



Large Scale Retail Moratorium

PROPOSED LAND USE REGULATORY CODE AMENDMENTS January 4, 2012

Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

Chapter 13.05

LAND USE PERMIT PROCEDURES

* * *

13.05.020 Notice process.

* * *

C. Process II – Administrative Decisions Requiring an Environmental Determination and Height Variances, Shoreline Permits, Conditional Use (except for large scale retail uses), Special Development Permits, Wetland/Stream/Fish & Wildlife Habitat Conservation Area (FWHCA) Development Permits, Wetland/Stream/FWHCA Assessments, and Wetland Delineation Verifications.

* * *

D. Process III – Decisions Requiring a Public Hearing.

1. A notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.010.C.

2. Notice of application, including the information identified in Section 13.05.020.E, shall be mailed by first-class mail to the applicant, property owner (if different than the applicant), neighborhood councils in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); Puyallup Indian Tribe for “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.020.G. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to all owners of property and/or taxpayers of record within the entire PRD District and owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.020.G from the boundary of the PRD District.

3. The notified parties shall be allowed 21 days from the date of mailing to comment on the pre-threshold environmental determination under provisions of Chapter 13.12, after which time the responsible official for SEPA shall make a final determination. Those parties who comment on the environmental information shall receive notice of the environmental determination. If an appeal of the determination is filed, it will be considered by the Hearing Examiner at the public hearing on the proposal.

4. A public information sign (or signs), provided by the Department, indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the

Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The notice shall contain, at a minimum, the following information: type of application, name of applicant, location of proposal, and where additional information can be obtained.

5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection G of this section.

* * *

G. Notice and Comment Period for Specified Permit Applications. Table G 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 G – 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
* * *									
Plats 10+ lots	Required	400 feet	Yes	Yes	21 days SEPA**	Hearing Examiner	Yes	Final Plat	5 years****
Plats 5-9 lots	Required	400 feet	Yes	Yes	20 days	LUA	No*	Final Plat	5 years****
Rezones	Required	400 feet	No	Yes	21 days SEPA**	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance	Required	400 feet	No	Yes	30 days*** **	LUA	No*	No	2 years/ maximum 6
Short plat	Required	No	No	No	No	LUA	No	No	5 years****
Site approval	Optional	400 feet	No	Yes	30 days*** **	LUA	No*	No	5 years
Conditional use	Required	400 feet	No	Yes	30 days*** **	LUA	No*	No	5 years****
<u>Conditional use, large-scale retail</u>	<u>Required</u>	<u>1,000 feet</u>	<u>Yes</u>	<u>Yes</u>	<u>30 days**</u>	<u>Hearing Examiner</u>	<u>Yes</u>	<u>No</u>	<u>5 years</u>
Variance	Optional	100 feet	No	Yes	14 days	LUA	No*	No	5 years
* * *									

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

- * 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).
- ** Comment on land use permit proposal allowed from date of notice to hearing.
- *** Must be recorded with the Pierce County Auditor within five years.
- **** Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Land Use Administrator's decision.
- ***** If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.

* * *

Chapter 13.06
ZONING

* * *

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.

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 ¹	HM	PDB	Additional Regulations ^{2,3} (also see footnotes at bottom of table)
* * *						
Residential care facility for youth	P	P	P	P	P	See Section 13.06.535. See definition for bed limit.
Residential chemical dependency treatment facility	P	P	P	P	P	See Section 13.06.535.
Retail	N	P	P/CU~	P*	P*	~A conditional use permit is required for retail uses exceeding 45,000 square feet within the C-2 District. See Section 13.06.640.J. *Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts.
Retirement home	P	P	P	P	P	See Section 13.06.535.
* * *						

D. Building envelope standards.

	T	C-1	C-2	HM	PDB
Minimum Lot Area	0 non-residential; 1,500 square feet per residential unit	0	0	0	0
Minimum Lot Width	0	0	0	0	0
Maximum Lot Coverage	None	None	None	None	None
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.				
Maximum Height Limit	35 feet	35 feet	45 feet	150 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	<u>45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J.</u> None	7,000 square feet per business for eating and drinking, retail and personal services uses	7,000 square feet per business for eating and drinking, retail and personal services uses

* * *

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	UCX-TD	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)
* * *										
Research and development industry	N	N	N	N	N	P	N	N	N	
Residential care facility for youth	P	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. ² 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	P	See Section 13.06.535. In CCX and NCX Districts, prohibited at street level along frontage of designated core pedestrian streets. ²
Retail	P	P/CU~	P/CU~	P/CU~	P	P/CU~	P*	N	N	<u>~A conditional use permit is required for retail uses exceeding 45,000 square feet. See Section 13.06.640.J.</u> *Limited to 7,000 square feet of floor area, per business, in the HMX District.
* * *										

E. Building envelope standards.

1. The following table contains the primary building envelope requirements. See Section 13.06.501 for additional requirements:

	NCX	CCX	UCX	UCX-TD	RCX	CIX	HMX	URX	NRX	Additional Requirements
* * *										
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	10 feet from adjacent lot line for portion over 50 feet in height.	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.	<u>45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J.</u> None	<u>45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J.</u> None	<u>45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J.</u> None	<u>30,000 square feet per business; 45,000 square feet for full service grocery stores only.</u> None	<u>45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.J.</u> None	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.
* * *										

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 ¹

Residential chemical dependency treatment facility	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Retail	P~	P~	P*	*Limited to 7,000 square feet of floor area, per development site, in the PMI District. ~Within the South Tacoma M/IC Overlay District, unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. <u>Outside of the South Tacoma M/IC Overlay District, limited to 65,000 square feet per use, unless approved with a conditional use permit. See Section 13.06.640.J.</u>

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 Land Use Administrator or Hearing Examiner in accordance with the procedures established in TMC 13.05 and the applicable criteria outlined below.

