400.C	Land use requirements.
13.06.400.D	Building envelope standards.
13.06.410	<i>Repealed.</i>
13.06.420	<i>Repealed.</i>
13.06.430	<i>Repealed.</i>
<b>13.06.500</b>	<b>Requirements in all preceding districts.</b>
13.06.501	Building design standards.
13.06.502	Landscaping and buffering standards.
13.06.503	Residential transition standards.
13.06.510	Off-street parking and storage areas.
13.06.511	Transit support facilities.
13.06.512	Pedestrian and bicycle support standards.
13.06.513	Drive-throughs.
13.06.520	Signs.
13.06.521	General sign regulations.
13.06.522	District sign regulations.
13.06.525	Adult uses.
13.06.530	Juvenile community facilities.
13.06.535	Special needs housing.
13.06.540	Surface mining.
13.06.545	Wireless communication facilities.
13.06.550	Work release centers.
13.06.555	View-Sensitive Overlay District.
13.06.560	Parks, recreation and open space.
13.06.565	Marijuana Businesses.
13.06.570	Live/Work and Work/Live.
<u>13.06.575</u>	<u>Short-term rental.</u>
<b>13.06.600</b>	<b>Zoning code administration – General purposes.</b>
13.06.601	Public Facility Sites – Development Regulation Agreements Authorized.
13.06.602	General restrictions.
13.06.603	Mineral resource lands.
13.06.605	Interpretation and application.
13.06.610	<i>Repealed.</i>
13.06.620	Severability.
13.06.625	<i>Repealed.</i>
13.06.630	Nonconforming parcels/uses/structures.
13.06.635	Temporary use.
13.06.640	Conditional use permit.
13.06.645	Variances.
13.06.650	Application for rezone of property.
13.06.655	Amendments to the zoning regulations.
<b>13.06.700</b>	<b>Definitions and illustrations.</b>

\* \* \*

### 13.06.100 Residential Districts.

#### C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.100. All portions of 13.06.100 and applicable portions of 13.06.500 apply to all new development of any land use variety, including additions, and remodels, in all districts in Section 13.06.100, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.100.A through Section 13.06.100.C are not eligible for variances. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply. For individually designated properties listed on the Tacoma Register of Historic Places, and for contributing buildings within Historic Special Review Districts, where there is a conflict between the regulations of this chapter and historic guidelines and standards, the historic guidelines and standards shall prevail pursuant to TMC 13.05.046.

2. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

#### 3. Use table abbreviations.

P = Permitted use in this district.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
N = Prohibited use in this district.

#### 4. District use table. (see next page for table)

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
Accessory uses and buildings	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.F
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535
* * *									
Juvenile community facility	CU	CU	CU	CU	CU	CU	CU	CU	Subject to additional requirements contained in Section 13.06.530.
Live/Work	N	N	N	N	N	N	N	N	
<a href="#">Lodging house</a>	<a href="#">N</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P/CU</a>	<a href="#">P/CU</a>	<a href="#">For R-2, R-2SRD, and HMR-SRD lodging is limited to one guest room only, provided such use shall not be in connection with a foster home for children or foster home for adults which may otherwise be authorized. For R-3 and R-4-L, lodging is limited to two guest rooms, provided such use shall not be in connection with a foster home for children, a foster home for adults, or lodging which may otherwise be authorized. For R-4 and R-5, lodging is limited to two guest rooms, provided that lodging with for more than two guest rooms may be allowed subject to the approval of a conditional use permit.</a>
Marijuana processor	N	N	N	N	N	N	N	N	
Marijuana producer	N	N	N	N	N	N	N	N	
* * *									
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	Subject to additional requirements contained in Section 13.06.635.
Self-storage	N	N	N	N	N	N	N	N	
<a href="#">Short-term rental (1-2 guest rooms)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">Subject to additional requirements contained in Sections 13.06.575 and 13.06.150.</a>
<a href="#">Short-term rental (3-9 guest rooms)</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">N</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">CU</a>	<a href="#">Subject to additional requirements contained in Sections 13.06.575 and 13.06.150.</a>

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
<a href="#">Short-term rental (entire dwelling)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">Subject to additional requirements contained in Section 13.06.575 and 13.06.150.</a>
Staffed residential home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Student housing	CU	CU	CU	CU	CU	CU	CU	CU	
* * *									

**Footnotes:**

<sup>1</sup> For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.

<sup>2</sup> Certain land uses, including two-family, townhouse, cottage housing, and Detached Accessory Dwelling Units in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.115.

\* \* \*

H. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.100 by reference:

- 13.06.501 Building design standards.
- 13.06.502 Landscaping and buffering standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- [13.06.575 Short-term rental.](#)
- 13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area).

\* \* \*

### **13.06.150 Accessory dwelling units.**

C. Requirements. The creation of an ADU shall be subject to the following requirements, which shall not be subject to variance.

1. Number. One ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing single-family detached dwelling in the City of Tacoma.
2. Occupancy. The maximum number of occupants in an ADU shall be 4 persons. Maximum occupancy may be further limited by the Minimum Building and Structures Code in Title 2.
3. Composition. The ADU shall include facilities for cooking, living, sanitation, and sleeping.
4. Ownership. The property owner (i.e., title holder or contract purchaser) must maintain his or her occupancy in the main building or the ADU. Owners shall record a notice on title which attests to their occupancy and attests that, at no time, shall they receive rent for the owner-occupied unit. Falsely attesting owner-residency shall be a misdemeanor subject to a fine not to exceed \$5,000, including all statutory costs, assessments, and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.
5. Parking. No off-street parking is required for the ADU. If additional ADU parking is provided, such parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard, subject to determination by the City Engineer, then vehicular access to the front may be developed subject to the limitations in Section 13.06.510.A.6.
6. Home occupations. Home occupations shall be allowed, subject to existing regulations. However, if both the main building and the ADU contain home occupations, only one of the two is permitted to receive customers on the premises.

[7. Short-term rental. The use of an ADU as a short-term rental shall be allowed, subject to compliance with Sections 13.06.150 and 13.06.575.](#)

[78. Legalization of Nonconforming ADUs.](#) Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applied for an ADU permit prior to December 31, 1995, and brings the unit up to Minimum Housing Code standards. After January 1, 1996, owners of illegal ADUs shall be guilty of a misdemeanor and, upon conviction thereof, subject to a fine not to exceed \$1,000, including all statutory costs, assessments, and fees, plus \$75 per day after notice of the violation has been made. All owners of illegal ADUs shall also be required to either legalize the unit or remove it.

\* \* \*

### **13.06.200 Commercial Districts.**

#### **C. Land use requirements.**

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.200. All portions of Section 13.06.200 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels, in all districts in Section 13.06.200, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.200.A through Section 13.06.200.C are not eligible for variance. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E. Certain street level use restrictions may apply; see Section 13.06.200.C.4 below.

[See next page for table.]

## 3. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N	=	Prohibited use in this district.

## 4. District use table.

Uses	T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations <sup>2, 3</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	See definition for bed limit.
Adult retail and entertainment	N	N	N	N	Prohibited except as provided for in Section 13.06.525.
* * *					
Juvenile community facility	N	N	N	N	Prohibited except as provided for in Section 13.06.530.
Live/Work	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
<a href="#">Lodging house</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	
Marijuana processor	N	N	N	N	
Marijuana producer	N	N	N	N	
* * *					
Seasonal sales	TU	TU	TU	TU	Subject to Section 13.06.635.
Self-storage	N	N	P	P	Any other use of the facility shall be consistent with this section. See specific requirements in Section 13.06.503.B.
<a href="#">Short-term rental (1-2 guest rooms)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">Subject to additional requirements contained in Section 13.06.575 and 13.06.150.</a>
<a href="#">Short-term rental (3-9 guest rooms)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">Subject to additional requirements contained in Section 13.06.575 and 13.06.150.</a>
<a href="#">Short-term rental (entire dwelling)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">Subject to additional requirements contained in Section 13.06.575 and 13.06.150.</a>
Staffed residential home	P	P	P	P	See Section 13.06.535. See definition for bed limit.
Student housing	P	P	P	P	
* * *					

Uses	T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations <sup>2, 3</sup> (also see footnotes at bottom of table)
<b>Footnotes:</b> <ol style="list-style-type: none"> <li>1. Designated Pedestrian Streets – For segments here noted, additional use limitations apply to areas within C-2 Commercial District zoning to ensure continuation of development patterns in certain areas that enhance opportunities for pedestrian-based commerce. North 30<sup>th</sup> Street from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline: street level uses are limited to retail, personal services, eating and drinking, and customer service offices.</li> <li>2. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.</li> <li>3. Commercial shipping containers shall not be an allowed type of accessory building in any commercial zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635.</li> </ol>					

\* \* \*

F. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.200 by reference.

Refer to Section 13.06.500 for the following requirements in Section 13.06.200 districts:

- 13.06.501 Building design standards.
- 13.06.502 Landscaping and buffering standards.
- 13.06.503 Residential transition standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- [13.06.575 Short-term rental.](#)
- 13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

\* \* \*

### 13.06.300 Mixed-Use Center Districts.

D. Land use requirements.

1. Use requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

2. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU	=	Temporary use consistent with Section 13.06.635.
N	=	Prohibited use in this district.

3. District use table.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3,4,5</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.
Adult retail and entertainment	N	N	N	N	N	N	N	N	Prohibited, except as provided for in Section 13.06.525.
* * *									
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.530 for additional information about size limitations and permitting requirements.
Live/Work	P	P	P	P	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
Lodging house	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup>
Marijuana processor	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana producer	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
* * *									
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	Subject to Section 13.06.635.
Self-storage	N	P	P	N	P	N	N	N	See specific requirements in Section 13.06.503.B. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Short-term rental (1-2 guest rooms)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup> Subject to additional requirements contained in Section 13.06.575 and 13.06.150.
Short-term rental (3-9 guest rooms)	P	P	P	CU	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup> Subject to additional requirements contained in Section 13.06.575 and 13.06.150.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
<a href="#">Short-term rental (entire dwelling)</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts.<sup>2</sup> Subject to additional requirements contained in Section 13.06.575 and 13.06.150.</a>
Staffed residential home	P	P	P	P	P	P	P	P	See Section 13.06.535. See definition for bed limit. Prohibited at street level along designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.
Student housing	P	P	P	P	P	P	P	N	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup>
* * *									
<b>Footnotes:</b> <ol style="list-style-type: none"> <li>1. The floor area of any development in RCX must be at least 75 percent residential, unless otherwise noted.</li> <li>2. For uses that are restricted from locating at street-level along designated pedestrian or core pedestrian streets, the following limited exception is provided. Entrances, lobbies, management offices, and similar common facilities that provide access to and service a restricted use that is located above and/or behind street-level uses shall be allowed, as long as they occupy no more than 50-percent or 75 feet, whichever is less, of the site's street-level frontage on the designated pedestrian or core pedestrian street. See Section 13.06.300.C. for the list of designated pedestrian and core pedestrian streets.</li> <li>3. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.</li> <li>4. Commercial shipping containers shall not be an allowed type of accessory building in any mixed-use zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635.</li> <li>5. Additional restrictions on the location of parking in mixed-use zoning districts are contained in the parking regulations – see Section 13.06.510.A.1 Table 2</li> </ol>									

\* \* \*

H. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.300 by reference.

Refer to Section 13.06.500 for the following requirements for development in Mixed-Use Center Districts:

- 13.06.501 Building design standards.
- 13.06.502 Landscaping and buffering standards.
- 13.06.503 Residential transition standards.
- 13.06.510 Off-street parking and storage areas.
- 13.06.511 Transit support facilities.
- 13.06.512 Pedestrian and bicycle support standards.
- 13.06.520 Signs.
- [13.06.575 Short-term rental.](#)
- 13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

\* \* \*

### **13.06.400 Industrial Districts.**

#### **13.06.400.C Land use requirements.**

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.400. All portions of Section 13.06.400 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Use Requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed.

Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

3. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit consistent with the criteria and procedures of Section 13.06.640.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N	=	Prohibited use in this district.

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Adult family home	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.
Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.525.
* * *				

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Juvenile community facility	P/N*	P/N*	P	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District.
Live/Work	P	N	N	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
<del>Lodging house</del>	<del>P/N*</del>	<del>N</del>	<del>N</del>	<del>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.</del>
Marijuana processor	P	P	P	See additional requirements contained in Section 13.06.565
Marijuana producer	P	P	P	See additional requirements contained in Section 13.06.565
* * *				
Seasonal sales	TU	TU	TU	Subject to development standards contained in Section 13.06.635.
Self-storage	P	P	P	See specific requirements in Section 13.06.503.B.
<del>Short-term rental</del>	<del>N</del>	<del>N</del>	<del>N</del>	
Staffed residential home	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.
Student housing	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.
* * *				
<b>Footnotes:</b>				
1. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.				

\* \* \*

**13.06.500 Requirements in all preceding districts.**

Applicability. The regulations of this section are applicable in all zoning districts, with exceptions only as noted. Regulations may refer to districts by class of districts, for example Districts or Industrial Districts, this means that all districts carrying the designated prefix or suffix are required to meet the given regulation. Overlay districts are combined with an underlying zoning district and supplement the regulations of that district. Overlay districts only apply to land carrying the overlay district designation.

\* \* \*

**13.06.575 Short-term rental.**

A. Purpose. The purpose of this section is to support entrepreneurship by providing residents with an opportunity to use their homes to engage in small-scale business activities; to support tourism; to make efficient use of structures; to provide safe alternative forms of lodging; and to protect neighborhood character. This is accomplished by establishing standards to ensure that short-term rentals are operated in a safe manner, and do not significantly affect the residential character of the neighborhood.

**B. Standards.**

1. Owner occupancy. For short-term rentals that involve rental of individual guest rooms within a dwelling, the ~~property~~ dwelling must be ~~owner~~ occupied by an owner of record during the rental term.

2. Safety sign. There must be a clearly printed sign inside the door of each rental guest room with the locations of fire extinguishers, gas shut-off valves, fire exits, and/or pull fire alarm.

3. The home shall be equipped with functioning smoke detectors and carbon monoxide detectors.

4. Occupancy. Maximum occupancy shall be dictated by the Minimum Building and Structures Code.

\* \* \*

**13.06.640 Conditional use permit.**

\* \* \*

I. Uses in Historic Structures. A conditional use permit for the reuse of a historic structure and/or site for one of the below listed uses (where not otherwise allowed by the underlying zoning) shall be authorized only if it can be found to be consistent with all of the following criteria. This provision shall be limited to only those structures and sites that are individually-listed on the Tacoma Register of Historic Places. In granting such a conditional use permit the Director or Hearing Examiner may attach thereto such conditions regarding the location, character, orientation, layout, access and other features of the proposed development as may be deemed necessary to ensure consistency with the intent of the TMC and Comprehensive Plan and ensure that use of the building and site will be compatible with the existing, historic attributes of the building and site and surrounding uses.

1. The use shall be consistent with the goals and policies of the Comprehensive Plan, any adopted neighborhood or community plans, and applicable ordinances of the City of Tacoma.

2. The use shall be located, planned, and developed in such a manner that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing or working in the community. The following shall be considered in making a decision on a conditional use permit:

a. The generation of noise, noxious or offensive emissions, light, glare, traffic, or other nuisances which may be injurious or to the detriment of a significant portion of the community.

b. Availability of public services which may be necessary or desirable for the support of the use. These may include, but shall not be limited to, availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), education, police and fire facilities, and social and health services.

c. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.

3. The proposed re-use shall promote the preservation and/or restoration of the designated historic structure(s) on the site.

4. The proposed reuse and design of any modifications to the historic structure(s) and site shall be approved by the Landmarks Preservation Commission.

5. The proposed use shall be limited to one of the following:

Art/craft production	Assembly facilities	Continuing care retirement community
Cultural institutions	Extended care facility	Group housing
Intermediate care facility	<del>Lodging house</del> <u>Short-term rental</u>	Multi-family dwellings
Offices offering professional dental, medical, legal or design services	Offices for charitable, philanthropic or community service organizations where it can be shown that there is limited contact with the general public	Personal services
Retirement home	Retail, only as an incidental use to one or more of the other listed uses	

\* \* \*

### 13.06.700 Definitions and illustrations.

\* \* \*

**Live/work.** A dwelling or sleeping unit in which up to 50 percent of the space includes a commercial business use. The business owner lives in the residential space.

**Loading space.** An off-street space, having a paved surface, within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley.

~~**Lodging house.** A building with not more than nine guest rooms where lodging or lodging and boarding is provided for compensation. This use, which includes bed and breakfasts, is often operated in conjunction with and within a single-family detached dwelling.~~

**Lot.** A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise created by legal action.

**Lot, corner.** A lot abutting upon two or more streets at their intersection.

\* \* \*

**Setback line.** A line within a lot parallel to a corresponding lot property line, which is established to govern the location of buildings, structures, or uses. Where no minimum front, side, corner side, or rear yard setbacks are specified, the setback line shall be coterminous with the corresponding lot line.

**Shopping center.** A unified grouping of two or more commercial establishments, such as retail, eating and drinking, office, and personal service uses, which are located on a single site with common/shared parking facilities. Shopping centers may occupy a single structure or separate structures that are physically or functionally related, but establishments with accessory uses, such as a grocery store with an accessory coffee shop, are not, by themselves, considered a shopping center. A shopping center may include pads for future buildings.

**Short-term rental.** The rental of not more than nine guest rooms within an owner occupied dwelling, or the rental of an entire dwelling to a family, as defined in TMC 13.06.700, for less than thirty days at a time. This use includes bed and breakfast, but does not include home exchange (“home swapping”) or units in a multifamily development reserved for guest(s) of the residents.

**Shrub.** Any woody perennial plant that is generally less than fifteen feet in height at maturity.

**Sign.** Any materials placed or constructed, or light projected, that (a) convey a message or image, and (b) are used to inform or attract the attention of the public, but not including any lawful display of merchandise. Some examples of “signs” include placards, A-boards, posters, murals, diagrams, banners, flags, billboards, or projected slides, images or holograms. The applicability of the term “sign” does not depend on the content of the message or image conveyed.

\* \* \*



**2016 ANNUAL AMENDMENT  
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

**Chapter 13.02  
PLANNING COMMISSION**

**13.02.043 Definitions.**

For the purpose of this chapter, certain words and terms used herein are defined as follows:

\* \* \*

F. “Comprehensive Plan land use designation” ~~indicates the intended is a designation for all property that indicates the future land use pattern for all properties in the City, as depicted on the Future Land Use Map of the Comprehensive Plan.~~ development influence based on factors such as size, scale, bulk, nuisance level, density, activity level, amount of open space, and traffic generation. Such designations are depicted on the Generalized Land Use Plan map which illustrates the future land use pattern for the City. This land use pattern was a result of analysis of the urban form policies, existing land use and zoning, development trends, anticipated land use needs and desirable growth and development goals. The Future Land Use Map and the designations provide a basis for applying zoning districts and for making land use decisions. The map is to be used in conjunction with the adopted policies of the Comprehensive Plan for any land use decision.

G. “Moratorium” (or collectively, “moratoria”) is the suspension of accepting or processing new applications for building, zoning, subdivision (platting), or other types of development in order to preclude development from occurring for a specified period of time. A moratorium on development may be imposed on all development, on all permit applications, or on specific types of development or permit applications.

H. “Plan amendment” is a proposed change to the Comprehensive Plan that may include adoption of a new plan element; a change to an existing plan element, including goals, policies and narrative text; a change to the objectives, principles, or standards used to develop the Comprehensive Plan; a revision to the land use designation as shown on the Generalized-Future Land Use Plan-M map; or a change to implementation strategies or programs adopted as part of the Comprehensive Plan, including updates to inventories and financial plans.

**13.02.045 Adoption and amendment procedures.**

A. Adoption and amendment. The Comprehensive Plan and its elements, as well as development regulations and regulatory procedures that implement the Comprehensive Plan shall be adopted and amended by ordinance of the City Council, following the procedures identified in this section. Adoption and amendment of the Comprehensive Plan and development regulations must be consistent with the procedural requirements of RCW 36.70A and in compliance with applicable case law.

B. Timing for proposed amendments. Amendments to the Comprehensive Plan shall be considered no more frequently than once each year except that amendments may be considered more frequently under the following circumstances:

1. An emergency exists;
2. The initial adoption of a sub-area plan;
3. The adoption or amendment of a shoreline master program under the procedures set forth in RCW 90.58;
4. The amendment of the ~~capital facilities element~~ Public Facilities and Services element and Capital Facilities Program of the Comprehensive Plan that occurs concurrently with the adoption or amendment of the City’s biennial budget; or
5. To resolve an appeal of the Comprehensive Plan decided by the Growth Management Hearings Board or a decision of the state or federal courts.

All proposed plan amendments shall be considered concurrently and, as appropriate, along with proposed amendments to development regulations, so that the cumulative effect of the various proposals can be ascertained. Proposed amendments may be considered annually, for which the annual amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council in accordance with Sections 13.02.045.G and H, by the end of June of the following year. Amendments proposed to comply with the update requirements of RCW 36.70.A.130 will occur according to the time frames established therein.

\* \* \*

**13.02.057 Notice for public hearings.**

A. The Department shall give public/legal notice of the subject, time and place of the Planning Commission, or its advisory committee, public hearings in a newspaper of general circulation in the City of Tacoma prior to the hearing date. The Department shall provide notice of Commission public hearings on proposed amendments to the Comprehensive Plan and development regulations to adjacent jurisdictions, other local and state government agencies, Puyallup Tribal Nation, the applicable current neighborhood council board members pursuant to TMC 1.45, neighborhood business districts pursuant to TMC 1.47, and other individuals or organizations identified by the Department as either affected or likely to be interested.

B. For Comprehensive Plan land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, ~~within, and~~ within 400-1000 feet of, the subject area.

C. For a proposed amendment to the Comprehensive Plan land use designations or area-wide zoning classifications within a focused geographic area, the Department shall require that a public information sign(s), provided by the Department, is posted in the affected area at least 14 calendar days prior to the Planning Commission public hearing. The sign shall be erected at a location or locations as determined by the Department, and shall remain on site until final decision is made by the City Council on the proposed amendment. The applicant shall check the sign(s) periodically in order to make sure that the sign(s) remains up and in a readable condition. The sign shall contain, at a minimum, the name of the applicant, a description and location of the proposed amendment, and where additional information may be obtained.

D. The City Clerk shall give public notice of the subject, time and place of public hearings for actions by the City Council in a newspaper of general circulation in the City of Tacoma prior to the hearing date.

