

## TMC 13.04 Platting and Subdivisions

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### **13.04.010 Title.**

These regulations shall hereafter be known, cited and referred to as the plat and subdivision regulations of the City of Tacoma.

(Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.020 Intent and authority.**

These regulations are being adopted in accordance with the goals and authority of the Washington State Growth Management Act of 1990, as amended, and Chapter 58.17 of the Revised Code of Washington, concerning plats and

subdivisions. It is intended that these regulations provide an efficient, effective, fair and timely method for the submission, review and approval of plats, short plats, boundary line adjustments and binding site plan approvals.

(Ord. 25532 § 1; passed Jun. 28, 1994)

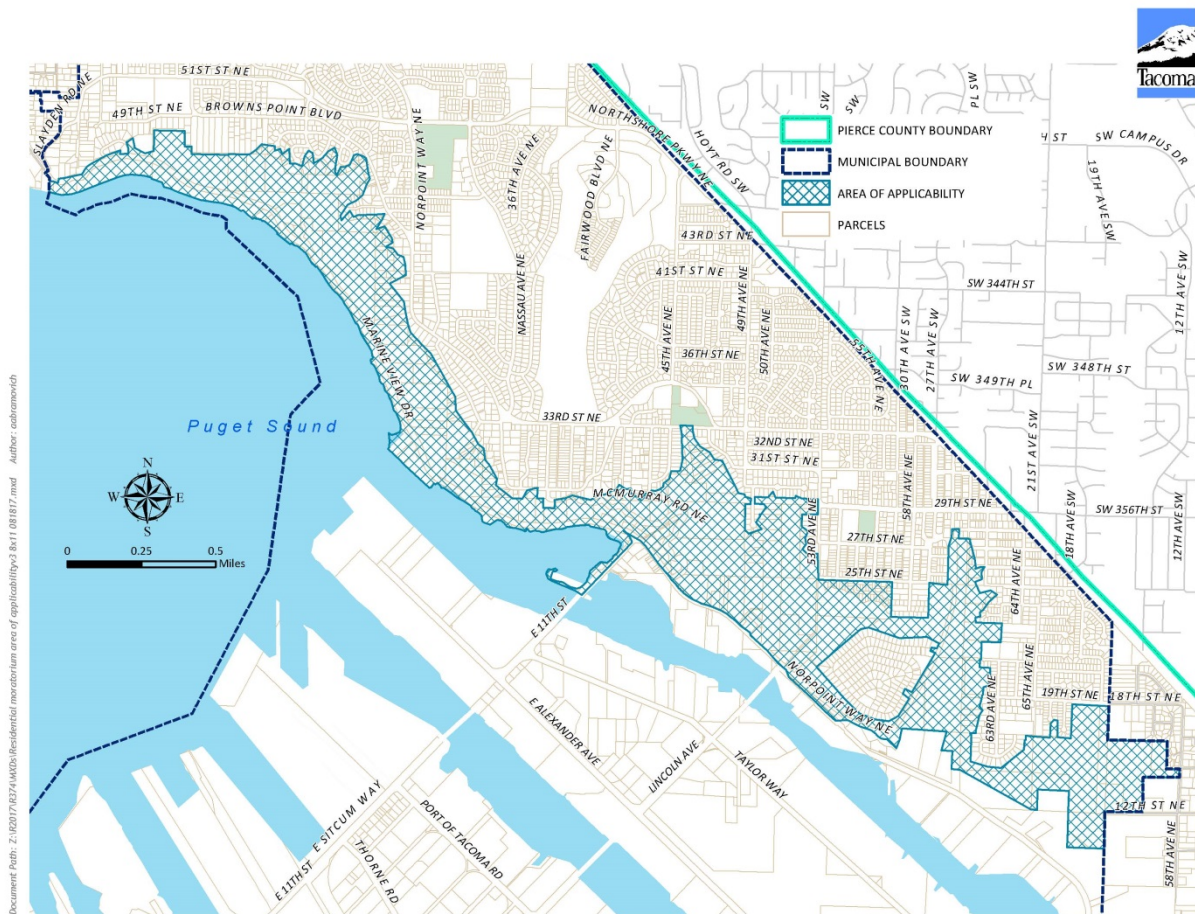
### 13.04.030 Policy.

