The Tacoma City Council, at its regular City Council meeting of February 20, 2018, 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. 39942**
A resolution appointing an individual to the Planning Commission.
[Doris Sorum, City Clerk; Bill Fosbre, City Attorney]

**Resolution No. 39943**
A resolution awarding a contract to James W. Fowler Co., in the amount of $3,100,800, excluding applicable sales tax, budgeted from the Surface Water Fund, for the design and construction of the Jefferson Avenue and Hood Street surface water interceptor project - Specification No. ES17-0269F.
[Geoffrey M. Smyth, P.E., Division Manager; Michael P. Slevin III, P.E., Director, Environmental Services]

**Amended Ordinance No. 28491**
An ordinance amending Title 13 of the Municipal Code, relating to the Land Use Regulatory Code, to adopt Correctional and Detention Facilities Permanent Regulations, as recommended by the Planning Commission.
[Brian Boudet, Planning Division Manager; Peter Huffman, Director, Planning and Development Services]
RESOLUTION NO. 39942

BY REQUEST OF DEPUTY MAYOR IBSEN AND COUNCIL MEMBERS BEALE, McCARTHY, AND MELLO

A RESOLUTION relating to committees, boards, and commissions; appointing an individual to the Planning Commission.

WHEREAS a vacancy exists on the Planning Commission, and

WHEREAS, at its meeting of February 14, 2018, the Infrastructure, Planning, and Sustainability Committee conducted interviews and recommended the appointment of Ryan Givens to said commission, and

WHEREAS, pursuant to City Charter 2.4 and the Rules, Regulations, and Procedures of the City Council, Ryan Givens has been nominated to serve on the Planning Commission; Now, Therefore,

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

That Ryan Givens is hereby confirmed and appointed to the Architecture, Historic Preservation, and/or Urban Design position on the Planning Commission, to fill an unexpired term to expire June 30, 2019.

Adopted ____________________________


Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney
RESOLUTION NO. 39943

A RESOLUTION related to the purchase of materials, supplies or equipment, and the furnishing of services; authorizing the execution of a contract with James W. Fowler Co., in the amount of $3,100,800, excluding applicable sales tax, budgeted from the Surface Water Fund, for the design and construction of the Jefferson Avenue and Hood Street surface water interceptor project, pursuant to Specification No. ES17-0269F.

WHEREAS the City has complied with all applicable laws and processes governing the acquisition of those supplies, and/or the procurement of those services, inclusive of public works, as is shown by the attached Exhibit “A,” incorporated herein as though fully set forth, and

WHEREAS the Board of Contracts and Awards has concurred with the recommendation for award as set forth in the attached Exhibit “A”; Now, Therefore,

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

Section 1. That the Council of the City of Tacoma concurs with the Board of Contracts and Awards to adopt the recommendation for award as set forth in the attached Exhibit “A.”

Section 2. That the proper officers of the City are hereby authorized to enter into a contract with James W. Fowler Co., in the amount of $3,100,800, excluding applicable sales tax, budgeted from the Surface Water Fund, for the design and
construction of the Jefferson Avenue and Hood Street surface water interceptor project, pursuant to Specification No. ES17-0269F, consistent with Exhibit “A.”

Adopted ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
City Attorney
ORDINANCE NO. 28491

AN ORDINANCE relating to land use regulations; amending Title 13 of the Tacoma Municipal Code by amending Sections 13.05.020, 13.06.100, 13.06.200, 13.06.300, 13.06.400, 13.06.640, 13.06.700, and 13.06A.050 thereof, to adopt correctional and detention facilities permanent regulations, as recommended by the Planning Commission.

WHEREAS, on March 7, 2017, the City Council passed Ordinance No. 28417, enacting emergency interim zoning regulations, pertaining to public and private correctional facilities, for a period of six months, to expire on September 6, 2017, and

WHEREAS the interim regulations amended Sections 13.06.100, 13.06.200, 13.06.300, 13.06.400, and 13.06.700 of the Tacoma Municipal Code ("TMC"), and were intended to (1) prohibit or require conditional use permits for new or expanded correctional facilities in the interim; and (2) allow time for the City Council and Planning Commission to conduct appropriate research; analyze potential impacts and applicable local, state and regional policies; and determine the appropriate permanent regulatory framework for public and private correctional facilities in Tacoma, and

