

# **TITLE 13**

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## **Land Use Regulatory Code**



# TITLE 13

## LAND USE REGULATORY CODE

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## CHAPTER 13.01

### DEFINITIONS

#### Sections:

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13.01.150	Commute Trip Reduction Definitions.
13.01.160	Concurrency Management System Definitions.
13.01.170	Mixed-Use Center Development Definitions.

#### **13.01.010 Purpose.**

For the purposes of this title, 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. For the purpose of each indicated chapter, certain words and terms are defined as follows.

(Ord. 28613 Ex. G; passed Sept. 24, 2019)

#### **13.01.020 Planning Commission Definitions.<sup>1</sup>**

For the purpose of Chapter 13.02 Planning Commission, certain words and terms are defined as follows:

##### **13.01.020.C**

“Comprehensive Plan land use designation” indicates the intended future land use pattern for all properties in the City, as depicted on the Future Land Use Map of the Comprehensive Plan. This land use pattern was a result of analysis of the urban form policies, existing land use and zoning, development trends, anticipated land use needs and desirable growth and development goals. The Future Land Use Map and the designations provide a basis for applying zoning districts and for making land use decisions. The map is to be used in conjunction with the adopted policies of the Comprehensive Plan for any land use decision.

##### **13.01.020.D**

“Department,” as used in this chapter, refers to the Planning and Development Services Department.

##### **13.01.020.E**

An “emergency” situation is one in which human health or safety is jeopardized and/or public or private property is imminently endangered. For the purposes of this section, an “emergency” situation shall also include one demanding the immediate amendment of the Comprehensive Plan outside of the annual amendment cycle, without which capital facilities concurrency is likely to be compromised and/or levels of service are expected to drop below an acceptable level.

##### **13.01.020.P**

“Plan amendment” is a proposed change to the Comprehensive Plan that may include adoption of a new plan element; a change to an existing plan element, including goals, policies and narrative text; a change to the objectives, principles, or standards used to develop the Comprehensive Plan; a revision to the land use designation as shown on the Future Land Use

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<sup>1</sup> Code Reviser’s note: Previously codified as 13.02.043 (Definitions); relocated to 13.01.020 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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Map; or a change to implementation strategies or programs adopted as part of the Comprehensive Plan, including updates to inventories and financial plans.

(Code Reviser's note: Previously codified as 13.02.043 (Definitions); relocated to 13.01.020 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27466 § 34; passed Jan. 17, 2006: Ord. 27172 § 6; passed Dec. 16, 2003)

### **13.01.040 Platting and Subdivisions Definitions.<sup>1</sup>**

For the purpose of Chapter 13.04 Platting and Subdivisions, certain words used herein are defined as follows:

#### **13.01.040.A**

“Alley” shall mean a public or private accessway which provides a means of vehicular access to abutting property.

“All-weather surface” shall mean asphaltic concrete, Portland cement concrete, permeable pavers, porous asphalt or pervious concrete in accordance with City manuals, design specifications, plans, and guidelines in section 13.04.120, unless otherwise specified by the City Engineer.

“Alteration” shall mean a change to a finalized binding site plan, plat, short plat, or portion thereof, that results in a modification to its exterior boundaries or the location and/or size of rights-of-way, utility easements, open space, park or other similar community amenities created as part of the binding site plan, plat, or short plat. An alteration does not include boundary line adjustments, replats or an allowable increase in short plat lots.

#### **13.01.040.B**

“Binding site plan” shall mean a drawing to scale showing a plan for the development of a specific parcel of land, which drawing has been approved as applicable by the Building Official or designee and which, at a minimum:

1. Identifies and shows the areas and locations of all public and private streets and ways, parcel and lot lines, utilities, public and private street improvements, open spaces, and other items specified by the zoning ordinances. In addition, shall show the site development, driveways, parking layout, landscaping, lighting, signs, building perimeters and elevations, or shall carry a condition of general site plan approval that no development or building permit will be granted therefore until additional development plans are submitted to and approved by the body approving the general binding site plan;
2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions of the use of land as established by the City of Tacoma.
3. Is filed of record in the Pierce County Auditor's office and is legally enforceable.

“Building line” shall mean a line on a plat indicating the limit beyond which buildings or structures may not be erected.

#### **13.01.040.C**

“Collector arterial” shall mean a highway whose function is to collect and distribute traffic from major arterial streets to access streets, or directly to traffic destinations; to serve traffic within a neighborhood; and to serve neighborhood traffic generators such as a small group of stores, an elementary school, church, clubhouse, small hospital, and small apartment area.

“Comprehensive Plan” shall mean the City's official statement concerning future growth and development. It sets forth goals, policies, and strategies to protect the health, welfare, and quality of life of Tacoma's residents.

“Curb line” shall mean the line defining the limits of a roadway.

#### **13.01.040.D**

“Dead-end street” or “cul-de-sac” shall mean a residential access street with only one outlet.

“Director” for purposes of this Chapter (13.04 of the Tacoma Municipal Code) shall mean the Director of Planning and Development Services unless otherwise specified.

#### **13.01.040.F**

“Freeway” shall mean a highway the function of which is to permit unimpeded traffic flow through urban areas and between their major elements or most important traffic generators such as the central business district, major shopping areas, major university, civic center, or a major sports stadium or pavilion.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.04.040 (Definitions); relocated to 13.01.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

**13.01.040.H**

“Hard surface” An impervious surface, a permeable pavement, or a vegetated roof.

**13.01.040.O**

“Official map” shall mean the map on which the planned locations, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisition or building restriction.

**13.01.040.P**

“Plat” shall mean the map, drawing or chart on which the subdivider’s plan of subdivision is presented and which the subdivider submits for approval and intends to record in final form.

“Primary arterial” shall mean a highway the function of which is to expedite movement of through traffic to a major traffic generator such as the central business district, a major shopping area, a commercial service district, a small college or university or a military installation; or to expedite movement of through traffic from community to community, to collect and distribute traffic from freeways to minor arterial streets, or directly to traffic destinations.

**13.01.040.R**

“Residential access street” shall mean a highway the primary function of which is to provide access to residential property.

“Replat” or “Redivision” shall mean an action resulting in the division of a lot located within a previously recorded binding site plan, plat, or short plat.

“Roadway” shall mean the portion or portions of a public or private street or way, or permanent access easement, improved with an all-weather surface, available for vehicular traffic or the portion or portions of a public or private street or way, or permanent access easement, improved with an all-weather surface, available for vehicular traffic between curbs where curbs are laid.

**13.01.040.S**

“Secondary arterial” shall mean a highway the function of which is to collect and distribute traffic from a major arterial highway to minor streets or directly to traffic destinations; to serve traffic from neighborhood to neighborhood within a community center, athletic field, neighborhood shopping area, major park, golf course, important grouping of churches, multiple residence area, concentration of offices or clinics, major private recreation facility, or large hospital.

“Short plat” shall mean the map or representation of a short subdivision.

“Short subdivision” shall mean the division of land into a maximum of nine or fewer total lots, tracts, parcels, sites or subdivisions for the purpose, whether immediate or future, of transfer of ownership, lease or sale, or building development, including all changes in street or lot lines, and shall include all resubdivision of land. The division of contiguous parcels of land resulting in 10 or more total buildable lots, tracts, parcels, or sites, and which are served by a shared public and/or private street or way, and/or permanent access easement shall be deemed a subdivision. If tracts are created that are intended for public dedication, environmental protection, or stormwater facilities and have been determined unbuildable or do not have the potential for future development, then they will not be included in the total number of lots, tracts parcels, sites or subdivision created under a subdivision application.

“Street width” shall mean the shortest distance between the lines which delineate the right-of-way of a street.

“Subdivision” shall mean the division of land into 10 or more contiguous buildable lots, tracts, parcels, or sites which are served by public and/or private street or way, and/or permanent access easement or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, lease or sale, or building development, including all changes in street or lot lines, and shall include all resubdivision of land. If tracts are created that are intended for public dedication, environmental protection, or stormwater facilities and have been determined unbuildable or do not have the potential for future development, then they will not be included in the total number of lots, tracts, parcels, sites or subdivision created under a subdivision application.

**13.01.040.T**

“Transit street” shall mean a street on which regularly scheduled bus service operates at frequencies of 15 minutes or less during peak travel periods. Transit streets are designated by the Director of Public Works in consultation with Pierce Transit and include streets designated in Section 11.05.492 of the Tacoma Municipal Code.

**13.01.040.V**

“Vacation” shall mean an action to extinguish the effect and force of a finalized binding site plan, plat, or short plat or portion thereof, such that the property reverts to its pre-subdivision parent parcel configuration.

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(Code Reviser's note: Previously codified as 13.04.040 (Definitions); relocated to 13.01.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28077 Ex. A; passed Jun. 12, 2012: Ord. 27771 Ex. A; passed Dec. 9, 2008: Ord. 27563 Ex. A; passed Dec. 12, 2006: Ord. 27079 § 11; passed Apr. 29, 2003: Ord. 25893 § 4; passed Jun. 4, 1996: Ord. 25851 § 1; passed Feb. 27, 1996: Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.01.050 Land Use Permits and Procedures Definitions.<sup>1</sup>**

For the purposes of Chapter 13.05 Land Use Permits and Procedures, the following terms are defined as:

#### **13.01.050.A**

“Abate.” To repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this title by such means and in such a manner and to such an extent as the Director determines is necessary in the interest of the public health, safety, and welfare of the community.

“Administrative Approval, Historic.” An approval that may be granted by the City Historic Preservation Officer for an alteration to a City landmark, without Landmarks Preservation Commission review, based on authority that may be granted by the Commission pursuant to TMC 1.42.

“Aggrieved Person.” In an appeal, an “aggrieved person” shall be defined as a person who is suffering from an infringement or denial of legal rights or claims.

“Alteration of a City Landmark.” Any act or process which changes materially, visually, or physically one or more of the exterior architectural features or significant interior features of a property listed on the Tacoma Register of Historic Places individually or as a part of a district, including, but not limited to, the development, reconstruction, or removal of any structure.

“Appeal, for Standing.” An aggrieved person or entity has “standing” when such person or entity is entitled to notice under the applicable provision of the Tacoma Municipal Code, or when such person or entity can demonstrate that such person or entity is within the zone of interest to be protected or regulated by the City law and will suffer direct and substantial impacts by the governmental action of which the complaint is made, different from that which would be experienced by the public in general.

“Application, Complete.” An application which meets the procedural requirements outlined in Section 13.05.020.C, or for development activities that require a Certificate of Approval, per 13.05.040.D.

#### **13.01.050.C**

“Certificate of Approval, Historic.” The written record of formal action by the Landmarks Preservation Commission indicating its approval of plans for alteration of a City landmark.

“City landmark.” A property that has been individually listed on the Tacoma Register of Historic Places, or that is a contributing property within a Historic Special Review District or Conservation District as defined by this chapter.

“Conservation District.” An area designated for the preservation and protection of historic resources and overall characteristics of traditional development patterns, and that meets the criteria for such designation as described in Section 13.07.040.C of this code.

“Contributing property, Historic.” Any property within a Historic Special Review District or Conservation District which helps to convey the historic significance and traditional character of the area and that meets the criteria for determining significance, as set forth in Chapter 13.07.040.C of this code. This status may be documented in the district's nomination or in other findings adopted by the Landmarks Preservation Commission. Note that within this designation, the City may assign subordinate categories of significance.

#### **13.01.050.D**

“Demolition of a City Landmark.” Any act or process which destroys, in part or in whole, a City landmark, including neglect or lack of maintenance that results in the destruction of a historic property, except where otherwise indicated by this chapter.

“Department.” As used in this chapter, “Department” refers to the Planning and Development Services Department.

“Director.” For purposes of this Chapter (13.05 of the Tacoma Municipal Code), “Director” means the Director of Planning and Development Services unless otherwise specified.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.05.005 (Definitions); relocated to 13.01.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

“Design guideline, Historic.” A standard of appropriate activity which will preserve or enhance the historic and architectural character of a structure or area, and which is used by the Landmarks Preservation Commission and the City Historic Preservation Officer to determine the appropriateness of proposals involving property within Historic Special Review and Conservation Districts.

“Development regulations.”<sup>1</sup> Any regulations and regulatory procedures placed on or involving development or land use activities of the City, including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances (RCW 36.70A).

**13.01.050.E**

“Exterior appearance of a City Landmark.” The architectural character and general composition of the exterior of a property as experienced from the outside, including, but not limited to, the type, color, and texture of a building material and the type, design, and character of all windows, doors, fixtures, signs, and appurtenant elements.

**13.01.050.H**

“Historic resource.” Any property that has been determined to be eligible by the City Historic Preservation Officer or Washington State Department of Archaeology and Historic Preservation staff for listing in the Tacoma Register of Historic Places, the Washington State Heritage Register, or the National Register of Historic Places, or any property that appears to be eligible for such listing by virtue of its age, exterior condition, or known historical associations.

“Historic Special Review District.” An Overlay Zone with a concentration of historic resources that has been found to meet the criteria for designation as a Historic Special Review District under the provisions of TMC 13.07 and has been so designated by City Council.

**13.01.050.I**

“Interim zoning.”<sup>2</sup> An immediate change in existing zoning classifications or regulations where new zoning classifications or regulations are temporarily imposed. Such temporary zoning controls are designed to regulate specific types of development so that, when new plans and/or zoning are adopted, they will not have been rendered moot by intervening development; or are necessary to prevent harm or to preserve the status quo. Interim zoning can be an area-wide reclassification of a temporary nature or modification to specific requirements of a zoning classification.

**13.01.050.L**

“Landmarks Preservation Commission.” The volunteer citizen body appointed by City Council whose primary responsibility is the oversight of the City’s historic resources, including the designation of historic resources and districts to the Tacoma Register of Historic Places, reviewing proposed developments and alterations affecting properties on the Register and authorizing Certificates of Approval; raising community awareness of the City’s history and historic resources, and serving as the City’s primary subject matter resource in the areas of history, historic planning, and preservation, as provided for in this chapter and TMC 1.42 and Chapter 13.07.

**13.01.050.M**

“Moratorium” (or collectively, “moratoria”).<sup>3</sup> The suspension of accepting or processing new applications for building, zoning, subdivision (platting), or other types of development in order to preclude development from occurring for a specified period of time. A moratorium on development may be imposed on all development, on all permit applications, or on specific types of development or permit applications.

**13.01.050.N**

“Noncontributing property, Historic.” A property within a Historic Special Review District or Conservation District which is documented in the district’s nomination as not contributing architecturally, historically, and/or culturally to the historic character of the district, or which has been so designated in a Historic Special Review District Inventory drafted and adopted by the Landmarks Preservation Commission, or which has been specifically found to be noncontributing by a vote of the Commission.

**13.01.050.O**

“Open Record Hearing.” A hearing, conducted by a single hearing body or officer authorized to conduct such hearings that create a record through testimony and submission of evidence and information.

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<sup>1</sup> Code Reviser’s note: Previously codified in 13.02.043 Definitions; relocated per Ord. 28613 Ex. G; passed Sept. 24, 2019.

<sup>2</sup> Code Reviser’s note: Previously codified in 13.02.043 Definitions; relocated per Ord. 28613 Ex. G; passed Sept. 24, 2019.

<sup>3</sup> Code Reviser’s note: Previously codified in 13.02.043 Definitions; relocated per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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“Owner.” Any person having any interest in the real estate in question as indicated in the records of the office of the Pierce County Assessor, or who establishes, under this chapter, their ownership interest therein.

### **13.01.050.P**

“Person in Control of Property.” Any person, in actual or constructive possession of a property, including, but not limited to, an owner, occupant, agent, or property manager of a property under their control.

“Premises and property.” Used by this chapter interchangeably and means any building, lot, parcel, dwelling, rental unit, real estate, or land, or portion thereof.

“Project Permit” or “Project Permit Application.” Any land use or environmental permit or license required for a project action, including, but not limited to, subdivisions, binding site plans, planned developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by the critical area preservation ordinance, site-specific rezones authorized by a Comprehensive Plan or sub area plan, but excluding the adoption or amendment of a Comprehensive Plan, sub area plan, or development regulations, except as otherwise specifically included in this subsection. This chapter does not apply to activities allowed under 13.11.200 or 13.11.210.

“Public Meeting.” An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the decision. A public meeting does not constitute an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation shall be included in the project permit application file.

### **13.01.050.R**

“Repair of a City Landmark.” To fix or mend features of a property without any change in character, new construction, removal, or alteration.

### **13.01.050.V**

“Violation.” Any act which results in non-compliance with any of the standards outlined within this title or conditions imposed from land use permits granted by the City.

### **13.01.050.W**

“Work Plan.” Any document containing information detailing all of the required approvals, processes, timelines, actions, reports, etc., that are necessary to remedy a violation of this title and that said approvals, processes, timelines, actions, reports, etc. will be undertaken in order to gain compliance with this title.

### **13.01.050.Z**

“Zoning reclassification, area-wide.” A legislative action to change the zoning classification(s) on an area-wide basis in order to implement and maintain the consistency of the Comprehensive Plan. It is comprehensive in nature and deals with homogenous communities, distinctive geographic areas, and other types of districts having unified interests within the City, including those associated with annexation and overlay special review zoning districts. Area-wide zoning reclassifications, unlike parcel zoning reclassifications, are generally of area-wide significance, usually involving many separate properties under various ownerships, and often utilize several of the City’s zoning classifications to implement the City’s Comprehensive Plan. An area-wide zoning reclassification consisting of a single ownership but having a broader impact of significance on the community may be considered to be an area-wide reclassification if it is being undertaken in order to maintain consistency of the City’s Comprehensive Plan.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser’s note: Previously codified as 13.05.005 (Definitions); relocated to 13.01.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28230 Ex. C; passed Jul. 22, 2014: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27995 Ex C; passed Jun. 14, 2011: Ord. 27912 Ex A; passed Aug. 10, 2010: Ord. 27728 Ex A; passed Jul. 1, 2008: Ord. 27431 § 4; passed Nov. 15, 2005: Ord. 25852 § 1; passed Feb. 27, 1996)

## **13.01.060 Zoning Definitions.<sup>1</sup>**

For the purposes of Chapter 13.06, 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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<sup>1</sup> Code Reviser’s note: Previously codified as 13.06.700 (Definitions and illustrations); relocated to 13.01.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

**13.01.060.A**

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

“Accessory antenna device.” An antenna including, but not limited to, test, mobile, and global positioning (GPS) antennas which are less than 12 inches in height or width, excluding the support structure.

“Accessory building.” An accessory building, structure, or portion thereof which is subordinate to and the use of which is incidental to that of the main building, structure, or use, and which is not considered as a main building or a building used for dwelling purposes. If an accessory building is attached to the main building by a substantial connection, such accessory building shall be considered as a part of the main building for the purposes of building envelope standards. The building must meet all other requirements under the building code.

“Accessory dwelling unit.” A subordinate dwelling unit, either within the same building as the main dwelling or in a detached building, with a provision for independent cooking, living, sanitation, and sleeping.

“Accessory use.” A use that occupies less than 50 percent of the building or site square footage, is incidental to the main building or principal use, and is located on the same lot as the principal use. In no case shall such accessory use dominate in area, extent, or purpose the principal lawful use or building.

“Adult family home.” Family abode, licensed by the state of a person or persons who are providing assistance with Activities of Daily Living such as bathing, toileting, dressing, personal hygiene, mobility, transferring, and eating, as well as room and board to more than one but not more than six adults, 18 years or older, with functional disabilities who are not related by blood or marriage to the person or persons providing the service.

“Adult retail and entertainment.”<sup>1</sup> Adult entertainment, activity, retail, or use shall mean all of the following:

1. Adult theater shall mean a building or enclosure, or any portion thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified “sexual activities” or “specified anatomical areas,” as defined in this section, for observation by patrons therein, which excludes minors by virtue of age.
2. Adult entertainment shall mean any commercial premises or club to which any patron is invited or admitted and where adult entertainment, as defined by Section 6.36.010.A<sup>2</sup>, is provided on a regular basis or is provided as a substantial part in the premises activity.
3. Adult retail means a commercial establishment such as a bookstore, video store, or novelty shop which, as its principal business purpose, offers for sale or rent, for any form of consideration, any one or more of the following:
  - a. Books, magazines, periodicals, or other printed materials, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
  - b. Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

For the purpose of this definition, the term “principal business purpose” shall mean the business purpose that constitutes 50 percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (i) the retail dollar value of all sexually-oriented materials compared to the retail dollar value of all non-sexually-oriented materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (ii) the total volume of shelf space and display area reserved for sexually-oriented materials compared to the total volume of shelf space and display area reserved for non-sexually-oriented materials.

4. Specified anatomical areas shall mean the following:

- a. Less than completely and opaquely covered human genitals, anus, pubic region, buttock, or female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

5. Specified sexual activities shall mean any of the following:

- a. Human genitals in a state of sexual stimulation or arousal;

<sup>1</sup> Code Reviser’s note: Relocated from 13.06.525.A. per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser’s note: Section 6.36.010A was recodified as section 6B.30.010 pursuant to Ord. 27297, passed Nov. 23, 2004.

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- b. Acts of human masturbation, sexual intercourse, sodomy, oral copulation, or bestiality;
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts, whether clothed, of oneself, or of one person by another; or
- d. Excretory functions as part of or in connection with any of the activities set forth in this section.

“Agricultural use.” The use of land for tree farming or growing or producing field crops, livestock, or livestock products for the production of income, together with incidental retail sales by the producer of products raised on the farm. Field crops include, among others, barley, soy beans, corn, hay, oats, and potatoes. Livestock includes, among others, dairy and beef cattle, goats, sheep, hogs, poultry and game birds. Livestock products include, among others, milk, butter, cheese, eggs and meat.

“Airport.” Facilities for the takeoff and landing of aircraft, including runways, aircraft storage, hangers, air traffic control facilities, terminal buildings, and customary accessory facilities and uses, such as cargo and freight transfer, aircraft maintenance, aviation fueling, aviation instruction, and eating and drinking.

“Alley.” A public or private accessway which provides a secondary means of vehicular access to abutting property, unless determined by the Director or Hearing Examiner to be an Officially Approved Accessway as provided under Section 13.04.140.B.

“Alter.” To make any change, addition, or modification in construction or occupancy of a building structure.

“Alteration.” A physical change to a structure or a site. Alterations do not include normal maintenance and repair or any of the following:

1. Changes to the façade of a building;
2. Changes to the interior of a building;
3. Increases or decreases in floor area of a building;
4. Changes to other structures, including parking garages, on the site or the development of new structures;
5. Changes to landscaping, off-street parking spaces, and other improvements to a site; and/or
6. Demolition

“Alteration, substantial.” As used in Chapter 13.06.050 – Downtown Tacoma, alterations within a two-year period:

1. The total cost of which, excluding purchase costs of the property and/or building, exceeds 50 percent of the replacement value of a building or structure;
2. The total cost of which, excluding purchase costs of the property, exceeds 50 percent of the replacement value of site improvements;
3. Which increase the gross square footage by more than 50 percent of buildings and structures; or
4. Which increase the gross square footage by more than 50 percent of a surface parking lot.

“Ambulance services.” Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.

“Anchor tenant.” Tenant or owner occupying not less than 100,000 square feet of building area.

“Animal boarding.” Provision of shelter and care for small animals on a commercial basis and large animals on a noncommercial basis. Such boarding shall include daytime and overnight stays. This classification includes activities such as feeding, exercising, grooming, and incidental medical care. This classification includes animal daycare.

“Animal clinics.” Facilities which provide grooming, training, or other services to animals, including medical and surgical treatment on an inpatient and/or outpatient basis.

“Animal grooming.” Provision of bathing and trimming services for small animals on a commercial basis.

“Animal husbandry.” A branch of agriculture concerned with the production and care of domestic animals.

“Animal sales and service.” Animal care or sales conducted primarily within an enclosed building, including animal clinics, kennels, animal grooming, animal boarding (including daycare), and retail sales. Does not include activities such as animal husbandry or stables.



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

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

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

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

“Arborist.” An individual engaged in the profession of arboriculture who, through experience, education and related training, possesses the competence to provide for or supervise the management of trees and other woody plants and is certified and in good standing with the International Society of Arboriculture (ISA), or equivalent agency.

“Arcade.” A continuous unoccupied covered area, having direct access from abutting streets or open areas, unobstructed to a height of not less than 12 feet except for supporting beams and columns, and accessible to the general public at all times.

“Art gallery.” A space with public access from the sidewalk in the space and which is located within a building for the interior exhibition or display of artworks which may or may not be offered for sale to the public.

“Assembly facilities.” Privately operated facilities for the principle purpose of public meetings and social gatherings (including incidental recreation), including community halls, union halls, exhibition halls, social clubs, and youth centers. This use shall not include stadiums or public or quasi-public parks, recreation or open space uses.

“Assisted living facility.” See “intermediate care facility.”