A. It is hereby declared to be the policy of the City of Tacoma to consider the subdivision of land and the subsequent development of the subdivision as subject to the control of the City of Tacoma pursuant to the City's land use codes for the orderly, planned, efficient, and economical development of the community.

B. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist or proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, and active transportation facilities. While planning public facilities and improvements for proposed subdivisions of land, consideration shall be given to adopted City policies relating to sustainability, smart growth, urban forestry, complete streets, connectivity, and green infrastructure practices.

C. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions, standards and policies contained in building and housing codes, zoning ordinances, the City of Tacoma's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines, and elements thereof.

D. Per Ordinance No. XXXXX, on an interim basis, new residential platting and subdivision of land is prohibited along Marine View Drive and the adjacent slopes, as identified in the following map.



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## TMC 13.05.020 Notice Process

**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* <a href="#">(see TMC 13.05.020.I)</a>	Optional	Same as case type	Yes if no hearing required	No	Same as case type	Director	No	No	None
Environmental Impact Statement (EIS) * <a href="#">(see TMC 13.05.020.I)</a>	Required for scoping, DEIS and FEIS	1000 feet	Yes	Yes	Minimum 30 days	Director	No, unless part of associated action. Public scoping meeting(s) required	No	None
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	2	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	1000 feet	Yes	Yes	21 days SEPA <sup>2</sup>	Hearing Examiner	Yes	Final Plat	5 years <sup>6</sup>
Rezones	Required	400 feet; 1000 feet for public facility site	No; Yes for public facility site	Yes	21 days SEPA <sup>2</sup>	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance* <a href="#">(see TMC 13.05.020.I)</a>	Required	400 feet	No	Yes	30 days <sup>5</sup>	Director	No <sup>1</sup>	No	2 years/ maximum <sup>6</sup>
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

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Conditional use* ( <a href="#">see TMC 13.05.020.I</a> )	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days <sup>5</sup>	Director	No	No	5 years <sup>4</sup>
Conditional use, correctional facility (new or major modification)	Required	1,000 feet	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days <sup>2</sup>	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	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
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

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.

**TMC 13.05.020.I. Interim Expanded Notification for Heavy Industrial Projects, Per Ordinance No. XXXXX**

1. Per Ordinance No. XXXXX, on an interim basis, the following applies to all heavy industrial projects (as defined in TMC 13.06.700.I) and industrial uses identified in TMC 13.06.580, which require a discretionary permit (“designated projects”) or SEPA determination.

2. Notice for designated projects will be emailed to all Neighborhood Councils and Business Districts, as well as the Community Council. In addition, notice will be sent to the SEPA contact for all adjacent jurisdictions (Federal Way, Fife, Fircrest, Lakewood, Pierce County, and University Place). This is in addition to all typically-notified parties and the Puyallup Tribe of Indians.

3. Notification of designated projects will be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils and business districts; qualified neighborhood or community organizations; the Puyallup Tribe of Indians; Local Governments in Pierce County; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer.

4. Notification distance.

(a) The notification distance for a project within the Port of Tacoma Manufacturing/Industrial Center (M/IC) will be 2,500 feet from the boundaries of that center.

(b) Notification distance for a project within the South Tacoma Manufacturing/Industrial Overlay District, as set forth in TMC 13.06.400, will be 2,500 feet from the boundaries of the Overlay District.

(c) Notification distance for a qualifying industrial project in any other zoning district, outside either of the above areas, will be 2,500 feet from the boundaries of the project site.

5. Upon determination of a Complete Application, the City will hold a community meeting to provide notification to the community that a significant project has been applied for. Further, the meeting will provide clarity on the public process (from all permitting agencies) and opportunities for public review and comment.