WHEREAS some of the significant issues, concerns, and challenges the Planning Commission and City Council have faced during deliberation of the interim and permanent regulations concerning correctional and detention facilities include: (1) the legality and appropriateness of the City’s use of its land use regulatory authority to potentially address this broad-reaching, politically charged, and largely national-level issue; (2) the impact of the state’s Growth Management Act and provisions relative to Essential Public Facilities; (3) broader land use concerns about allowing non-typical “residential” uses in the areas zoned for “traditional” multi-family dwellings; (4) broader land use concerns, and the
inconsistency with the Comprehensive Plan policies, about allowing non-typical
“residential” uses in the Tideflats industrial area that is considered not appropriate
for temporary or permanent housing; and (5) the quality of life, health, safety,
environmental, equity, and liability concerns of people living in areas not
appropriate for human living, and

WHEREAS, following a public hearing conducted on April 25, 2017, the City
Council passed Ordinance No. 28429 on May 9, 2017, retaining and modifying the
interim regulations and extending the effective duration to one year, to expire on
March 6, 2018, and

WHEREAS the Planning Commission has reviewed the interim regulations
as modified on May 9, 2017; developed draft permanent regulations for City
Council consideration for adoption upon expiration of the interim regulations;
conducted a public hearing on January 3, 2018, to receive public comment on the
draft regulations; and put forward its recommendation on January 17, 2018, as
documented in the Commission’s Findings of Fact and Recommendations Report,
and

WHEREAS the proposed correctional and detention facilities permanent
regulations recommended by the Planning Commission would amend
Sections 13.05.020, 13.06.100, 13.06.200, 13.06.300, 13.06.400, 13.06.640,
13.06.700, and 13.06A.050 of the TMC, and would (1) modify the current definition
of “correctional facility” and create a new and clearly distinct definition and use
category for “detention facility”; (2) prohibit correctional and detention facilities in
PMI (Port Maritime Industrial), M-2 (Heavy Industrial), and R-4L (Low Density
Multi-family) zones; (3) allow correctional and detention facilities in the M-1 (Light
Industrial), R-4 (Multi-family), and R-5 (Multi-family) zones; (4) require a
Conditional Use Permit for new correctional and detention facilities (in zones where
they are allowed) or significant modifications to existing ones; and (5) as part of the
Conditional Use Permit process, require expanded public notice (to properties
within 1,000 feet) and a pre-application community meeting, and

WHEREAS, on February 6, 2018, pursuant to TMC 13.02.045, the City
Council conducted a public hearing on the proposed regulations, and

WHEREAS, based on the public hearing and City Council deliberation, the
City Council developed additional amendments to Sections 13.06.100 and
13.06.400 which would (1) change the Commissions’ recommendation and prohibit
correctional and detention facilities in the R-4 (Multi-family) and R-5 (Multi-family)
zones; (2) limit the availability of expansion for correctional and detention facilities
by conditional use in the M-1 zone, to M-1 zones that were in place as of
January 1, 2018; and (3) expand the notification requirements for correctional and
detention
facility expansion by CUP in the M-1 zones to 2500 feet, and

WHEREAS, in formulating the additional amendments, the City Council
considered the testimony of residents and the weight of existing City, regional and
state policies regarding the protection of scarce and dwindling port maritime
industrial land from non-industrial uses, and

WHEREAS, when the proposed permanent regulations become effective,
the interim regulations as set forth in Ordinance No. 28429 will be rescinded, and

WHEREAS the City Council finds it in the best interest of public health,
safety and welfare to enact the proposed correctional and detention facilities
permanent regulations, as recommended by the Planning Commission, and amended by the City Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. Legislative Findings. That the recitals set forth above, including the Findings of Fact and Recommendations of the Tacoma Planning Commission, are hereby adopted as the City Council’s legislative findings.

Section 2. That Title 13 of the Tacoma Municipal Code is hereby amended by amending Sections 13.05.020, 13.06.100, 13.06.200, 13.06.300, 13.06.400, 13.06.640, 13.06.700, and 13.06A.050 thereof, as set forth in the attached Exhibit “A.”

Section 3. Effective Date. That this Ordinance shall be effective ten days after its publication.