“Automobile house trailers.” Any structure used for human habitation constructed on wheels and capable of being moved from place to place, either under its own power or under tow.

### **13.01.060.B**

“Basement.” A story partly underground. A basement shall be counted as a story in building height measurement and floor area ratio for single-family small lots where more than one-half of its height is above the average level of the adjoining ground.

“Bicycle parking.” Stationary rack that accommodates a lock securing the frame and wheels, or a lockable enclosure with the quantity accommodated determined by manufacturer’s specifications.

“Bicycle parking, short-term.” Parking meant to accommodate visitors, customers, messengers and others expected to depart within two hours; requires approved standard rack and appropriate location and placement.

“Bicycle parking, long-term.” Parking meant to accommodate employees, students, residents, commuters, and others expected to park more than two hours. This parking is to be provided in a secure, weather-protected manner and location.

“Billboard, bulletin.” A billboard with a sign area or billboard face approximately 14’x48’ (672 sq. ft.) (may be as small as 301 sq. ft. and as large as 672 sq. ft.)

“Billboard, digital.” An off-premises sign greater than 72 square feet in size, utilizing digital message technology capable of changing the message or copy on the sign electronically. Digital billboards are not considered under the definitions of animated sign, changing message centers, electrical signs, illuminated signs, or flashing signs.

“Billboard, face.” A billboard face is the area of a billboard that is contiguous and used or intended to be used for display purposes, excluding the minimum frame and supports. The calculation of the area of the billboard face excludes the sign structure.

## Tacoma Municipal Code

“Billboard, poster.” A billboard with a sign area or billboard face approximately 12’x24’ (288 sq. ft.) (may be as small as 240 sq. ft. and as large as 300 sq. ft.).

“Billboard, Jr. Poster.” A billboard with a sign area or billboard face approximately 6’x12’ (72 sq. ft.) (typically any sign smaller than 240’ sq. ft.).

“Billboard, standard.” An off-premises sign generally composed of materials (panels or modules) mounted on a building wall (“wall-mounted billboard” or “building-mounted billboard”) or freestanding structure (“freestanding billboard”), or painted directly on the wall or freestanding structure.

“Billboard, wall.” A billboard that is mounted to a wall either by direct application or installed on a device that is mounted to a wall designed to support the billboard advertising copy. A wall billboard may also be referred to as a “wall-mounted billboard” or a “building-mounted billboard”.

“Brewpub.” An eating and drinking establishment having a small brewery on the premises which produces beer, ale, or other malt beverage, or wine, and where the majority of the beer/wine produced is consumed on the premises. This classification allows a brewpub to sell beer/wine at retail and/or act as wholesaler for beer of its own production for off-site consumption, with appropriate state licenses.

“Building.” Any structure having a roof supported by columns or walls for the housing, shelter, or enclosure of persons, animals, or chattels; when separated by dividing walls without openings, each portion of such building so separated shall be deemed a separate building. For the purpose of this section, the term “building” shall not include “vehicle” as hereinafter defined.

“Building, face or wall.” All window and wall area of a building in one plane or elevation.

“Building footprint.” The outline of the total area that is surrounded by the exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof, excluding any roof overhangs.

“Building, height of.” In all districts except those containing a View-Sensitive Overlay District, per Section 13.06.070.A, building height shall be measured consistent with the applicable Building Code, Height of Building. For buildings located within a View-Sensitive Overlay District, the method provided below shall be used:

1. The height limit shall be the vertical distance between existing grade and a plane essentially parallel to the existing grade. The corners of such plane shall be located above the base points.
2. The base points shall be located at the four corners of the foundation or, if the foundation of the structure does not form a rectangle, at the four corners of the smallest rectangle which surrounds the foundation.
3. The base points shall be located on existing grade, unless determined otherwise by the Director in accordance with the provisions of Section 13.05.010.B.
4. Additional height at the rate of one foot for each 6 percent of the slope shall be allowed. This additional height shall not be allowed on the uphill portion of the structure. For the purpose of this provision, the slope shall be the difference between the elevation of the highest base point and the elevation of the lowest base point divided by the distance between those two base points.
5. No portion of a structure, including the highest gable, unless specifically excepted, shall extend above the height limit; provided, however, that a legal structure that existed before June 18, 1989, that was destroyed by fire, natural disaster, explosion, or other calamity or act of God or the public enemy may be rebuilt to its previous height within the building’s prior actual dimensions, including, but not limited to, height, roof pitch, depth, and width. Such a structure cannot be enlarged, expanded, or otherwise increased in size without the enlargement or expansion meeting the zoning regulations in effect at the time of the expansion.

The height of a stepped or terraced building is the maximum height of any segment of the building.

“Building materials and services.” Retailing, wholesaling, or rental of building supplies or equipment. This classification includes indoor lumber sales with limited outdoor storage, tool and equipment sales or rental establishments, and building contractors’ yards, but excludes lumber yards, establishments devoted exclusively to retail sales of paint and hardware, and activities classified under vehicle rental and sales.

“Building orientation.” The location or position of a building on a site, particularly the relationship of the principal entry to the adjacent street. A building oriented to the street has an entry facing the street.

“Building, temporary.” A building without a permanent foundation or footing and without permanent utilities which is removed when the designated time period, activity, or use for which the temporary building was erected, has ceased.

“Building, unit group.” Two or more buildings of one ownership grouped on a lot, including institutions, hospitals, colleges, and industries.

“Business support services.” A provision of recurrently needed services of a business nature, including parcel and package delivery services for individual and/or commercial customers; preparation of parcels for delivery, shipping, or mailing; printing; copying; and computer support services.

**13.01.060.C**

“Caliper.” Diameter of a tree’s trunk or stem measured at a point 6 inches above finish grade if the resulting measurement is up to and including 4 inches. If the resulting measurement is more than 4 inches the point of measurement shall be relocated to 12 inches above finish grade.

“Camouflaged (wireless communication facility).” A wireless communication facility that is integrated with a building or the landscape in terms of design, colors, materials and height, so as to be disguised, hidden, concealed, masked, or screened from view.

“Canopy (or marquee).” An ornamental roof-like structure unenclosed on one or more sides and normally used for pedestrian protection and convenience and/or signage.

“Car washing facility.” A building or portion thereof containing facilities for washing automobiles, either manually or using a fully automatic washing process, requiring no personnel for the conduct of the operation except as is necessary for the collection of money and the maintenance of the facility.

“Carnival.” A temporary and often traveling establishment at which a combination of attractions or exhibitions, such as rides, shows, displays, eating concessions, and gaming booths, are provided for the purpose of amusement and entertainment.

“Catering services.” Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

“Cell site.” A tract or parcel or land that contains wireless communication facilities including any antenna, support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to wireless communication facilities.

“Cemetery and internment services.” Property used for the interring of the dead. This property may include support facilities, such as funeral homes and/or chapels.

“Chemical Manufacturing.” The production, processing, and wholesale distribution of chemicals and allied products, including:

1. “Production and processing.” Establishments primarily engaged in 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.
2. “Wholesaling.” Establishments primarily engaged in the merchant wholesale distribution of chemicals and allied products (except agricultural and medicinal chemicals, paints and varnishes, fireworks, and plastics materials and basic forms and shapes).
3. “Petrochemical Manufacturing.” Establishments primarily engaged in (1) manufacturing acyclic (i.e., aliphatic) hydrocarbons such as ethylene, propylene, and butylene made from refined petroleum or liquid hydrocarbons, (2) manufacturing cyclic aromatic hydrocarbons such as benzene, toluene, styrene, xylene, ethyl benzene, and cumene made from refined petroleum or liquid hydrocarbons, and/or (3) manufacturing methyl alcohol (methanol) from natural gas, coal, or other petroleum based feedstock.
4. “Explosives Manufacturing.” Establishments primarily engaged in manufacturing explosives.
5. “Fertilizer Manufacturing.” Establishments primarily engaged in one or more of the following: (1) manufacturing nitrogenous or phosphatic fertilizer materials; (2) manufacturing nitrogenous or phosphatic materials and mixing with other ingredients into fertilizers; and (3) formulating and preparing pesticides and other agricultural chemicals.

These use classifications exclude uses that are otherwise defined herein as “Cleaner Fuels” and “Petroleum Fuel Facilities.”

“Clean construction/demolition/land-clearing (CDL) wastes.” CDL wastes are solid wastes produced from construction, remodeling, demolition, or land-clearing operations that have been source separated so that the material is principally composed of asphalt, concrete, brick, or other forms of masonry; non-chemically treated wood (i.e., creosote, paint, preservatives); land-clearing wastes; or other materials approved by the Tacoma-Pierce County Health Department. Yard

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wastes (i.e., leaves, grass, prunings, and sod), plaster (sheet rock or plasterboard), or any materials other than wood that are likely to produce gases or a leachate during the decomposition process and asbestos wastes are specifically excluded from this definition of clean CDL wastes, unless otherwise approved by the Tacoma-Pierce County Health Department.

“Cleaner Fuels.” shall mean carbon-free fuels that generate no carbon emissions including green hydrogen, and the following:

- a. Any credit generating fuel under the Washington State Low Carbon Fuel Standard (HB 1091 2021-2022) as determined by the Washington State Department of Ecology.
- b. Any Biomass Renewable Fuels approved by the federal Environmental Protection Agency under the federal Renewable Fuel Standard (40 CFR Part 80).
- c. Alcohol Fuels meeting the requirements of RCW 19.112.010(1) as that statute exists or may hereafter be amended.
- d. Biodiesel Fuel meeting the requirements of RCW 19.112.010(3), and Renewable Diesel meeting the requirements of RCW 19.112.010(9), as those statutes exist or may hereafter be amended.
- e. E85 motor fuel which meets the requirements of RCW 19.112.010(2) exclusively for the propulsion of motor vehicles upon the roads, or RCW 19.112.010(6) for other motors, as those statutes exist or may hereafter be amended.
- f. Alternative Fuels exclusively for the propulsion of motor vehicles upon the roads, which fuels meet the requirements of RCW 19.112.010(2) as that statute exists or may hereafter be amended. Provided that the restrictions on petroleum including in gaseous form, and petroleum fuel facilities, shall apply to such Alternative fuels and all references to hydrogen in this chapter are limited to green hydrogen only.

“Cleaner Fuel Infrastructure – Expanded.” The expansion of storage infrastructure including tankage constructed prior to effective date of this chapter to store petroleum, where the expansion of such petroleum storage infrastructure is for the sole purpose of blending petroleum with biomass and other cleaner fuels in the production of cleaner fuels.

“Cleaner Fuel Infrastructure – New.” New infrastructure for the production, storage, transportation and transshipment of Cleaner Fuels as defined herein, including infrastructure for blending biomass and other cleaner fuels with petroleum. New Cleaner Fuel Infrastructure shall not include new tankage for petroleum storage.

“Climate-adapted Plant Species.” Climate adapted plants include both native and non-native plant species which are able to thrive in the local climate and soil conditions of the City of Tacoma. The two most authoritative references on climate adaptation for plants are the USDA Plant Hardiness Zones and the Sunset Climate Zones.

“Coal facilities.”

- Bulk coal storage: any structure, group of structures, equipment, or device that stores or transfers coal for use in the production of electricity or power, or for wholesale distribution.
- Coal power plant: a thermal power station which burns coal to generate electricity or other usable power.

“Collocation.” The use of a wireless communication facility or cell site by more than one wireless communication provider.

“Commercial parking facility.” Lots offering parking to the public, which are not designed for or directly associated with another use. This is distinguished from parking that is provided as part of and accessory to another use, which shall be considered part of the use it serves. This classification includes commuter parking facilities (park & rides), general public parking lots, and similar facilities.

“Commercial recreation and entertainment.” Private provision of participant or spectator recreation or entertainment. This classification includes uses such as privately operated sports stadiums and arenas, amusement parks, bingo parlors, bowling alleys, billiard parlors, poolrooms, dance halls, ice/roller skating rinks, miniature golf courses, golf driving ranges, archery ranges, scale-model courses, shooting galleries, tennis/racquetball courts, croquet courts, swim clubs, health/fitness clubs, and pinball arcades or electronic gaming centers having more than five coin-operated game machines. This use does not include public or quasi-public parks, recreation or open space, theaters or golf courses.

“Communication facilities.” Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding major utilities. This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices. This classification does not include wireless communication facilities.

“Comprehensive Plan.” The official statement of the Tacoma City Council which sets forth its major policies concerning desirable future physical development.

“Condominium.” A multiple-family dwelling, and its accessory uses and grounds, in which each dwelling unit is individually owned, and all or any part of the dwelling structure, accessory uses, and grounds are owned cooperatively by the owners of said dwelling units, and maintenance functions are performed by required subscriptions from said owners.

“Confidential shelter.” Shelters for victims of domestic violence, as defined and regulated in RCW 70.123 and WAC 388-61A. Such facilities are characterized by a need for confidentiality.

“Construction/demolition/land-clearing (CDL) waste recycling.” CDL waste recycling is the storage, processing and/or sale of clean CDL wastes to recover usable products or to regenerate the material where the following activities are further defined:

1. Storage includes the holding of CDL wastes prior to processing and stockpiling of the recycled product and by-products.
2. Processing includes the sorting of clean CDL wastes and the mechanical reduction of these materials by means of an initial mechanical processing operation which results in a raw product to be shipped to secondary processors, but does not include composting.
3. Product sales, including retail and wholesale sales of recycled materials.

“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 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.

“Cottage housing.” Cottage housing is defined as a grouping of small dwelling units clustered around a common area and developed with a coherent plan for the entire site, per the provisions of TMC 13.06.080.C.

“Court, multiple-family dwelling.” An open, unoccupied space other than a yard, on the same lot with a multiple-family building and which is bounded on two or more sides by such building.

“Coverage, lot or site.” The percentage of a site covered by a roof, soffit, trellis, eave, or overhang extending more than 2.5 feet from a wall, and by a deck more than 30 inches in height.

“COW.” Acronym for “cell on wheels.” A temporary wireless communication facility.

“Craft Production.” A commercial use that involves the production of arts, crafts, foods, beverages or other product with on-site production and assembly of goods primarily involving the use of hand tools and/or small-scale equipment. Due to the limited scale of the activities and small boutique nature of craft production establishments, they are compatible, and are often co-located with, retail sales and service uses. This use category includes but is not limited to ceramic art, glass art, candle-making, custom jewelry manufacture, bakeries, confectionaries, butchers, coffee roasting establishments, food production and beverage production.

“Cultural institutions.” Institutions displaying or preserving objects of interest in one or more of the arts or sciences, such as a museum, or cultural center, operated by a non-profit organization or faith-based organization, and offering services to the community.

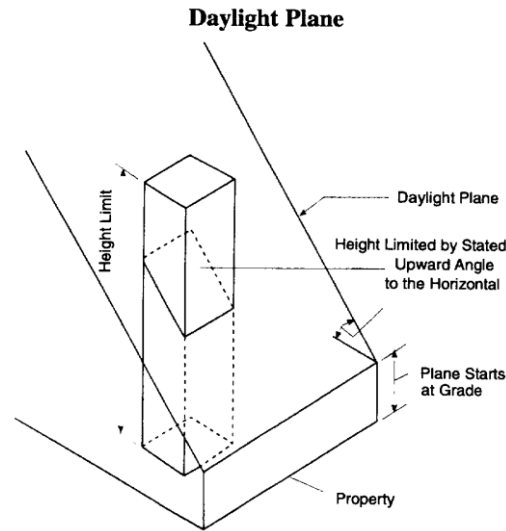
#### **13.01.060.D**

“Day care center.” Any facility which receives 13 or more children or adults for day care.

“Day care, family.” An occupied dwelling in which a person provides day care for children or adults other than their own family and those of close relatives. Such care in a family day care home is limited to 12 or fewer children or adults, including children or adults living in the dwelling and those of close relatives cared for in the dwelling.

## Tacoma Municipal Code

“Daylight plane.” An inclined plane, beginning at a stated height above grade, generally at a property line or setback line or buffer, and extending into the site at a stated upward angle to the horizontal, which may limit the height or horizontal extent of structures at any specific point on the site where the daylight plane is more restrictive than the height limit or the minimum setbacks applicable at such point on the site (see diagram below).



“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.

“Department of Defense.” The United States Department of Defense (“DOD”) and any subdivision including the Defense Logistics Agency.

“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.

“Detoxification center.” A facility providing detoxification and/or treatment on an inpatient basis, with or without outpatient services available, for persons suffering from the effects of alcohol or drugs.

“Development.” All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved, open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land.

“Diameter at breast height (DBH).” A tree’s trunk or stem diameter measured at four and one-half feet above the ground.

“Director.” For purposes of Chapter 13.06 of the Tacoma Municipal Code, “Director” means the Director of Planning and Development Services unless otherwise specified.

“Drive-through.” A business or a portion of a business where a customer is permitted or encouraged, either by the design of physical facilities or by service and/or packaging procedures, to receive services or partake in business while seated in a motor vehicle. This definition does not include uses where the service is not provided while the customer is in the vehicle, such as fueling stations, passenger drop-off/pick-up zones for schools, hospitals, hotels or similar uses.

“Drive-through within a building.” A drive-through in which the window and all driving and stacking lanes are contained within a building.

“Drug rehabilitation facility”, or “substance abuse facility”. Any facility licensed by the Washington State Department of Social and Health Services whose primary focus is treatment for a person with a chemical or drug dependency, whether on an outpatient or inpatient basis.

“Dwelling.” A building or portion thereof designed and used entirely as the residence of one or more families, except hotels.

“Dwelling, group.” Two or more dwelling structures located upon a single lot.

“Dwelling, multiple-family.” A building or portion thereof designed for or used as the residence of four or more families living independently of each other.

“Dwelling, single-family detached.” A building designed for or used as the residence of one family that is not attached to any other dwelling unit, except for an accessory dwelling unit as allowed.

“Dwelling, three-family.” A building designed for or used as the residence of three families living independently of each other.

“Dwelling, townhouse.” A building on its own separate parcel of land containing one single-family dwelling unit that occupies space from the foundation to the roof and is attached to one or more other townhouse dwelling units by at least one common wall.

“Dwelling, two-family.” A building designed for or used as the residence of two families living independently of each other.

“Dwelling unit.” Two or more rooms and kitchen designed for or used as the living quarters of one family.

### **13.01.060.E**

“Eating and drinking.” Establishments in which food and/or beverages are prepared and sold at retail for immediate consumption. Eating and drinking establishments include restaurants and drinking establishments as defined below:

1. “Drinking establishment” means an establishment other than a restaurant, licensed to sell alcoholic beverages for consumption on premises; that limits patronage to adults of legal age for the consumption of alcohol; and in which limited food service may be accessory to the service of alcoholic beverages. Drinking establishments may include but are not limited to taverns, saloons, bars, pubs, or cocktail lounges associated with restaurants. This use does not include brewpubs, catering services, or industrial-scale food production facilities.
2. “Restaurant” means a use in which food and/or beverage preparation and service is provided for individual consumption either on- or off-premises, and in which any service of alcoholic beverages is accessory to the service of food. This classification includes, but is not limited to, cafés, eateries, bistros, diners, restaurants, sandwich shops, and coffee shops.

“Eave.” That part of a roof which projects over the side wall.

“Electric vehicle charging stations.” A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

1. “Accessible electric vehicle charging station” means an electric vehicle charging station where the battery charging station equipment is located within accessible reach of an access aisle for a designated accessible parking space (minimum 44-inch width) and the electric vehicle.
2. “Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.
3. “Charging level” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. Levels 1, 2, and 3 are defined by the speed of charging and typically have the following specifications:
  - a. Level 1 – slow charging. Typically 15- or 20-amp breaker on a 120-volt alternating current.
  - b. Level 2 – medium charging. Typically 40-amp to 100-amp breaker on 208- or 240-volt alternating current.
  - c. Level 3 - fast or rapid charging [station]. Typically 60-amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment.
4. “Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; (4) a medium-speed electric vehicle, (5) electric scooters and motorcycles.
5. “Electric vehicle infrastructure (EVI)” means the site design must provide electrical, associated ventilation, accessible parking, and wiring connection to transformer to support the additional potential future electric vehicle charging stations pursuant to National Electrical Code (2008) Article 625.
6. “Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

## Tacoma Municipal Code

7. “Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Emergency and transitional housing.” Establishments offering daily meal service and housing to persons who are in need of shelter. This classification does not include confidential shelters, or facilities licensed for residential care by the state of Washington.

“Emergency medical care.” Facilities providing emergency medical service on a 24-hour basis with no provision for continuing care on an inpatient basis.

“Enhanced SEPA Review.” Additions to the standard State Environmental Policy Act (SEPA) review process and checklist for project proposals governed by this chapter to be promulgated and updated from time to time by the Director. Such additions to the SEPA review process and checklist shall include but not be limited to; a public meeting for a SEPA application, which occurs after SEPA determination that an application is complete but prior to issuance of a preliminary threshold determination; an expanded Notice Distribution List to include direct mailing to taxpayers and occupants, consistent with Land Use Permits; expanded Public Notification Distance for Direct Mailing to 2500’ from the Manufacturing and Industrial Center, consistent with Land Use Permits; expanded Notification Period and Comment Period for SEPA to 30 days for Consistency with Land Use Permits, and a supplemental checklist specific to SEPA review of fuel production and or chemical manufacturing. To ensure application of this Enhanced SEPA review, the City of Tacoma shall be SEPA lead agency for all fuel-related projects permitted under this chapter.

“Equipment enclosure.” A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies, and emergency generators.

“Establishment period.” A minimum of a three year time period following the transplanting/installation of vegetation where maintenance is crucial to the survival of the vegetation.

“Evergreen.” A plant that bears leaves throughout the year.

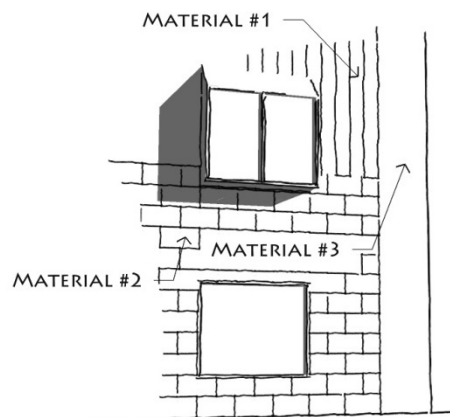
“Existing grade.” The elevation of the natural ground surface, excluding vegetation, before any site preparation work has been done. Existing grade shall not be artificially increased for building height measurement purposes by placement of fill on the site; provided, however, that existing grade for any lot which is within a development which is required to receive final plat approval shall be the ground surface at the time of final plat approval. If existing grade surrounding the entire foundation is lowered by more than five feet in preparing the site for construction, except excavation for a foundation, a basement, or daylight basement, then the height measurement will be taken from the lowered grade. Soil investigations, elevation markers, grade stakes, or other verification may be required to verify existing grade.

“Extended care facility.” Establishments providing 24-hour supervised nursing care for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services. Such facilities are licensed by the state as nursing homes.

### 13.01.060.F

“FAA.” Federal Aviation Administration.

“Façade variety.” Illustrated as required in certain districts of Chapter 13.06:



FACADE VARIETY EXAMPLE



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

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

“Family.” One or more persons, related or unrelated, living together as a single household where all members have common access to and use of living, kitchen and other shared spaces.

“FCC.” Federal Communications Commission.

“Floor area.” The sum of the square footage of all of the floors of a structure or building. Unless specified otherwise, “floor area” shall be calculated in the same manner outlined in the current building code definition for “floor area, gross.”

“Floor Area Ratio (FAR).” The amount of floor area within a building as a multiple of the lot area. Right-of-way that has its air rights vacated shall be considered as lot area for calculating FAR. For the purposes of calculating allowable FAR within the downtown area, floor area shall exclude the following areas when calculating the maximum FAR:

1. Spaces below grade;
2. Space used for retail uses or restaurants that front the sidewalk; and
3. Space devoted to special features.
4. Area used for parking.
5. Mechanical equipment, elevators, and stair shafts.
6. Exterior decks, balconies, and corridors open to the air.

“Floor Area Ratio – Single-family Small Lots.” The ratio of the total floor area of a single-family house to the lot area upon which it is built, not including basements and accessory structures.

“Food and beverage sales.” Retail sales of food and beverages for off-site preparation and consumption. Typical uses include supermarkets, groceries, liquor stores, bakeries, and delicatessens.

“Foster home.” A dwelling that is licensed by the state for foster care, which is used as living quarters for a family that includes one or more children or adults who are placed by a licensed child or adult placement agency and who are not related to the owner or occupant thereof by blood, marriage, or legal adoption, but are under their supervision and care.

“Foundation.” The supporting part of a wall or structure, usually below ground level and including footings, used as a means of transferring building loads to the soil below. For the purpose of calculating height, the foundation shall only be that portion supporting the walls of the main building.

“Frontage.” All property fronting on one side of a street and measured along the street line, between intersecting or intersecting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or City boundary.