\* \* \*

**Chapter 13.05**

**LAND USE PERMIT PROCEDURES**

\* \* \*

**Table H – Notice, Comment and Expiration for Land Use Permits**

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None
Boundary line adjustment	Required	No	No	No	No	Director	No	No	5 years <sup>3</sup>
Binding site plan	Required	No	No	No	No	Director	No	No	5 years <sup>3</sup>
Environmental SEPA DNS/ <del>EIS</del>	Optional	Same as case type	Yes if no hearing required	<del>No</del> Yes for EIS	Same as case type	Director	No	No	None
<a href="#">Environmental Impact Statement (EIS)</a>	<a href="#">Required for scoping, DEIS and FEIS</a>	<a href="#">1000 feet</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">Minimum 30 days</a>	<a href="#">Director</a>	<a href="#">No, unless part of associated action. Public scoping meeting(s) required</a>	<a href="#">No</a>	<a href="#">None</a>
Variance, height of main structure	Required	400 feet	No	Yes	30 days	Director	No <sup>1</sup>	No	5 years
Open space classification	Required	400 feet	No	Yes	<sup>2</sup>	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	<a href="#">400-1000 feet</a>	Yes	Yes	21 days SEPA <sup>2</sup>	Hearing Examiner	Yes	Final Plat	5 years <sup>6</sup>
Rezones	Required	400 feet; <a href="#">1000 feet for public facility site</a>	<del>No</del> ; <a href="#">Yes for public facility site</a>	Yes	21 days SEPA <sup>2</sup>	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance	Required	400 feet	No	Yes	30 days <sup>5</sup>	Director	No <sup>1</sup>	No	2 years/ maximum 6
Short plat (2-4 lots)	Required	No	No	No	No	Director	No	No	5 years <sup>3</sup>
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years <sup>6</sup>
Site approval	Optional	400 feet	No	Yes	30 days <sup>5</sup>	Director	No	No	5 years
Conditional use	Required	400 feet; <a href="#">1000 feet for development sites over 1 acre in size</a>	No	Yes	30 days <sup>5</sup>	Director	No	No	5 years <sup>4</sup>
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years
<a href="#">Conditional use, master plan</a>	<a href="#">Required</a>	<a href="#">1000 feet</a>	<a href="#">Yes</a>	<a href="#">Yes</a>	<a href="#">30 days<sup>2</sup></a>	<a href="#">Director</a>	<a href="#">Yes</a>	<a href="#">No</a>	<a href="#">10 years</a>
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; <a href="#">1000 feet for public facility sites and master plans</a>	No	Yes	14 days <sup>5</sup>	Director	No	No	5 years
Temporary Homeless Camp Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet <sup>7</sup>	No	No	14 days	Director	No <sup>1</sup>	No	5 years

## Tacoma Municipal Code

Variance	Optional	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years
Wetland/Stream/ FWHCA development permits	Required	400 feet	No	Yes	30 days	Director	No <sup>1</sup>	No	5 years*
Wetland/Stream/ FWHCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years*
Wetland/Stream/ FWHCA verification	Required	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years

### 13.05.030 Director Decision Making Authority.

A. Authority. The Director shall have the authority to act upon the following matters:

\* \* \*

D. Reasonable Accommodation. Any person claiming to have a handicap, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC § 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director with verifiable documentation of handicap eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation, which may include granting an exception to the provisions of this Code.

1. Purpose. This section provides a procedure for requests for reasonable accommodations made by persons with disabilities, their representative or any entity, when the application of a land use regulation acts as a barrier to fair housing opportunities.

2. Application. Requests for reasonable accommodation shall be submitted in the form of a letter to the Development Services Division of the Planning and Development Services Department and shall include the following:

- a. The applicant's name, address, and telephone number;
- b. Address of the property for which the request is being made;
- c. The current use of the property;
- d. The basis for the claim that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person's medical, physical or mental limitations;
- e. The code provision, regulation or policy from which reasonable accommodation is being requested, including all applicable material necessary to reach a decision regarding the need for and reasonableness of the accommodation, such as drawings, pictures, plans, correspondence or any other background information relevant to the request;
- f. The type of accommodation being sought and why the reasonable accommodation is necessary to make the specific property accessible to the individual; and
- g. Other supportive information deemed necessary by the Department to facilitate proper consideration of the request, consistent with the Acts.

3. No application fee shall apply to a request for reasonable accommodation (unless the request is being made concurrently with an application for some other Land Use discretionary permit, in which case the applicant shall pay only the required application fee for that other discretionary permit).

4. Review Authority and Review Procedure.

- a. Review Authority. Requests for reasonable accommodation shall be reviewed by the Director, or his/her designee.
- b. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another Land Use discretionary application shall be reviewed by the authority reviewing the discretionary land use application; further, a reasonable accommodation cannot waive a requirement for a Conditional Use Permit when otherwise required or result in approval of uses otherwise prohibited by the City's land use and zoning regulations.
- c. Review Procedure. The Director, or his/her designee, shall either grant, grant with conditions, or deny a request for reasonable accommodation in accordance with 13.05.030.F.5 (Findings and Decision).

d. The Director may require an Accommodation Agreement ~~Concomitant Zoning Agreement (CZA)~~ be recorded with the Pierce County Auditor to provide notice and ensure conditions of approval are met. The City will be responsible for creating the ~~CZA~~ Accommodation Agreement and will provide it to the applicant. The ~~CZA~~ Accommodation Agreement must be recorded prior to issuance of Certificate of Occupancy or Certificate of Completion for the associated building permit;

e. A notice of the Director's decision will be mailed to all property owners/taxpayers located within 100 feet of the site where the accommodation is requested.

5. Findings and Decision. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors, with or without conditions:

a. The requested accommodation is necessary to make specific housing available to a disabled person;

b. The housing will be used by a disabled person;

c. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning; and

d. The requested accommodation would not impose an undue financial or administrative burden on the City;

6. Reasonable Conditions. In granting a request for reasonable accommodation, the reviewing authority may further impose conditions of approval that are deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required under 13.05.030.F.5 above, such as removal of the improvements, where removal would not constitute an unreasonable financial burden and when the need for which the accommodation was granted no longer exists.

\* \* \*

C. Application process. An application for a Development Regulation Agreement may only be made by a person or entity having ownership or control of real property within one of the qualifying areas identified in subsection B above. Applications for a Development Regulation Agreement shall be made with the Planning and Development Services Department, solely and exclusively on the current form approved by said Department, together with the filing fee set forth in the current edition of the City's Fee Schedule, as adopted by resolution of the City Council. The City Council shall be notified once a complete application has been received. The City shall give notice under Sections 13.02.057 and 13.02.045.H TMC as if the application were for a land use intensity designation change.

\* \* \*

Chapter 13.06  
ZONING

\* \* \*

**13.06.150 Accessory dwelling units.**

A. Intent. Accessory dwelling units (hereinafter referred to as “ADUs”) are intended to:

1. Provide homeowners with a means of providing for companionship and security.
2. Add affordable units to the existing housing supply.
3. Make housing units within the City available to moderate income people.
4. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), and modern development technology.
5. Protect neighborhood stability, property values, and the single-family residential appearance by ensuring that ADUs are installed in a compatible manner under the conditions of this section.
6. Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.

B. Procedures. Any property owner seeking to establish an ADU in the City of Tacoma shall apply for approval in accordance with the following procedures:

1. Application. Prior to installation of an ADU, the property owner shall apply for an ADU permit with Planning and Development Services. A complete application shall include a properly completed application form, floor and structural plans for modification, and fees as prescribed in subsection B.2 below.
2. Fees. Fees shall be required in accordance with Section 2.09.020. Upon sale of the property, a new owner shall be required to sign a new affidavit and to register the ADU, paying the applicable fee in accordance with Section 2.09.020.
3. ~~Notice on title-~~ Accessory dwelling unit agreement. The owner of any property containing an ADU shall record with the Pierce County Auditor ~~a notice on title~~ an accessory dwelling unit agreement for notice on title of the ADU. Such ~~notice on title~~ notice agreement shall be in a form as specified by Planning and Development Services, and shall include as a minimum: (a) the legal description of the property which has been permitted for the ADU; (b) affirmation that the owner shall occupy either the main building or the ADU, and agrees to all requirements provided in subsection C.; and (c) the conditions necessary to apply the restrictions and limitations contained in this section. The property owner shall submit proof that the ~~notice on title~~ accessory dwelling unit agreement has been recorded prior to issuance of an ADU permit by Planning and Development Services. The ~~notice on title~~ accessory dwelling unit agreement shall run with the land as long as the ADU is maintained on the property. The property owner may, at any time, apply to Planning and Development Services for a termination of the ~~notice on title~~ accessory dwelling unit agreement. Such termination shall be granted upon proof that the ADU no longer exists on the property.
4. Permit. Upon receipt of a complete application, application fees, proof of recorded ~~notice on title~~ accessory dwelling unit agreement, and approval of any necessary building or other construction permits, an ADU permit shall be issued.

\* \* \*

**13.06.300 Mixed-Use Center Districts.**

\* \* \*

**TABLE C.1: MIXED-USE CENTER PEDESTRIAN STREETS ESTABLISHED**

The following pedestrian streets are considered key streets in the development and utilization of Tacoma’s mixed-use centers, due to pedestrian use, traffic volumes, transit connections, and/or visibility. They are designated for use with certain provisions in the mixed-use zoning regulations, including use restrictions and design requirements, such as increased transparency, weather protection and street furniture standards. In some centers, these “pedestrian streets” and/or portions thereof are further designated as “core pedestrian streets” for use with certain additional provisions. The “core pedestrian streets” are a subset of the “pedestrian streets,” and thus, those provisions that apply to designated “pedestrian streets” also apply to designated “core pedestrian streets.”

In centers where multiple streets are designated, one street is designated the Primary Pedestrian Street. This is used when applying certain provisions, such as the maximum setback requirements for projects that abut more than one pedestrian street. Primary Pedestrian Streets are denoted with an asterisk\*.

<b>Mixed-Use Center</b>	<b>Designated Pedestrian Streets</b> (All portions of the streets within Mixed-Use Centers, unless otherwise noted.)	<b>Designated Core Pedestrian Streets</b> (All portions of the streets within Mixed-Use Centers, unless otherwise noted)
6th Avenue <del>and Pine Street</del> <u>Neighborhood Center</u>	6th Avenue	6 <sup>th</sup> Avenue
Narrows ( <del>6<sup>th</sup> Avenue and Jackson</del> ) <u>Neighborhood Center</u>	6 <sup>th</sup> Avenue	6 <sup>th</sup> Avenue
McKinley <u>Neighborhood Center</u> ( <del>East 34<sup>th</sup> and McKinley</del> )	McKinley Avenue from Wright Avenue to East 39 <sup>th</sup> Street*	McKinley Avenue from Wright Avenue to East 36 <sup>th</sup> Street
Lower Portland <u>Avenue Crossroads Center</u>	Portland Avenue*, East 32 <sup>nd</sup> Street, East 29 <sup>th</sup> Street	Portland Avenue
Proctor <u>Neighborhood Center</u> ( <del>North 26th Street and Proctor Street</del> )	North 26th Street; North Proctor Street*	North 26 <sup>th</sup> Street; North Proctor Street
Stadium ( <del>North 1st Street and Tacoma Avenue</del> ) <u>District – Downtown Regional Growth Center (DRGC)</u>	Division Avenue from North 2nd Street to Tacoma Avenue; Tacoma Avenue*; North 1st Street; North I Street	Division Avenue from North 2nd Street to Tacoma Avenue; Tacoma Avenue; North 1st Street
Hilltop <u>Neighborhood – Downtown Regional Growth Center (DRGC)</u>	Martin Luther King Jr. Way*; South 11th Street; Earnest S. Brazill Street; 6th Avenue, South 19th Street	Martin Luther King Jr. Way from S. 9th to S. 15th, South 11th Street; Earnest S. Brazill Street
Lincoln <u>Neighborhood Center</u> ( <del>South 38th Street and G Street</del> )	South 38th Street*; Yakima Avenue from South 37th Street to South 39th Street; and South G Street south of 36th Street	South 38th Street
<del>South 34th and Pacific</del> <u>Lower Pacific Crossroads Center</u>	Pacific Avenue	Pacific Avenue
<del>South 56th Street and</del> South Tacoma Way	South Tacoma Way*; South 56th Street	South Tacoma Way
<del>East 72nd Street and Portland Avenue</del> <u>Upper Portland Crossroads Center</u>	East 72nd Street*; Portland Avenue	East 72nd Street, Portland Avenue
<del>South 72nd Street and Pacific Avenue</del> <u>Upper Pacific Crossroads Center</u>	South 72nd Street; Pacific Avenue*	Pacific Avenue
Tacoma Central <u>Crossroads Center</u> <del>/Allenmore</del>	Union Avenue*; South 19th Street between South Lawrence Street and South Union Avenue	Union Avenue south of South 18th Street; South 19th Street between South Lawrence Street and South Union Avenue
Tacoma Mall <u>Regional Growth Center Area</u>	South 47th/48th Transition Street; Steele Street*	N/A
TCC/James Center <u>Crossroads Center</u>	Mildred Street*; South 19th Street	Mildred Street south of South 12th Street; South 19th Street
Westgate <u>Crossroads Center</u>	Pearl Street*; North 26th Street	Pearl Street
<i>* Indicates primary designated pedestrian streets. In centers where multiple streets are designated, one street is designated the Primary Pedestrian Street. This is used when applying certain provisions, such as the maximum setback requirements for projects that abut more than one pedestrian street.</i>		