Passed ______________________

______________________________
Mayor

Attest:

______________________________
City Clerk

Approved as to form:

______________________________
Deputy City Attorney
Chapter 13.05
LAND USE PERMIT PROCEDURES

* * *

13.05.020 Notice process.

* * *

H. Notice and Comment Period for Specified Permit Applications. Table H specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

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

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Pre-application Meeting</th>
<th>Notice: Distance</th>
<th>Notice: Newspaper</th>
<th>Notice: Post Site</th>
<th>Comment Period</th>
<th>Decision</th>
<th>Hearing Required</th>
<th>City Council</th>
<th>Expiration of Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional use</td>
<td>Required</td>
<td>400 feet; 1000 feet for development sites over 1 acre in size</td>
<td>No</td>
<td>Yes</td>
<td>30 days³</td>
<td>Director</td>
<td>No</td>
<td>No</td>
<td>5 years⁴</td>
</tr>
<tr>
<td>Conditional use, correctional facilities (new or major modification)</td>
<td>Required</td>
<td>2,500 feet from the edge of the zone</td>
<td>Yes</td>
<td>Yes</td>
<td>30 days²</td>
<td>Hearing Examiner</td>
<td>Yes</td>
<td>No</td>
<td>5 years</td>
</tr>
<tr>
<td>Conditional use, detention facilities (new or major modification)</td>
<td>Required</td>
<td>2,500 feet from the edge of the zone</td>
<td>Yes</td>
<td>Yes</td>
<td>30 days²</td>
<td>Hearing Examiner</td>
<td>Yes</td>
<td>No</td>
<td>5 years</td>
</tr>
<tr>
<td>Conditional use, large-scale retail</td>
<td>Required</td>
<td>1,000 feet</td>
<td>Yes</td>
<td>Yes</td>
<td>30 days²</td>
<td>Hearing Examiner</td>
<td>Yes</td>
<td>No</td>
<td>5 years</td>
</tr>
<tr>
<td>Conditional use, master plan</td>
<td>Required</td>
<td>1000 feet</td>
<td>Yes</td>
<td>Yes</td>
<td>30 days²</td>
<td>Director</td>
<td>Yes</td>
<td>No</td>
<td>10 years</td>
</tr>
<tr>
<td>Conditional Use, Minor Modification</td>
<td>Optional</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Director</td>
<td>No</td>
<td>No</td>
<td>5 years</td>
</tr>
<tr>
<td>Conditional Use, Major Modification</td>
<td>Required</td>
<td>400 feet; 1000 feet for public facility sites and master plans</td>
<td>No</td>
<td>Yes</td>
<td>14 days⁵</td>
<td>Director</td>
<td>No</td>
<td>No</td>
<td>5 years</td>
</tr>
</tbody>
</table>

* * *

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

* Programmatic Restoration Projects can request 5 year renewals to a maximum of 20 years total.

When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).

1 Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director’s decision and are not eligible for a one-year extension.

2 Comment on land use permit proposal allowed from date of notice to hearing.

3 Must be recorded with the Pierce County Auditor within five years.

4 Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director’s decision.

5 If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.

6 Refer to Section 13.05.070 for preliminary plat expiration dates.

7 Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.

* * *
Chapter 13.06
ZONING

13.06.100 Residential Districts.

5. District use table.

<table>
<thead>
<tr>
<th>Uses</th>
<th>R-1</th>
<th>R-2</th>
<th>R-2SRD</th>
<th>HMR-SRD</th>
<th>R-3</th>
<th>R-4-L</th>
<th>R-4</th>
<th>R-5</th>
<th>Additional Regulations¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confidential Shelter</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Subject to additional requirements contained in Section 13.06.535.</td>
</tr>
<tr>
<td>Continuing care retirement community</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Subject to additional requirements contained in Section 13.06.535.</td>
</tr>
<tr>
<td>Correctional facility</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>CUN</td>
<td>CUN</td>
<td>CUN</td>
<td>Side yards shall be provided as specified in Section 13.06.602.</td>
</tr>
<tr>
<td>Day care, family</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Must be licensed by the State of Washington.</td>
</tr>
<tr>
<td>Day care center</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>CU</td>
<td>P/CU</td>
<td>P</td>
<td>P</td>
<td>Subject to additional requirements contained in Section 13.06.155. For R-4-L, day care centers with an enrollment limited to 50 or fewer children or adults are permitted, while day care centers for more than 50 children or adults may be allowed subject to the approval of a conditional use permit.</td>
</tr>
<tr>
<td>Detention facilities</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>Side yards shall be provided as specified in Section 13.06.602.</td>
</tr>
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</table>
13.06.200 Commercial Districts.