(a) For projects with an associated land use permit and public notice, this meeting will take place approximately two weeks after the start of the public notice period. Public notice will be extended to 30 days in the rare case that the TMC-required notice period is not already 30 days.

(b) For projects not associated with a land use permit, the meeting will take place after determination that a SEPA application is complete, but prior to issuance of a preliminary SEPA determination. The meeting will include a proposed SEPA timeline, including issuance of the preliminary determination, opportunity for comment, and the appeal process for this type of SEPA determination.

6. Upon determination of a Complete Application, the City will post the permit package and all relevant studies under “public notices” on [www.tacomapermits.org](http://www.tacomapermits.org).

7. Additional notification may be done as necessary (i.e., social media posts or separate project web pages) or as appropriate for the project type.

## **TMC 13.06.100.I Interim Residential Use Restrictions**

1. Per Ordinance No. XXXXX, on an interim basis, all new residential development within the area identified in TMC 13.04.030.D is limited to one residential unit per legal lot as existing at the time of adoption of this ordinance.

2. As a condition of residential development, developers shall record a notice on title prior to initial sale which attests that the property is within proximity of an M-1, M-2, or PMI zoning district in which industrial activities including but not limited to metal recycling, chemical storage and manufacturing, and container terminal facilities are operating, and will continue to operate and expand in the future. The distance of the unit from the nearest industrial zoning district shall be recorded.

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## TMC 13.06.200 Commercial Districts

### 5. 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)
Craft Production	CU	P	P	P	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.C. All production, processing and distribution activities are to be conducted within an enclosed building.
Cultural institution	P	P	P	N	
Day care, family	P	P	P	P	
Day care center	P	P	P	P	Subject to regulations set forth in Section 13.06.155.
Detoxification center	N	N	N	N	
Drive-through with any use	N	N	P	N	Prohibited in any commercial district combined with a VSD View-Sensitive Overlay District and adjacent to a Shoreline District (i.e., Old Town Area). Subject to the requirements of TMC 13.06.513.
Dwelling, single-family detached	P	P	P	P	<u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>
Dwelling, two-family	P	P	P	P	<u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>
Dwelling, three-family	P	P	P	P	<u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>
Dwelling, multiple-family	P	P	P	P	<u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>

Uses	T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations <sup>2,3</sup> (also see footnotes at bottom of table)
Dwelling, townhouse	P	P	P	P	<u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>
Dwelling, accessory (ADU)	P	P	P	P	Subject to additional requirements contained in 13.06.150. <u>Per Ordinance No. XXXXX, on an interim basis, prohibited along Marine View Drive. See TMC 13.04.030.D for area of applicability.</u>
Eating and drinking	N	P/CU	P	P*/CU*	In the C-1 and PDB districts, restaurants are permitted outright while drinking establishments require a conditional use permit. See Section 13.06.700.E for the definitions of restaurants and drinking establishments. In the C-2 district, live entertainment is limited to that consistent with either a Class "B" or Class "C" Cabaret license as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a Class "C" cabaret license as designated in Section 6B.70. *Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts

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## TMC 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

### 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.

### B. Districts established.

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

1. M-1 Light Industrial District. This district is intended as a buffer between heavy industrial uses and less intensive commercial and/or residential uses. M-1 districts may be established in new areas of the City. However, this classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses.
2. M-2 Heavy Industrial District. This district is intended to allow most industrial uses. The impacts of these industrial uses include extended operating hours, heavy truck traffic, and higher levels of noise and odors. This classification is only appropriate inside Comprehensive Plan areas designated for medium and high intensity uses.
3. PMI Port Maritime & Industrial District. This district is intended to allow all industrial uses and uses that are not permitted in other districts, barring uses that are prohibited by City Charter. The Port of Tacoma facilities, facilities that support the Port's operations, and other public and private maritime and industrial activities make up a majority of the uses in this district. This area is characterized by proximity to deepwater berthing; sufficient backup land between the berths and public right-of-ways; 24-hour operations to accommodate regional and international shipping and distribution schedules; raw materials processing and manufacturing; uses which rely on the deep water berthing to transport raw materials for processing or manufacture, or transport of finished products; and freight mobility infrastructure, with the entire area served by road and rail corridors designed for large, heavy truck and rail loads.