“Frontage, building.” The frontage of a building is the maximum horizontal dimension of that side of a building abutting on or generally parallel to the front lot line or, in the case of a corner building, the combined maximum horizontal dimensions of the sides of the building abutting or generally parallel to the front lot line and the corner side line.

“Frontage (for the purposes of the sign regulations).”

1. Freestanding sign. For the purpose of computing the size of a freestanding sign, frontage shall be the length of the property line parallel to and abutting each public right-of-way bordered.
2. Building mounted sign. For the purpose of computing the size of building mounted signs, frontage shall be the length of that portion of the building containing the business oriented onto a right-of-way or parking lot. For a business with more than one frontage, the largest frontage with a public entrance shall be used.

“Frontage road.” A roadway contiguous to and generally paralleling a state of Washington limited access highway, so designed as to intercept, collect, and distribute traffic desiring to cross, enter, or leave such facility and to furnish access to abutting property.

## **Tacoma Municipal Code**

“Frontage, street.” The street frontage is the length of the front lot line, or in the case of a corner lot, the front lot line plus the corner side lot line.

“Funeral home.” Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead, except that crematories are prohibited.

“Fueling station.” Establishments engaged in the retail sale of gas or diesel fuel, lubricants, parts, and accessories, and/or rapid charging of electric vehicles. This classification includes customary incidental activities when performed in conjunction with the sale of fuel, such as vehicle maintenance and repair, vehicle washing, and electric vehicle battery swap-out, but excludes body and fender work or repair of heavy trucks or vehicles.

### **13.01.060.G**

“Gable.” The triangular end of an exterior wall above the eaves.

“Garage, private.” An accessory building, detached or part of the main building, for the parking or storage of automobiles belonging to the occupants of the premises.

“Genus” (pl. genera). A group of plants within a family that is morphologically similar and contains one or more species.

“Glare.” Unwanted light that causes eyestrain, discomfort, nuisance, or adversely affects a visual task.

“Golf course.” A facility providing a private or public golf recreation area that is designed for executive or regulation play, generally consisting of tees, greens, fairways, and hazards, along with customary golf support facilities, such as a clubhouse, restrooms, locker rooms, related retail sales, and eating and drinking. This use does not include standalone miniature golf courses or driving ranges (see “Commercial recreation and entertainment”), but may include those as accessory components of the overall golf course facility.

“Government offices.” Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles.

“Grade.” The elevation of the ground surface around a building.

“Green Hydrogen.” Hydrogen produced through electrolysis powered by renewable electricity, specifically including hydroelectric power.

“Green roof.” See Vegetated roof.

“Greenhouse gas emissions.” Gases that trap heat in the atmosphere. "Greenhouse gas," "greenhouse gases," "GHG," and "GHGs" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and any other gas or gases designated by the federal clean air act (United States Code Title 42, Chapter 85), state clean air act (Chapter 70.94 RCW) or state limiting greenhouse gas emissions law (Chapter 70.235 RCW).

"Greenhouse gas emissions – Facility emissions." Means greenhouse gas emissions associated with fossil fuel refineries, processing, or fossil fuel transshipment facilities based upon the refining and processing of fossil fuels located within the Port of Tacoma Manufacturing and Industrial Center.

"Greenhouse gas emissions – Lifecycle emissions." The aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions), related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

“Grocery store, full service.” A grocery store that sells a broad range of food products that typically include fresh meats, canned and prepared foods, fresh fish, fresh eggs, fresh produce, fresh dairy products, frozen foods, and baked goods.

“Groundcover.” Low and dense growing plants that cover the ground in place of turf, planted for ornamental purposes or to prevent soil erosion. Turf lawn and mulch do not count as groundcover.

“Group housing.” A residential facility designed to serve as the primary residence for individuals, which has shared living quarters without separate bathroom and/or kitchen facilities for each unit. This classification includes uses such as convents and monasteries but does not include uses that are otherwise classified as special needs housing or student housing.

### **13.01.060.H**

“Hazard Tree.” As defined by the Pacific Northwest Chapter of the International Society of Arboriculture, a hazard tree, or a hazardous component, exists when the sum of the risk factors assessed equals or exceeds a predetermined threshold of risk. Below that threshold, the tree (or component parts) is not considered to be a hazard.

“Hazardous substance.” Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, which exhibits any of the characteristics or criteria of hazardous waste.

“Hazardous waste.” All dangerous and extremely hazardous waste as defined in RCW 70.105.010.

“Hazardous waste storage.” The holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

“Hazardous waste treatment.” The physical, chemical, and biological processing of dangerous waste to make such waste not dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

“Hazardous waste treatment and storage (off-site).” Facilities which treat and store hazardous wastes from generators on properties other than those on which the off-site facilities are located.

“Hazardous waste treatment and storage (on-site).” Facilities which treat and store hazardous wastes generated on the same, geographically contiguous, or bordering property.

“Hearing Examiner.” The Hearing Examiner as established by Chapter 1.23 of the Tacoma Municipal Code.

“Heliport.” An area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling, and maintenance equipment.

“Home occupation.” A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building or a building accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

“Hospitals.” Medical facilities, licensed by the Department of Health Services, the Committee on Accreditation of Rehabilitation Facilities, the Department of Aging, or other similar organizations, for the provision of surgery, rehabilitation and physical care, acute psychiatric care, chemical dependency, and substance abuse on an out-patient basis, including ancillary nursing, training, and administrative facilities. Such facilities are generally licensed by the state under the provisions of RCW 70.41.

“Hotel or Motel.” A building or group of buildings in which lodging or lodging and meals are provided for transient or semi-permanent guests, or both, for compensation, and in which there are ten or more guest rooms.

### **13.01.060.I**

“Illumination, direct.” Illumination by means of light that travels directly from its source to the viewer’s eye.

“Illumination, indirect.” Illumination by means only of light cast upon an opaque surface from a concealed source.

“Industry, heavy.” Manufacturing of any and all parts or products, provision of industrial services, and commercial production and sale of goods and services. This classification includes, but is not limited to, basic industrial processing from raw materials, food processing, industrial boatyards, industrial recycling facilities, scrap metal yards, CDL waste recycling facilities, port/terminal uses, log yards, sawmills, chemical plants, hulk hauling yards, wrecking yards, and bulk or raw materials storage.

“Industry, light.” Manufacturing of finished parts or products, primarily from previously prepared materials; and provision of industrial services, both within an enclosed building. This classification includes commercial bakeries, dry cleaning plants, lumber yards, retail storage, and businesses engaged in processing, fabrication, assembly, treatment, and packaging, but excludes basic industrial processing from raw materials, food processing, log yards, bulk storage, and raw materials storage.

“Intermediate care facility.” A facility that provides, on a regular basis, assistance with one or more Activities of Daily Living (“ADL”) such as bathing, toileting, dressing, personal hygiene, mobility, transferring, and eating, including persons with functional disabilities, needing health-related care and services, but who do not require the degree of care and treatment that a hospital or extended care facility provides. Such facility requires a state boarding home license. This use includes assisted living facilities, but does not include adult family homes, staffed residential homes, or residential care facilities for youth.

“Invasive species.” A plant species that has a negative environmental, economical, recreational, and/or public health impacts that overcome native plants or ornamental landscaping for resources. For a current listing of Pierce County Invasive/Noxious weeds consult the Pierce County Noxious Weed Control Board.

## Tacoma Municipal Code

### 13.01.060.J

“Joint Base Lewis McChord (“JBLM”) Joint Land Use Study.”<sup>1</sup> A collaborative process among local, state, and regional jurisdictions; the public; federal, state, and regional agencies; and military installations within the South Puget Sound region that presents recommendations for consideration by local and state governments that promote development compatible with military presence and protecting public health, safety, and welfare while also protecting the ability of the military to accomplish its vital training and operational missions presently and over the long-term.

“JBLM Accident Potential Zone II (“APZ II”).”<sup>2</sup> Clear Zones and Accident Potential Zones (“APZs”) are areas where the potential for aircraft accidents has been identified through the Air Installation Compatible Use Zone (“AICUZ”) program of the U.S. Air Force. The APZ II designation has a lower accident potential than either the Clear Zone or APZ I, but still is considered high enough to warrant land use restrictions to promote public safety.

“Juvenile community facility.” A group care facility for the care of juveniles committed to the physical custody of the Washington State Department of Social and Health Services under the Juvenile Justice Act of 1977. A county detention facility that houses juveniles is not a juvenile community facility. Nothing in this section precludes placement in a juvenile community facility of children who would otherwise be eligible for placement in a community care facility for youth, a residential care facility for youth, or a staffed residential home as defined herein.

### 13.01.060.K

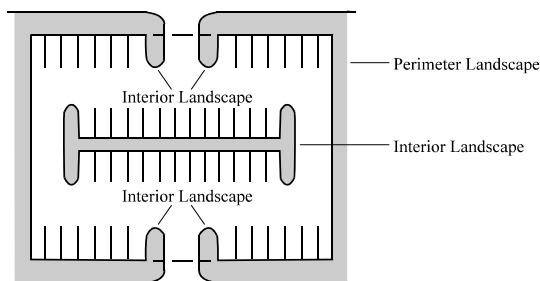
“Kennel.” A building, enclosure, or portion of any premises in or at which dogs or cats are kept or maintained by any person other than the owner thereof, as defined in Title 17 of the Tacoma Municipal Code.

### 13.01.060.L

“Laboratories.” Establishments providing medical or dental laboratory services, scientific research, pharmaceutical research laboratories (including limited product testing) or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. This classification excludes manufacturing, except of prototypes. (Other laboratories are classified as limited industry.)

“Landscape.” To plant and maintain some combination of trees, ground cover, shrubs, vines, flowers, or lawn. Required landscaping may include natural features such as existing or imported rock and structural features including fountains, pools, art work, screens, walls, fences, or benches. A landscaped area may also include a walkway or concrete plaza if it is an integral part of the elements of landscaping described above. Plants on rooftops, porches, or in boxes attached to buildings are not considered landscaping.

“Landscaping, interior.” A landscaped area or areas within the shortest circumferential line defining the perimeter or exterior boundary of the parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).



LANDSCAPING: INTERIOR/EXTERIOR

“Landscaping, perimeter.” A landscaped area adjoining and outside the shortest circumferential line defining the exterior boundary of a parking or loading area, or similar paved area, excluding driveways or walkways providing access to the facility (as applied to parking and loading facilities or to similar paved areas).

“Light rail street.” A street either containing public light rail transportation or planned for such transportation as evidenced by a public transportation agency.

<sup>1</sup> Code Reviser’s note: Relocated from 13.06.585.C., Definitions, per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser’s note: Relocated from 13.06.585.C., Definitions, per Ord. 28613 Ex. G.

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

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

“Lot.” A fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

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

“Lot frontage.” That portion of a lot abutting upon a public or private street or way or permanent access easement including an officially approved accessway.

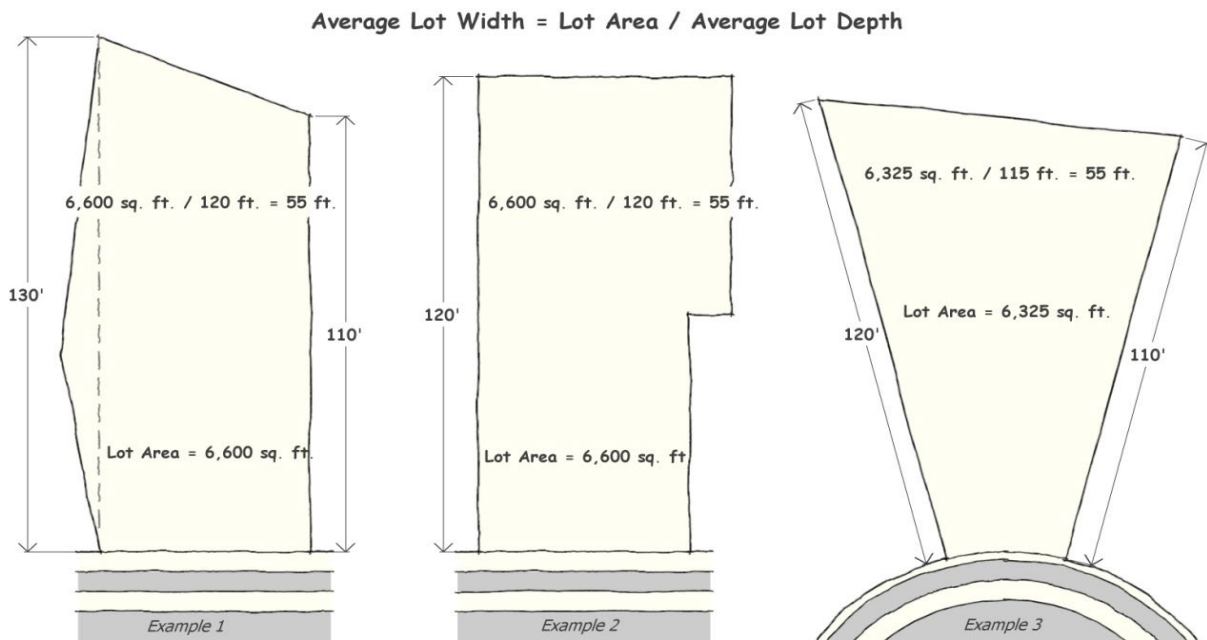
“Lot, interior.” A lot other than a corner lot.

“Lot line.” A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

“Lot of record.” A single platted lot which is a part of a plat which has been recorded as required by the laws of the state of Washington, in the office of the Pierce County Auditor.

“Lot, through.” A lot having frontage on two parallel or nearly parallel streets.

“Lot width, average.” The average width of a lot shall be considered to be the average horizontal distance between the side lot lines. It shall be calculated by dividing the lot area by the average lot depth. (See examples, below.) For properties where the front and rear lot lines are not parallel, the average lot depth shall be calculated as the average of the length of the two straight lines drawn between the foremost points of the side lot lines in front (where they intersect with the front lot line) and the rearmost points of the side lot lines in the rear (where they intersect with the rear lot line). (See examples 1 and 3, below)



“Low Impact Development.” A stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of onsite natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

“Low Impact Development Best Management Practices” (LID BMPs). Distributed stormwater management practices, integrated into a project design, that emphasize predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout infiltration and dispersion, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water reuse. LID BMPs shall be designed in accordance with the Stormwater Management Manual.

“Low Impact Development Principles.” Land use management strategies that emphasize conservation, use of onsite natural features, and site planning to minimize impervious surfaces, native vegetation loss and stormwater runoff.

## Tacoma Municipal Code

### 13.01.060.M

“Main building and principal use.”

1. Building. The primary building or other structure on a lot designed or used to accommodate the principal use to which the premises are devoted. Where a principal use involves more than one building or structure designed or used for the principal use, as in the case of group dwellings, each such permitted building or structure on a lot defined by this chapter shall be construed as comprising a main building or structure.

2. Use. The main or primary purpose for which a building, other structure, and/or lot is designed, arranged, or intended, or for which they may be lawfully used, occupied, or maintained under this chapter.

“Mansard roof.” A roof with two slopes or pitches on each of the four sides, the lower slopes steeper than the upper.

“Marijuana.” As defined in RCW 69.50.101 and provided herein for reference. All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Marijuana Cooperative” (or “Cooperative”). As regulated by RCW 69.51A.250 and provided herein by reference, qualifying patients or designated providers may form a cooperative and share responsibility for acquiring and supplying the resources needed to produce and process marijuana only for the medical use of members of the cooperative.

“Marijuana processor.” As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor and cannabis board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

“Marijuana producer.” As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

“Marijuana researcher.” As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor and cannabis board to produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products.

“Marijuana-infused products.” As defined in RCW 69.50.101 and provided here for reference. Products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana.

“Marijuana retailer.” As defined in RCW 69.50.101 and provided here for reference. A person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

“Massing study.” A massing study is an architectural method to visualize the way that the shape and size of buildings will impact the neighborhood and site character. Massing refers to the general shape and size of buildings. A massing study shall detail the building bulk, height and articulation on the site as well as the site setbacks, yards and open spaces.

“Mature or maturity, tree.” A tree that has achieved at least 75 percent of its anticipated crown growth or a tree that is over 15 years of age.

“Microbrewery/winery.” An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, or wine, and which may include accessory uses such as tours of the microbrewery/winery, retail sales, and/or on-site consumption, e.g., “taproom.” This classification allows a microbrewery to sell beer/wine at retail and/or act as wholesaler for beer/wine of its own production for off-site consumption with appropriate state licenses.

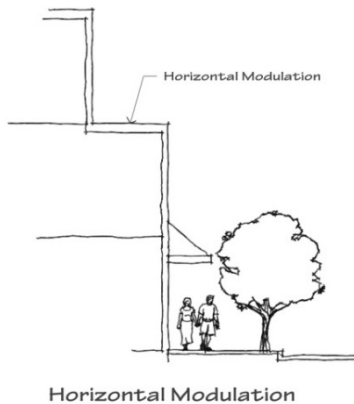
“Mining and Quarrying.” The Mining, Quarrying, and Oil and Gas Extraction sector comprises establishments that extract naturally occurring mineral solids, such as coal and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include 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. This use category includes all industry sectors identified under NAICS Code 21 Mining, Quarrying, and Oil and Gas Extraction as well as surface mining as defined in TMC 13.01.060.S.

“Mixed-rate housing.” Includes both affordable and market-rate housing units in the same housing or mixed-use development.

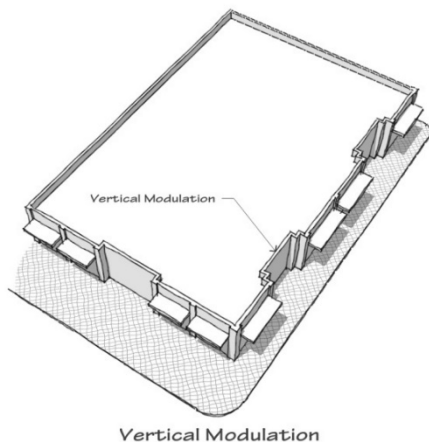
“Mobile home/trailer court” or “mobile home park.” Any real property which is rented or held out for rent to others for the placement of two or more mobile homes/trailers for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational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

Modification (wireless communication facility). The changing of any portion of a wireless communication facility from its description in a previously approved permit. Examples include, but are not limited to, changes in design and the addition of an antenna to the site.

“Modulation, horizontal.” The horizontal stepping back of one or more upper levels of a building from the façade (see diagram below).



“Modulation, vertical.” A stepping back or projecting forward of vertical walls of the building face as a means of breaking up the apparent bulk of a structure's continuous exterior walls (see diagram below).



“Mount” (wireless communication facility). The structure or surface upon which the wireless communication facilities are mounted. There are three types of mounts:

1. Building mounted. A wireless communication facility mount fixed to the roof or side of a building.
2. Ground mounted. A wireless communication facility mount fixed to the ground, such as a tower.
3. Structure mounted. A wireless communication facility fixed to a structure other than a building, such as light standards, utility poles, and bridges.

“Mural.” A decorative design or scene intended to provide visual enjoyment this is painted or placed on an exterior building wall. A mural contains no commercial messages, logo or corporate symbol.

#### **13.01.060.N**

“Neutral surface” (for purposes of the sign regulations). The building surface, cabinetry, and opaque surfaces which are not an integral part of the sign message.

“Normal maintenance and repair.” “Normal maintenance” includes those usual acts designed to keep a building, structure, or site, or portion thereof, in a sound condition and operation. “Normal repair” includes those usual acts designed to restore a building, structure, or site, or portion thereof, to a state comparable to its original condition within a reasonable period after

## Tacoma Municipal Code

decay or partial destruction. Maintenance or repair does not include acts that would noticeably change the size, shape, location, external appearance, potential impacts, or character of existing development.

“Nonconforming building or structure.” A lawfully established building or structure which, on the effective date of this title or the effective date of any amendment to this title, was not in conformance with the height, area, or parking requirements of the zone classification upon which said building or structure is located.

“Nonconforming use.” A use which lawfully occupied a building or land at the time this chapter became effective and which does not conform with the use regulations of the district in which it is located, as provided by this chapter and any amendment hereto.

“Noxious weed.” A plant that, once established, is highly destructive, competitive, and difficult to control using cultural or chemical practices. For a current listing of Pierce County Invasive/Noxious weeds consult the Pierce County Noxious Weed Control Board.

“Nurseries.” Establishments primarily engaged in the retail sale of plants grown elsewhere. Merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and compost, mulch, soil additives, and fertilizer of any type are stored and sold in package form only.

“Nursing home.” See “extended care facility.”

### 13.01.060.O

“Occupancy.” Means the purpose for which a building, or part thereof, is used or intended to be used.

“Office.” Offices of firms or organizations providing medical, professional, executive, management, or administrative services. This classification includes offices for a physician, dentist, chiropractor, massage therapy, and acupuncture; laboratories; emergency medical care; architectural; computer software consulting; data management; engineering; interior design; graphic design; real estate; insurance; investment; banks and savings and loan associations; government offices; and law offices.

“Officially approved accessway.” A public or private street or way or permanent access easement, which does not conform to the minimum requirements of the Major Street Plan and the specifications of the City of Tacoma, and, which has been officially approved, as identified in Section 13.04.140, by the City as providing a proper and adequate principal access to the property it is intended to serve.

“Open space.” Land undeveloped with structures which may be managed or utilized for a variety of purposes. The term open space is employed differently in different code sections, generally either to refer to public or quasi-public land maintained for its natural features (see Parks, recreation and open space definition), or to an area within subdivisions or developments which provides a separation between structures, a buffer between different uses, recreation opportunities or similar functions.

“Outdoor storage.” Exterior display of materials or storage outside of a building of material not intended for immediate sale or exhibition, including retail storage, log and lumber yards, bulk storage, contractor’s equipment yards, raw materials storage, etc.

### 13.01.060.P

“Parapet.” A protective railing, false front, or low wall along the edge of a roof, balcony or terrace and extending above the roof line, generally provided for decorative, drainage control, and/or fire separation purposes.

“Parcel.” A single platted or unplatted lot, or contiguous lots, or tract of land having the same Pierce County Assessor’s tax identification number. A parcel is usually considered a unit for the purposes of development.

“Parcel and mail services.” A use which provides for the preparation of parcels and packages for shipping, delivery, and mailing for walk-in clientele.

“Parks, recreation and open space.” Metropolitan Park District, City of Tacoma, or other public/quasi-public parks, playgrounds, community gardens, and active-use open spaces, including commonly associated uses and features such as recreation facilities and community centers; and, undeveloped, passive use public or quasi-public open space lands maintained primarily in a natural state for their conservation, aesthetic and other open space benefits. Open space may be enhanced with low-impact public access features such as trails and viewpoints, on-site parking, small buildings such as storage structures, bathrooms or picnic shelters, or interpretive signage and other limited improvements, and in some cases may serve additional public purposes.

“Parking aisles.” A maneuvering area for ingress and egress to a parking space in a parking area.

“Parking area.” An open, off-street area used for the parking of five or more motorized vehicles, trailers, or a combination of motorized vehicles and trailers. The term parking lot may be used as well. Differs from vehicle storage in that a majority of



vehicles enter and exit daily under unassisted operation of individual drivers not necessarily in the employment of the site or an affiliated operation.

“Parking space.” An off-street area for the parking or storage of one automobile that is unobstructed and readily accessible to an alley or a street.

“Passenger terminal.” Public or publicly regulated facility for passenger transportation services and operations. This classification includes railroad passenger terminals, rapid rail or street railway passenger terminals, bus passenger terminals, multi-modal transportation passenger terminals, or any combination of the above. Typical activities include ticketing, waiting, boarding, baggage and parcel handling, transport, and temporary storage of transit vehicles and equipment. Passenger terminals may include park-and-ride facilities, bicycle facilities, and pedestrian linkages at, above, or below grade (including sky-bridges and/or tunnels within City rights-of-way). Accessory uses may include indoor and/or outdoor retail sales, food and drink sales or other service operations within or adjacent to the terminal.

“Pawn shops.” Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans in exchange for personal property. (See “retail sales.”)

“Peak.” The uppermost point of a gable or the uppermost point of a parapet designed to mimic the shape of a gable.

“Permanent Roadway.” Roadway constructed with a designed full depth subgrade and road surface section with an established curb and gutter alignment.

“Permeable pavement.” Pervious concrete, permeable pavers, or other forms of pervious or porous paving material effectively allowing the passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.

“Person.” Person shall mean and include a person, firm, partnership, association, corporation, company, or organization, singular or plural, of any kind.

“Person with functional disabilities.” A person who, because of recognized chronic physical or mental condition or disease, is functionally disabled to the extent of: (a) needing care, supervision, or monitoring to perform activities of daily living or instrumental activities of daily living; (b) needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible; (c) having physical or mental impairment which substantially limits one or more of such person’s major life activities; or (d) having a record of having such an impairment or being regarded as having such an impairment. Such term does not include persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, being a sex offender pursuant to RCW 9A.44.130, being a person currently using illegal drugs, or being a person who has been convicted of the manufacture or sale of illegal drugs.