* * *

C. 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. 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.

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

* * *

J. Large Scale Retail

1. Purpose. The purpose of the conditional use permit review process for large scale retail uses is to determine if the proposal is appropriate in the location and manner proposed and, recognizing the size and scale of such developments and their significant impact on the ability for the community to achieve its long-term vision and goals, to ensure that such developments represent an exceptional effort to support the intent and policies of the Comprehensive Plan and respond to the vision, issues and concerns of the specific neighborhood. It is critical to ensure that such proposals incorporate design strategies, beyond the typical design and development standards, that will ensure such projects represent a positive contribution to the community and mitigate their size, scale, traffic volumes and other potential impacts that are typically associated with large scale retail developments.

2. Applicability. This section shall apply to the development of large scale retail uses that exceed the applicable size thresholds for the zoning district in which the proposal is located (as noted in the use tables found in Sections 13.06.200, -.300, and -.400). This section shall not apply to existing large scale retail uses or the reuse of existing buildings, unless such projects involve additions to the existing building(s) that exceed the minor modification thresholds in Section 13.06.080 or expansions to an existing large retail use that exceeds 50% of its existing square footage.

3. Criteria. Where allowed, a conditional use permit for a large scale retail use 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 C, and all of the following additional decision criteria. For projects that involve expansions to an existing large retail use but do not involve significant building expansion (as outlined above under Subsection J.2) these additional decision criteria shall be applied as deemed appropriate by the Hearing Examiner.

recognizing the limitations of incorporating significant site design modifications as part of such a remodel/expansion project.

a. The proposed development is designed in a manner that allows for future reuse of the building(s) by multiple tenants. This may be accomplished by incorporating a variety of different design elements, including provision of several tenant spaces of varying sizes within the building(s) or the ability to practicably modify the building(s) in the future with building separations and modifications to access, mechanical systems and other components that would accommodate multi-tenant reuse.

b. The design of off-street parking areas represent a substantial effort to ensure enhanced pedestrian safety and comfort. Appropriate parking lot design strategies include segmenting surface parking areas into smaller groupings with interspersed buildings, pedestrian features, frequent pedestrian pathways, landscaping, and other focal points, limiting the quantity of off-street parking provided, and/or provision of structured parking for a portion of the on-site parking provided.

c. The type and volume of traffic and existing and proposed traffic patterns allows for accessibility for persons and various modes of transportation. Adequate landscaping, screening, open spaces, and/or other development components are provided as necessary to mitigate the traffic impact upon neighboring properties. In addition, pedestrian-oriented design is further emphasized within Mixed-Use Centers to maintain connectivity between uses and all modes of transportation, including bicycle, pedestrian and mass transit options.

d. Business activity, including delivery and hours of operation, are limited to avoid unnecessary noise and light impacts to surrounding residential uses. Outdoor storage or garden areas are appropriately screened from view or contained within a building.

e. In Mixed-Use Centers, the design of the overall development represents an exceptional effort to positively contribute to the desired and planned character of the district, as outlined in the Comprehensive Plan. This may be accomplished through incorporation of enhanced development features, such as providing a variety of uses, structured parking, multiple floors to allow for smaller building footprints, incorporation of residential units within the building or overall development site, smaller-scale storefront design along the street level, low-impact development techniques, and a diverse array of public spaces, including indoor and outdoor spaces, active and passive spaces, and plazas and garden spaces.

f. For projects on sites along a designated pedestrian street or core pedestrian street (see Sections 13.06.200.E and 13.06.300.C) the site and building design provides a significant emphasis on pedestrian-orientation over vehicular-orientation. This may be accomplished through encouraging direct, continuous and regular pedestrian access, incorporating an internal pedestrian circulation system that provides connections between buildings, through parking areas, to the street and transit linkages, and to surrounding properties and neighborhoods, incorporating continuous and active uses and spaces along pedestrian street frontages and internal pedestrian pathways, and limiting conflicts between pedestrians and vehicles, particularly along the designated street.

An application for a conditional use permit for a large scale retail use 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 large scale retail use, the applicant shall hold a public informational meeting with adjacent 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, qualified neighborhood and community organizations, and to the owners of property located within 1,000 feet of the project site. In addition, for at least 14 days prior to the pre-application community meeting the applicant shall post and maintain one notice sign per street frontage at the site, in locations that are clearly visible from the public street. These notices shall, at a minimum, indicate the site address, the time and place of the meeting, a general description of the proposal, and name and contact information for the applicant or applicant's agent. The meeting shall be held at a location and time of day that is convenient for community members (i.e. after regular business hours if scheduled on a weekday). Subsequently, as part of the conditional use permit application, the applicant shall provide written confirmation that the required pre-application community meeting was held, the

general substance of the community input, and whether, and if so how, the project was modified in response to the community input.

Upon issuance, the Hearing Examiner's decision may be appealed subject to procedures contained in Chapter 1.23.

* * *