The PMI District is further characterized by heavy truck traffic and higher levels of noise and odors than found in other districts. The uses are primarily marine and industrial related, and include shipping terminals, which may often include container marshalling and intermodal yards, chemical manufacturing and distribution, forest product operations (including shipping and wood and paper products manufacturing), warehousing and/or storage of cargo, and boat and/or ship building/repair. Retail and support uses primarily serve the area's employees.

Expansion beyond current PMI District boundaries should be considered carefully, as such expansion may decrease the distance between incompatible uses.

Expansion should only be considered contiguous to the existing PMI District. This classification is only appropriate inside Comprehensive Plan areas designated for high intensity uses.

4. ST-M/IC South Tacoma Manufacturing/Industrial Overlay District. This overlay district is intended to provide additional protection to industrial and manufacturing uses within the designated boundary of the South Tacoma M/IC by placing further restrictions on incompatible uses within this defined area. Standards established through the overlay zone are in addition to the requirements of the underlying zone. In all cases, where the overlay district imposes more restrictive standards than the underlying zone, these shall apply. The additional requirements imposed through the South Tacoma M/IC Overlay District are intended to preserve this area for long term urban industrial and manufacturing use consistent with policy direction in the Comprehensive Plan. Expansion of the overlay district



beyond the current boundaries can only be done in conjunction with an expansion of the designated South Tacoma M/IC Center in the Comprehensive Plan. Expansion beyond current boundaries should be carefully considered, as such expansion may decrease the distance between incompatible uses and will impose additional restrictions on the development of residential and commercial uses in affected areas.

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.

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.
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.

5. 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.
Agricultural uses	CU	CU/N*	CU/N*	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. <u>*Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Airport	CU	CU/N*	CU/N*	<u>*Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Ambulance services	P	P	P	
Animal sales and service	P	P	N	

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Assembly facility	P	P	N	
Brewpub	P	P	P	
Building material and services	P	P	P	
Business support services	P	P	P	
Carnival	P/TU*	N	N	*Temporary use only within the South Tacoma M/IC Overlay District
Cemetery/internment services	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	
Commercial recreation and entertainment	P/CU*	P/CU*~	N	*Within the South Tacoma M/IC Overlay District, a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district.  <u>~Per Ordinance No. XXXXX, on an interim basis, within the Port of Tacoma M/IC, a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district.</u>
Communication facility	P	P	P	
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Continuing care retirement community	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Correctional facility	N	CU	CU	Modifications or expansions to existing facilities that increase the inmate 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).
Craft Production	P	P	P	
Cultural institution	P/CU*	P/CU*~N	N	*Conditional use within the South Tacoma M/IC Overlay District, unless an accessory use. <u>~Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Day care, family	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Day care center	P	P	N	Subject to development standards contained in Section 13.06.155.
Detoxification center	CU	CU	N	
Drive-through with any permitted use	P	P	P	Subject to the requirements of TMC 13.06.513.
Dwelling, single-family detached	P/N*~	N*	N*	<p>In M-1 districts, single-, two- and three-family and townhouse dwellings are prohibited, except for residential uses in existence on December 31, 2008, the effective date of adoption of this provision.</p> <p>In M-1 districts, new multi-family residential dwellings are permitted only within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use.</p> <p>*In all districts, quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts.</p> <p>~Not permitted within the South Tacoma M/IC Overlay District except for quarters for caretakers and watchpersons and temporary worker housing, as noted above.</p> <p><u><a href="#">~Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC except for quarters for caretakers and watchpersons and temporary worker housing to support uses located in these districts. See 13.06.400.G.</a></u></p>
Dwelling, two-family	P/N*~	N*~	N*~	
Dwelling, three-family	P/N*~	N*~	N*~	
Dwelling, multiple-family	P/N*~	N*~	N*~	
Dwelling, townhouse	P/N*~	N*~	N*~	
Dwelling, accessory (ADU)	P/N~	N	N	<p>Subject to additional requirements contained in 13.06.150.</p> <p>~Not permitted within the South Tacoma M/IC Overlay District.</p>
Eating and drinking	P	P	P	
Emergency and transitional housing	P/N*	N	N	<p>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.</p> <p>*Not permitted within the South Tacoma M/IC Overlay District.</p> <p>See Section 13.06.535.</p>
Extended care facility	P/N*	N	N	<p>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.</p> <p>*Not permitted within the South Tacoma M/IC Overlay District.</p> <p>See Section 13.06.535.</p>