“Personal services.” Provision of recurrently needed services of a personal nature. This classification includes services such as barber and beauty shops, tanning, seamstresses, tailors, shoe repair, dry cleaning agencies (excluding plants), photocopying, and self-service laundries; provision of instructional services or facilities such as photography, fine arts, crafts, dance or music studios, driving schools, diet centers, reducing salons, and fitness studios.

“Petroleum.” Crude oil, petroleum products and byproducts, and gaseous hydrocarbons and byproducts.

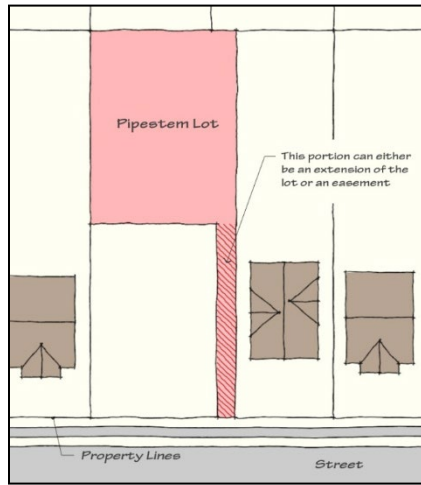
“Petroleum Fuel Facility.” This definition includes the following facilities:

- Petroleum fuel refinery;
- Terminals engaged in the bulk movement of petroleum fuels (excluding railyards and marine fueling facilities);
- Natural gas processing: any facility which (i) separates natural gas components to recover usable natural gas liquids (i.e., liquefied petroleum or natural gas), or (ii) produces natural gas suitable for transport (i.e., pipeline quality dry natural gas), or (iii) processes natural gas to create methanol or other chemical products.
- Bulk storage and processing of one type of petroleum fuel, or a combination of multiple types of petroleum fuels, in excess of one million gallons.

“Petroleum – Storage Capacity.” Gallons of petroleum capable of being stored within the entirety of the applicant’s facility for purposes of measuring expansion as allowed herein.

## Tacoma Municipal Code

“Pipestem lot.” An interior lot in which the buildable area is not bound laterally by a public or private road, and which gains access by means of a lot extension, a driveway easement, or the terminus of a private or public road. Also commonly referred to as flag lots or panhandle lots (see diagram below).



“Plants; Plant; Plant Material.” These terms refer to vegetation in general, including trees, shrubs, vines, groundcovers, ornamental grasses, bulbs, corms, tubers, or herbaceous vegetation.

“Playground.”<sup>1</sup> A public outdoor recreation area for children, usually equipped with swings, slides, and other playground equipment, owned and/or managed by a city, county, state, or federal government, or a metropolitan parks district.

“Police Sector.” Areas created by the Tacoma Police Department to support its Community Policing Division, which focuses on proactive policing in partnership with the community.

“Provider” (wireless communication facility). Every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity, and individual that provides wireless communication services over wireless communication facilities.

“Public benefit use.” Public benefit uses shall include any of the following uses, whether operated by a for-profit, non-profit, or faith-based organization:

1. Day care available to the general public
2. Human services, such as employment counseling and walk-in clinics
3. Recreation, such as health clubs
4. Community meeting rooms
5. Cultural institutions
6. Drop-in centers for youth or seniors

“Public facility site.” A public or quasi-public site developed with a facility that provides service to the general public, and is funded in whole or part with public funds. This definition may include, but is not limited to schools, public libraries, community centers, public parks, government facilities, substations, water reservoirs, or standpipes; police or fire stations; sewer or refuse utility. This general classification does not include other government facility sites that are more specifically defined and regulated, such as correctional and detention facilities, parks, schools, and utilities.

“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, government offices, police and fire protection, and ambulance services. This general classification does not include other government facilities that are more specifically defined and regulated, such as correctional and detention facilities, parks, schools, and utilities.

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<sup>1</sup> Code Reviser’s note: Relocated from 13.06.565.B., per Ord. 28613 Ex. G.

**13.01.060.R**

“Recreation center or facility.”<sup>1</sup> A supervised center that provides a broad range of activities and events intended primarily for use by persons under twenty-one years of age, owned and/or managed by a charitable nonprofit organization, city, county, state, or federal government, or a metropolitan parks district.

“Regional Public Convention & Entertainment Facility.” Any facility, funded in whole or part with public funds, which provides convention and/or entertainment services for the greater region. These facilities are typically located on 10 acre or larger sites and are comprised of convention centers, stadiums, or similar facilities.

“Religious assembly.” Facilities where persons regularly assemble for religious worship, such as churches, temples, and synagogues, that are maintained and controlled by a religious body, together with their customary accessory buildings and uses, such as incidental religious education, but not including private schools.

“Repair services.” Establishments providing repair services for personal items and small equipment, such as appliance and office machine repair or building maintenance services. This classification excludes maintenance and repair of vehicles, including lawnmowers (see “vehicle service and repair”). Repair and storage (including display and sales) shall be located entirely within the building.

“Replacement value.” The value of a building as calculated using the latest “Evaluation Table” printed in the Building Standards magazine, published by the International Conference of Building Officials, based on the existing occupancy and the most closely appropriate type of construction.

“Research and development industry.” Establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale. This classification includes biotechnology firms and manufacturers of nontoxic computer components.

“Residential care facility for youth.” A facility, licensed by the state, that provides 24-hour care for persons who are 18 years of age or younger, with or without functional disabilities, that has not been licensed by the state as a staffed residential home. Such facilities may, in addition to providing food and shelter, provide some combination of assistance with Activities of Daily Living (“ADL”), such as bathing, toileting, dressing, personal hygiene, mobility, transferring, and eating, and additional services such as social counseling and transportation. New housing solely or partially for juveniles who are committed to the physical custody of the Department of Social and Health Services under the Juvenile Justice Act of 1977 must be sited under Section 13.06.080.H, Juvenile Community Facilities.

“Residential chemical dependency treatment facility.” “A residential facility, licensed by the state, that provides chemical dependency treatment and includes room and board in a twenty-four-hour-a-day supervised facility.

“Retail.” Establishments engaged in retail sales of goods, including, but not limited to, the retail sale of merchandise not specifically listed under another use classification. This classification includes, but is not limited to, department stores, clothing stores, bank branches, furniture stores, pawn shop, pharmacies, and businesses retailing the following goods as examples: toys, hobby materials, food and beverages sales (including catering and commissary kitchens), hand-crafted items, jewelry, cameras, photographic supplies, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, art, antiques, art supplies and services, baseball cards, coins, comics, paint and wallpaper, carpeting and floor covering, medical supplies, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).

“Retirement home.” A multiple-family dwelling, a complex of dwellings, an apartment hotel or a complex of apartment hotels and/or boarding houses operated primarily as a residence for retired persons. Depending on the level of care provided, such facilities may or may not require state licensing. Such an establishment may include the following accessory facilities for the exclusive use of its residents and their guests:

1. Food preparation, service, and storage on a group basis;
2. Indoor and outdoor recreation facilities;
3. Religious assembly facilities;
4. Medical and nursing facilities for the care of temporary and permanent illness;
5. Administrative offices and staff quarters;
6. Commissary facilities;
7. Common lobby and lounge areas.

<sup>1</sup> Code Reviser’s note: Relocated from 13.06.565.B., per Ord. 28613 Ex. G.

## Tacoma Municipal Code

“Roof line or ridge line.” The top edge of the roof or top of a parapet, whichever forms the top line of the building silhouette, excluding any cupola, pylon, chimney, mechanical equipment, or other minor projection.

### 13.01.060.S

“School, public or private.” Public facilities for primary, secondary or post-secondary education, including elementary, grade, middle, junior, and high schools and community, professional, business, technical, and trade colleges and universities, and private institutions having a curriculum comparable to that required in the public schools of the State of Washington.

“Screening.” A continuous fence, wall, or evergreen hedge supplemented with landscape planting of grass, shrubs, or evergreen ground cover, or a combination thereof, that effectively screens visually the property which it encloses, and which is at least four feet high and is broken only for accessways.

“Searchlight.” An apparatus for projecting a beam or beams of light.

“Seasonal sales.” Temporary sales, usually outdoors and independent of another use, of merchandise for the celebration of certain seasons. These include items such as Christmas trees and pumpkins.

“Security barrier” (wireless communication facility). A wall, fence, or berm that has the purpose of sealing a wireless communication facility from unauthorized entry or trespass.

“Self-storage.” Any real property designated and used for the purpose of renting or leasing separate storage spaces to individuals or businesses.

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

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

“Short-term rental.” The rental of not more than nine guest rooms within an owner occupied dwelling, or the rental of an entire dwelling to a family, as defined in TMC 13.01, for less than thirty days at a time. This use includes bed and breakfast, but does not include home exchange (“home swapping”) or units in a multifamily development reserved for guest(s) of the residents.

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

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

“Sign, abandoned.” A sign that no longer correctly directs any person or advertises a bona fide business, lessor, owner, product, or activity conducted or available on the premises where such sign is located.

“Sign, A-Board.” A sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground. Also commonly known as sandwich board signs.

“Sign, animated.” A sign that uses movement by electronic means to depict action or create a special effect or scene, as with video or a series of moving lights.

“Sign, architectural blade.” A sign structure which is designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

“Sign area.” The total area of a sign, as measured by the perimeter of the smallest rectangle enclosing the extreme limits of the letter, module, or advertising message visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, decorative features, or framework which contains no written or advertising copy. (Includes only one side of a double-faced sign, unless noted otherwise.)

1. Individual letter signs, using a wall as the background without added decoration or change in wall color, shall be calculated by measuring the smallest rectangle enclosing each letter. The combined total area of each individual letter shall be considered the total area of the sign.

2. For a multiple face sign, the sign area shall be computed for the largest face only. If the sign consists of more than one section or module, all areas will be totaled.

3. Neutral surfaces (i.e., graphic design, wall murals and colored bands), shall not be included in the calculation. (See definition of “Neutral Surface.”)

4. The area of all regulated signs on a business premises shall be counted in determining the permitted sign area.

“Sign, banner.” A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentalations applied to paper, plastic, or fabric of any kind.

1. Commercial banner. A banner used for commercial purposes, which includes “For Lease,” “Grand Opening,” “Sale,” etc.

2. Cultural, civil, and educational banner. A banner used for cultural, civic, or educational events, displays, or exhibits.

“Sign, billboard.” See 13.01.060.B, above.

1. Poster panels or bulletins normally mounted on a building wall (“wall-mounted billboard” or “building-mounted billboard”) or freestanding structure (“freestanding billboard”) with advertising copy.

2. Painted bulletins, where the message of the advertiser is painted directly on the background of a wall-mounted or freestanding display area.

“Sign, blade.” A double-faced sign intended for pedestrian viewing installed no higher than the top of the first floor of a building and generally perpendicular to the building façade for which it identifies.



“Sign, canopy (or awning).” A sign affixed to the surface of a canopy, awning, marquee, or similar feature and which does not extend vertically or horizontally beyond the limits of such feature, but does not include a projecting roof.

“Sign, center identification.” Any sign which identifies a shopping center, industrial center, or office center by name, address, or symbol. Center identification signs may also identify individual businesses and activities located within the center.

“Sign, changing message center.” An electronically controlled sign, message center, or readerboard where copy changes are shown on the same lamp bank or screen.

“Sign, changeable copy (manual).” Any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand, without altering the face or the surface of the sign (i.e., readerboards with changeable pictorial panels).

“Sign, construction.” A temporary sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other information included thereon.

“Sign, corporate logo.” A logo sign consists of a symbol or identifying mark(s) used as part of a corporation identification scheme that is meant to identify a corporation, company, or individual business or organization. Internally illuminated cabinet signs shall not be allowed for use as a logo sign above 35 feet in any of the downtown districts.

“Sign, directional.” Any sign which serves solely to designate the location of any place, area, or business within the City limits of Tacoma, whether on-premises or off-premises.

“Sign, directory.” A sign on which the names and locations of occupants or the use of a building is given.

## Tacoma Municipal Code

“Sign, electrical.” A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as any part of the sign.

“Sign, feather.” A portable freestanding type sign, affixed to a light weight pole, intended to advertise temporary promotions, services, and events.



“Sign, flashing.” An electrical sign or portion which changes light intensity in sudden transitory bursts, but not including signs which appear to chase or flicker and not including signs where the change in light intensity occurs at intervals of more than one second.

“Sign, freestanding.” A permanently installed, self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

“Sign graphics.” An aggregate of designs, shapes, forms, colors, and/or materials located on an exterior wall and relating to or representing a symbol, word, meaning, or message.

“Sign, ground.” A sign that is six feet or less in height above ground level and is supported by one or more poles, columns, or supports anchored in the ground.

“Sign height.” The vertical distance measured from the adjacent grade at the base of the sign to the highest point of the sign structure; provided, however, the grade of the ground may not be built up in order to allow the sign to be higher.

“Sign, identification or directory.” A combination sign used to identify numerous buildings, persons, or activities which relate to one another, which is used as an external way-finding for both vehicular and pedestrians traffic.

“Sign, illuminated.” A sign designed to give forth any artificial or reflected light, either directly from a source of light incorporated into or connected with such sign or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.

“Sign, incidental.” A small sign intended primarily for the convenience and direction of the public on the premises, which does not advertise but is informational only, and includes information which denotes the hours of operation, telephone number, credit cards accepted, sales information, entrances and exits, and information required by law. Incidental information may appear on a sign having other copy as well, such as an advertising sign.

“Sign, interpretive.” A sign designed to impart educational, instructive, or historic information, or to identify parks or other public recreational facilities.

“Sign landscaping.” Any material used as a decorative feature, such as planter boxes, pole covers, decorative framing, and shrubbery or planting materials, used in conjunction with a sign, which expresses the theme of the sign but does not contain advertising copy.

“Sign, mechanized.” A sign which uses natural or mechanical means to physically move all or part of the sign structure.

“Sign, nonconforming.” A nonconforming sign shall mean any sign which does not conform to the requirements of this Chapter.

“Sign, off-premises.” A permanent sign not located on the premises of the use or activity to which the sign pertains.

“Sign, on-premises.” A permanent sign located on the premises of the use or activity to which the sign pertains.

“Sign, political.” A temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot in a primary, general, or special election.

“Sign, portable.” Any sign not permanently attached to the ground or a building. (Includes A-frame, sandwich boards, and portable readerboards.)

“Sign, projecting.” A sign, other than a wall sign, which is attached to and projects from a structure or building face.

“Sign, public information.” A sign erected and maintained by any governmental entity for traffic direction or for designation of, or direction to, any school, hospital, historical site, or public service, property, or facility. Public signs include those of such public agencies as the Port of Tacoma, Pierce Transit, the Tacoma School District, and the MetroParks Tacoma.

“Sign repair.” To paint, clean, or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape, location, or character.

“Sign, roof sign.” Any sign erected upon, against, or directly above a roof or parapet of a building or structure.

“Sign, rotating.” Any sign or portion thereof which physically revolves about an axis.

“Sign structure.” Any structure which supports, has supported, is designed to support, or is capable of supporting a sign, including a decorative cover.

“Sign, swinging.” A sign installed on an arm or spar that is fastened to an adjacent wall or upright pole, which sign is allowed to move or swing to a perceptible degree.

“Sign, temporary off-premises.” An off-premises advertising sign attached to temporary fencing during the time of construction.

“Sign, temporary.” A sign, banner, balloon, feather sign, pennant, valance, A-board, or advertising display constructed of cloth, canvas, fabric, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or other similar light material, with or without a frame, which is not permanently affixed to any sign structure and which is intended to be displayed for a limited time only.

“Sign, under-canopy.” Signs or other information-conveying devices that are affixed to the underside of a canopy, awning, marquee, or similar feature and project down from the bottom of the feature.

“Sign, unlawful.” Any sign which was erected in violation of any applicable ordinance or code governing such erection or construction at the time of its erection, which sign has never been in conformance with all applicable ordinances or codes.

“Sign, wall.” A sign painted on or attached to or erected against the wall of a building with the face in a parallel plane of the building wall. Also known as a fascia sign.

“Sign, warning.” Any sign which is intended to warn persons of prohibited activities such as “no hunting” and “no dumping.”

“Sign, window.” A sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises.

“Smelting.” Smelting is a process of applying heat to ore in order to extract a base metal. It is a form of extractive metallurgy. It is used to extract many metals from their ores, including silver, iron, copper, and other base metals. This use category includes all smelting activities identified in NAICS codes 331411, 331313, and 331410.

“Special needs housing.” A broad term that includes adult family homes, confidential shelters, emergency and transitional housing, extended care facilities, continuing care retirement communities, intermediate care facilities, residential chemical dependency treatment facilities, residential care facilities for youth, retirement homes, and staff residential homes.

“Stable, private.” A detached accessory building for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration, hire, or sale.

“Stacking lane.” A driving lane, associated with a drive-thru, in which cars line up while waiting for service.

“Staffed residential home.” A home, licensed by the state, providing 24-hour care for six or fewer children or expectant mothers, 17 years or younger, with or without functional disabilities. The home employs staff to care for children and may or may not be a family residence. New housing solely or partially for juveniles who are committed to the physical custody of the Department of Social and Health Services under the Juvenile Justice Act of 1977 must be sited under Section 13.06.080.H, Juvenile Community Facilities.

“Storage, general.” Any real property designed and used for the purpose of renting or leasing storage space to individuals or businesses, for the purpose of indoor dead storage of personal items or business inventory and supplies. This may include self-storage or businesses where storage is provided as a service.

“Street.” A thoroughfare which provides the principal means of access to abutting property.

## **Tacoma Municipal Code**

“Story.” That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

“Story, half.” A story which, by reason of a sloping roof, has not more than one-half of the habitable space of the floor next below it.

“Structure.” That which is built or constructed and located on the ground.

“Structural alterations.” Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

“Student housing.” A residential facility occupied by and maintained exclusively for students that is affiliated with a professional college or university, or other recognized academic institution. These facilities are generally owned and operated by the associated institution and located on the institution’s campus. This classification includes uses such as dormitories, fraternity houses, and sorority houses.

“Substance abuse facility.” (See “Drug rehabilitation facility”).

“Substantial connection.” A substantial connection is a common covered structure whose roof extends between two structures, the width of which is at a minimum 50% of the width of one of the structures, and which utilizes a roof style, structure, and finishing materials that tie into the existing roof of at least one of the two structures.

“Super regional mall.” Combination of stores in single ownership or under unified control through a reciprocal easement agreement with at least four anchor tenants and a total of not less than 750,000 square feet of leasable building area.

“Surface mining.” Any premises from which the removal of any rocks, sand, gravel, stone, earth, topsoil, peat, minerals, or other natural resources results in the following:

1. More than three acres of disturbed area;
2. Surface mined slopes greater than 30 feet high and steeper than 1.0 foot horizontal to 1.0 foot vertical; or
3. More than one acre of disturbed area within an eight acre area, when the disturbed area results from mineral prospecting or exploration activities.

Surface mining shall exclude excavations or grading necessary for the construction of a structure for which a building permit has been duly issued.

### **13.01.060.T**

“Telecommunications exchange facility.” A structure where the majority of its floor area is used for equipment for the purposes of automatically receiving, decoding, routing, recoding, and sending of voice and data communications.

“Temporary housing.” A structure, usually an automobile house trailer or mobile home, of a temporary nature not involving permanent installations.

“Temporary shelters.” A temporary type of accommodation for persons without permanent housing or a fixed address that provides shelter by means of a structure or dwelling unit.

“Temporary use.” A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Temporary uses include seasonal sales, temporary office space, carnivals, and temporary housing.

“Theater.” A building or part of a building devoted primarily to the showing of motion pictures or for dramatic, dance, musical, or other live performances.

“Total cost.” All costs associated with an alteration incurred from project initiation to project completion, excluding the purchase costs for the building and site.

“Transit street.” A street on which regularly scheduled bus service operates at frequencies of 15 minutes or less during peak travel periods. Transit streets are designated by the Director of Public Works in consultation with Pierce Transit and include streets designated in Section 11.05.492.

“Transparency.” Glazing through which it is possible to see clearly into and out of a building or into a window display.

“Transportation/freight terminals.” A place where transfer of goods and/or people takes place between modes of transportation. This classification includes marine terminals, freight terminals and transfer yards, container marshalling yards, intermodal rail yards, general rail yards, train and bus stations, and ferry terminals.

“Travel services.” Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.



“Tree.” Any woody perennial that generally matures over fifteen feet in height, generally has a minimum mature canopy width of ten feet and greater, and is capable of being shaped and pruned to develop a branch-free trunk to at least eight feet in height at maturity.

“Tree Size.” Categorized as Large, Medium or Small as determined by the Canopy Factor, which takes into account the trees mature height, mature crown spread and growth rate. The Canopy Factor is calculated using the following formula: (mature height in feet) x (mature crown spread in feet) x (growth rate number) x 0.01 = Canopy Factor. The growth rate number is 1 for slow growing trees, 2 for moderately growing trees, and 3 for fast growing trees.

- Large Trees = Canopy Factor greater than 90,
- Medium Trees = Canopy Factor from 40 to 90,
- Small Trees = Canopy Factor less than 40.

#### **13.01.060.U**

“Unlicensed wireless services.” Commercial mobile services that operate on public frequencies and do not need an FCC license.

“Upper story setback.” See “modulation, horizontal.”

“Urban Forest Manual.” A compilation of City urban forestry practices and standards.

“Urban Horticulture.” A use in which plants are grown or produced indoors for the sale of the plants or their products or for use in any business, including such things as fruits, vegetables, and other crops, flowers, ornamental plants or trees.

“Use.” The purpose land, building, or structure now serves or for which it is occupied, maintained, arranged, designed, or intended.

“Utilities.” Generating plants, electrical substations with outdoor equipment, refuse collection and transfer stations, processing, recycling or disposal facilities, water reservoirs, flood control or drainage facilities, water or wastewater treatment plants, and similar facilities.

#### **13.01.060.V**

“Variance.” The procedure by which the strict application of the provisions of this title relating to height, area, setbacks, parking, design and other such development standards may be modified for a particular project based on special circumstances applicable to the specific property and/or project. Variances cannot change the underlying zoning or allow for uses that are otherwise prohibited. Since variances are an adjustment to the standards, projects that have received approval of a variance shall be considered to be conforming to that standard.

“Variance, minor.” A variance in which the relief requested is within 10 percent of the quantified standard contained in the code.

“Vegetated roof.” (also known as green roofs) Thin layers of engineered soil and vegetation constructed on top of conventional flat or sloped roofs. Vegetated roofs shall be designed in accordance with the SWMM.

“Vegetated wall.” A vegetated wall is a vertical surface designed and planted to be covered at maturity by plants that:

- Can include the wall of a structure (such as a masonry wall), or a trellis or lattice structure either free standing or on the side of a building, or a wire screen or other framework that allows coverage by plants.
- Is at least 6 feet tall, unless specifically allowed at a lower height;
- Does not consist of invasive species; and
- Has demonstrated viability in the planned environment.

“Vehicle.” The term “vehicle” as used herein means all instrumentalities capable of movement by means of circular wheels, skids, or runners of any kind, specifically including, but not limited to, all forms of automotive vehicles, buses, trucks, cars, and vans; all forms of trailers or mobile homes of any size, whether capable of supplying their own motive power or not, without regard to whether the primary purpose of which instrumentality is or is not the conveyance of persons or objects, and specifically including all such automobiles, buses, trucks, cars, vans, trailers, and mobile homes even though they may be at any time immobilized in any way and for any period of time.

“Vehicle rental and sales.” Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, boats, and similar equipment, including storage and incidental maintenance.

## Tacoma Municipal Code

“Vehicle sales area.” An open, off-street area used for the display, sale or rental of new or used automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, mobile homes, boats, and similar equipment, and where no repair work is done.