* * *

5. District use table.

<table>
<thead>
<tr>
<th>Uses</th>
<th>T</th>
<th>C-1</th>
<th>C-2¹</th>
<th>HM</th>
<th>PDB</th>
<th>Additional Regulations²,³ (also see footnotes at bottom of table)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confidential shelter</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 13.06.535. Limit: 15 residents in T District.</td>
</tr>
<tr>
<td>Continuing care retirement community</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 13.06.535.</td>
</tr>
<tr>
<td>Correctional facility</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Uses</th>
<th>NCX</th>
<th>CCX</th>
<th>UCX</th>
<th>RCX¹</th>
<th>CIX</th>
<th>HMX</th>
<th>URX</th>
<th>NRX</th>
<th>Additional Regulations³,⁴,⁵ (also see footnotes at bottom of table)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confidential shelter</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 13.06.535. Prohibited at street level along</td>
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<td></td>
<td></td>
<td>frontage of designated core pedestrian streets in NCX.²</td>
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<td></td>
<td>Not subject to minimum densities founding Section 13.06.300.E.</td>
</tr>
<tr>
<td>Continuing care retirement community</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 13.06.535. Prohibited at street level along</td>
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<td></td>
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<td></td>
<td>frontage of designated core pedestrian streets in NCX.²</td>
</tr>
<tr>
<td>Correctional facility</td>
<td>N</td>
<td>N</td>
<td>N</td>
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13.06.300 Mixed-Use Center Districts.

* * *

3. District use table.

<table>
<thead>
<tr>
<th>Uses</th>
<th>NCX</th>
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<th>UCX</th>
<th>RCX¹</th>
<th>CIX</th>
<th>HMX</th>
<th>URX</th>
<th>NRX</th>
<th>Additional Regulations³,⁴,⁵ (also see footnotes at bottom of table)</th>
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<tbody>
<tr>
<td>Confidential shelter</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 13.06.535. Prohibited at street level along</td>
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<td></td>
<td>Not subject to minimum densities founding Section 13.06.300.E.</td>
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<tr>
<td>Continuing care retirement community</td>
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<td>P</td>
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<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 13.06.535. Prohibited at street level along</td>
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<td></td>
<td>frontage of designated core pedestrian streets in NCX.²</td>
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<tr>
<td>Correctional facility</td>
<td>N</td>
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<th>UCX</th>
<th>RCX¹</th>
<th>CIX</th>
<th>HMX</th>
<th>URX</th>
<th>NRX</th>
<th>Additional Regulations³,⁴,⁵ (also see footnotes at bottom of table)</th>
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<tbody>
<tr>
<td>Confidential shelter</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 13.06.535. Prohibited at street level along</td>
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<td></td>
<td>frontage of designated core pedestrian streets in NCX.²</td>
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<td>Not subject to minimum densities founding Section 13.06.300.E.</td>
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<tr>
<td>Continuing care retirement community</td>
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<td>P</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 13.06.535. Prohibited at street level along</td>
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<td></td>
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<td></td>
<td></td>
<td>frontage of designated core pedestrian streets in NCX.²</td>
</tr>
<tr>
<td>Correctional facility</td>
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</tr>
</tbody>
</table>

* * *
### 13.06.400 Industrial Districts.

5. District use table.

<table>
<thead>
<tr>
<th>Uses</th>
<th>M-1</th>
<th>M-2</th>
<th>PMI</th>
<th>Additional Regulations¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confidential shelter</td>
<td>P/N*</td>
<td>N</td>
<td>N</td>
<td>See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.</td>
</tr>
<tr>
<td>Continuing care retirement community</td>
<td>P/N*</td>
<td>N</td>
<td>N</td>
<td>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.</td>
</tr>
<tr>
<td>Correctional facility*</td>
<td>PCU</td>
<td>P</td>
<td>PN</td>
<td>Modifications or expansions to existing facilities that increase the inmate/detainee capacity shall be processed as a major modification (see Section 13.05.080). A pre-application community meeting is also required (see Section 13.06.640.Q).</td>
</tr>
<tr>
<td>Day care, family</td>
<td>P/N*</td>
<td>N</td>
<td>N</td>
<td>*Not permitted within the South Tacoma M/IC Overlay District.</td>
</tr>
<tr>
<td>Day care center</td>
<td>P</td>
<td>P</td>
<td>N</td>
<td>Subject to development standards contained in Section 13.06.155.</td>
</tr>
<tr>
<td>Detention facility*</td>
<td>CU</td>
<td>N</td>
<td>N</td>
<td>Modifications or expansions to existing facilities that increase the inmate/detainee capacity shall be processed as a major modification (see Section 13.05.080). A pre-application community meeting is also required (see Section 13.06.640.Q). This CU is only available in the M-1 zones in place as of January 1, 2018.</td>
</tr>
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*The notification distance for a project within the M-1 zone will be 2,500 feet from the boundaries of that zone.

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13.06.640  Conditional use permit.