## Tacoma Municipal Code

\* \* \*

### 3. District use table.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.535. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.
Adult retail and entertainment	N	N	N	N	N	N	N	N	Prohibited, except as provided for in Section 13.06.525.
Agricultural uses	N	N	N	N	N	N	N	N	
Airport	CU	CU	CU	CU	CU	CU	CU	CU	
Ambulance services	N	CU	CU	N	P	P	N	N	
Animal sales and service	P	P	P	N	P	N	N	N	Except in the CIX District, must be conducted entirely within an enclosed structure. Must be set back 20 feet from any adjacent residential district or use.
Assembly facility	P	P	P	CU	P	N	N	N	Prohibited at street level along designated pedestrian streets in NCX. <sup>2</sup>
Brewpub	P	P	P	P	P	N	N	N	Brewpubs located in NCX, CCX, UCX, and RCX shall be limited to producing, on-premises, a maximum of 2,400 barrels per year of beer, ale, or other malt beverages, as determined by the annual filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Building materials and services	N	P	P	N	P	N	N	N	Prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Business support services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited. Customer service offices must be located at building fronts on designated pedestrian streets in NCX.
Carnival	TU	TU	P	N	TU	TU	TU	N	Subject to Section 13.06.635.
Cemetery/internment services	N	N	N	N	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	N	P	P	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. <sup>2</sup>
Commercial recreation and entertainment	P	P	P	N	P	N	N	N	
Communication facility	CU	CU	P	N	P	N	N	N	Prohibited at street level along frontage of designated pedestrian streets in NCX and CCX Districts. <sup>2</sup>

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. <sup>2</sup> Not subject to minimum densities founding Section 13.06.300.E.
Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.535. Prohibited at street level along frontage of designated core pedestrian streets in NCX. <sup>2</sup>
Correctional facility	N	N	N	N	N	N	N	N	
Craft Production	P	P	P	P	P	N	N	N	Must include a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of usable space, fronts the street at sidewalk level or has a well-marked and visible entrance at sidewalk level, and is open to the public. Outside storage is allowed provided screening and/or buffer planting areas are provided in accordance with Section 13.06.502.D. All production, processing and distribution activities are to be conducted within an enclosed building.
Cultural institution	P	P	P	N	P	N	N	N	
Day care, family	P	P	P	P	N	P	P	P	
Day care center	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement. <sup>1</sup>
Detoxification center	N	N	N	N	CU	CU	N	N	
Drive-through with any use	P	P	P	N	P	P*	N	N	* In the HMX District, drive-throughs are only allowed for hospitals and associated medical uses. All drive-throughs are subject to the requirements of TMC 13.06.513.
Dwelling, single-family detached	P	P	P	P	P	P	P	P	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.300.E for minimum densities.
Dwelling, two-family	P	P	P	P	P	P	P	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.300.E for minimum densities.
Dwelling, three-family	P	P	P	P	P	P	P	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.300.E for minimum densities.

## Tacoma Municipal Code

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Dwelling, multiple-family	P	P	P	P	P	P	P	N	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.300.E for minimum densities. In the NRX District, multiple-family dwellings lawfully in existence on August 31, 2009, the time of reclassification to this district, shall be considered permitted uses; said multiple-family dwellings may continue and may be changed, repaired, replaced or otherwise modified, provided, however that the use may not be expanded beyond property boundaries owned, leased, or operated as a multiple-family dwelling at the time of reclassification to this district.
Dwelling, townhouse	P	P	P	P	P	P	P	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.300.E for minimum densities.
Dwelling, accessory (ADU)	P	P	P	P	P	P	P	P	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.150 for specific Accessory Dwelling Unit (ADU) Standards.
Eating and drinking	P	P	P	P	P	P*	N	N	Outdoor seating is permitted with a 12-seat maximum in RCX. In RCX live entertainment is limited to that consistent with a Class "C" Cabaret license, as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with either a Class "B" or Class "C" Cabaret license, as designated in Chapter 6B.70. *Limited to 7,000 square feet of floor area, per business, in the HMX District.
Emergency and transitional housing	CU	P	P	CU	N	CU	CU	CU	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Extended care facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Foster home	P	P	P	P	P	P	P	P	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Fueling station	N	P	P	N	P	N	N	N	Prohibited along frontage of designated pedestrian streets within the UCX and CCX Districts. <sup>2</sup> Fueling station pump islands, stacking lanes and parking areas shall be located at the side or rear of the building.
Funeral home	P	P	P	N	P	P	N	N	
Golf course	N	N	N	N	N	N	N	N	
Group housing	P	P	P	P	P	P	P	P	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Heliport	N	N	N	N	CU	CU	N	N	

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Home occupation	P	P	P	P	P	P	P	P	Home occupations shall be allowed in all X-Districts pursuant to the standards found in Section 13.06.100.E.
Hospital	N	CU	CU	N	P	P	N	N	
Hotel/motel	P	P	P	N	P	P	N	N	
Industry, heavy	N	N	N	N	N	N	N	N	
Industry, light	N	N	N	N	P	N	N	N	
Intermediate care facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.530 for additional information about size limitations and permitting requirements.
Live/Work	P	P	P	P	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
Lodging house	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup>
Marijuana processor	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana producer	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.565
Marijuana retailer	P	P	P	N	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.565
Microbrewery/winery	N	N	N	N	P	N	N	N	Microbreweries shall be limited to 15,000 barrels per year of beer, ale, or other malt beverages, as determined by the filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Mobile home/trailer court	N	N	N	N	N	N	N	N	
Nursery	P	P	P	N	P	N	N	N	
Office	P	P	P	P	P	P	N	N	Not subject to RCX residential requirement for properties fronting the west side of South Pine Street between South 40th Street and South 47th Street. <sup>1</sup>
Parks, recreation and open space	P	P	P	P	P	P	P	P	Not subject to RCX residential requirement. <sup>1</sup> Subject to the requirements of Section 13.06.560.D.
Passenger terminal	P	P	P	N	P	N	N	N	
Personal services	P	P	P	P	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District.

## Tacoma Municipal Code

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	N	N	N	N	N	N	
Public safety and public service facilities	P	P	P	P	P	P	P	CU	In the NRX District, unless the specific use is otherwise allowed outright, public service facilities are permitted only upon issuance of a conditional use permit. See Section 13.06.640. Not subject to RCX residential requirement. <sup>1</sup>
Religious assembly	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement. <sup>1</sup>
Repair services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited.
Research and development industry	N	N	N	N	P	N	N	N	
Residential care facility for youth	P	P	P	P	P	P	P	P	See Section 13.06.535. See definition for bed limit. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.
Residential chemical dependency treatment facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In CCX and NCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Retail	P	P/CU~	P/CU~	P	P/CU~	P*	N	N	~ A conditional use permit is required for retail uses exceeding 45,000 square feet. See Section 13.06.640.J. *Limited to 7,000 square feet of floor area, per business, in the HMX District.
Retirement home	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
School, public or private	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement. <sup>1</sup>
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	Subject to Section 13.06.635.
Self-storage	N	P	P	N	P	N	N	N	See specific requirements in Section 13.06.503.B. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Staffed residential home	P	P	P	P	P	P	P	P	See Section 13.06.535. See definition for bed limit. Prohibited at street level along designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup> Not subject to minimum densities found in Section 13.06.300.E.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Student housing	P	P	P	P	P	P	P	N	Prohibited at street level along frontage of designated core pedestrian streets in NCX and CCX Districts. <sup>2</sup>
Surface mining	CU	CU	CU	CU	CU	CU	CU	N	
Temporary uses	TU	TU	TU	TU	TU	TU	TU	TU	See Section 13.06.635
Theater	P	P	P	N	P	N	N	N	Theaters only permitted up to 4 screens in NCX and CCX. Theaters only permitted up to 6 screens in CIX.
Transportation/freight terminal	P	P	P	N	P	P	N	N	
Urban Horticulture	N	N	N	N	P	N	N	N	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> Not subject to RCX residential requirement. <sup>1</sup>
Vehicle rental and sales	N*	P	P	N	P	N	N	N	In CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> *Use permitted in the <del>56th Street and</del> South Tacoma Way <del>Mixed-UseNeighborhood</del> Center NCX only, if all activities occur within buildings; outdoor storage repair, and sales are prohibited.
Vehicle service and repair	N*	P	P	N	P	N	N	N	All activities must occur within buildings; outdoor storage and/or repair is prohibited. Subject to development standards contained in Section 13.06.510.E. In CCX Districts, prohibited along frontage of designated core pedestrian streets. <sup>2</sup> *Use permitted in the <del>56th Street and</del> South Tacoma Way <del>Mixed-UseNeighborhood</del> Center NCX only, provided all activities occur entirely within buildings; outdoor storage and/or repair is prohibited.
Vehicle service and repair, industrial	N	N	P	N	P	N	N	N	Subject to additional development standards contained in Section 13.06.510.E.
Vehicle storage	N	N	N	N	P	N	N	N	Subject to development standards contained in Section 13.06.510.D.
Warehouse, storage	N	N	N	N	P	N	N	N	
Wholesale or distribution	N	N	N	N	P	N	N	N	
Work/Live	P	P	P	P	P	P	P	P	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570.