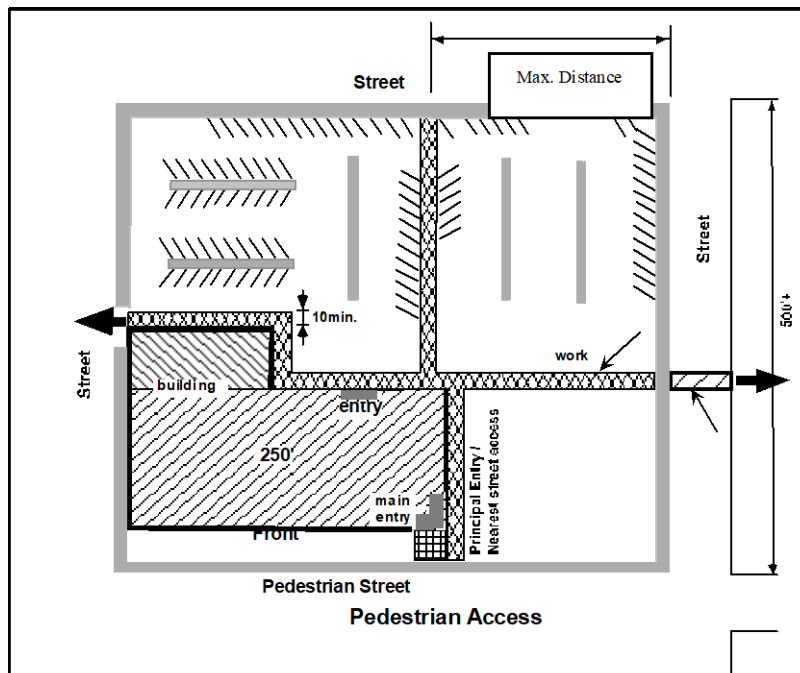
“Vehicle service and repair.” Repair and/or service of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes car washing facilities, auto repair shops, electric vehicle rapid charging and/or battery swap-out facilities, body and fender shops, car painting, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.

“Vehicle service and repair, industrial.” Facilities, either indoors or outdoors, for the layover, maintenance, and temporary storage of buses, trains, transit, semi trucks, heavy equipment, and associated support vehicles. Equipment, materials, and vehicles used in the maintenance of bus transit facilities are also included.

“Vehicle storage.” Lots for storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles. Not to be construed as a parking lot or area.

### 13.01.060.W

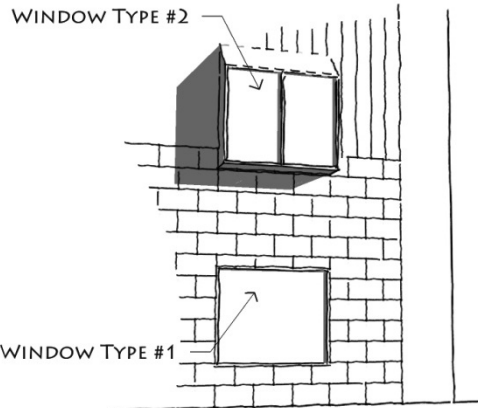
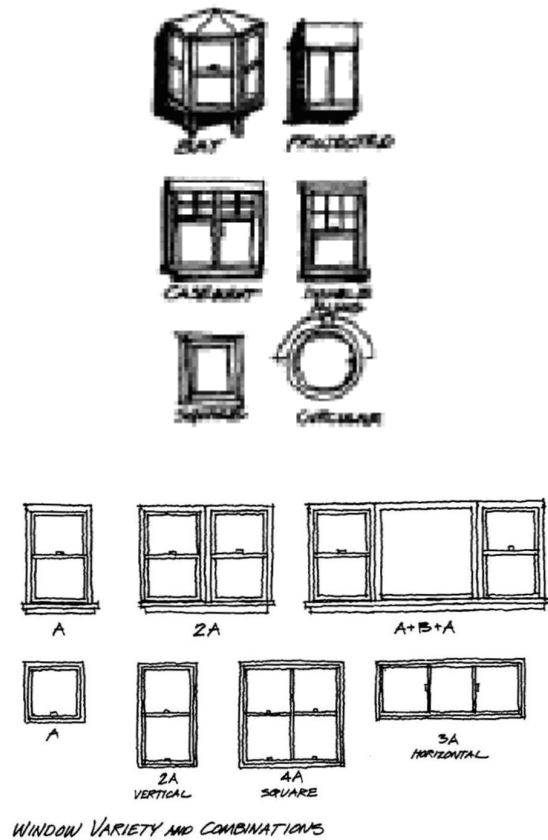
“Walkways.” Illustrated as required in certain districts of Chapter 13.06:



“Warehouse, storage.” A building or portion of a building, or open storage or outdoor yard area, used for long-term storage of items where incoming and outgoing traffic is intermittent and which requires minimal employee activity.

“Wholesale or distribution.” A building or portion of a building used for short-term storage in preparation for rerouting or reshipment, or used in connection with an industrial activity where incoming and outgoing shipments are a continuing operation.

“Window type.” A window type is an individual grouping of windows, a window size, or a window shape. Individual panes within the same frame are not considered a separate type. Illustrated as required in certain districts of Chapter 13.06:



## UPPER LEVEL WINDOW REQUIREMENT

“Wireless communication” and “wireless communication facilities.” Facilities used in the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for communication, cellular phone, personal communication services, enhanced specialized mobile radio, and any other services licensed by the FCC and unlicensed wireless services. These types of facilities also include central office switching units, remote switching units, telecommunications radio relay stations, and ground level equipment structures. This classification does not include communication facilities.

“Wireless communication tower.” Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term encompasses wireless communication facilities, radio and television transmission towers, microwave towers, common-carrier towers, cellular

## Tacoma Municipal Code

telephone towers, wireless communication towers, building-mounted structural supports and/or the building where equipment is mounted directly to the building's structure, and alternative tower structures, and the like.

"Work release center." An alternative to imprisonment, including work and/or training release programs which are under the supervision of a court or a federal, state, or local agency. This definition excludes at-home electronic surveillance.

"Work/live." A commercial business use which includes a dwelling unit in up to 50 percent of the unit's space. The business owner lives in the residential space.

"Works of art." Original, artist-produced creations of visual art, including, but not limited to, sculptures, murals, paintings, inlays, earthworks, mosaics, etc. Works of art can be both self-standing and/or integrated into the structure or its grounds. The reproduction of original works of art, commercially mass-produced artwork, or architect-designed elements are not included. Also not included are directional signage or super graphics, maps, etc., except where an artist is employed. Works of art shall be determined by the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup>

### 13.01.060.X

(For future use if needed.)

### 13.01.060.Y

"Yard." An open space other than a court, on the same lot with a building unoccupied or unobstructed from the ground upward, except as otherwise provided in Chapter 13.06.

"Yard, front." A yard extending the full width of the lot, the depth of which is the minimum distance from the front lot line to the building.

"Yard, rear." A yard extending the full width of the lot, the depth of which is the minimum distance from the rear lot line to the main building.

"Yard, side." A yard extending from the front yard to the rear yard along the side of the main building, the width of which yard is the minimum distance from the side lot line to the main building.

### 13.01.060.Z

(For future use if needed.)

(Ord. 28904 Ex. A; passed Aug. 15, 2023; Ord. 28821 Ex. E; passed Jun. 28, 2022; Ord. 28786 Ex. A; passed Nov. 16, 2021; Ord. 28725 Exs. A and D; passed Dec. 8, 2020; Code Reviser's note: Previously codified as 13.06.700 (Definitions and illustrations); relocated to 13.01.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28518 Ex. 6; passed Jun. 26, 2018; Ord. 28498 Ex. A; passed Apr. 10, 2018; Ord. 28491 Ex. A; passed Feb. 20, 2018; Ord. 28476 Ex. C; passed Dec. 12, 2017; Ord. 28429 Ex. B; passed May 9, 2017; Ord. 28417 Ex. A; Mar. 7, 2017; Ord. 28376 Exs. C, D, E; passed Aug. 16, 2016; Ord. 28361 Ex. B; passed May. 24, 2016; Ord. 28336 Exs. B, C; passed Dec. 1, 2015; Ord. 28327 Ex. C; passed Nov. 3, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28182 Ex. A; passed Nov. 5, 2013; Ord. 28180 Ex. D; passed Oct. 15, 2013; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28077 Ex. C; passed Jun. 12, 2012; Ord. 28051 Ex. B; passed Feb. 21, 2012; Ord. 28009 Ex. A; passed Aug. 9, 2011; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27665 Ex. A; passed Dec. 4, 2007; Ord. 27644 Ex. A; passed Sept. 18, 2007; Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 27539 § 20; passed Oct. 31, 2006; Ord. 27296 § 29; passed Nov. 16, 2004; Ord. 27278 § 3; passed Oct. 26, 2004; Ord. 27245 § 22; passed Jun. 22, 2004; Ord. 27079 § 53; passed Apr. 29, 2003; Ord. 27054 § 1, 2, 3, 4; passed Mar. 18, 2003; Ord. 26966 § 23; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002)

### 13.01.070 Landmarks and Historic Special Review Districts Definitions.<sup>2</sup>

For purposes of Chapter 13.07 Landmarks and Historic Special Review Districts, certain terms and words are hereby defined as follows:

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<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>2</sup> Code Reviser's note: Previously codified as 13.07.030 (Definitions); relocated to 13.01.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

**13.07.070.C**

“Certified Local Government” or “CLG” means the designation reflecting that the local government has been jointly certified by the State Historic Preservation Officer and the National Park Service as having established a historic preservation commission and a historic preservation program meeting Federal and State standards.

“City landmark” means a property that has been individually listed on the Tacoma Register of Historic Places, or that is a contributing property within a Historic Special Review District or Conservation District as defined by this chapter.

“Conservation District” means an area designated for the preservation and protection of historic resources and overall characteristics of traditional development patterns, and that meets the criteria for such designation as described in Section 13.07.040.C of this code.

**13.07.070.D**

“Deconstruction” The disassembly of a building, or a portion thereof, in a manner that keeps individual components and materials intact. These may then be reassembled to the original design, or may be made available for reuse in other improvement projects.

“District” means a geographically definable area possessing a significant concentration, linkage, or continuity of sites buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.

**13.07.070.E**

“Embodied Energy” means the energy consumed to construct a building, including that required to create materials for it, transport them to the site, and then assemble them.

**13.07.070.H**

“Historic resource” means any property that has been determined to be eligible by the City Historic Preservation Officer or Washington State Department of Archaeology and Historic Preservation staff for listing in the Tacoma Register of Historic Places, the Washington State Heritage Register, or the National Register of Historic Places, or any property that appears to be eligible for such listing by virtue of its age, exterior condition, or known historical associations.

“Historic Special Review District” means an Overlay Zone with a concentration of historic resources that has been found to meet the criteria for designation as a Historic Special Review District under the provisions of this chapter and has been so designated by City Council.

**13.07.070.P**

“Property” means any building, object, site, structure, improvement, public amenity, space, streetscapes and rights-of-way, or area.

**13.07.070.R**

“Reconstruction” means the act of structurally rebuilding a structure or portion thereof, wherein the visible architectural elements are replaced in kind with materials and finishes that accurately convey the character of the original elements.

“Removal” means any relocation of a structure on its site or to another site.

“Rehabilitation” means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

“Restoration” means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

**13.07.070.S**

“Significant interior spaces” means architectural features, spaces, and ornamentations which are specifically identified in the landmark nomination and which are located in public or common areas of buildings such as lobbies, corridors, or other assembly spaces, or that are of exceptional historic significance due to integrity or association with historic events.

“Streetscape” means the total visual environment of a street as determined by various elements including, but not limited to, street furniture, landscaping, lighting, paving, buildings, activities, traffic, open space, and view.

“Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

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(Code Reviser's note: Previously codified as 13.07.030 (Definitions); relocated to 13.07.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28611 Ex. C; passed Sept. 24, 2019; Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.01.090 South Tacoma Groundwater Protection District Definitions.<sup>1</sup>**

For the purpose of Chapter 13.06, Section 13.06.070.D, South Tacoma Groundwater Protection District (STGPD), the following words and terms are defined as follows:

#### **13.01.090.A**

"Abandoned tank" means an aboveground storage tank, underground storage tank, or other container used for storage of hazardous substances left unused for more than one year, without being substantially emptied or permanently altered structurally to prevent reuse.

"Aboveground storage tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" means doing or performing something.

"Aquifer" means a geological formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

#### **13.01.090.C**

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Contamination" means the degradation of any component of the environment by a release of hazardous substance in sufficient quantity to impair its usefulness as a resource or to be a hazard.

"Closure" means to cease a facility's operations related to hazardous substances by complying with the closure requirements in this Chapter and the General Guidance and Performance Standards or to take an underground storage tank out of operation permanently, in accordance with Washington Administrative Code ("WAC") 173-360-385, the Washington State Department of Ecology's Underground Storage Tank regulations, and the TPCHD's Board of Health Resolution 88-1056, all as may be amended from time to time.

#### **13.01.090.D**

"Development" means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure; any use or change in use of any building or land; any extension of any use of land, or any clearing, grading, or other movement of land for which permission may be required pursuant to this chapter.

"Director" means the Director of Health of the TPCHD, or designee(s).

"Disposal" means the discharging, discarding, or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any hazardous wastes into or on any land, air, or water.

#### **13.01.090.E**

"Ecology" means the Washington State Department of Ecology.

"Environment" means any air, land, water, or groundwater.

#### **13.01.090.F**

"Facility" means all structures, contiguous land, appurtenances, and other improvements on or under the land within the South Tacoma Groundwater Protection District used as a stormwater infiltration facility, or for recycling, reusing, reclaiming, transferring, storing, treating, disposing, or otherwise handling a hazardous substance which is not specifically excluded by the exemptions contained in Section 13.06.070.D.

"Final Closure" means the proper permanent removal of an underground storage tank that is no longer in service.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.09.040 (Definitions); relocated 13.01.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

**13.01.090.G**

“General Guidance and Performance Standards” means the TPCHD’s most recent publication of the technical standards document “General Guidance and Performance Standards for the South Tacoma Groundwater Protection District.”

“Groundwater” means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

**13.01.090.H**

“Hazardous substance(s)” means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity which may pose a present or potential hazard to human health or to the quality of the drinking water supply in the South Tacoma aquifer system when improperly used, stored, transported, or disposed of or otherwise mismanaged, including without exception:

1. Those materials that exhibit any of the physical, chemical or biological properties described in Department of Ecology’s 173-303-082 WAC, 173-303-090 WAC, or 173-303-100 WAC as may be amended from time to time; and
2. Those materials set forth in the General Guidance and Performance Standards hereinafter referred to;
3. Petroleum products and by-products, including crude oil or any faction thereof such as gasoline, diesel, and waste oil which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute); and
4. Any substance or category of substances meeting the definition of a hazardous substance under Chapter 173-340 WAC as may be amended from time to time.

“Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

“High-impact use” means a business establishment that is considered to be hazardous and/or noxious due to the probability and/or magnitude of its effects on the environment. For purposes of this chapter, these uses or establishments possess certain characteristics, which pose a substantial or potential threat or risk to the quality of the ground and surface waters within the South Tacoma Groundwater Protection District.

**13.01.090.I**

“Impervious surface” means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

**13.01.090.M**

“Manifest” means the shipping document, prepared in accordance with the requirements of Department of Ecology’s 173-303-180 WAC as may be amended from time to time, which is used to identify the quantity, composition, origin, routing, and destination of a hazardous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

“Misdemeanor” means any crime punishable by a fine not exceeding \$1,000, or imprisonment not exceeding 90 days, or both, unless otherwise specifically defined.

**13.01.090.O**

“Omission” means a failure to act.

“On-site” means the same or geographically contiguous property which may be divided by public or private right of way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Noncontiguous properties owned by the same person but connected by a right of way, which they control and to which the public does not have access, are also considered on-site property.

“Operator” means the person responsible for the overall operation of a facility.

**13.01.090.P**

“Pervious surface ” means any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

“Person” means any individual, trust, joint stock company, corporation (including government corporation), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government, or any department or agency of the federal government.

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“Person responsible for the violation” means any person that commits any act or omission which is a violation or causes or permits a violation to occur or remain on the property or regulated facility, and includes but is not limited to owners(s), lessor(s), tenant(s), or other person(s) entitled to control, use, and/or occupy property or the regulated facility where a violation occurs, and any person who aids and abets in a violation.

“Pollution-generating hard surface (PGHS)” means those hard surfaces considered to be a significant source of pollutants in stormwater runoff. PGHS includes permeable pavement subject to vehicular use. See the listing of surfaces under pollution-generating impervious surface.

“Pollution-generating impervious surface (PGIS)” means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those that are subject to: regular vehicular use; industrial activities (involving material handling, transportation, storage, manufacturing, maintenance, treatment or disposal); or storage of erodible or leachable materials, waste or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall. Metal roofs are also considered to be PGIS unless they are coated with an inert, non-leachable material. Roofs that are subject to venting significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities are considered PGIS.

“Pollution-generating pervious surfaces (PGPS)” means any non-impervious surface subject to vehicular use, industrial activities (involving material handling, transportation, storage; manufacturing; maintenance; treatment; or disposal); or storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or runoff or blow-in of rainfall, use of pesticides and fertilizers, or loss of soil. Typical PGPS include lawns and landscaped areas, including: golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

### **13.01.090.R**

“Recharge areas” means areas of permeable deposits exposed at the surface which transmit precipitation and surface water to the aquifer.

“Regulated facility” means any facility with one or more of the following: underground storage tank(s), aboveground storage tank(s), hazardous substances at regulated quantities, or stormwater infiltration facility subject to regulation under Section 13.06.070.D.

“Release” means intentional or unintentional entry, spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of a hazardous substance, as defined in this section, into the environment and includes the abandonment or discarding of barrels, containers, and other receptacles containing hazardous substances. Should the definition of “release” in RCW 70.105D.020(20) be amended from time to time, then such amendment is incorporated herein by reference as if set forth at length.

“Release detection” means a method or methods of determining whether a release or discharge of a hazardous substance has occurred from a regulated facility into the environment.

“Retail business use” means a use in which individually packaged products or quantities of hazardous substances are rented or sold at retail to the general public and are intended for personal or household use.

### **13.01.090.S**

“Solid waste” means all putrescible and non-putrescible solid and semi-solid waste, including, but not limited to, garbage, rubbish, ashes, industrial waste, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

“Stormwater” means that portion of precipitation, including snowmelt, that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a receiving water or stormwater facility.

“Stormwater infiltration facility” means a component of the stormwater system designed to fully or partially infiltrate stormwater runoff into the native underlying soils.

“Substantial modifications” means the construction of any additions to an existing facility, or restoration, refurbishment, or renovation which:

1. Increases or decreases the in-place storage capacity of the facility;
2. Alters the physical configuration;
3. Impairs or affects the physical integrity of the facility or its monitoring systems; or
4. Alters or changes the designated use of the facility.



“Surface water” means water that flows across the land surface, in natural channels not considered a stormwater conveyance system, or is contained in depressions in the land surface, including but not limited to wetlands, ponds, lakes, rivers, and streams.

#### 13.01.090.T

“Tank” means a stationary device designed to contain an accumulation of hazardous substances, and which is constructed primarily of non-earthen materials to provide structural support.

“Temporary closure” means to take a tank out of service for more than one month and less than one year.

“TMC” means the Tacoma Municipal Code.

“TPCHD” means the Tacoma-Pierce County Health Department.

“Underground storage tank” means any one or a combination of tanks (including underground pipes connected thereto) which are used to contain or dispense an accumulation of hazardous substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. Specific exemptions to this definition are contained in Section 13.06.070.D.

#### 13.01.090.V

“Violation” means an act or omission contrary to the requirement of the chapter, and includes conditions resulting from such an act or omission.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser’s note: Previously codified as 13.09.040 (Definitions); relocated to 13.01.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 27568 Ex. A; passed Dec. 19, 2006: Ord. 24083 § 1; passed May 10, 1988)

### 13.01.100 Shoreline Master Program Definitions

*See Title 19 Shoreline Master Program.*

(Ord. 28613 Ex. G; passed Sept. 24, 2019)

#### 13.01.110 Critical Areas Preservation Definitions.<sup>1</sup>

For the purposes of Chapter 13.11 Critical Areas Preservation, the following terms and phrases used in this chapter shall be interpreted as defined below. Where ambiguity exists, words or phrases shall be interpreted so as to give this chapter its most reasonable application in carrying out its regulatory purpose.

##### 13.01.110.A

“Adjacent.” Immediately adjoining (in contact with the boundary of the influence area) or within a distance that is less than that needed to separate activates from critical areas to ensure protection of the functions and values of the critical areas.

Adjacent shall mean any activity or development located:

- a. On a site immediately adjoining a critical area;
- b. A distance equal to or less than the required critical area buffer width;
- c. A distance equal to or less than one-half mile (2,640 feet) from a bald eagle nest;
- d. A distance equal to or less than three hundred (300) feet upland from a stream, wetland, or water body;
- e. Bordering or within the floodway, floodplain or channel migration zone; or
- f. A distance equal to or less than two hundred (200) feet from a critical aquifer recharge area.

“Alteration.” Any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area.

“Anadromous fish.” Fish that spawn and rear in freshwater and mature in the marine environment. While Pacific salmon die after their first spawning, adult char (bull trout) can live for many years, moving in and out of saltwater and spawning each year. The life history of Pacific salmon and char contains critical periods of time when these fish are more susceptible to

<sup>1</sup> Code Reviser’s note: Previously codified as 13.11.900 (Definitions); relocated to 13.01.110 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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environmental and physical damage than at other times. The life history of salmon, for example, contains the following states; upstream migration of adults, spawning, inter-gravel incubation, rearing, smoltification (the time period needed for juveniles to adjust their body functions to live in the marine environment), downstream migration, and ocean rearing to adults.

“Aquifer.” A geologic formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

“Aquifer critical recharging areas.” Areas that, due to the presence of certain soils, geology, and surface water act to recharge groundwater by percolation.

### 13.01.110.B

“Base flood.” A flood event having a one percent (1%) chance of being equaled or exceeded in any given year, also referred to as the 100-year flood. Designations of base flood areas on flood insurance map(s) always include the letters A or V.

“Best available science.” The current science information used in the process to designate, protect, or restore critical areas, that is derived from a valid scientific process as defined by WAC 365-195-900 through 925. Sources of best available science are included in “Citations of Recommended Sources of the Best Available Science for Designating and Protecting Critical Areas” published by the Washington State Office of Community, Trade and Economic Development.

“Best management practices (BMP’s).” Conservation practices or systems of practices and management measures that:

- a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, and sediment;
- b. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;
- c. Protect trees and vegetation designated to be retained during and following site construction and use native plant species appropriate to the site for revegetation of disturbed areas; and
- d. Provide standards for proper use of chemical herbicides within critical areas.

“Biodiversity Areas”. Biodiversity Areas include those areas that contain native vegetation that is diverse with a mosaic of habitats and microhabitats. They include areas dominated by a vertically diverse assemblage of native vegetation containing multiply canopy layers and/or areas that are horizontally diverse with a mosaic of habitats and microhabitats. They also include areas with rare or uncommon plant species and associations designated by the City or identified by Federal and State agencies such as the Department of Natural Resources Heritage Program. They are not associated with a specific priority species and their overall habitat function may be limited due to their location in a highly urbanized area; however, they are diverse relative to other areas in the City and support common urban species.

“Biodiversity Corridors.” Areas of relatively undisturbed and unbroken tracts of vegetation that connect Biodiversity Areas, other Priority Habitat and Critical Areas, including shorelines and serve to protect those areas and allow movement of common urban species.

“Bioengineering.” A combination of engineering techniques and natural products that increase the strength and structure of the soil through biological and mechanical means.

“Buffer or Buffer zone.” An area required by this chapter that is contiguous to and protects a critical area which is required for the continued maintenance, functioning, and/or structural stability of a critical area. The area may be surrounding a natural, restored, or newly created critical area.

### 13.01.110.C

“Class, wetland.” One of the wetland classes in the United States Fish and Wildlife Service publication, Classification of Wetlands and Deepwater Habitats of the United States (December 1979). A class describes the general appearance of the habitat in terms of either the dominant vegetation life form or the physical geography and composition of the substrate.

“Clearing.” The destruction or removal of logs, scrub-shrubs, stumps, trees or any vegetative material by burning, chemical, mechanical or other means.

“Compensatory mitigation.” Replacing project-induced losses or impacts to a critical area, and includes, but is not limited to, the following:

- a. Restoration. Actions performed to reestablish wetland functional characteristics and processes that have been lost by alterations, activities, or catastrophic events within an area that no longer meets the definition of a wetland.
- b. Creation. Actions performed to intentionally establish a wetland at a location where it did not formerly exist.

c. Enhancement. Actions performed to improve the condition of existing degraded wetlands so that the functions they provide are of a higher quality,

d. Preservation actions taken to ensure the permanent protection of existing high quality wetlands.

“Conservation easement.” A legal agreement that the property owner enters into to restrict uses of the land. Such restrictions can include, but are not limited to, passive recreation uses such as trails or scientific uses and fences or other barriers to protect habitat. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property, therefore, providing permanent or long-term protection.

“Critical areas.” Critical areas include the following ecosystems: areas with a critical recharging effect on aquifers used for drinking water, fish and wildlife habitat conservation areas (FWHCAs), frequently flooded areas, geologically hazardous areas, wetlands, and streams.

“Cumulative Impacts or Effects.” The combined, incremental effects of human activity on ecological or critical area functions and values. Cumulative impacts result when the effects of an action are added to or interact with the effects of other action in a particular place and within a particular time. It is the combination of these effects, and any resulting environmental degradation, that should be the focus of cumulative impact analysis and changes to policies and permitting decisions.