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Foster 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.
Fueling station	P	P	P	
Funeral home	P	P	N	
Golf course	P/N*	P/N*~	N	*Not permitted within the South Tacoma M/IC Overlay District. <u>~Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Group 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.
Heliport	CU	CU	CU	
Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
Hospital	P/CU*	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District. ~Not permitted within the South Tacoma M/IC Overlay District. <u>~Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Hotel/motel	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Industry, heavy	N	<u>P/N*</u>	<u>P/N*</u>	Animal slaughter, fat rendering, <del>acid manufacture</del> , smelters, and blast furnaces allowed in the PMI District only. <u>*See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.</u>
Industry, light	P	P	P	
Intermediate care facility	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.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Juvenile community facility	P/N*	P/N*~	P/N~	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District. <u>~Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
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.
Marijuana processor, producer, and researcher	P	P	P	See additional requirements contained in Section 13.06.565
Marijuana retailer	P~	P~	N	<u>~Within the South Tacoma M/IC Overlay District, and within the M-2 District of the Port of Tacoma M/IC on an interim basis per Ordinance No. XXXXX (See 13.06.400.G.),</u> 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. See additional requirements contained in Section 13.06.565.
Microbrewery/winery	P	P	P	
Mobile home/trailer court	N	N	N	
Nursery	P	P	N	
Office	P*	P*	P	*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.
Parks, recreation and open space	P	P/N*	P/N*	Subject to the requirements of Section 13.06.560.D.  <u>*Per Ordinance No. XXXXX, on an interim basis, High Intensity/Destination facilities (see 13.06.560) are not permitted in the Port of Tacoma M/IC. See 13.06.400.G.</u>
Passenger terminal	P	P	P	
Personal services	P	P	P	
Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	P*/N~	*Preferred use. <u>~See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.</u>
Public safety and public service facilities	P	P	P	
Religious assembly	P	P	P	
Repair services	P	P	P	
Research and development industry	P	P	N	

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Residential care facility for youth	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.
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, <u>and within the M-2 District of the Port of Tacoma M/IC on an interim basis per Ordinance No. XXXXX (see 13.06.400.G.)</u> , 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. Outside of the South Tacoma M/IC Overlay District <u>and Port of Tacoma M/IC</u> , limited to 65,000 square feet per use, unless approved with a conditional use permit. See Section 13.06.640.J.
Retirement 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.
School, public or private	P/N*	P/N*~	P/N*~	*General K through 12 education not permitted in the PMI District or in the South Tacoma M/IC Overlay District. <u>~Per Ordinance No. XXXXX, on an interim basis, General K through 12 education is not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
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.
Short-term rental	N	N	N	