**Tacoma Municipal Code**

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Wireless communication facility	P*/CU**	P*/CU**	P*/CU**	P*/CU**	P*/CU**	P*/CU**	P*/CU**	P*/CU**	*Wireless communication facilities are also subject to Section 13.06.545.D.1. **Wireless communication facilities are also subject to Section 13.06.545.D.2.
Work release center	N	N	CU	N	CU	N	N	N	Permitted with no more than 15 residents in the UCX and no more than 25 residents in the CIX, subject to a Conditional Use Permit and the development regulations found in Section 13.06.550.
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	N	N	N	

**Footnotes:**

1. The floor area of any development in RCX must be at least 75 percent residential, unless otherwise noted.
2. For uses that are restricted from locating at street-level along designated pedestrian or core pedestrian streets, the following limited exception is provided. Entrances, lobbies, management offices, and similar common facilities that provide access to and service a restricted use that is located above and/or behind street-level uses shall be allowed, as long as they occupy no more than 50-percent or 75 feet, whichever is less, of the site's street-level frontage on the designated pedestrian or core pedestrian street. See Section 13.06.300.C. for the list of designated pedestrian and core pedestrian streets.
3. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements.
4. Commercial shipping containers shall not be an allowed type of accessory building in any mixed-use zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635.
5. Additional restrictions on the location of parking in mixed-use zoning districts are contained in the parking regulations – see Section 13.06.510.A.1 Table 2

\* \* \*

Maximum height of structures (feet)	45 feet <sup>1</sup> ; 65 feet in the <a href="#">Stadium Mixed Use Center Stadium District of the DRGC</a> . <sup>1</sup>	60 feet; 75 feet, if at least 25 percent of floor area is residential or through use of TDRs from an identified TDR sending area <sup>4</sup> .	75 feet; 120 feet, if at least 25 percent of floor area is residential or through use of TDRs from an identified TDR sending area <sup>4</sup> .	60 feet <sup>1</sup>	75 feet	150 feet	45 feet <sup>2</sup>	35 feet	Height will be measured consistent with Building Code, Height of Building.  Maximum heights, shall be superseded by the provisions of Section 13.06.503.A.  Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.
-------------------------------------	--	---	--	----------------------	---------	----------	----------------------	---------	---

	<sup>1</sup> In NCX, RCX, and CIX Districts, additional height above these standard height limits may be allowed in certain areas through the X-District Height Bonus Program – see Section 13.06.300.E.2. <sup>2</sup> In the McKinley <u>Mixed Use Neighborhood</u> Center, the portion of the URX District that is north of the alley between East Wright Avenue and East 34th Street has a height limit of 35 feet instead of 45 feet.								
Upper story setback	See Section 501.C.2 for stepback standards along pedestrian streets.	See Section 501.C.2 for stepback standards along pedestrian streets.	None	None	None	None	None	None	See Section 13.06.503; residential transition standards may also apply.
Maximum floor area	30,000 square feet per business; 45,000 square feet for full service grocery stores only; offices shall be exempt from these limits.	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J	30,000 square feet per business; 45,000 square feet for full service grocery stores only.	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J	7,000 SF per business for eating and drinking, retail and personal services uses	None	None	See Section 13.06.300.D for limitations on the amount of non-residential space allowed in developments in RCX Districts.
Minimum density (units/acre)	30; 40 on designated pedestrian streets (see Section 13.06.300.C)	30; 40 on designated pedestrian streets (see Section 13.06.300.C)	40	30; 40 on designated pedestrian streets (see Section 13.06.300.C)	None	None	25	None	Projects that do not include residential uses, and mixed-use projects (such as residential & commercial, residential & industrial, or residential & institutional) are exempt from minimum-density requirements.

**Tacoma Municipal Code**

	For purposes of this provision, density shall be calculated by dividing the total number of dwelling units in a development by the area, in acres, of the development site, excluding any accessory dwelling units or areas dedicated or reserved for public rights-of-way or full private streets. In the same manner, to determine the minimum number of units required to meet this standard, multiply the size of the property, in acres, by the required minimum density, then round up to the nearest whole number. For example, the minimum number of units required on a 7,000 square foot (.16-acre) property located in the UCX District would be 7 units (.16 x 40 = 6.4, which rounds up to 7 units).
--	---

2. X-District Height Bonuses. The ~~X-District~~ Height Bonus program provides a mechanism to allow for additional height for projects within certain portions of the ~~Neighborhood~~ Mixed-Use Centers designated in the Comprehensive Plan. It is designed to encourage new growth and foster economic vitality within the centers, consistent with the State Growth Management Act and the City's Comprehensive Plan, while balancing taller buildings and greater density with public amenities that help achieve the community's vision for the centers, with improved livability, enhanced pedestrian and transit orientation, and a quality built environment, and realize other City-wide goals. Through this program, projects within certain areas may qualify for additional building height, above and beyond the standard maximum height limits outlined above, under Subsection E.1. In order to achieve these increased height limits, projects are required to provide one or more public benefit bonus features.

a. Applicability. Where applicable in the Mixed-Use Centers, the height bonus provision allows for projects to be eligible to increase the standard maximum height limit through the incorporation of one or more public benefit features into the development of the project. These public benefit features are divided into two levels, each of which is outlined below (see graphic on the next page). The following table details the areas within the various neighborhood centers that are eligible for this height bonus program and the maximum additional height allowed through each of the two bonus levels:

Zoning District & Center	Base Height Limit (allowed without any bonus items)	Maximum Height Allowed Through Level 1 <sup>3</sup>	Maximum Height Allowed Through Level 2 <sup>3</sup>
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (Proctor, Lincoln, 6th & <del>Pine Ave</del> , McKinley, and Narrows <del>Centers</del> )	45 feet	65 feet	Not Available
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (Stadium <del>District</del> , <del>DRGC Center</del> )	65 feet	75 feet	85 feet
<b>NCX – Neighborhood Commercial Mixed-Use District</b> ( <del>56th &amp;</del> South Tacoma Way <del>Center</del> )	45 feet	65 feet	85 feet
<b>NCX – Neighborhood Commercial Mixed-Use District</b> ( <del>MLK Center</del> <u>Hilltop Neighborhood</u> , <u>DRGC</u> – property within 200 ft of Core Pedestrian Street) <sup>1</sup>	45 feet	65 feet	85 feet
<b>NCX – Neighborhood Commercial Mixed-Use District</b> ( <del>MLK Center</del> <u>Hilltop Neighborhood</u> , <u>DRGC</u> – property not within 200 ft of core pedestrian street) <sup>1</sup>	45 feet	65 feet	Not Available
<b>RCX – Residential Commercial Mixed-Use District</b> ( <u>Hilltop Neighborhood</u> , <del>DRGC</del> <del>MLK Center</del> <del>Center</del> – east of MLK Jr. Way and between 9th and 13th Streets)	60 feet	70 feet <sup>2</sup>	80 feet

Tacoma Municipal Code

CIX – Commercial-Industrial Mixed-Use District ( <del>56th &amp;</del> South Tacoma Way- <del>Center</del> )	75 feet	90 feet	100 feet
---	---------	---------	----------

\* \* \*

B. General Mass Reduction Standards. The following requirements apply to the C1, C2, T, and PDB zoning districts. See Section 13.06.501.H, below, for X-District requirements. The design choices of this item are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.	
1.Size to choice ratio for 2 below	<div>a. Buildings under 7,000 square feet of floor area are not required to provide mass reduction.</div> <div>b. Buildings from 7,000 square feet of floor area to 30,000 square feet of floor area shall provide at least one mass reduction feature.</div> <div>c. Buildings over 30,000 square feet of floor area shall provide at least two mass reduction features.</div>
2.Mass reduction choices	<div>a. Upper story. Buildings with a maximum footprint of 7,000 square feet of floor area, that do not exceed 14,000 square feet of floor area, may count use of a second story as a mass reduction feature.</div> <div>b. Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.</div> <div>c. Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.</div> <div>d. Public plaza. A public plaza of at least 800 square feet or 5 percent of building floor area, whichever is greater. The plaza shall be located within 50 feet of and visible to the primary public entrance; and contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or art work for each 200 square feet of plaza area. Plaza contents may count toward other requirements when meeting the required criteria. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza. Where public seating is provided, it shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. Plazas may be permeable pavement or pavers where feasible. Low Impact Development vegetated stormwater features may be used for up to 30% of the plaza requirement where feasible.</div> <div>e. Housing. The provision of upper story residential dwelling units at a site density consistent with the applicable land use <del>intensity</del> designation of the Comprehensive Plan.</div>

\* \* \*

**13.06.502 Landscaping and buffering standards.**

\* \* \*

(1) [Habitat Open Space](#) Corridors. A minimum of 50 percent of required landscaping located within Comprehensive Plan designated [Habitat Open Space](#) Corridors, and a minimum of 25 percent in adjacent areas within 20 feet of [Habitat Open Space](#) Corridors, must be native plant species. Reductions are permitted when necessary to follow coordinated plans to address slope stability, habitat health, streetscape or area-wide plans.

\* \* \*

**Landscaping Buffers: Landscaping buffers are intended to function as a substantial vegetative screening providing physical and visual separation between dissimilar districts in order to soften visual and aesthetic impacts. Buffers also provide the aesthetic and environmental benefits of vegetation.**

Exceptions:

- (1) When there is a 20 foot vertical grade difference between a development site that is located across the street or alley or is abutting R-District property, no Landscape buffers are required along the affected property line if such grade difference is demonstrated to provide comparable protection.
- (2) When the development site is across an arterial street or highway from the R-District property being screened, it is not required to provide a Landscape buffer along the affected property line abutting the arterial street or highway.
- (3) The Director may waive the requirement for a screening if equivalent screening is provided by existing parks, parkways, recreation areas, or by topography or other natural conditions.
- (4) The Director may waive the requirement for a screening if the R-District property being screened is in long-term use for a purpose other than residential, and which would not be negatively impacted by adjacency to a more intensive use.
- [\(5\) The continuous landscaping buffer may be interrupted to the minimum extent necessary to accommodate walkway access and preferred driveway access to and from the property.](#)

More intensive district abutting an R-District property	<ul style="list-style-type: none"> <li>• A continuous planting area that has a minimum width of 15 feet shall be provided on the property, along the boundary with the R-District.</li> <li>• Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to the minimum 10-foot wide buffer listed below.</li> </ul>
More intensive district across the street or alley from R-District property	<ul style="list-style-type: none"> <li>• A continuous planting area that has a minimum width of 7 feet shall be provided on the property, across from the R-District.</li> <li>• In cases where there is a demonstrated site constraint, the minimum buffer width may be reduced to a minimum 4 feet, with the integration of a continuous site-obscuring vegetated fence or wall.</li> </ul>
Planting – when abutting R-District	<ol style="list-style-type: none"> <li>a. For landscaping strips 10 to 15 feet wide:               <ol style="list-style-type: none"> <li>i. At least one row of evergreen trees, minimum 8 feet in height at the time of planting and 10 feet maximum separation.</li> <li>ii. Shrubs at a rate of one shrub per 20 square feet of landscaped area. In addition to being from minimum 3-gallon sized containers, shrubs shall be at least 16 inches tall at planting and have a mature height of at least 3 feet.</li> <li>iii. Groundcover plants.</li> </ol> <p>Note: These provisions supersede the standard height, spacing and visibility provisions of the General Section, above.</p> </li> <li>b. For landscaping strips wider than 15 feet:               <ol style="list-style-type: none"> <li>i. A minimum of one evergreen tree for every 150 square feet arranged in a manner to obstruct views into the property.</li> <li>ii. Shrubs and groundcover as required above.</li> </ol> </li> <li>c. This Landscaping Buffer is not subject to landscaping credits or flexibility provisions of TMC 13.06.502.D.</li> <li>d. Alternative species selection and spacing plans demonstrated to substantially meet the Buffer intent may be approved with</li> </ol>

Tacoma Municipal Code

	<p>staff review.</p> <div> <div> <p><b>For landscaping strips 15 feet wide or less:</b></p> </div> <div> <p><b>For landscaping strips wider than 15 feet:</b></p> <ul style="list-style-type: none"> <li>• A minimum of one evergreen tree at least 8' tall for every 150 square feet arranged in a manner to obstruct views into the property.</li> </ul> </div> </div>
Planting – across the street or alley from R-District	<ul style="list-style-type: none"> <li>• At least one Medium Tree per 300; or one Large Tree per 400 square feet of landscaped area.</li> <li>• Trees to be spaced at an average of 20 feet on-center, but may be grouped in asymmetrical arrangements.</li> <li>• At least 50 percent of trees must be evergreen conifers.</li> </ul>
Mobile home/trailer courts abutting Residential districts (where permitted).	<ul style="list-style-type: none"> <li>• A wall, fence, vegetated wall, evergreen hedge, or other suitable enclosure of minimum height four and one half feet and maximum height of seven feet placed at least five feet from the side and rear lot lines. The area between such enclosures and the property lines shall be landscaped to form a permanent screening area.</li> <li>• A landscaped screening area at least five feet in depth must be provided along the street frontage on a non-arterial street forming a boundary between a mobile home park site and an R-1, R-2, or R-3 District.</li> <li>• No signs shall be permitted on any part of a screening enclosure or within a screening area.</li> </ul>

2002: Ord. 26933 § 1; passed Mar. 5, 2002)

\* \* \*

**13.06.630 Nonconforming parcels/uses/structures.**

\* \* \*

(3) The proposed change or expansion will not result in an increase in noise such that it exceeds maximum noise levels identified in ~~WAC 173-60~~ [TMC 8.122](#);

(4) The proposed change or expansion will not result in substantial additional light or glare perceptible at the boundary lines of the subject property;

(5) The proposed change or expansion will not result in an increase in the outdoor storage of goods or materials; and

(6) The proposed change or expansion will not result in an increase in the hours of operation.

d. Any change from one nonconforming use to another nonconforming use, as allowed herein, shall not be considered converting such nonconforming use to a permitted use.