#### **13.01.110.D**

“Director.” For purposes of this Chapter (13.11 of the Tacoma Municipal Code) “Director” means the Director of Planning and Development Services unless otherwise specified.

#### **13.01.110.E**

“Ecosystem.” The system of interrelationships within and between a biological community and its physical environment.

“Emergent wetland.” A wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation extending above the water surface as the uppermost vegetation strata.

“Endangered species.” A regional plant or animal species which is in danger of extinction throughout all or a significant portion of its range. Such animal species are designated by the Washington Department of Wildlife pursuant to RCW 232-12 or United States Fish and Wildlife Service. Such plant species are designated by the Washington Department of Natural Resources, Washington Natural Heritage Program or United States Fish and Wildlife Service.

“Enhancement.” The manipulation of the physical, chemical, or biological characteristics present to develop a wetland site to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations or the proportion of open water to influence hydro-periods, or some combination of these. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres.

“Erosion.” Wearing away of earth’s surface as a result of movement of wind, water, ice, or any means.

“Erosion hazard areas.” Areas which contain soils classified by the United States Department of Agriculture Soil Conservation Service that may experience severe to very severe erosion hazards.

“Establishment.” Establishment (Creation) means the manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.

“Exotic.” A species of plants or animals that is foreign to the area in question.

#### **13.01.110.F**

“Fill.” Dumping or placing, by any means, any material on any soil or sediment surface, including temporary stockpiling of material.

“Fish and wildlife habitat conservation areas (FWHCA).” Areas identified as being of critical importance to the maintenance of fish and wildlife species. FWHCA Marine Habitat Buffers are vegetated setbacks from the shoreline measured from the Ordinary High Water Mark.

“FWHCA Habitat Management Areas.” Those areas that surround a priority fish and wildlife species or habitat area to a distance defined by the Washington Department of Fish and Wildlife in which specified activities are limited in some manner for species preservation.

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“Flood hazard areas.” Lands in a floodplain including areas adjacent to lakes, streams, oceans or other bodies of water lying outside the ordinary bank of the water body and which are periodically inundated by flood flow with a one percent or greater expectancy of flooding in any given year.

“Flood water storage.” The ability to hold and slow down flood waters. Construction in a floodway reduces the flood water storage capacity and the removal of vegetation from a floodway reduces the floodway’s ability to slow down flood waters.

Forested wetland. A wetland with at least thirty percent (30%) of the surface area covered by woody vegetation greater than (20) feet in height that is at least partially rooted within the wetland.

“Function and values.” The beneficial roles served by critical areas including, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, ground water recharge and discharge, erosion control, wave attenuation, protection from hazards, historical and archaeological and aesthetic value protection, educational opportunities, and recreation. These beneficial roles are not listed in order of priority.

### **13.01.110.G**

“Geologic hazards specialist.” A professional geologist or engineering geologist with a degree in the geologic sciences from an accredited college or university with a minimum of four years’ experience in geologic practice involving geologic hazards. A qualified geotechnical engineer, licensed as a civil engineer with the state of Washington, with a minimum of four years’ experience in landslide evaluation, may also qualify as a geologic hazards specialist.

“Geologically hazardous areas.” Areas that may not be suited to development consistent with public health, safety or environmental standards, because of their susceptibility to erosion, sliding, earthquake, or other geological events as designated by WAC 365-190-080(4). Types of geologically hazardous areas include: erosion, landslide, seismic, mine, and volcanic hazards.

“Geo-buffer.” A zone within a geo-setback area required to be vegetated with either native or non-native vegetation.

“Geo-setback.” The minimum building setback from the applicable geologically hazardous area.

“Grading.” Excavating, filling, leveling, or artificially modifying surface contours.

### **13.01.110.H**

“Habitat.” The specific area or environment in which a particular type of animal lives. An ecological or environmental area that is inhabited by particular species of animal, plant or other type of organism. It is the natural environment in which an organism lives, or the physical environment that surrounds, influences, and is utilized by a species or population.

“Habitat conservation areas.” Areas designated as fish and wildlife habitat conservation areas.

“Habitats of local importance.” Those areas that include a seasonal range or habitat element with which a given species has a primary association, and which, if altered may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alterations such as cliffs, talus, and wetlands.

“Hazard trees.” Trees that are damaged, diseased, or have fully matured and their health is in decline and that pose a threat to life or property due to their location and increasing potential of falling.

“Hydraulic project approval (HPA).” A permit issued by the Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.

“Hydric soil.” Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the uppermost level.

“Hydrogeomorphic” or “HGM.” A system used to classify wetlands based on the position of the wetland in the landscape (geomorphic setting), the water source for the wetland and the flow and fluctuation of the water once in the wetland.

“Hydroperiod.” The seasonal occurrence of flooding and/or soil saturation which encompasses the depth, frequency, duration, and seasonal pattern of inundation.

“Hydrophytic vegetation.” Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the approved federal manual and applicable regional supplements for wetland delineation.

“Hyporheic zone.” The saturated located beneath and adjacent to streams that contains some portion of surface water, serves as a filter for nutrients, and maintains water quality.

**13.01.110.I**

“Impervious surfaces.” A non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

“In Lieu Fee Program.” An agreement between a regulatory agency (state, federal, or local) and a single sponsor, generally a public agency or non-profit organization. Under an in lieu fee agreement, the mitigation sponsor collects funds from an individual or a number of individuals who are required to conduct compensatory mitigation required under a wetland regulatory program. The sponsor may use the funds pooled from multiple permittees to create one or a number of sites under the authority of the agreement to satisfy the permittees’ required mitigation.

“In-kind compensation.” To replace critical areas with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity. It does not mean replacement “in category.”

“Infiltration.” The downward entry of water into the immediate surface of the soil.

“Isolated wetlands.” Isolated wetlands mean those wetlands that are outside of and not contiguous to any 100-year floodplain of a lake, river, or stream and have no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water, including other wetlands. Any project involving filling or altering a wetland that meets this definition is subject to regulation by the State Department of Ecology under the Water Pollution Control Act (90.48 RCW), in addition to the provisions in this chapter. While wetland fill is also regulated by the US Army Corps of Engineers under the Clean Water Act, isolated wetlands are not subject to such federal review.

**13.01.110.J**

“Joint Aquatic Resource Permit Application (JARPA).” A single application form that may be used to apply for hydraulic project approvals, shoreline management permits, approvals of exceedance of water quality standards, water quality certifications, coast guard bridge permits, Department of Natural Resources use authorization, and Army Corps of Engineers permits.

**13.01.110.L**

“Lahars.” Mudflows and debris flows originating from the slope of a volcano.

“Land modification.” A human-induced action which affects the stability of an erosion hazard area, landslide hazard area, or steep or moderate slope. Land modification includes clearing, grading, and other soil disturbances. It does not include pruning of vegetation; provided such pruning is not so extensive as to disturb the soil stability.

“Landslide.” An episodic down slope movement of a mass of soil and/or rock.

“Landslide hazard areas.” Areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope aspect, structure, hydrology, or other features.

**13.01.110.M**

“Management area.” A specified area or zone surrounding documented locations of priority habitats or species, or other identified fish and wildlife conservation area, where specific measures are taken to protect habitat features, provide screening, or conserve vegetation. Washington Department of Fish and Wildlife may have recommended conservation actions for this area, including seasonal limits for construction, tree retention, clearing limits or other measures.

“Mature Forested Wetland.” A wetland where at least one acre of the wetland surface is covered by woody vegetation greater than 20 feet in height with a crown cover of at least 30 percent and where at least 8 trees/acre are 80-200 years old or have average diameters (dbh) exceeding 21 inches (53 centimeters) measured from the uphill side of the tree trunk at 4.5 feet up from the ground.

“Mine hazard areas.” Those areas underlain by or affected by mine workings such as adits, gangways, tunnels, drifts, or airshafts, and those areas of sink holes, gas releases, or subsidence due to mine workshops. Underground mines do not presently exist within the City of Tacoma.

“Mitigation.” Avoiding, minimizing, or compensating for adverse critical areas impacts. Mitigation, in the following sequential order of preference, is:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action.

## Tacoma Municipal Code

- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps such as project redesign, relocation, or timing, to avoid or reduce impacts.
- c. Rectifying the impact to wetlands by repairing, rehabilitation, or restoring the affected environment to the conditions existing at the time of the initiation of the project:
- d. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods.
- e. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action.
- f. Compensating for the impact to wetlands by replacing, enhancing, or providing substitute resources or environments.
- g. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

Mitigation for individual actions may include a combination of the above measures.

“Monitoring.” Evaluating the impacts of development proposals on the biological, hydrological, and geological elements of such systems and assessing the performance of required mitigation measures throughout the collection and analysis of data by various methods for the purposes of understanding and documenting changes in natural ecosystems and features, and includes gathering baseline data.

“Mosaic wetlands.” Wetlands that should be considered one unit when each patch of wetland is less than 1 acre, and each patch of wetland is less than 100 feet apart, on the average, and the areas delineated as vegetated wetland are more than 50% of the total area of the wetlands and the uplands together, or wetlands, open water, and river bars.

### 13.01.110.N

“Native vegetation.” Vegetation comprised of plant species which are indigenous to the area in question and were not introduced by human activities.

“Nonwetlands.” Uplands and lowland areas that are neither deepwater aquatic habitats, wetlands, nor other special aquatic sites. They are seldom or never inundated, or if frequently inundated, they have saturated soils for only brief periods during the growing season, and if vegetated, they normally support a prevalence of vegetation typically adapted for life only in aerobic soil conditions.

“Normal maintenance and repair.” 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.

“Notice on Title.”

### 13.01.110.O

“Off-site compensation.” To replace critical areas away from the site on which a critical area has been impacted.

“On-site compensation.” To replace critical areas at or adjacent to the site on which a critical area has been impacted.

“Ordinary high water mark.” A mark that has been found where the presence and action of waters are common, usual, and maintained in an ordinary year long enough to create a distinction in character between water body and the abutting upland.

### 13.01.110.P

“Parties of record.” Individuals, entities and groups who have commented on a proposal in writing or in person or who have asked to be included on a mailing list for a specific proposal.

“Priority habitats.” Seasonal range or habitat element with which a given species is primarily associated and which, if altered, may reduce survival potential of that species over the long term. Priority habitats are designated by the Washington Department of Wildlife, Priority Habitat and Species Program, and may include habitat areas of high relative density or species richness, breeding habitat or habitats used as winter range or movement corridors. Habitats of limited availability or with high vulnerability to alteration, such as cliffs, talus, Biodiversity Areas/Corridors and wetlands, may also be included.

“Priority species.” Species which are of concern because of their population status and sensitivity to habitat alteration. Priority species are designated by the Washington Department of Wildlife, Priority Habitat and Species Program, and may include endangered, threatened, sensitive, candidate, monitored, or game species.

“Programmatic Restoration Project.” Projects where restoration with applicable public access are the primary functions and goals of the project. Advanced mitigation may be proposed and tracked for future development elements that are submitted during the 20-year timeline available through a 5-year extension process. Programmatic restoration projects will provide support and incentives to preserve City Open Space and park areas, recreation areas and trails. These projects will provide partnerships that enhance recreation opportunities. Programmatic restorations projects will allow implementation of new programs/ and activities, and maintenance of native vegetation within critical areas and buffers.

“Protection/Maintenance.” Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with preservation. Preservation does not result in a gain of wetland acres, and may result in a gain of functions.

### **13.01.110.Q**

“Qualified professional.” A person who, at a minimum, has earned a degree from an accredited college/university in the relevant scientific or engineering discipline appropriate to the critical area subject and two years of related professional work experience; or eight years of professional work experience in the relevant critical area subject.

### **13.01.110.R**

“Re-establishment.” The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.

“Rehabilitation.” The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres.

“Repair or maintenance.” An activity that restores the character, scope, size, and design of a serviceable area, structure, or land use to its previously authorized and undamaged condition. Activities that change the character, size, or scope of a project beyond the original design and drain, dredge, fill, flood, or otherwise alter critical areas are not included in this definition.

“Restoration.” The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purposes of tracking net gains in wetland acres, restoration is divided into Re-establishment and Rehabilitation.

“Riparian zone.” Areas adjacent to aquatic systems with flowing water that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. The width of these areas extends to that portion of the terrestrial landscape that directly influences the aquatic ecosystem by providing shade, fine or large woody material, nutrients, organic and inorganic debris, terrestrial insects, or habitat for riparian-associated wildlife. Width shall be measured from the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified. It includes the entire extent of the floodplain and the extent of vegetation adapted to wet conditions as well as adjacent upland plant communities that directly influence the stream system. Riparian habitat areas include those riparian areas severely altered or damaged due to human development activities.

### **13.01.110.S**

“Scrub-shrub wetland.” A wetland with at least thirty percent (30%) of its surface area covered by woody vegetation less than twenty (20) feet in height as the uppermost strata.

“Seismic hazard.” Areas subject to severe risk damage as a result of seismic induced settlement, shaking, lateral spreading, surface faulting, slope failure or soil liquefaction. These conditions occur in areas underlain by soils low cohesion or density usually in association with a shallow groundwater table. Seismic hazard areas shall be defined by the Washington Department of Ecology Coastal Zone Atlas (Seismic Hazard Map prepared by GeoEngineers) as: Class U (Unstable), Class UOS (Unstable old slides), Class URS (Unstable recent slides, Class I (intermediate) and Class M (Modified) as shown in the Seismic Hazard Map.

“Species.” Any group of animals or plants classified as a species or subspecies as commonly accepted by the scientific community.

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“Species, endangered.” Any plant, fish or wildlife species that is threatened with extinction throughout all or a significant portion of its range and is listed by the state or federal government as an endangered species.

“Species, priority.” Any plant, fish or wildlife species requiring protection measures and/or management guidelines to ensure their persistence as genetically viable population levels as classified by the Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial or tribal importance.

“Species, threatened.” Any plant, fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range without cooperative management or removal of threats, and is listed by the state or federal government as a threatened species.

“Stream corridor.” Perennial, intermittent or ephemeral waters included within a channel of land and its adjacent riparian zones which serves as a buffer between the aquatic and terrestrial upland ecosystems.

“Streams.” An area where open surface water produces a defined channel or bed, not including irrigation ditches, canals, storm or surface water runoff structures or other entirely artificial watercourses, unless they are used by fish or are used to convey a naturally occurring watercourse. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall.

“Streams of Local Significance.” Streams that contain salmon, steelhead, and bull trout.

“Subclass, wetland.” One of the wetland subclasses in the United States Fish and Wildlife Service publication, Classification of Wetlands and Deepwater Habitats of the United States (December 1979). A subclass is based on finer distinctions in life forms and/or substrate materials. Examples of subclasses of vegetation include needle-leaved evergreen, broad-leaved evergreen, needle-leaved deciduous and broad-leaved deciduous.

### **13.01.110.T**

“Toe of slope.” A distinct topographic break in slope at the lowermost limit of an area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

“Tsunami hazard areas.” Coastal areas and large lake shoreline areas susceptible to flooding and inundation as the result of excessive wave action derived from seismic or other geologic events. Currently, no specific boundaries have been established in the City of Tacoma limits for this type of hazard area.

### **13.01.110.U**

“Unavoidable impacts.” Impacts to a wetland or stream or associated buffers that will remain after project completion, when it has been demonstrated that no practicable alternatives exist, that extraordinary hardship exists or that the project is in the public interest.

### **13.01.110.V.**

“Volcanic hazard areas.” Areas subject to pyroclastic flows,

### **13.01.110.W**

“Waters of the State”. Lakes, rivers, ponds, streams, inland water, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

“Wetland Mosaic.” An area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other and areas delineated as vegetated wetland are more than 50% of the total area of the entire mosaic, including uplands and open water.

“Wetlands.” Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include small lakes, ponds, swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, farm ponds, and landscape amenities if routinely maintained for those purposes. Wetlands do not include those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands do include those artificial wetlands intentionally created to mitigate conversion of wetlands.

“Wetlands of Local Significance.” Wetlands that are of special concern to the City of Tacoma and require additional protection measures beyond that afforded to them through the buffers required for each wetland category. Wetlands of Local Significance may be nominated through a process described in the Environmental Policy Plan Element of the City of Tacoma Comprehensive Plan



“Wetland Specialist.” A person with professional work experience and training in wetland issues and with experience in performing delineations, analyzing wetland functions and values, analyzing wetland impacts, and recommending wetland mitigation and restoration. Qualifications include: (1) Bachelor of Science or Bachelor of Arts or equivalent degree in biology, botany, environmental studies, fisheries, soil science, wildlife or related field, and two years of related professional work experience, including a minimum of one year experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans. Additional education may substitute for one year of related work experience; or (2) Four years of related professional work experience and training, with a minimum of two years’ experience delineating wetlands using the Unified Federal Manual and preparing wetland reports and mitigation plans. The person should be familiar with the approved federal manual and applicable regional supplements for wetland delineation, the 2014 Washington State Wetlands Rating System for Western Washington (Ecology Publication #14-06-029), City of Tacoma wetland development regulations and the requirements of this chapter.

“Water resource inventory area (WRIA).” One of sixty-two (62) watersheds in the state of Washington, each composed of the drainage areas of a stream or streams, as established in Chapter 173-5000 WAC as it existed on January 1, 1997.

(Code Reviser’s note: Previously codified as 13.11.900 (Definitions); relocated to 13.01.110 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28335 Ex. A; passed Dec. 1, 2015: Ord. 28230 Ex. F; passed Jul. 22, 2014: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27813 Ex. E; passed Jun. 30, 2009: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 57; passed Nov. 15, 2005)

### **13.01.120 Environmental Code Definitions.<sup>1</sup>**

The terms in Chapter 13.12 Environmental Code are primarily adopted from those set forth in WAC 197-11-700 to -700. Except for the definitions below, this terminology is uniform throughout the state as applied to SEPA. These definitions are specific to this Chapter and are meant to clarify the specific terms used in SEPA review in the City. It also incorporates the following sections of the Washington Administrative Code by reference:

197-11-040	Definitions.
197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-721	Closed record appeal.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County-city.
197-11-730	Decision-maker.
197-11-732	Department.
197-11-734	Determination of non-significance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.

<sup>1</sup> Code Reviser’s note: Previously codified as 13.12.900 (Purpose of this part and adoption by reference), and 13.12.910 (Additional definitions); relocated to 13.01.120 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Non-project.
197-11-775	Open record hearing.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.
197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.

In addition to those definitions contained within WAC 197-11-700 to 197-11-799, the following terms shall have the following meanings, and shall be applicable only to Chapter 13.12:

### **13.01.120.A**

“Applicant” means the party responsible for completing the environmental checklist and requesting the environmental determination, regardless of the nature of the proposal (i.e., project or non-project action).

“Application” means the request for an environmental determination, done in the form of the submission of an environmental checklist.

### **13.01.120.B**

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540

### **13.01.120.C**

The “City” means the City of Tacoma, or any department or division thereof acting in a SEPA lead agency capacity. This includes, but is not limited to, Tacoma Public Utilities and the Departments of Public Works, Environmental Services and Planning and Development Services.

### **13.01.120.D**

“Department” means any division, subdivision, or organizational unit of the City established by ordinance.

### **13.01.120.M**

“Major Transit Stop” means (a) a stop on a high capacity transportation service funded or expanded under the provisions of chapter 81.104 RCW; (b) commuter rail stops; (c) stops on rail or fixed guide-way systems, including transit-ways; (d) stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or, (e) stops for a bus or other transit mode providing fixed route service at intervals of at least thirty minutes during the peak hours of operation.

**13.01.120.R**

“Responsible Official” for City Government means the Department Director for projects initiated or processed by that department, and for the Department of Public Utilities means the Superintendent or Division Head of the respective division for projects initiated or processed by that division. Responsible official duties may be delegated to appropriate staff persons, but the respective Director or Superintendent shall approve and is responsible for the determination of Environmental Significance and the adequacy of an Environmental Impact Statement. See additional information in Section 13.12.220.

**13.01.120.S**

“SEPA Public Information Center” means the section within the Planning and Development Services Department that performs the functions and duties as described in Section 13.12.230 of this chapter.

“SEPA Rules” means WAC Chapter 197-11 as adopted and as may be amended by the Department of Ecology.

(Code Reviser’s note: Previously codified as 13.12.900 (Purpose of this part and adoption by reference) and 13.12.910 (Additional definitions); relocated to 13.01.120 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation for 13.12.900: Ord. 27995 Ex. J; passed Jun. 14, 2011. Prior legislation for 13.12.910: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27995 Ex. J; passed Jun. 14, 2011: Ord. 23262 § 8; passed Sept. 25, 1984)

**13.01.150 Commute Trip Reduction Definitions.<sup>1</sup>**

The following definitions shall apply in the interpretation and enforcement of Chapter 13.15 Commute Trip Reduction:

**13.01.150.A**

“Affected employee” means a full-time employee who begins their regular work day at a single worksite covered by the Commute Trip Reduction Plan between 6:00 a.m. and 9:00 a.m. (inclusive) on two or more weekdays for at least 12 continuous months. The following are excluded from the count of affected employees: (1) independent contract employees; (2) seasonal agriculture employees, including seasonal employees of processors of agricultural products; and (3) construction workers who work at a construction site with an expected duration of less than two years.

“Affected employer” means an employer that employs 100 or more affected employees.

“Alternative commute mode” refers to any means of commuting other than that in which the single-occupant motor vehicle is the dominant mode. Telecommuting and compressed work weeks are considered alternative commute modes if they result in the reduction of commute trips.

“Alternative work schedules” are programs such as compressed work weeks that eliminate work trips for affected employees.

**13.01.150.B**

“Base year” means the 12-month period which commences when an employer is determined an affected employer and from which goals for commute trip reduction shall be based.

“Base year survey” or “baseline measurement” means the survey, during the base year, of employees at an affected employer’s worksite to determine the drive alone rate and vehicle miles traveled per employee at the worksite, and is used to develop commute trip reduction goals for the employer.

**13.01.150.C**

“Carpool” means a motor vehicle occupied by 2 to 4 people of at least 16 years of age traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle commute trip.

“Commute trip” means a trip that is made from a worker’s home to a worksite.

“Commute Trip Reduction (CTR) Law” means the portion of the Clean Air Act adopted to accomplish commute trip reduction (RCW 70.94.521-551).

“Commute Trip Reduction (CTR) Plan” refers to the adopted City of Tacoma plan to regulate and administer the CTR programs of affected employers.

“Commute Trip Reduction (CTR) Program” means an employer’s strategies to reduce employees’ drive alone trips and average vehicle miles traveled per employee.

<sup>1</sup> Code Reviser’s note: Previously codified as 13.15.020 (Definitions); relocated to 13.01.150 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

## **Tacoma Municipal Code**

“Compressed work week” means an alternative work schedule, in accordance with employer policy and/or along with other arrangements, that allows a full-time employee to eliminate at least one work day every two weeks by working more hours during the remaining work days, resulting in fewer commute trips by the employee.

### **13.01.150.D**

“Dominant mode” means the mode of travel used for the greatest distance of a commute trip.

“Drive alone” means a motor vehicle, including a motorcycle, occupied by one employee for commute purposes.

### **13.01.150.E**

“Employee Transportation Coordinator (ETC)” means a designated person who is responsible for the development, implementation and monitoring of an employer’s CTR program.

“Employer” means a sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit or private, that employs workers.

“Exemption” means a waiver from any or all CTR program requirements granted to an employer by the City of Tacoma based on unique conditions that apply to the employer or the worksite.

### **13.01.150.F**

“Flex-time” is a work schedule, in accordance with employer policy and/or along with other arrangements, that allows individual employees flexibility in choosing the start and end time but not the number of working hours to facilitate the use of alternative commute modes.

“Full-time employee” means a person, other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks per year for an average of at least 35 hours per week.

### **13.01.150.G**

“Good faith effort” means that an employer has met the minimum requirements identified in RCW 70.94.534(2) and this chapter, and is working collaboratively with the City of Tacoma to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed upon length of time.

### **13.01.150.I**

“Implementation” or “implement” means active pursuit by an employer to achieve the CTR goals of the CTR Law (RCW 70.94.521-551) and this chapter.

### **13.01.150.M**

“Mode” is the means of transportation used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, train, ferry, bicycle, walking, and alternative work schedules.

### **13.01.150.N**

“Newly affected employer” refers to an employer that is not an affected employer upon the effective date of this chapter, but who becomes an affected employer subsequent to the effective date of this chapter.

### **13.01.150.P**

“Proportion of drive alone trips” or “drive alone rate” means the number of commute trips over a set period made by employees in single-occupant vehicles divided by the number of potential trips taken by employees working during that period.

### **13.01.150.R**

“Ride matching service” means a system which assists in matching commuters for the purpose of commuting together.

### **13.01.150.T**

“Teleworking/telecommuting” means the use of telephones, computers or other applicable technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least one half.