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
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.
Surface mining	CU	CU	CU	
Temporary uses	P	P	P	Subject to development standards contained in Section 13.06.635.
Theater	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Transportation/freight terminal	P	P	P	
Urban Horticulture	P	P	P	
Utilities	P	P	P	
Vehicle rental and sales	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle service and repair	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle service and repair, industrial	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle storage	P	P	P	Subject to development standards contained in Section 13.06.510.
Warehouse/storage	P	<u>P/N*</u>	<u>P/N*</u>	Storage and treatment facilities for hazardous wastes are subject to the state locational standards adopted pursuant to the requirements of Chapter 70.105 RCW and the provisions of any groundwater protection ordinance of the City of Tacoma, as applicable. <u>*See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.</u>
Wholesale or distribution	P	<u>P/N*</u>	<u>P/N*</u>	<u>*See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.</u>
Wireless communication facility	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.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
Work/Live	P	N	N	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.
Work release center	CU	CU/ <del>N</del> *	P/ <del>N</del> *	Subject to development standards contained in Section 13.06.550. <u>*Per Ordinance No. XXXXX, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.</u>
Uses not prohibited by City Charter and not prohibited herein	N	N	<del>NP</del>	
<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.				

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

1. Per Ordinance No. XXXXX, on an interim basis, the intent of these special use restrictions is to place a pause on new or expansion of existing non-industrial uses within the M-2 Heavy Industrial and PMI Port Maritime Industrial Zoning Districts of the Port of Tacoma M/IC until such time as the Tideflats subarea plan is complete.
2. The establishment of certain new non-industrial uses, specified in Table 13.06.400.C.5, is prohibited on an interim basis.
3. Existing uses, legally permitted at the time of adoption of this code, are allowed. Expansion of such uses is allowed, subject to the limitations and procedural requirements of TMC 13.06.630 Nonconforming parcels/uses/structures.



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## NEW SECTION TMC 13.06.580

### 13.06.580 Interim Industrial Use Restrictions

A. Purpose: Per Ordinance No. XXXXX, on an interim basis, the purpose of this section is to pause the establishment of certain new industrial uses, and to temporarily limit the expansion of existing such uses, on an interim basis until such time as the Tideflats Subarea Plan is complete.

B. Applicability. These special use restrictions apply to the following uses in all zoning districts:

- Coal terminals or bulk storage facilities;
- Oil, or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing or refining of oil or other liquefied or gaseous fossil fuels;
- Chemical production, processing, or bulk storage;
- Mining and quarrying;

### C. Use Restrictions.

1. New uses. The establishment of new uses as specified in 13.06.580.B are prohibited on an interim basis.

2. Existing uses. Legally permitted uses, listed in 13.06.580.B, at the time of adoption of this code are allowed and may continue existing operations.

3. Expansion of existing uses. Existing uses may expand storage, production, and distribution capacity by no more than 10% beyond that which exists at time of adoption of Ordinance No. XXXXX, subject to approval of a conditional use permit. The 10% limitation shall be measured cumulatively for the duration of the interim regulations when there are multiple applications.

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

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

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

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

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

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

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

6. Definitions. For the purpose of applying these special use restrictions, applicable North American Industrial Classification System (NAICS) codes and descriptions are cited and shall be interpreted broadly in accordance with the intent of the interim regulations.

a. Coal terminals and bulk storage facilities

The bulk storage or wholesale distribution of coal and coal products or transfer of coal products via shipping terminal.

b. Oil or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing or refining.

(1) Petroleum bulk stations and terminals. This industry comprises establishments with bulk liquid storage facilities primarily engaged in the merchant wholesale distribution of crude petroleum and petroleum products. NAICS Code 424710.

(2) Petroleum refineries. This industry comprises establishments primarily engaged in refining crude petroleum into refined petroleum. Petroleum refining involves one or more of the following activities: (1) fractionation; (2) straight distillation of crude oil; and (3) cracking. NAICS Code 324110.

(3) Natural gas liquid extraction. This industry comprises establishments primarily engaged in the recovery of liquid hydrocarbons from oil and gas field gases. Establishments primarily engaged in sulfur recovery from natural gas are included in this industry. NAICS Code 211112.