[e. Changes in use that would exceed the standards herein may be approved through the issuance of a conditional use permit subject to the criteria in 13.06.640.P.](#)

3. Abandonment or vacation of nonconforming use. When a nonconforming use is vacated or abandoned for 12 consecutive months or for 18 months during any three-year period, the nonconforming use rights shall be deemed extinguished and the use shall, thereafter, be required to be in accordance with the regulations of the zoning district in which it is located.

D. Continued occupancy of nonconforming structure. Except as otherwise required by law and consistent with all other requirements of this chapter, a legal nonconforming structure may continue unchanged.

E. Nonconforming structure and nonconforming commercial, industrial, and institutional uses. A legal nonconforming structure, that is also nonconforming as to use, may only be expanded and/or modified in the following cases:

1. Ordinary repairs and maintenance, including painting, repair, or replacement of wall surfacing materials and the repair or replacement of fixtures, wiring, and plumbing are permitted; provided, such repair or maintenance will not result in noise exceeding levels identified in ~~WAC 173-60~~ [TMC 8.122](#), light, or glare at the boundary lines of the subject property.

2. The enlargement or modification is required for safety upon order of the City, or otherwise required by law to make the structure conform to any applicable provisions of law.

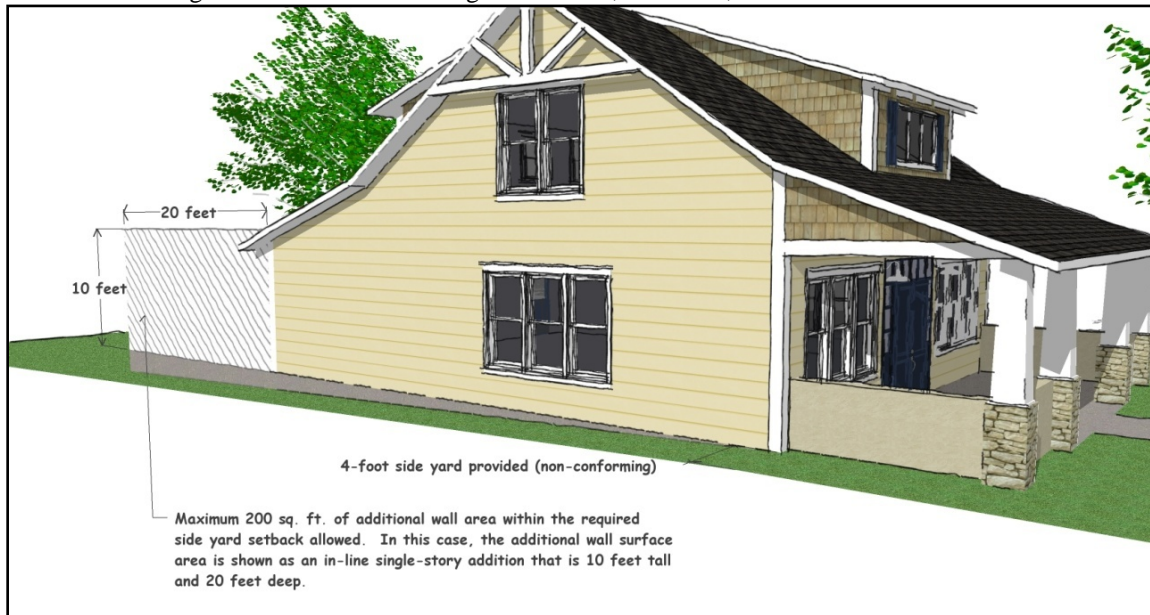
3. Such enlargement and/or modification does not result in an intensification of the use as addressed by Section 13.06.630.C.2.b.

4. Such enlargement and/or modification complies with the requirements of TMC Chapter 13.11.

[5. Changes in use or expansion that would exceed the limitations of 13.06.630.C.2.b. may be approved through the issuance of a conditional use permit subject to the criteria in 13.06.640.P.](#)

## Tacoma Municipal Code

### F. Nonconforming structure and conforming commercial, industrial, and institutional uses.



\* \* \*

P. Change of Use or Expansion of Nonconforming Uses and Structures. A conditional use permit for a change of use or expansion of a nonconforming use or structure that exceeds the standards of 13.06.630.C or E shall only be approved upon a finding that such development is consistent with all of the standard decision criteria for conditional use permits, as outlined above under Subsection D, and all of the following additional decision criteria at subsections 1. through 3. below:

1. A rezone of the site would be inappropriate;

2. The change or expansion of the nonconforming use will have a positive impact on the surrounding uses and the area overall;

3. To the extent practicable, the nonconforming use or structure comes into compliance with the following development standards that apply to the site per the least intensive zoning district in which the use is allowed:

a. Landscaping and buffering;

b. Pedestrian and bicycle support standards;

e. Off-street parking and storage areas.

\* \* \*

### **13.06.700 Definitions and illustrations.**

For the purposes of this chapter, certain words and terms are defined as follows: words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and not directory. For words that are not defined in this chapter, or that do not incorporate a definition by reference, refer to a Webster’s Dictionary published within the last ten years.

#### **13.06.700.A**

\* \* \*

Mobile home/trailer court. A movable dwelling unit designed for year round occupancy and including a flush toilet and bath or shower, except that an automobile house trailer located on the same lot with a building providing a private flush toilet and bath or shower shall constitute a mobile home for purposes of this chapter. This shall refer to and include all portable contrivances capable of being moved by their own power, towed, or transported by another vehicle.

Mobile home/trailer court or mobile home park. Any real property which is rented or held out for rent to others for the placement of two or more mobile homes/trailers for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

\* \* \*

## Chapter 13.10\*

### SHORELINE MANAGEMENT<sup>1</sup>

\* \* \*

#### A. Shoreline Critical Areas Review

1. City staff will provide an initial site review based on existing information, maps and a potential site visit to identify marine buffers, wetlands, streams, FWHCA, all critical areas and their associated buffers within 300 feet of a proposed project. The review distance for FWHCA management areas will be based on the type of priority habitat or species and WDFW recommendations. Site reviews are completed on a site by site basis and the City may provide preliminary information or require an applicant provide information regarding the ordinary high water mark location, wetland delineation, wetland categorization, stream type, hydrology report, or priority fish and wildlife species and habitat presence information. Formal Priority Habitats and Species (PHS) information is available from WDFW.

2. The Planning and Development Services Department may utilize information from the United States Department of Agriculture Natural Resource Conservation Service, the United States Geological Survey, the Washington Department of Ecology, the Coastal Zone Atlas, the Washington Department of Fish and Wildlife stream maps and Priority Habitat and Species maps, Washington DNR Aquatic Lands maps, the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical Areas Inventory maps, and Pierce County Assessor's maps to establish general locations and/or verify the location of any wetland, or stream, or FWHCA site. The City's Generalized Wetland and Critical Area Inventory maps and other above-listed sources are only guidelines available for reference. The actual location of critical areas must be determined on a site by site basis according to the classification criteria.

3. The Director shall determine whether application for a shoreline permit or exemption will be required to include the marine shoreline and critical areas information specified in 2.4.2(B), below.

4. The Director may require additional information on the physical, biological, and anthropogenic features that contribute to the existing ecological conditions and functions to make this determination.

#### B. Application Requirements

1. Application for any shoreline development permit for a project or use which includes activities within a marine shoreline buffer, wetland, stream, fish and wildlife habitat conservation area (FWHCA) or their associated buffer shall comply with the provisions of this section and shall contain the following information:

a. A Joint Aquatic Resources Permit Application and vicinity map for the project.

b. A surveyed site plan that includes the following:

i. Parcel line(s), north arrow, scale and two foot contours.

ii. Location and square footage for existing and proposed site improvements including, utilities, stormwater and drainage facilities, construction and clearing limits, and off-site improvements. Include the amounts and specifications for all draining, excavation, filling, grading or dredging.

iii. The location and specifications of barrier fencing, silt fencing and other erosion control measures.

iv. Base flood elevation, floodplain type and boundary and floodways, if site is within a floodplain.

v. Critical Areas including all surveyed, delineated wetland boundaries, and the ordinary high water mark of any stream and their buffers, and all Fish and Wildlife Conservation Areas (FWHCA), marine buffers, ~~and any~~ FWHCA Management Areas, floodplain boundaries, and top and toe of slopes related to geologically hazardous areas.

vi. The square footage of the existing critical areas and buffers located on-site and the location and square footage of any impacted areas.

\*Sections of the Shoreline Master Plan are not required to be codified into this document. The full Shoreline Master Plan is on file with the Planning and Development Services Department and is available through the Department's website.

<sup>1</sup> Prior legislation for Chapter 13.10: Ords. 21821, 22228, 22246, 22400, 22496, 22562, 22599, 22884, 23027, 23106, 23262, 23310, 23583, 23834, 23909, 25062, 25128, 25141, 25212, 26329, 27657, 25632, 25718, 25738, 25797, 25854, 25904, 26174, 26175, 26929, 26410, 26622, 26934, 27158, 27296, 27432, 27657, 28109

## Tacoma Municipal Code

vii. Locations of all data collection points used for the field delineation and general location of off-site critical areas and any buffer that extends onto the project site. Location and dominant species for significantly vegetated areas.

viii. The location and square footage of impact areas, mitigation areas and remaining critical areas and buffers; including areas proposed for buffer modification.

c. A Critical Area report prepared by a qualified professional. The report must include the following where appropriate:

i. Delineation, characterization and square footage for critical areas on or within 300 feet of the project area and proposed buffer(s). Delineation and characterization is based on the entire critical area. When a critical area is located or extends off-site and cannot be accessed, estimate off-site conditions using the best available information and appropriate methodologies.