“Transit” means a multiple-occupant vehicle operated on a shared-ride basis, including bus, ferry or rail.

“Transportation Management Organization/Association (TMO/TMA)” means a group of employers or an association representing a group of employers in a defined geographic area. A TMO/TMA may represent employers within the limits of the City of Tacoma, or may have a sphere of influence that extends beyond the city limits.

**13.01.150.V**

“Vanpool” means a vehicle occupied by 5 to 15 people of at least 16 years of age traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle trip.

“Vehicle miles traveled (VMT) per employee” means the sum of the individual vehicle commute trip lengths, in miles, made by employees over a set period, divided by the number of employees during that period.

**13.01.150.W**

“Week” means a seven-day calendar period, starting on Sunday and continuing through Saturday.

“Weekday” means Monday, Tuesday, Wednesday, Thursday, or Friday.

“Worksite” or “affected employer worksite” means a building or group of buildings on physically contiguous parcels of land or on parcels separated solely by private or public roadways or rights-of-way, and at which there are 100 or more affected employees.

“Writing,” “written,” or “in writing” means original signed and dated documents. Facsimile (fax) and electronic transmissions are a temporary notice of action that must be followed by the original signed and dated via mail or delivery (as set forth in Chapter 13.02.060).

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser’s note: Previously codified as 13.15.020 (Definitions); relocated to 13.01.150 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 25258 § 1; passed Feb. 2, 1993)

**13.01.160 Concurrency Management System Definitions.<sup>1</sup>**

For the purposes of Chapter 13.16 Concurrency Management System, the following terms are defined as:

**13.01.160.A**

“Adequate” means at or above the level of service standards specified in the current adopted Capital Facilities Program.

“Applicant” means a person or entity who has applied for a development permit.

“Available capacity” means capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion or modification.

**13.01.160.C**

“Certificate of capacity” means a document issued by Planning and Development Services indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

“Concurrency facilities” means facilities for which concurrency is required in accordance with the provisions of this chapter. They are roads, transit, potable water, electric utilities, sanitary sewer, solid waste, storm water management, law enforcement, fire, emergency medical service, schools, parks and libraries.

“Concurrency test” means the comparison of an applicant’s impact on concurrency facilities to the capacity, including available and planned capacity, of the concurrency facilities.

**13.01.160.D**

“Development permit” means a land use or building permit. Development permits are classified as exempt, final or preliminary. Exempt permits are set out in Section 13.16.050.B.

“Development permit, final” means building permit.

“Development permit, preliminary” means short plat, preliminary plat, reclassification, shoreline substantial development permit, shoreline substantial development/conditional use permit, site plan approval, conditional use permit, wetland or stream development permit.

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<sup>1</sup> Code Reviser’s note: Previously codified as 13.16.020 (Definitions); relocated to 13.01.160 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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### **13.01.160.F**

“Facility and service provider” means the department, district or agency responsible for providing the specific concurrency facility.

### **13.01.160.L**

“Level of service standard” means the number of units of capacity per unit of demand. The level of service standards used in concurrency tests are those standards specified in the current adopted Capital Facilities Program.

### **13.01.160.P**

“Planned capacity” means capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted Capital Facilities Program and scheduled to be completed within six years.

“Planned capacity, transportation facilities” means capacity for transportation facilities, including roads and transit, that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted Capital Facilities Program and financial commitment is in place to complete the improvements within six years.

### **13.01.160.V**

“Vested” means the right to develop or continue development in accordance with the laws, rules, and other regulations in effect at the time vesting is achieved.

(Code Reviser’s note: Previously codified as 13.16.020 (Definitions); relocated to 13.01.160 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. G; passed Jun. 30, 2009: Ord. 27245 § 31; passed Jun. 22, 2004: Ord. 25646 § 3; passed Dec. 13, 1994)

## **13.01.170 Mixed-Use Center Development Definitions.<sup>1</sup>**

For the purposes of Chapter 13.17 Mixed-use Center Development, the following terms are defined as:

### **13.01.170.D**

“Director” means the Director of the Planning and Development Services Department or authorized designee.

### **13.01.170.M**

“Mixed-use center” means a center designated as such in the land use element of the City’s Comprehensive Plan. A mixed-use center is a compact identifiable district containing several business establishments, adequate public facilities, and a mixture of uses and activities, where residents may obtain a variety of products and services.

“Multi-family housing” means building(s) having four or more dwelling units designed for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings.

### **13.01.170.O**

“Owner” means the property owner of record.

### **13.01.170.P**

“Permanent residential occupancy” means multifamily housing that provides either rental or owner occupancy for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

### **13.01.170.R**

“Rehabilitation improvements” means modifications to existing structures that are vacant for 12 months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multi-family housing units.

“Residential target area” means an area within a mixed-use center that has been designated by the City Council as lacking sufficient, available, desirable, and convenient residential housing to meet the needs of the public.

(Code Reviser’s note: Previously codified as 13.17.010 (Definitions); relocated to 13.01.170 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27710 Ex. A; passed Apr. 29, 2008: Ord. 27466 § 43; passed Jan. 17, 2006: Ord. 26386 § 39; passed Mar. 23, 1999: Ord. 25789 § 3; passed Nov. 21, 1995)

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<sup>1</sup> Code Reviser’s note: Previously codified as 13.17.010 (Definitions); relocated to 13.01.170 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

## CHAPTER 13.02

### PLANNING COMMISSION

#### Sections:

13.02.010	Creation – Appointment.
13.02.015	Establishment of advisory committees.
13.02.016	<i>Repealed.</i>
13.02.020	Meetings – Officers – Records.
13.02.030	Expenditures – Budget.
13.02.040	Duties and responsibilities.
13.02.043	<i>Repealed.</i>
13.02.050	Quorum.
13.02.053	<i>Repealed.</i>
13.02.057	<i>Repealed.</i>
13.02.060	Comprehensive Plan.
13.02.070	Comprehensive Plan amendment procedures.

#### **13.02.010 Creation - Appointment.**

Pursuant to the authority conferred by Article II, Section 11, of the Constitution of the State of Washington, and Section 3.8 of the Tacoma City Charter, there is hereby created a City Planning Commission consisting of nine members, who shall be residents of Tacoma. The members shall be appointed and confirmed by a majority of the City Council. One member shall be appointed by the City Council for each of the five council districts. The Council shall appoint to the four remaining positions an individual from each of the following: (a) the development community; (b) the environmental community; (c) public transportation; and (d) a designee with background of involvement in architecture, historic preservation, and/or urban design.

At the expiration of each respective three-year term, a successor shall be appointed by the City Council. Each Commissioner may serve until appointment and qualification of a successor.

Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired terms. Members may be removed by a majority of the Council, after public hearing, for inefficiency, neglect of duty, or malfeasance in office. Members are expected to attend Commission meetings and to fully participate in and contribute to the work of the Commission. Any member who is absent from three consecutive meetings without being excused or six meetings in a calendar year, whether excused or unexcused, should be deemed to have forfeited the office and a new member may be appointed to fill the unexpired term. The members shall be selected without respect to political affiliations and they shall serve without compensation. The members shall abide by the City's Code of Ethics as provided in TMC 1.46.

(Ord. 28518 Ex. 6; passed Jun. 26, 2018; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 26386 § 28; passed Mar. 23, 1999; Ord. 25318 § 1; passed Jun. 8, 1993; Ord. 24942 § 1; passed Jul. 2, 1991; Ord. 20266 § 1; passed Dec. 17, 1974; Ord. 20183 § 1; passed Aug. 13, 1974; Ord. 18877 § 1; passed Jul. 15, 1969; Ord. 14983 § 1; passed Mar. 1, 1954)

#### **13.02.015 Establishment of advisory committees.**

In order to carry out its duties and functions prescribed by this chapter, the Planning Commission may establish advisory committees as it deems appropriate. Advisory committees shall serve at the discretion of the Commission and their duties and scope of responsibilities shall be established by the Planning Commission. The members of such advisory committees shall be appointed and confirmed by a majority of the City Council, except that the Planning Commission, in such instances as it deems appropriate, may designate that the chairperson of an advisory committee be a regular appointed member of the Planning Commission and shall be selected by a majority vote of the Commission. Nothing in this section shall be construed to authorize members of such advisory committees to be members of the Planning Commission.

(Ord. 25318 § 2; passed Jun. 8, 1993; Ord. 20266 § 2; passed Dec. 17, 1974)

#### **13.02.016 *Repealed by Ord. 27172. Definitions.***

*See 13.01.020 (previously 13.02.043).*

(Repealed by Ord. 27172 § 3; passed Dec. 16, 2003; Ord. 27079 § 8; passed Apr. 29, 2003; Ord. 25850 § 2; passed Mar. 12, 1996)

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### **13.02.020 Meetings – Officers – Records.**

The Commission shall elect its own chairperson and create and fill such other offices as it may determine it requires. All meetings of the Commission or its advisory committees shall be open to the public pursuant to Chapter 42.30 RCW, Open Public Meetings Act. The Commission shall adopt rules for transaction of business. Records of all official Commission proceedings shall be kept by the City Clerk and shall be open to public inspection. The City Manager shall assign to the Commission and its advisory committees a place of meeting in which to meet and transact business.

(Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 24942 § 2; passed Jul. 2, 1991: Ord. 20266 § 3; passed Dec. 17, 1974: Ord. 14983 § 2; passed Mar. 1, 1954)

### **13.02.030 Expenditures - Budget.**

The expenditures of the Commission shall be limited to appropriations made to the Planning and Development Services Department (“Department”) by the City Council for the planning function of the City. The services and facilities of the Department shall be utilized by the Commission in performing its duties.

(Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 27466 § 33; passed Jan. 17, 2006: Ord. 26386 § 29; passed Mar. 23, 1999: Ord. 24942 § 3; passed Jul. 2, 1991: Ord. 20266 § 4; passed Dec. 17, 1974: Ord. 14983 § 3; passed Mar. 1, 1954)

### **13.02.040 Duties and responsibilities.**

The Planning Commission is hereby vested with the following duties and responsibilities:

- A. To prepare the Comprehensive Plan and its elements, pursuant to Revised Code of Washington Chapter 36.70A, that are concerned with protecting the health, welfare, safety, and quality of life of City residents.
- B. To review and update the Comprehensive Plan and its elements, and recommend proposed amendments to the City Council.
- C. To develop and prepare long- and short-range programs for implementation of the Comprehensive Plan.
- D. To formulate effective and efficient land use and development regulations and processes that are consistent with and that implement RCW 36.70A and the goals and policies of the Comprehensive Plan.
- E. To review and make recommendations on matters concerning land use and development, including area-wide zoning reclassifications, moratoria, and interim zoning.
- F. To review the capital facilities program to ensure that the capital budgets and expenditures for public facilities and services are in conformity with the Comprehensive Plan.
- G. To review the six-year transportation program for consistency with the Comprehensive Plan.
- H. To ensure early and continuous public participation in the development, amendment, and implementation processes of the Comprehensive Plan and its elements, and in the development of land use and development regulations and amendments thereto.
- I. To conduct periodic planning studies concerning land uses, demographics, infrastructure, critical areas, transportation corridors, housing, and other information useful in managing growth and augmenting the Comprehensive Plan, with an emphasis on doing this work through the use of land use and geographic information systems.
- J. To work with the Landmarks Preservation Commission, pursuant to TMC 13.07, to designate historic special review districts and conservation districts within the City and to make recommendations to the City Council for establishment of such districts.
- K. To conduct pre-annexation planning for areas which are within the City’s urban growth area and which may be reasonably expected to be annexed to the City. Planning for these areas may include, but not be limited to: land use; transportation; public facilities and services; capital facility needs; parks and open space; and zoning classifications and regulations. Areas not included in the Comprehensive Plan and annexed to the City will necessitate a plan amendment.
- L. To develop the work program for the coming year in consultation with the City Council and provide an annual report to the City Council regarding accomplishments and the status of planning efforts undertaken in the previous year.

(Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 27172 § 4; passed Dec. 16, 2003: Ord. 27079 § 9; passed Apr. 29, 2003: Ord. 25850 § 3; passed Mar. 12, 1996: Ord. 25696 § 4; passed Apr. 25, 1995:



Ord. 24942 § 4; passed Jul. 2, 1991: Ord. 20560 § 1; passed Sept. 30, 1975: Ord. 20266 § 5; passed Dec. 17, 1974: Ord. 14983 § 4; passed Mar. 1, 1954)

**13.02.043 Repealed by Ord. 28613. Definitions.**

*Relocated to 13.01.020.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27466 § 34; passed Jan. 17, 2006: Ord. 27172 § 6; passed Dec. 16, 2003)

**13.02.050 Quorum.<sup>1, 2</sup>**

A simple majority of appointed, filled positions shall constitute a quorum for the transaction of official business.

(Code Reviser's note: Previously codified as 13.02.041 (Quorum); relocated to 13.02.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27172 § 5; passed Dec. 16, 2003: See also footnote regarding prior legislative history of 13.02.050)

**13.02.053 Repealed by Ord. 28613. Area-wide zoning reclassifications.**

*Relocated to 13.05.030.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27995 Ex. A; passed Jun. 14, 2011: Ord. 27172 § 10; passed Dec. 16, 2003)

**13.02.057 Repealed by Ord. 28613. Notice for public hearings.**

*Relocated to 13.05.070.J.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 27172 § 12; passed Dec. 16, 2003.)

**13.02.060 Comprehensive Plan.<sup>3, 4</sup>**

A. The Comprehensive Plan is the City's official statement concerning future growth and development. It sets forth goals, policies, and strategies to protect the health, welfare, safety, and quality of life of Tacoma's residents. The Comprehensive Plan must be consistent with and advance the goals of RCW 36.70A ("Growth Management Act"), the Multicounty Planning Policies for the Puget Sound Region ("VISION 2040"), the Regional Transportation Plan for the Puget Sound Region ("Transportation 2040"), the Countywide Planning Policies for Pierce County, and relevant Washington State statutes. The City shall carry out its programs, perform its activities, and make capital budget decisions in conformance with the Comprehensive Plan.

B. The Comprehensive Plan shall include the following planning elements:

1. A land use element.

As required by RCW 36.70A.070, indicating the proposed generalized land use, including the suitability, capability, location, and number of acres of land devoted to such uses as residential, commercial, industrial, recreation, open space, and other uses.

2. A housing element.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.02.041 (Quorum); relocated to 13.02.050 per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Section previously numbered 13.02.050 (Quorum) was previously repealed by Ord. 27172. Replaced by relocation of 13.02.041 per Ord. 28613 Ex. G. Prior legislation: Ord. 27172 § 9; passed Dec. 16, 2003: Ord. 25318 § 3; passed Jun. 8, 1993: Ord. 20266 § 7; passed Dec. 17, 1974: Ord. 20183 § 2; passed Aug. 13, 1974: Ord. 14983 § 5; passed Mar. 1, 1954.

<sup>3</sup> Code Reviser's note: Previously codified as 13.02.044 (Comprehensive Plan); relocated to 13.02.060 per Ord. 28613 Ex. G.

<sup>4</sup> Code Reviser's note: Section previously numbered 13.02.060 (Reports), was previously repealed by Ord. 24942. Replaced by relocation of 13.02.044 per Ord. 28613 Ex. G. Prior legislation: Ord. 24942; passed Jul. 2, 1991: Ord. 20266 § 8; passed Dec. 17, 1974: Ord. 14983 § 6; passed Mar. 1, 1954.

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As required by RCW 36.70A.070, providing policies for the preservation, improvement, and development of housing, and including an inventory and analysis of existing and projected housing needs.

### 3. A capital facilities element.

As required by RCW 36.70A.070, providing an inventory of the location and capacity of existing publicly-owned capital facilities, and a forecast of the future needs for such capital facilities, including the expansion of capital facilities, the construction of new facilities, and the maintenance requirements of existing facilities.

### 4. A utilities element.

As required by RCW 36.70A.070, identifying the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

### 5. A transportation element.

As required by RCW 36.70A.070, that implements and is consistent with the land use element, is regionally coordinated, and identifies the need for future transportation facilities and services, including system expansion and management needs.

### 6. An economic element.

As required by RCW 36.70A.070, establishing goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life.

### 7. A recreation and open space element.

As required by RCW 36.70A.070, that implements and is consistent with the capital facilities element as it relates to park and recreation facilities. This element should indicate the location and development of areas and public sites for recreation, natural conservations, parks, parkways, beaches, playgrounds, and other recreational and open space areas.

### 8. A process, pursuant to RCW 36.70A.200, for identifying and siting essential public facilities which are typically difficult to site.

### 9. A shoreline element.

Pursuant to RCW 90.58, setting forth policies concerning economic development; public access and circulation; recreation; urban design, conservation, restoration, and natural environment; and historical, cultural, scientific, and educational values.

### 10. A container port element.

Developed collaboratively with the Port of Tacoma, as required by RCW 36.70A.085, establishing policies and programs that (a) define and protect the core areas of port and port-related industrial uses; (b) provide reasonably efficient access to the core area through freight corridors within the city limits; and (c) identify and resolve key land use conflicts along the edge of the core area, and minimize and mitigate, to the extent practicable, incompatible uses along the edge of the core area.

C. Subject to the provisions of Section 13.02.060, the Comprehensive Plan may include the following planning elements and any additional planning elements which the Commission or Council considers pertinent:

#### 1. A community services and facilities element.

Indicating the general location of all community services and facilities, and indicating the need and appropriate location for such services and facilities.

#### 2. An environmental element.

Indicating environmental conditions and natural processes, including climate, air quality, geology, hydrology, vegetation, wildlife, fisheries, critical areas, mineral resource lands, solar energy, and other natural factors and hazards that affect, or would be affected by, development.

#### 3. A historic and conservation element.

Identifying objects, areas, sites, or structures of historical, archaeological, architectural, or cultural significance.

#### 4. An annexation element.

Setting forth policies to guide orderly urban growth and designating areas for potential annexation for at least 20 years. The annexation element shall identify future land uses and consider development patterns, density, projected population growth, timing, and the provision of capital facilities and services, including capacity, financing, and expansion.

5. An urban design element.

Addressing the design of development through the application of standards, guidelines, and recommendations for project review.

6. Sub-area elements.

Setting forth policies concerning specific geographic areas of the City or concerning specific issues.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.02.044 (Comprehensive Plan); relocated to 13.02.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 27172 § 7; passed Dec. 16, 2003)

(Code Reviser's note: A section previously codified as 13.02.060 (Reports) was previously repealed by Ord. 24942; the section number was reused by relocation of 13.02.044 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation for 13.02.060, Reports: Ord. 24942; passed Jul. 2, 1991: Ord. 20266 § 8; passed Dec. 17, 1974: Ord. 14983 § 6; passed Mar. 1, 1954.)

### 13.02.070 Comprehensive Plan amendment procedures.<sup>1</sup>

A. Adoption and amendment by ordinance.

1. The Comprehensive Plan and its elements shall be adopted and amended by ordinance of the City Council, following the procedures identified in this section.

B. Consistency with Growth Management Act.

1. Adoption and amendment of the Comprehensive Plan must be consistent with the procedural requirements of RCW 36.70A and in compliance with applicable case law.

C. Timing for proposed amendments.

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

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

2. All proposed plan amendments shall be considered concurrently and, as appropriate, along with proposed amendments to development regulations, so that the cumulative effect of the various proposals can be ascertained. Proposed amendments may be considered annually, for which the amendment process shall begin in July of any given year and be completed, with appropriate actions taken by the City Council in accordance with Sections 13.02.070.G and H, by the end of June of the following year.

D. Application for Comprehensive Plan amendment.

1. A proposed amendment to the Comprehensive Plan may be submitted by any private individual, organization, corporation, partnership, or entity of any kind, including any member(s) of the City Council or the Planning Commission or other governmental Commission or Committee, the City Manager, any neighborhood or community council or other neighborhood or special purpose group, a department or office, agency, or official of the City of Tacoma, or of any other general or special purpose government.

2. Application for proposed amendments.

<sup>1</sup> Code Reviser's note: Previously codified as 13.02.045 (Adoption and amendment procedures); relocated to 13.02.070 per Ord. 28613 Ex. G.

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Items initiated by the City Council, the Planning Commission, or the Department do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations.

### 3. Fees.

Application fees shall be as established by City Council action.

### 4. Application Schedule.

The application deadline for any given annual amendment cycle shall be established by the Department no later than the last day of May. Those applications for amending the Comprehensive Plan received after the established deadline are less likely to be considered in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission.

### 5. The application shall include, but not be limited to, the following:

#### a. Project summary:

- (1) A description of the proposed amendment;
- (2) The current and proposed Comprehensive Plan land use designation and zoning classification for the affected area;
- (3) A description, along with maps if applicable, of the area of applicability and the surrounding areas, including identification of affected parcels, ownership, current land uses, site characteristics, and natural features;
- (4) The proposed amendatory language, if applicable.

#### b. Background.

- (1) Appropriate history and context for the proposed amendment, such as prior permits or rezones, concomitant zoning agreements, enforcement actions, or changes in use.

#### c. Policy review.

- (1) Identify and cite any applicable policies of the Comprehensive Plan that provide support for the proposed amendment;

#### d. Objectives.

- (1) Describe how the proposed amendment achieves the following objectives, where applicable:
  - Address inconsistencies or errors in the Comprehensive Plan or development regulations.
  - Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services.
  - Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern.
  - Enhance the quality of the neighborhood.

#### e. Community outreach.

- (1) A description of any community outreach and response to the proposed amendment;

#### f. Supplemental information.

- (1) Supplemental information as requested by the Department, which may include, but is not limited to:
  - completion of an environmental checklist,
  - wetland delineation study,
  - visual analysis,
  - or other studies.

### 6. Pre-application meeting.

(1) The applicant is responsible for providing complete and accurate information. A meeting between the Department staff and the applicant to discuss the application submittal requirements before submitting an application is strongly advised.

**E. Assessment of proposed amendments.**

1. The Department shall docket all amendment requests upon submittal of a complete application, to ensure that all requests receive due consideration and are available for review by the public.
2. The Department will provide the Planning Commission with an Assessment Report for the proposed amendment applications that includes, at a minimum:
  - a. Whether the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;
  - b. Whether there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into; and
  - c. A preliminary staff review of the application submittal;
  - d. Identification of other amendment options the Planning Commission could consider in addition to the amendment as proposed by the applicant; and
  - e. Whether the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.
3. The Planning Commission will review this assessment and make its decision as to:
  - a. whether or not the application is complete, and if not, what information is needed to make it complete;
  - b. whether or not the scope of the application should be modified, and if so, what alternatives should be considered; and
  - c. whether or not the application will be considered, and if so, in which amendment cycle.
4. The Planning Commission shall make determinations concerning proposed Comprehensive Plan amendments within 120 days of the close of the application period as set forth under 13.02.070.D.
5. The Planning Commission shall make determinations concerning proposed zoning and regulatory code amendments that do not require concurrent Comprehensive Plan amendments within 120 days of receiving an application.

**F. Analysis of proposed amendments.**

1. Upon completing the assessment and receiving an affirmative determination from the Planning Commission to accept the application, the proposed amendment will be analyzed by the Department.
2. The Department shall provide the Commission with a staff analysis report, which will include, as appropriate:
  - a. A staff analysis of the application in accordance with the elements described in 13.02.070.D;
  - b. An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;
  - c. An analysis of the amendment options identified in the assessment report; and
  - d. An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

**G. Planning Commission review.**

1. The Department will present the proposed amendment along with analysis conducted pursuant to Section 13.02.070.F to the Planning Commission for review and direction. The Commission will conduct public meetings and hearings, and solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate.
2. In formulating its recommendations to the City Council concerning adoption or amendment of the Comprehensive Plan, the Planning Commission shall provide public notice and conduct at least one public hearing.

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3. Advisory committees established in accordance with Section 13.02.015 may also conduct one or more public hearings prior to making recommendations to the Planning Commission.
4. Planning Commission public hearings for adoption or amendment of development regulations and processes, moratoria, or interim zoning may be, but are not required to be, held at the same time as and in conjunction with the public hearing(s) for adoption or amendment of the Comprehensive Plan.
5. For land use designation changes, the Department shall ensure that a special notice of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, and occupants, within, and within 2500 feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.
6. After a public hearing, the Department will prepare a report summarizing the public hearing comments, provide a response to comments and make further recommendations, if appropriate, and forward the report and all comments to the Planning Commission for consideration.

### H. Findings and recommendations.

1. Upon completion of the public comment period and review of the public testimony, the Planning Commission will make a determination as to whether the proposed amendments are consistent with the following criteria:
  - a. Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and
  - b. Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.
2. The Commission will prepare a recommendation and supportive findings to forward to the City Council for consideration.