(4) Bulk storage, production, and wholesale distribution of natural gas liquids, liquefied natural gas, and liquefied petroleum gas.

c. Bulk chemical storage, production or processing. The Chemical Manufacturing subsector is based on the transformation of organic and inorganic raw materials by a chemical process and the formulation of products. This subsector distinguishes the production of basic chemicals that comprise the first industry group from the production of intermediate and end products produced by further processing of basic chemicals that make up the remaining industry groups. For the purposes of these special use restrictions, this definition will apply to all industries classified as subcategories of NAICS Code 325 Chemical Manufacturing.

d. Mining and quarrying. This use category includes all industry sectors identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction. The Mining, Quarrying, and Oil and Gas Extraction sector comprises establishments that extract naturally occurring mineral solids, such as coal and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation customarily performed at the mine site, or as a part of mining activity.

e. Terminal. A “terminal” is a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers.

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# TMC 13.10 Shoreline Management

Table 9-2

GENERAL SHORELINE USE, MODIFICATION & DEVELOPMENT STANDARDS TABLE																		
District	S-1a	S-1b	S-2	S-3	S-4	S-5	S-6	S-6/7	S-7	S-8	S-9	S-10	S-11	S-12	S-13	S-14	S-15	
District Name	Western Slope South	Western Slope South	Western Slope Central	Western Slope North	Point Defiance	Point Defiance	Ruston Way	Schuster Parkway Transition	Schuster Parkway	The Foss Waterway	Puyallup River	Port Industrial Area	Marine View Drive	Hylbos Creek	Marine Waters of the State <sup>21</sup>	Wapato Lake	Point Ruston/Slag Pen.	
Shoreline Designation	HI	SR	UC	N	N	UC	UC	UC	HI	DW	UC	HI	UC	N	A	UC	HI	
<b>Shoreline Uses</b>																		
Residential Development																		
Single-family <sup>12</sup>	N	P	P	N	N	N	N	N	N	N	N	N	N	PN <sup>1</sup> <sub>3</sub>	N	N	P	N <sup>14</sup>
Multifamily – stand alone	N/C U <sup>15</sup>	N	N	N	N	N	N	N	N	N/C U <sup>16</sup>	N	N	N/C U <sup>13+</sup> <sub>5</sub>	N	N	N	N	P <sup>17</sup> , 18/ CU 18
Multifamily as part of a mixed-use development	P	N	N	N	N	N	N	N	N	P <sup>16</sup>	N	N	PN <sup>1</sup> <sub>3</sub>	N	N	N	N	P <sup>17</sup>
Home Occupation	P	P	P	P	N	N	N	N	N	P	N	N	NP <sup>1</sup> <sub>3</sub>	N	N	N	N	P

- Expansion of an existing marina shall be permitted consistent with the provisions of this Program, new marina development shall be a conditional use.
- Boat ramps shall be permitted only in that area on the east side of the Foss Waterway north of the Centerline of 15th Street.
- Water-enjoyment and -related commercial uses shall be permitted over-water only as a reuse of an existing structure or when located within a mixed-use structure.
- Non-water-oriented commercial uses shall only be permitted in accordance with the regulations in TSMP Section 7.5.2 and only as a conditional use except where otherwise specified for the S-8 and S-15 Shoreline Districts.
- New commercial development shall be limited to upland locations only. Existing water-oriented commercial uses at the Point Defiance Marina Complex may be continued and be modified provided modifications do not adversely affect ecological conditions and comply with all other provisions of this Program.
- Non-water-oriented commercial uses shall be permitted as part of a mixed-use development with a water-oriented component; Non-water-oriented commercial uses in a mixed use development without a water-oriented component shall be permitted as a conditional use consistent with TSMP 9.10(D). In all other circumstances, non-water-oriented uses shall be processed as a conditional use