- Wetland Delineations will be conducted in accordance with the ~~current manual designated by the Department of Ecology, including federally approved~~ [federal manuals](#) and [applicable regional](#) supplements.
- The wetland characterization shall include physical, chemical, and biological processes performed as well as aesthetic, and economic values and must use a method recognized by local or state agencies. Include hydrogeomorphic and Cowardin wetland type.
- Ordinary high water mark determination shall be in accordance with methodology from the Department of Ecology.
- Priority species and habitat identification shall be prepared according to professional standards and guidance from the Washington Department of Fish and Wildlife. Depending on the type of priority species, the review area may extend beyond 300 feet.

ii. Field data sheets for all fieldwork performed on the site. The field assessment shall identify habitat elements, rare plant species, hydrologic information including inlet/outlets, water depths, and hydro-period patterns based on visual cues, and/or staff/crest gage data.

iii. Provide a detailed description of the project proposal including off-site improvements. Include alterations of ground or surface water flow, clearing and grading, construction techniques, materials and equipment, and best management practices to reduce temporary impacts.

iv. Assess potential direct and indirect physical, biological, and chemical impacts as a result of the proposal. Provide the square footage for the area of impact with the analysis. The evaluation must consider cumulative impacts.

v. Identification of priority species/habitats and any potential impacts. Incorporate Washington State Department of Fish and Wildlife and/or US Department of Fish and Wildlife management recommendations where applicable. When required, plan shall include at a minimum the following:

- Special management recommendations which have been incorporated and any other mitigation measures to minimize or avoid impacts, including design considerations such as reducing impacts from noise and light.
- Ongoing management practices which will protect the priority species and/or habitat after development, including monitoring and maintenance programs.

vi. A hydrologic report or narrative demonstrating that pre and post development flows to wetlands and streams will be maintained.

vii. Runoff from pollution generating surfaces proposed to be discharged to a critical area shall receive water quality treatment in accordance with the current City's Surface Water Management Manual, where applicable. Water quality treatment and monitoring may be required irrespective of the thresholds established in the manual. Water quality treatment shall be required for pollution generating surfaces using all known, available and reasonable methods of prevention, control and treatment.

viii. Studies of potential flood, erosion, geological or any other hazards on the site and measures to eliminate or reduce the hazard.

ix. Documentation of the presence of contaminated sediments or soils if publically available and a description of planned management actions.

d. For shoreline permits that will have impacts to ~~Wetland/Stream/FWHCA or marine buffers~~ [critical areas or buffers defined in Section 6.4.2](#), the additional following information is required;

i. A description of reasonable efforts made to apply mitigation sequencing pursuant to TSMP Section 6.4.2(C);

ii. An analysis of site development alternatives including a no development alternative that demonstrates why the use or development requires a buffer reduction and the minimum reduction necessary to support the use or development;

iii. An assessment and documentation of the shoreline and/or critical areas functional characteristics, along with its ecological, aesthetic, economic, and other values. Functional analysis must be done using a functional assessment method recognized by local or state agency staff and shall include a reference for the method and all data sheets.

\* \* \*

#### A. General Regulations

1. Shoreline use and development shall be carried out in a manner that prevents or mitigates adverse impacts so that no net loss of existing ecological functions occurs; in assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts shall be considered.

2. Any shoreline development proposal that includes modification to a marine shoreline, marine buffer, critical area or buffer is subject to the Review Process in TSMP Section 2.4.2.

#### B. Critical Area Buffer Modification

1. Modification of a critical area and/or marine buffer is prohibited except when:

a. Modification is necessary to accommodate an approved water-dependent or public access use, including trails and/or pedestrian/bicycle paths; provided, that such development is operated, located, designed and constructed to minimize and, where possible, avoid disturbance to shoreline functions and native vegetation to the maximum extent feasible; or

b. Modification is necessary to accommodate a water-related or water-enjoyment use or mixed-use development if it includes a water-oriented component provided that the proposed development is operated, located, designed and constructed to minimize and, where possible, avoid disturbance to native vegetation and shoreline and critical area functions to the maximum extent feasible; or

c. Modification is associated with a mitigation, restoration, or enhancement action that has been approved by the City and which complies with all of the provisions of this Program; or

d. Modification is approved pursuant to the variance provisions of this Program (TSMP Section 2.3.5).

2. The following specific activities may be permitted within a critical area or marine buffer as part of an authorized use or development, subject to submittal of a critical area report, when they comply with the applicable policies and regulations of this Program.

a. Clearing, filling and grading;

b. New, replacement, or substantially improved shoreline modification and/or stabilization features;

c. Construction of trails, roadways, and parking;

d. New utility lines and facilities; and

e. Stormwater conveyance facilities.

C. Modification of a shoreline or critical area buffer is subject to the site review requirements in TSMP Section 2.4.2 General Mitigation Requirements

1. If modification to a ~~critical area or marine shoreline, wetland, stream, FWHCA, or~~ buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated so as to result in no net loss of shoreline and/or critical area functions or processes.

\* \* \*

#### 6.4.5 Wetlands

Wetlands are those areas that are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. A wetland directly impacts water quality and stormwater control by trapping and filtering surface and ground water. Wetlands also provide valuable habitat for fish and wildlife. Because of the difficulty in replacing these rare and valuable areas, these regulations control development adjacent to and within wetlands, and limit the amount of wetlands, which may be altered. The purpose of these regulations is to protect the public from harm by preserving the functions of wetlands as recharge for ground water, flood storage, floodwater conveyance, habitat for fish and wildlife, sediment control, pollution control, surface water supply, aquifer recharge and recreation.

#### A. Wetland Classification

## Tacoma Municipal Code

1. Wetlands shall be classified Category I, II, III, and IV, in accordance with the criteria from the [2014 Washington State Wetlands Rating System for Western Washington, Washington Department of Ecology publication No. 14-06-029, published October 2014, or as amended, August 2004, Revised Annotated Version, August 2006, Publication Number 04-06-025, August 2004.](#)
2. Category I wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions. Category I wetlands include the following types of wetlands: Estuarine wetlands, Natural Heritage wetlands, Bogs, Mature and Old-growth Forested wetlands; wetlands that perform many functions very well and that score [between 23 and 27, 70 or more](#) points in the [2014](#) Washington Wetlands Rating System for Western Washington.
3. Category II wetlands are those that are difficult to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection. Category II wetlands include the following types of wetlands: Estuarine wetlands, and wetlands that perform functions well and score between [51-69](#) [20 and 22](#) points.
4. Category III wetlands are those that perform functions moderately well and score between [30-50](#) [16-19](#) points, ~~and~~. These wetlands have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II.
5. Category IV wetlands are those that have the lowest levels of functions, [between 9 and 15 points, \(less than 30 points\)](#) and are often heavily disturbed. These are wetlands that may be replaced, and in some cases may be improved.
6. In addition, wetlands that require special protection and are not included in the general rating system shall be rated according to the guidelines for the specific characteristic being evaluated. The special characteristics that should be taken into consideration are as follows:
  - a. The wetland has been documented as a habitat for any Federally -listed Threatened or Endangered plant or animal species. In this case, “documented” means the wetland is on the appropriate state or federal database.
  - b. The wetland has been documented as a habitat for State- listed Threatened or Endangered plant or animal species. In this case “documented” means the wetland is on the appropriate state database.
  - c. The wetland contains individuals of Priority Species listed by the WDFW for the State.
  - d. The wetland has been identified as a Wetland of Local Significance.

**Chapter 13.11**  
**CRITICAL AREAS PRESERVATION**

\* \* \*

b. Community Projects

Multi-party projects within designated [Open Space Corridors](#) ~~Habitat Corridors or Open Space Areas~~, or adjacent vegetated areas that form expanded corridors are encouraged. These projects shall not include new destination facilities or high-intensity recreation facilities as described in 13.06.560. A City approved habitat management template or equivalent must be provided that has been reviewed and approved by all property owners. In addition, the project is subject to the following:

- (1) The primary focus is preservation and increase in biological functions through the preservation and improvement of habitat, species diversity and natural features.
- (2) Preserves and connects ~~habitat~~ [Open Space Ce](#)orridors.
- (3) Includes goals, objectives, and measureable performance standards.
- (4) Includes a monitoring plan and contingency plan.
- (5) Trails shall comply with the provisions in Section 13.11.200.B.9.
- (6) Buildings and paved surfaces shall be located outside of the critical area and buffer.
- (7) Picnic Tables, benches, and signage are allowed when they are located to avoid and minimize impacts.
- (8) A maintenance plan that describes the proper techniques and methods used for on-going maintenance and preservation.
- (9) The identification of a trained habitat steward who will be responsible for overseeing volunteers, employees, and/or contractors for all aspects of the project.

\* \* \*

Chapter 13.17

MIXED-USE CENTER DEVELOPMENT

13.17.020 Residential target area designation and standards.

A. Criteria. Following a public hearing, the City Council may, in its sole discretion, designate one or more residential target areas. Each designated target area must meet the following criteria, as determined by the City Council:

1. The target area is located within a designated mixed-use center;
2. The target area lacks sufficient available, desirable, and convenient residential housing to meet the needs of the public who would likely live in the mixed-use center if desirable, attractive, and livable places were available; and
3. The providing of additional housing opportunity in the target area will assist in achieving the following purposes:
  - a. Encourage increased residential opportunities within the target area; or
  - b. Stimulate the construction of new multi-family housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing.

In designating a residential target area, the City Council may also consider other factors, including, but not limited to: whether additional housing in the target area will attract and maintain a significant increase in the number of permanent residents; whether an increased residential population will help alleviate detrimental conditions and social liability in the target area; and whether an increased residential population in the target area will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020. The City Council may, by ordinance, amend or rescind the designation of a residential target area at any time pursuant to the same procedure as set forth in this chapter for original designation.

B. Target Area Standards and Guidelines. For each designated residential target area, the City Council shall adopt basic requirements for both new construction and rehabilitation supported by the City's property tax exemption for multi-family housing program, including the application procedures specified in Section 6A.110.020. The City Council may also adopt guidelines including the following:

1. Requirements that address demolition of existing structures and site utilization; and
2. Building requirements that may include elements addressing parking, height, density, environmental impact, public benefit features, compatibility with the surrounding property, and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential target area.

The required amenities shall be relative to the size of the proposed project and the tax benefit to be obtained.

C. Designated Target Areas. The proposed boundaries of the "residential target areas" are the boundaries of the [168](#) mixed-use centers listed below and as indicated on the [Generalized Land Use Mixed-use Centers Map-Plan of the Comprehensive Plan](#) and in the Comprehensive Plan legal descriptions which are incorporated herein by reference and on file in the City Clerk's Office.

The designated target areas do not include those areas within the boundary of the University of Washington Tacoma campus facilities master plan (per RCW 84.14.060).

MIXED-USE CENTER	CENTER TYPE	ORIGINALLY ADOPTED
<del>South 56th and</del> South Tacoma Way	Neighborhood	November 21, 1995
Downtown Tacoma <del>(including Stadium and Hilltop)</del>	<del>Downtown</del> Regional Growth Center	November 21, 1995
Proctor <del>(North 26th and Proctor)</del>	Neighborhood	November 21, 1995
Tacoma Mall Area	Urban Regional Growth Center	November 21, 1995
Hilltop	Neighborhood	<del>November 21, 1995</del>
Westgate	Community Crossroads	November 21, 1995
Lincoln <del>(South 38th and "G" Street)</del>	Neighborhood	November 21, 1995
6th Avenue <del>and Pine Street</del>	Neighborhood	November 21, 1995
Tacoma Central Plaza/Allenmore	Community Crossroads	November 21, 1995
<del>South 72nd and Pacific Avenue</del> Upper Pacific	Community Crossroads	November 21, 1995
<del>East 72nd and Upper</del> Portland Avenue	Community Crossroads	November 21, 1995
<del>Stadium (North 1st and Tacoma)</del>	Neighborhood	<del>November 21, 1995</del>

James Center	<del>TCC</del>	<del>Community Crossroads</del>	November 21, 1995
Lower Portland Avenue		<del>Community Crossroads</del>	January 16, 1996
<del>South 34th and Pacific Avenue</del>	<del>Lower Pacific</del>	<del>Community Crossroads</del>	December 11, 2007
McKinley	<del>(E. 34th and McKinley)</del>	Neighborhood	December 11, 2007
Narrows	<del>(6th Avenue and Jackson)</del>	Neighborhood	December 11, 2007
Point Ruston		<del>Community Crossroads</del>	July 1, 2014

# TITLE 1

## ADMINISTRATION AND PERSONNEL

### Chapter 1.37

#### TRANSFER OF DEVELOPMENT RIGHTS PROGRAM ADMINISTRATIVE CODE

\* \* \*

##### 1.37.030 Sending Areas.

The following five categories of land or structures qualify as sending areas:

A. Pierce County Farm Land: Farm land designated as Agriculture Resource Land (ARL) in unincorporated Pierce County situated in Pierce County's Puyallup Valley (Alderton-McMillin or Mid County Community Planning Areas).