A. Purpose. In many zones there are uses that may be compatible but because of their size, operating characteristics, potential off-site impacts and/or other similar reasons warrant special review on a case-by-case basis. The purpose of the conditional use permit review process is to determine if such a use is appropriate at the proposed location and, if appropriate, to identify any additional conditions of approval necessary to mitigate potential adverse impacts and ensure compatibility between the conditional use and other existing and allowed uses in the same zoning district and in the vicinity of the subject property. The zoning district use tables identify which uses require a conditional use permit (see Sections 13.06.100, -.200, -.300, and -.400). These uses may be authorized by the Director or Hearing Examiner in accordance with the procedures established in TMC 13.05 and the applicable criteria outlined below.

* * *

D. Criteria. A conditional use permit shall be subject to the following criteria:

1. There shall be a demonstrated need for the use within the community at large which shall not be contrary to the public interest.

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

3. For proposals that affect properties that are listed individually on the Tacoma Register of Historic Places, or are within historic special review or conservation districts, the use shall be compatible and consistent with applicable historic preservation standards, and goals, objectives and guidelines of the historic or conservation districts. Proposed actions or alterations inconsistent with historic standards or guidelines as determined by the Landmarks Commission are a basis for denial.

4. 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 property use:

   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.

5. An application for a conditional use permit shall be processed in accordance with the provisions of Chapter 13.05.

* * *

Q. Correctional or Detention Facilities. An application for a conditional use permit for correctional or detention facilities shall be processed in accordance with the provisions of Chapter 13.05, except with the following additional requirement:

Pre-application community meeting. Prior to submitting an application to the City for a conditional use permit for a correctional or detention facility, it is required that the applicant hold a public informational meeting with community members. The purpose of the meeting is to provide an early, open dialogue between the applicant and the neighborhood surrounding the proposed development. The meeting should acquaint the neighbors of the proposed development with the applicant and/or developers and provide for an exchange of information about the proposal and the community, including the characteristics of the proposed development and of the surrounding area and any particular issues or concerns of which the applicant should be made aware. The applicant shall provide written notification of the meeting, at least 30 calendar days prior to the meeting date, to the appropriate neighborhood council pursuant to TMC 1.45 and neighborhood business district pursuant to TMC 1.47, qualified neighborhood and community organizations, and to the owners of property located within 1,000 feet of the project site.

* * *
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.

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13.06.700.C

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Container, shipping/storage. A large, prefabricated box or container made of metal, wood, or similar material utilized for the shipping/storage and distribution of various products or commodities.
Continuing care retirement community. An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care. Due to the wide range of services provided, such facilities generally operate under multiple state-licensing programs.
Convalescent home. See “extended care facility.”
Cornice. Projection at the top of a wall; a term applied to construction where the roof and side walls meet.
Correctional facility. A public facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence upon conviction. A facility in which persons are held and housed primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense. This definition includes prerelease facilities, but does not include work release centers or juvenile community facilities.

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13.06.700.D

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Deciduous: A plant that loses its leaves and remains leafless for some months of the year, usually in winter (temperate zones) or the dry season (tropical zones).
Decorative grille. An open framework of metal, wood, or other material arranged in a pattern that effectively obscures the views of parked cars located in an off-street parking structure from the public right-of-way.
Design (wireless communication facility). The appearance of wireless communication facilities, including such features as materials, colors, and shapes.

Detention facility. A facility in which persons are held and housed in custody under process of law, pending the outcome of legal proceedings, but not for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

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13.06.700.P

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Public service facilities. Facilities owned, operated, or occupied by a government agency that provide a governmental service to the public, such as public libraries, courthouses, post offices, community centers, and government offices. This general classification does not include other government facilities that are more specifically defined and regulated, such as correctional and detention facilities, parks, schools, public safety facilities, and utilities.
**13.06A.050 Additional use regulations.**

A. Use Categories.

1. Preferred. Preferred uses are expected to be the predominant use in each district.

2. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.

3. Prohibited. Prohibited uses are disallowed uses (no administrative variances).

B. The following uses are prohibited in all of the above districts, unless otherwise specifically allowed:

1. Adult retail and entertainment.

2. Heliports.

3. Work release facilities.


5. Billboards

6. Drive-throughs not located entirely within a building.

C. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.535.

D. Live/work and work/live uses shall be allowed in all downtown districts, subject to the requirements contained in Section 13.06.570.

E. Marijuana uses (marijuana producer, marijuana processor, marijuana researcher and marijuana retailer). Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.565. Marijuana producers, marijuana processors, and marijuana researchers shall be prohibited in all downtown districts.