- 7 Non-water-oriented commercial uses shall be permitted outside 150' of OHWM only, except as specified in note 18. Commercial uses that are located outside shoreline jurisdiction and are consistent with the EIS for the Point Ruston development are allowed, those uses that are not consistent with the EIS shall be processed as a conditional use permit in accordance with the procedures in TMC 13.06.
- 8 New educational, historic, and scientific uses are permitted over-water or in the S-13 Shoreline District (Marine Waters of the State) only when water-dependent or as a reuse of an existing structure.
- 9 Water-dependent and -related port/industrial uses shall be permitted only in existing structures.
- 10 Port and industrial development shall be permitted on the easterly side of the Thea Foss Waterway, north of the centerline of East 15th Street and in addition, in that area to the east of East D Street.
- 11 Non-water-oriented industrial uses shall only be permitted in accordance with the regulations in TSMP Section 7.6.2.
- 12 New single-family residential development shall only be permitted in upland locations.
- 13 In the "S-11" Shoreline District, ~~new single family and multi-family residential development is permitted only in that area north of 5410 Marine View Drive. Per Ordinance No. XXXXX, on an interim basis, new residential uses are prohibited. Existing residential uses may expand so long as the expansion is consistent with the requirements of TMC 13.10.~~
- 14 Detached single-family residential use and development is allowed in the S-15 shoreline district outside of shoreline jurisdiction.
- 15 New stand alone multi-family residential uses may be permitted as a conditional use in accordance with the regulations in TSMP Section 7.8.2.
- 16 Residential development shall be permitted in upland locations on the west side of the waterway and on the east side only south of the East 11th Street right of way, and shall be designed for multiple-family development only, excluding duplex and/or triplex development. Hotel/Motel uses are permitted on the west side of the Foss Waterway, and on the east side of the Foss Waterway only south of the centerline of 11th Street. Residential and Hotel/Motel uses are prohibited to the east of East D Street.
- 17 Multifamily residential uses shall be permitted in upland locations, outside 150' of OHWM.
- 18 No more than 24 total townhouse units may be permitted in upland locations up to 100' from OHWM as an outright permitted use so long as such townhouses are constructed on the southeasterly shoreline of the Point Ruston site. Townhouses may be permitted in upland locations up to 100' from OHWM as a conditional use in all other locations. Townhouses in the S-15 may include an office use on the ground floor.
- 19 Helicopter landing pads are only allowed outside of shoreline jurisdiction as a conditional use and only as part of an approved structure.
- 20 Above ground utilities are only allowed consistent with TSMP 7.13.2.
- 21 New uses and development in the S-13 Shoreline District that are associated with an upland shoreline district shall only be permitted where the use or development is consistent with the permitted uses in the upland Shoreline District. Please see Section 9.15(D)(1)(a).
- 22 Structural shoreline stabilization shall be permitted only when necessity has been demonstrated as described in TSMP Section 8.2.2.
- 23 See application requirements in Section 2.4.4.
- 24 With the exception of the S-7, S-10 and S-11 Shoreline Districts, mooring buoys shall be designed, located and installed only for transient recreational boating, or in association with a single family residential development or a permitted marina. In the S-7, S-10 and S-11 Shoreline Districts mooring buoys may be designed, located and installed to accommodate port and industrial uses including the remote storage of oceangoing vessels and barges.
- 25 Buffer reductions allowed for water-dependent uses per TSMP 6.4.3(C).
- 26 Except that the buffer shall not extend beyond the centerline of Alaska street.
- 27 District specific height limitations shall not apply to bridges in the shoreline. Bridges should be kept to the minimum height necessary and shall provide a view study to determine whether the structure will cause any significant impacts to public views of the shoreline.
- 28 The maximum height standard excludes equipment used for the movement of waterborne cargo between storage and vessel or vessel and storage.
- 29 Any building, structure, or portion thereof hereafter erected (excluding equipment for the movement of waterborne cargo between storage and vessel, vessel and storage) shall not exceed a height of 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.
- 30 Maximum heights on Slag Peninsula are limited to 35 feet.
- 31 The side/yard corridor may be distributed between the two sides at the discretion of the proponent, provided a minimum 5 foot set back is maintained from either lot line.
- 32 New and/or expansion of an existing railroad siding is permitted when necessary to service a water-dependent port or industrial facility.