B. Pierce County Forest Land: Forest land designated as Forest Land (FL) situated in unincorporated Pierce County.

C. Resource lands in King County and Snohomish County.

D. Tacoma Habitat: Lands providing high habitat and natural value located within, or in proximity to, designated [Habitat Open Space](#) Corridors in the Comprehensive Plan, and lands providing exceptional habitat and natural value located within the City and outside of the designated [Habitat Open Space](#) Corridors.

E. Tacoma Landmarks: Structures designated as a landmark as identified in the Tacoma Register of Historic Places.

Publicly owned lands are not eligible sending areas. Public or privately owned lands that are currently encumbered by a perpetual conservation easement or a similar instrument are not eligible sending areas.

The City may modify eligible sending areas situated in unincorporated Pierce County or unincorporated King County and Snohomish County through an interlocal agreement or resolution that references WAC 365-198. In the event that the City modifies eligible sending areas with an interlocal agreement or resolution, the terms of the interlocal agreement or resolution are controlling.

(Ord. 28230 Ex. A; passed Jul. 22, 2014; Ord. 28087 Ex. A; passed Sept. 25, 2012)

\* \* \*

### Chapter 1.39

#### AFFORDABLE HOUSING INCENTIVES AND BONUSES ADMINISTRATIVE CODE

##### 1.39.060 Development Incentives.

A. Development incentives are voluntary options intended to promote the incorporation of affordable housing units within private developments by offering sufficient value to offset the cost of the reduced revenue from rents or purchase prices, in order to promote a range of housing unit costs integrated within for-profit housing developments and thus promote a distribution of affordable housing throughout the neighborhoods of the City.

B. Planned Residential Districts. Per the provisions of TMC 13.06.140, PRDs offer a zoning mechanism to develop a site specific proposal on larger sites that can incorporate additional density in exchange for the provision of affordable housing units pursuant to the requirements of this Chapter. PRDs may allow up to two times the number of dwelling units permitted in the underlying residential district. Fifty percent of this bonus development capacity is reserved for the provision of affordable housing pursuant to the requirements of this Chapter.

C. Downtown Tacoma. Per the provisions of TMC 13.06A.080, development proposals within Downtown zoning districts seeking to gain additional Floor Area Ratio may choose from a list of public benefit features including the provision of affordable housing pursuant to the requirements of this Chapter.

D. Mixed-use Centers. Per the provisions of TMC 13.06.300.(E).7 Height Bonus Palette, development proposals within certain mixed-use center zoning districts seeking to gain additional height may choose from a list of public benefit features, including a contribution to the City of Tacoma's Affordable Housing Trust Fund.

(Ord. 28336 Ex. A; passed Dec. 1, 2015)

\* \* \*

### **1.39.080 Incorporation of Affordable Housing Units.**

\* \* \*

C. In-lieu Fee option. As an alternative to incorporation of affordable housing units within the development, the project proponent may choose to pay an in-lieu fee as a contribution to the City's Housing Trust Fund. This fee is based on the increased land value as a function of City approval to allow more density, and has been calibrated to provide equivalent affordable housing benefit to the community as compared to the incorporation of affordable housing units within the development.

1. Density bonus types. The density bonus provisions of this section function either as an increase in the number of dwelling units permitted (in the case of PRDs), or as an increase in over height and bulk (in the case of Floor Area Ratios or height increases). Upzone requests can work in either fashion. The in lieu fee options for each are calculated as follows:

a. Calculation - Dwelling Units bonus. If paid prior to issuance of the Certificate of Occupancy, the in-lieu fee shall be \$10,000 for Planned Residential Districts, Mixed-use Center Height bonuses, -and Downtown Floor Area Ratio bonuses, and \$5,000 for upzones, as of July 1, 2016, adjusted per the Consumer Price Index annually, for each additional dwelling unit (both market-rate and affordable) permitted through the bonus density or upzones provisions of this Chapter. For density bonuses and upzones which grant additional height or Floor Area Ratio, the additional dwellings shall be calculated as the additional square footage permitted through the density bonus divided by the average dwelling unit size within the developmen

## Amendments

.....

**GOAL AD-6** Maintain Tacoma’s Comprehensive Plan in order to ensure that it remains relevant and is consistent with current regulatory and policy frameworks.

**Policy AD-6.1** Maintain the Comprehensive Plan to ensure that current community conditions, information, and regional, state and federal policies and regulation are reflected in the Plan.

**Policy AD-6.2** Consider proposed Comprehensive Plan amendments concurrently so that the cumulative effect of the proposals can be determined. [Similarly, where the City is evaluating an area-wide rezone to implement the Future Land Use Map land use designations, site specific rezones within the study area should primarily be evaluated as part of the area-wide proposal.](#)

**Policy AD-6.3** All proposed Comprehensive Plan amendments should include adequate information upon which to base a decision, such as a description of the proposed amendment, statement of need, description of how the proposed amendment enhances the community, demonstration of consistency with the current Comprehensive Plan, community outreach conducted, and response to public review and comment on the proposed change.

**Policy AD-6.4** Ensure proposed Comprehensive Plan policy amendments are accompanied by any related and required implementation actions.

**Policy AD-6.5** Ensure proposed Comprehensive Plan policy amendments are accompanied by any related and required implementation actions.

### **Capital Improvements**

All capital improvements undertaken by the City must be consistent with the Comprehensive Plan, including those for public facilities and services. This ensures that the City provides adequate public services and that the City's infrastructure supports the land use pattern envisioned in the Comprehensive Plan.

### **Functional Plans**

Functional plans are detailed plans for facilities and services in the City. Tacoma's Comprehensive Plan provides overarching guidance for the City's many other plans, including the *Economic Development Strategic Framework*, *Human Services Strategic Plan*, [\*Environmental Action Plan\*](#), [\*Artfull Tacoma\*](#), *Urban Forest Manual*, *Surface Water Manual*, *Public Works Design Manual*, and Tacoma Public Utilities system plans. These plans must be consistent with the Comprehensive Plan. As such, implementation of functional plans supports implementation of the Comprehensive Plan. Some functional plans, such as the *Shoreline Master Program* and *Capital Facilities Program* are also formal elements of the Comprehensive Plan and subject to the rules and procedures governing that Plan.

The plans of non-City entities that provide services in the City should also be coordinated with the Comprehensive Plan. Such plans include the Tacoma-Pierce County Health Department (TPCHD) *Healthy Community Strategy*, *Tacoma School District's Strategic Plan*, *Metro Parks' Green Vision 2030*, TPCHD's *Community Health Improvement Plan* and *Pierce Transit's Destination 2040*.

### **Subarea Plans**

The Comprehensive Plan provides citywide guidance future land use, transportation and other infrastructure needs. For smaller geographic areas, subarea planning allows for a more detailed consideration of specific goals, needs and interests within a specified area. The adoption and incorporation of subarea plans into the Comprehensive Plan adds greater detail, guidance and predictability to future development. Recent examples of subarea planning in Tacoma includes the South Downtown, Hilltop, and North Downtown subarea plans. Future subarea planning in the City's mixed-use centers would help focus priorities and actions needed to achieve the future vision for each of these areas.

**CAPITAL IMPROVEMENTS** are the built facilities that help the city function, such as roads, bridges, parks, schools and other similar facilities. Public facilities and services include: electricity, fire, libraries, parks, police, solid waste, stormwater, telecommunications, transportation, wastewater and water.

**ENVIRONMENTAL ACTION PLAN** is an example of a functional plan that implements the goals and policies of the Comprehensive Plan. The EAP provides a list of high-priority actions that the City of Tacoma will take between 2016 and 2020. It provides a reporting system for tracking progress towards environmental goals and serves as a management tool for the City administration but also as a communication tool for the broader Tacoma community.

## COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATIONS

## CORRESPONDING ZONING

### Shoreline

The city's shoreline areas provide great social, ecological, recreational, cultural, economic and aesthetic value, both at the local and regional level. It is the community's intent to use the full potential of these areas in a manner that is both ordered and diversified, supports the community's ability to enjoy the water and the unique setting it creates, and which integrates water and shoreline uses while achieving a net gain of ecological functions. In addition, these areas are intended to balance the overarching goals outlined in the State Shoreline Management Act:

- To ensure an adequate land supply for water-dependent uses;
- To promote and enhance the public's opportunities to access and enjoy the water; and
- To protect and preserve natural resources.

This designation includes areas that support deepwater port and industrial sites, habitat for a variety of fish and wildlife, archaeological and historical sites, open space, recreation and community activities, and some commercial and residential development. Recognizing the limited nature of this important resource, use and development of the shoreline areas must be carefully planned and regulated to ensure that these values are maintained over time.

The Shoreline Master Program has been developed to provide additional and more detailed policy direction regarding the city's shoreline areas, along with specific zoning and development standards. The Shoreline Master Program utilizes a system of "environment designations" which further guide the character, intensity and use of individual shoreline segments. These classifications include Natural, Shoreline Residential, Urban Conservancy, High Intensity, Aquatic, and Downtown Waterfront and are based on the existing development patterns, natural capabilities and goals and aspirations of the community for its shoreline areas.

**S1–S14** Shoreline Zoning Districts

**Policy UF–1.4** Direct the majority of growth and change to centers, corridors, and transit station areas, allowing the continuation of the general scale and characteristics of Tacoma's residential areas.

**Policy UF–1.5** Strive for a built environment designed to provide a safe, healthful, and attractive environment for people of all ages and abilities.

**Policy UF–1.6** Support energy-efficient, resource-efficient, and sustainable development and transportation patterns through land use and transportation planning.

**Policy UF–1.7** Integrate nature and use appropriate green infrastructure throughout Tacoma.

**Policy UF–1.8** Recognize the importance of the city's established street grid pattern, block sizes and intersection density to support multi-modal transportation, quality urban design, and 20-minute neighborhoods. Whenever practicable, the established grid pattern should be preserved and enhanced to achieve the city's goals for urban form and design and development.

*See the Public Facilities  
+ Services Element  
for additional policies  
related to annexation  
under Goal PFS-2 and  
supporting policies*



*Hill climb assist through  
UW Tacoma*

**Policy UF-1.89** Encourage high quality design and development that demonstrates Tacoma’s leadership in the design of the built environment, commitment to a more equitable city, and ability to experiment and generate innovative design solutions.

**Policy UF-1.910** Leverage the power of the arts, culture and creativity to serve the community’s interest while driving growth in a way that builds character and quality of place.

**Policy UF-1.1011** Evaluate the impacts of land use decisions on the physical characteristics of neighborhoods and current residents, particularly under- served and under-represented communities.

- a. Avoid or reduce negative development impacts, especially where those impacts inequitably burden communities of color under-served and under-represented communities, and other vulnerable populations.
- b. Make needed investments in areas that are deficient in infrastructure and services to reduce disparities and increase equity and where growth and change are anticipated.

**Policy UF-1.1112** Plan for future annexation of the city’s Potential Annexation Areas (PAA) in a collaborative manner with affected jurisdictions and residents.

## CENTERS

Centers are compact, walkable and pedestrian-oriented urban places. They are connected by public transit and active transportation networks. They anchor complete neighborhoods with retail stores and businesses (grocery stores, restaurants, markets, shops, etc.) civic amenities (libraries, schools, community centers, places of worship, etc.), housing options, health clinics, daycare centers, employment centers, plazas and parks and other public gathering places.

Centers will be the primary areas for growth and change in Tacoma over the next 25 years. Focusing new growth in centers helps achieve goals of having more Tacomans live in complete neighborhoods, use public transit and active transportation—walking, biking and rolling—to commute to work and complete errands, and it will help mitigate and prepare for the effects of climate change. Clustering and co-locating destinations and