### I. City Council public hearing and action.

1. At least one City Council public hearing on adoption or amendment of the Comprehensive Plan shall be held prior to final action by the City Council; prior to making a substantial change to the proposal recommended by the Planning Commission, the City Council shall hold an additional hearing or hearings, with the City Clerk giving notice pursuant to Section 13.05.070.J.
2. Consistent with RCW 36.70A, the Department must notify the Washington State Department of Commerce and other required state agencies of the City's intention to adopt or amend the Comprehensive Plan prior to adoption by the City Council, and must transmit copies of the adopted plan and any amendment after City Council action.

### J. Amendments considered under emergency situation.

The Planning Commission and the City Council may consider amendments to the Comprehensive Plan at any time as a result of an emergency situation. Emergency situations include situations involving official, legal, or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation, or address the absence of adequate and available public facilities or services as provided for in Chapter 13.16 of the Tacoma Municipal Code, decisions by the Growth Management Hearings Board or the State or Federal Courts, or actions of a State Agency or Office or the State Legislature, affecting Tacoma will be reviewed by the Planning Commission with advice from the City Attorney's Office to determine if an appropriate "emergency" exists, necessitating an emergency Comprehensive Plan amendment.

(Ord. 28786 Ex. A; passed Nov. 16, 2021: Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.02.045 (Adoption and amendment procedures); relocated to 13.02.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 27172 § 8; passed Dec. 16, 2003: Ord. 26899 § 1; passed Dec. 11, 2001: Ord. 26386 § 30; passed Mar. 23, 1999: Ord. 25850 § 4; passed Mar. 12, 1996: Ord. 25696 § 5; passed Apr. 25, 1995: Ord. 25360 § 1; passed Aug. 31, 1993: Ord. 24942 § 5; passed Jul. 2, 1991: Ord. 21883 § 1; passed Nov. 13, 1979: Ord. 20266 § 6; passed Dec. 17, 1974)

**CHAPTER 13.03**

***REPEALED***

**HEARING EXAMINER<sup>1</sup>**

*Repealed by Ord. 25517*

(Ord. 25517; passed Jun. 14, 1994)

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<sup>1</sup> Code Reviser's note: Powers of the Hearing Examiner are listed in Section 1.23.070.





## CHAPTER 13.04

### PLATTING AND SUBDIVISIONS

#### Sections:

13.04.010	Title.
13.04.020	Intent and authority.
13.04.030	Policy.
13.04.040	<i>Repealed.</i>
13.04.050	Jurisdiction.
13.04.055	Platting on shorelines.
13.04.060	Exclusions.
13.04.070	Alteration.
13.04.075	Vacation.
13.04.085	Boundary line adjustment.
13.04.088	Binding site plan approval.
13.04.090	Short plat/short subdivisions procedures.
13.04.095	Appeals.
13.04.100	Plat/subdivision procedures.
13.04.105	Replat or redivision of platted lots.
13.04.110	General requirements and minimum standards for subdivisions and short subdivisions.
13.04.120	Conformity to the Comprehensive Plan and applicable ordinances, manuals, design specifications, plans, and guidelines.
13.04.130	Relation to adjoining street system.
13.04.140	Access.
13.04.150	Conformity to topography.
13.04.160	Public or private streets or ways, or permanent access easement widths.
13.04.165	Streetlights.
13.04.170	Roadways.
13.04.180	Public or private streets or ways, or permanent access easement design.
13.04.190	Dead-end/cul-de-sac public or private streets or ways, or permanent access easements.
13.04.200	Alleys.
13.04.210	Easements.
13.04.220	Blocks.
13.04.230	Lots.
13.04.240	Plats within Planned Residential Development Districts (PRD Districts).
13.04.250	Duplication of names.
13.04.260	Public open space.
13.04.270	Checking by the City Engineer – Charges.
13.04.280	Development of illegally divided land.
13.04.290	<i>Repealed.</i>
13.04.300	Model home.
13.04.305	Temporary rental or sales offices, contractors' offices, and signs.
13.04.310	Subdivisions and Critical Areas.
13.04.315	<i>Repealed.</i>

#### **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)

## **Tacoma Municipal Code**

### **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.

(Ord. 28470 Ex. C; passed Nov. 21, 2017 [Code Reviser's note: Ord. 28470, as extended by various ordinances, expired and was replaced by Ord. 28786 Amended, passed Nov. 16: 2021]; Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 27079 § 10; passed Apr. 29, 2003: Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.040 Repealed by Ord. 28613. Definitions.**

*Relocated to 13.01.040.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28077 Ex. A; passed Jun. 12, 2012: Ord. 27771 Ex. A; passed Dec. 9, 2008: Ord. 27563 Ex. A; passed Dec. 12, 2006: Ord. 27079 § 11; passed Apr. 29, 2003: Ord. 25893 § 4; passed Jun. 4, 1996: Ord. 25851 § 1; passed Feb. 27, 1996: Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.050 Jurisdiction.**

A. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the City of Tacoma.

B. No land shall be subdivided within the corporate limits of the municipality until:

1. Approval of the preliminary and final plat, binding site plan, or short plat, as applicable, is granted by the City of Tacoma; and
2. The approved plat is recorded with the Pierce County Auditor.

C. No building permit or certificate of occupancy shall be issued for any lot, tract, parcel, or site of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations.

D. No new subdivision, parcel or lot shall be created that prevents compliance with the standards of this or any other applicable Code, Title or standard of the City of Tacoma.

(Ord. 27771 Ex. A; passed Dec. 9, 2008: Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.055 Platting on shorelines.**

In addition to the general provisions governing platting in the City of Tacoma as set forth in this chapter, platting shall also be governed by the provisions of Title 19<sup>1</sup> relating to Shoreline Management.

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

### **13.04.060 Exclusions.**

The provisions of this chapter shall not apply to:

A. Cemeteries and other burial plots while used for that purpose;

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<sup>1</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

B. Divisions of land into lots or tracts each of which is one-one-hundred-twenty-eighth of a section of land or larger, or five acres or larger, if the land cannot be described as a fraction of a section of land; provided, that, for purposes of computing the size of any lot under this subsection which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street and the site lot lines of the lot running perpendicular to such center line;

C. Divisions made by testamentary provisions or the laws of descent;

D. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers is permitted to be placed upon the land and the City has approved a binding site plan for the use of land in accordance with the City's zoning regulations.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 25532 § 1; passed Jun. 28, 1994)

#### **13.04.070 Alteration.**

The alteration of any binding site plan, plat, short plat, or portion thereof, is subject to the procedures set forth in RCW 58.17 and applicable sections of the Tacoma Municipal Code, including Chapter 13.05 Land Use Permits and Procedures.

(Ord. 28077 Ex. A; passed Jun. 12, 2012)

#### **13.04.075 Vacation.**

The vacation of any binding site plan, plat, short plat, or portion thereof, is subject to the procedures set forth in RCW 58.17, applicable sections of the Tacoma Municipal Code, including Chapter 13.05 Land Use Permits and Procedures, and shall be reviewed for consistency with the Comprehensive Plan.

(Ord. 28511 Ex. B; passed May 15, 2018: Ord. 28077 Ex. A; passed Jun. 12, 2012)

#### **13.04.085 Boundary line adjustment.**

A. A boundary line adjustment shall be a minor alteration in the location of lot boundaries of an existing lot. Such alteration shall not increase the number of lots nor diminish in size open space or other protected environments.

B. Such alteration shall not diminish the size of any lot so as to result in a lot of less square footage than prescribed in the zoning regulations for the property in question.

C. Such alteration shall not result in the reduction of setbacks or site coverage to less than prescribed by the zoning regulations.

D. A boundary line adjustment shall not result in any parcel or lot that is inconsistent with or prevents compliance with the standards of this chapter or any other applicable Code, Title or standard of the City of Tacoma.

##### **1. Review Process.**

The Director or designee has the authority to approve boundary line adjustments.

##### **2. Applications.**

Applications for boundary line adjustments shall be submitted to Planning and Development Services and shall include the following information:

- a. The existing lot lines (shown in dashed lines) and the area, in square feet, of each of the existing lots;
- b. The new lot lines (shown in solid lines) and the area, in square feet, of each of the new lots;
- c. The location of all structures and access drives on the lots and the distance of each from both the existing and proposed lot lines, when such distance is less than 25 feet.

##### **3. Recordation.**

All approved boundary line adjustments shall be recorded with the Pierce County Auditor's office.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27017 § 1; passed Dec. 3, 2002: Ord. 25851 § 2; passed Feb. 27, 1996: Ord. 25532 § 1; passed Jun. 28, 1994)

## **Tacoma Municipal Code**

### **13.04.088 Binding site plan approval.**

A. Divisions of commercial, mixed use, or industrial zoned land for sale or lease may be permitted by approval of a binding site plan by the Director or designee; provided, that the property to be divided has had land use actions specifying use and building, parking and driveway layouts.

B. Applications for binding site plans shall be submitted in a manner consistent with applications for short plats.

C. When considering requests for binding site plan approval, the Director shall utilize the criteria for approving short subdivisions. In addition, the binding site plan shall be consistent with the land use action precedent to the request for binding site plan approval.

D. After approval of a general binding site plan, subsequent amendments shall be considered by the Director as a modification to the original approval.

E. The approved binding site plan and any modification approved subsequently shall be recorded with the Pierce County Auditor's office.

(Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27017 § 2; passed Dec. 3, 2002; Ord. 25851 § 3; passed Feb. 27, 1996; Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.090 Short plat/short subdivision procedures.**

A. Administration.

The Director or designee is vested with the duty of administering the provisions of this section and with the authority to summarily approve or disapprove proposed preliminary and final short plats. The Director or designee may prepare and require the use of such forms and develop policies deemed essential to the effective administration of this code.

B. Application.

Applications for approval of preliminary short subdivisions shall be submitted to Planning and Development Services and shall be accompanied by a proposed short plat which includes pertinent survey data compiled as a result of a survey of the property made by or under the supervision of a Washington State Licensed Land Surveyor. In addition, an application will include a title report and free consent statement signed by all owners of land within the proposed short plat. All surveys shall be accomplished as required by the Survey Recording Act (RCW 58 and WAC 332), and shall be monumented in accordance with the Survey Recording Act and Public Works specifications. In addition to the survey data, the short plat application shall be considered complete when the following information is received by the Planning and Development Services Department:

1. A completed application form including the following information: name(s), mailing address(es), and phone number(s) of applicant(s) and property owner(s); legal description of property; County Assessor's parcel number; general location of property; current use of property; proposed improvements; signature of applicant(s); and date signed.
2. A free-consent statement signed by all owners of the property.
3. A current (within 90 days) title report or plat certificate.
4. A filing fee as set forth in Chapter 2.09 of the Tacoma Municipal Code.
5. A transit access checklist, including a table showing the location and walking distance in feet to the nearest bus stop(s), the routes served by that stop, and the potential transit patronage calculated according to a formula and generation rates shown on the checklist, as required by the appropriate transit authority.
6. A City-approved preliminary short plat layout drawing containing the following information:
  - a. The name and address of the owner or owners of said tract;
  - b. The legal description of the existing lot, tract, or parcel;
  - c. The short plat shall show the bearings and distances on the exterior boundary with ties to at least two known monuments on the City of Tacoma horizontal grid system. The plan shall be to scale, have a north arrow, and display the date of preparation;
  - d. The short plat shall show existing and proposed contours at intervals of five feet or less, sufficient to show drainage patterns;
  - e. The names of all adjacent subdivisions and owners of adjoining parcels;
  - f. All zoning districts as set forth in the Tacoma zoning ordinances;

- g. The boundary lines of the tract to be subdivided and their dimensions;
- h. The layout, names, and width of proposed public or private streets, alleys and easements;
- i. The location of all existing and platted streets, on-site private roadways, pedestrian ways, bike routes, rights-of-way, and section lines within and adjacent to the short subdivision. Show proposed pedestrian, bicycle, and vehicular connections within the short plat and connections to the existing routes outside of the proposed short subdivision;
- j. All public and private open space to be preserved or created within the short subdivision;
- k. Dedication of all streets, alleys, ways, and easements for public use;
- l. The locations of existing storm and sanitary sewers, water mains, electric conduits, or overhead power.
- m. The preliminary locations of proposed stormwater facilities and BMPs private and municipal stormwater systems required to serve each lot as well as any shared private and municipal stormwater BMPs systems that shall serve the development short plat/short subdivision;
- n. The accurate location, material and size of all monuments. Monuments shall meet the specifications of the Survey Recording Act and Public Works Department;
- o. Certification by a registered land surveyor to the effect that the short plat is a true and correct representation of the lands actually surveyed and that all the monuments shown thereon actually exist, or that, in lieu of their placement, a bond has been provided in conformance with Section 13.04.100.K of this chapter, and that the location, size and material of the monuments are correctly shown.

7. Additional application information which may be requested by the Department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, transportation impact studies, and wastewater capacity analysis.

#### C. Stormwater Vesting.

- 1. Projects are considered to be vested to the current Stormwater Management Manual when:
  - a. All relevant plans, specifications, and supporting documents necessary to meet the design requirements of the Stormwater Management Manual for the proposed project have been received by the City for review. This may include, but is not limited to, Civil Plans and Stormwater Site Plan including all necessary appendices.
  - b. The City of Tacoma has deemed the permit application complete.
- 2. Vesting for compliance with the Stormwater Management Manual is limited to timeframes specified in the most recent City of Tacoma Phase I Municipal Stormwater Permit.

#### D. Process.

Upon Submittal of a complete preliminary short plat/short subdivision application, at least one copy of the preliminary short plat shall be transmitted for review and comment to departments and agencies as determined by the Planning and Development Services Department. Short subdivision applications that are adjacent to a transit street or within 1,000 feet of a bus stop shall be forwarded to Pierce Transit for review and comment.

The Planning and Development Services Department shall assemble the agency comments and prepare a written preliminary report to the Director. The report shall contain an analysis of the applicable criteria for the approval of preliminary short subdivisions, public notice comments for five- to nine-lot short subdivisions, agency comments received, and requested conditions of approval.

At the time of submission of application for final short plat the applicant shall request creation of any required new address(es).

#### E. Notification.

Public notice required by this chapter shall be given in accordance with the provisions of Chapter 13.05 for five- to nine-lot short subdivisions. In the event that a proposed short subdivision within the City of Tacoma has a border coterminous with Tacoma's city limits, a notice of filing shall be given to the appropriate county or city officials and in the event that the short subdivision within the City of Tacoma is adjacent to the right-of-way of a state highway, a notice of filing shall be given to the Washington State Department of Transportation.

Mailed notices required by these regulations shall provide a legal description of the property to be subdivided and a location description in non-legal vernacular.

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### F. Approval.

The Director or designee shall review the proposed preliminary short subdivision application. The preliminary short plat shall not be approved unless it is found that:

1. Appropriate provisions are made for the public health, safety, and general welfare; and for open spaces; stormwater management, streets or roads; alleys; bike routes; other public ways; transit stops; potable water supplies; sanitary wastes; parks and recreation; playgrounds; schools and school grounds; and all other relevant facilities, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school and for transit patrons who walk to bus stops or commuter rail stations.
2. The public use and interest will be served by the platting and dedication of such subdivision and dedication as set forth by the Comprehensive Plan and other adopted City ordinances, manuals, design specifications, plans, goals, policies, and guidelines.

Upon completion of the review, the Director shall consider the proposed short subdivision application and approve, disapprove, or return to the applicant for modification within 30 days from the date of filing thereof, unless the applicant consents to an extension of such time period. An appeal taken within 14 days of the Director's decision will be processed in accordance with provisions of Chapter 1.23 of the Tacoma Municipal Code. If an environmental impact statement is required as provided in RCW 43.21C.030, the 30-day period shall not include the time during which the environmental impact statement was prepared and circulated.

G. After approval of a preliminary short plat application by the Director, the short plat shall be filed with the Pierce County Auditor for recording, and only after such filing shall the short plat be deemed approved and accepted by the City of Tacoma, provided that:

1. The final short plat drawing submitted for recording substantially conforms to the approved preliminary short plat and the approved preliminary short subdivision decision and is submitted within the time limits set forth in Chapter 13.05 of the Tacoma Municipal Code.
2. All requirements specified in the preliminary short subdivision decision are fully complied with and all required public dedications and improvements, including, but not limited to, rights-of-way, easements, streets, alleys, pedestrian ways, bike routes, sidewalks, municipal and private stormwater systems, sewer systems, and water and electrical distribution systems, shall be provided in accordance with the requirements of this chapter, and any other applicable codes and ordinances of the City of Tacoma.

### H. Final Short Plat.

The final short plat shall be submitted to the Planning and Development Services Department and shall be an accurate short plat for official record, surveyed and prepared by, or under the supervision of a Washington State Licensed Land Surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. The final short plat shall be prepared in accordance with the regulations set forth in subsequent sections of this chapter and the City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120. When the final short plat is submitted to the Planning and Development Services Department for processing, it shall be accompanied by two copies of a title report confirming that the title of lands, as described and shown on the short plat, is in the name of the owner(s) signing the certificate of the short plat. The final short plat will be reviewed by the City Engineer and representatives of the Water and Light Divisions of the Department of Public Utilities, and the Tacoma-Pierce County Health Department.

### I. Contents of Final Short Plat.

The final short plat shall be drawn to a scale of 100 feet or less, but, preferable, 100 feet to the inch, and shall show:

1. Name of short subdivision.
2. Name and address of the subdivider.
3. North point, scale bar, and date.
4. The boundary lines with accurate distances and bearings, and the exact location and width of all existing and recorded streets and ways and intersecting the boundary of the tract.
5. True bearings and distances to the established street lines or official monuments, which shall be accurately described on the short plat; municipal, township, county, or sections lines accurately tied to the lines of the short subdivisions by distances and bearings.
6. Streets, alleys and ways, together with their names, and any dedicated pedestrian ways, bike routes, and land for transit facilities within the short subdivision.

7. The length of the arcs, radii, internal angles, points of curvature, length, and bearing of the tangents.
8. All easements for rights-of-way provided for public services or utilities and any limitations of the easement.
9. All block indications, lot numbers, and lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines.
10. The accurate location, material, and size of all monuments. Monuments shall meet the specifications of the Survey Recording Act and Public Works Department.
11. The accurate outline of all property which is offered for dedication for public uses with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the short subdivision.
12. Zoning districts as set forth in the Tacoma zoning ordinances.
13. Private restrictions and their boundaries, as applicable.
14. Certification by a Washington State Licensed Land Surveyor to the effect that the final short plat is a true and correct representation of the lands actually surveyed and that all monuments shown thereon actually exist, or, in lieu of their placement, that a bond has been provided in conformance with Section 13.04.090.L. of this chapter, and that their location, size, and material are correctly shown.
15. Certification of approval by the City Engineer of all locations, grades, and dimensions of the short plat and the construction specifications.
16. Dedication of all streets, alleys, ways, easements, parks, and lands for public use as shown on the short plat and as required by the City of Tacoma.
17. All private easements (new or existing).
18. All critical areas requiring delineation in accordance with Chapter 13.11.
19. All building setback lines.
20. Common facilities and open spaces shall be located on separate, individual tracts, unless otherwise approved by the Director and shall be dedicated, reserved or otherwise held in common by a proportional ownership interest shared among all of the property owners within the short subdivision, or alternatively, and only if acceptable to the receiving public agency, dedicated to the public.
21. Conditions of Approval. Applicant shall include demonstration of compliance of conditions of preliminary short plat.

**J. Monuments to be Placed Prior to Submission of Final Short Plat.**

Prior to the time the final short plat is submitted to the Director, monuments shall be placed at angle points along the perimeter of the short subdivision at intervals designated by the City Engineer; and monuments shall also be placed at all intersections of centerlines of streets and at all locations where the centerlines of streets cross section lines or quarter section lines. Delayed monumentation of the interior of the short subdivision may be desirable pending completion of street and utility improvements. In that case, satisfactory completion of monumentation shall be secured in the form of a cash deposit or by inclusion in the performance bond. This provision shall not be construed to apply to boundary monumentation and survey.

**K. All final short plats hereafter shall contain the following dedicatory language:**

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of owners), the owners of the land herein described, embraced in and covered by said short plat, do hereby donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over the private property abutting upon said streets, alleys, and public places to construct and maintain all slopes, cuts, and fill occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets, alleys, and public places. Said owners, for themselves and their respective successors and assigns, waive all claims for damages to the property included in this short plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma, and further certify and swear that said land is free from all taxes and assessments which have heretofore been levied and become chargeable against said property, and further certify and swear that there are no encumbrances existing upon any of the land upon which streets, alleys, and public places have been herein donated and dedicated to the public, except for the encumbrances that are the property of the following named person(s):

(Name of person(s))

If any of these persons named as having encumbrances are lienholders, then the dedication language must also include the following:

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KNOW ALL PEOPLE BY THESE PRESENTS: We (name of lienholders), who have liens upon the land herein described, embraced in, and covered by said short plat, do hereby, as to any of said property hereafter acquired, donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over said private property abutting upon said streets, alleys, and public places, to construct and maintain all slopes, cuts, and fills occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets and alleys. Said lienholders, for themselves and their respective successors and assigns, as to any of the property hereafter acquired, waive all claims for damages to the said property included in this short plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma.

### L. Conditions of Approval of the Final Short Plat.

Before approval of the final short plat, the Director will require:

1. That all street grading and grading along street lines, including sidewalk areas and bus stop areas, be approved by the City Engineer to ensure proper transition from street grade to adjacent property.
2. Surfacing of all roadways, bike routes, and pedestrian ways with an all-weather surface approved by the City Engineer; this shall include the construction of curbs and gutters of Portland cement concrete or an equivalent as approved by the City Engineer in accordance with the specifications of the City of Tacoma.
3. Installation of necessary facilities for the proper handling of stormwater including identification and design of all private stormwater systems that are required for each individual lot as well as any shared municipal or private stormwater systems that shall serve the platted development or ROW improvements related to the short plat, as approved by the City Engineer.
4. Installation of necessary facilities for the disposal of sanitary wastes as approved by the City Engineer.
5. Installation of necessary water supply systems, including fire hydrants, as approved by the Department of Public Utilities.
6. Installation of the necessary electrical power facilities as approved by the Department of Public Utilities.
  - a. As a condition of the final short plat, the Director shall require the petitioner or developer to install underground all public utility services such as electric, telephone, and CATV facilities, whether in streets, alleys, on public easements, or on private properties.
  - b. The Director may, however, if the facts and circumstances in respect to some particular development in a proposed short plat so warrant, authorize a waiver or modification from the general requirement hereinabove set forth, but, in such cases, shall give the reasons and conditions therefore.
7. The Director may also require the petitioner or developer, as a condition of approval of the final short subdivision, to install or construct certain improvements on existing rights-of-way abutting the short subdivision which are deemed necessary to control and expedite the movement of bicycles, automobiles, buses, and other vehicular and/or pedestrian traffic which would be generated by the development of the short subdivision.
8. In lieu of the construction of the required public and private improvements before approval of the final short plat by the Director, the property owner shall post a performance bond, or cash deposit in lieu thereof, with the Planning and Development Services Department in an amount not less than the City Engineer's estimate of the cost of the required improvements, and provide security satisfactory to the Planning and Development Services Department, guaranteeing that the required improvements shall be completed in accordance with the requirements of the City of Tacoma and within the specified period of time. The cash deposit, bond, or other security, as hereinabove required, may also secure the successful operation of required improvements for a two-year period after final approval.

All required improvements shall be completed by the property owner or designee within one year from the date of the approval of the final short plat by the Director unless waived by the department, or departments, requiring such improvements. If said required improvements are not completed in the specified time, or the required improvements do not operate successfully for two years after completion, the City may use the applicable bonds or other security, or any portion thereof, to complete the same, correct any deficiencies in, or make any repairs to, constructed improvements which fail to successfully operate for two years after completion and final approval. After approval of the final short plat by the Director and recording by the County Auditor of Pierce County, the property owner may petition for, and have established by the City Council, a local improvement district in accordance with the state statutes and ordinances of the City of Tacoma to cover the cost of all required improvements not previously constructed. The Planning and Development Services Department and/or the Public Utilities Department may authorize cancellation of the previously posted performance bond or security, or a portion thereof, for installation of the required improvements after final establishment of a local improvement district by the City Council and the execution of a contract therefore.



9. A house numbering system.

10. Sidewalks shall be required along all lot frontages within a short subdivision as a condition of the building permit for the development of each lot within a short subdivision. The required sidewalk(s) along lot frontage(s) shall be constructed prior to the final inspection for any structure constructed upon such lot as provided for in Ordinance No. 19486 of the City of Tacoma or, in lieu of actual construction of required sidewalks, a performance bond or cash deposit shall be posted with the Planning and Development Services Department ensuring that sidewalks will be constructed within a period of one year.

If required as a condition of the preliminary short subdivision, sidewalks abutting private, common, or public open spaces within a short subdivision shall be constructed in conjunction with the construction of the streets within the subdivision and, in lieu of actual construction, surety guaranteeing their installation shall be provided in accordance with the provisions contained in paragraph 8 of this subsection.

M. Approval of Final Short Plat.

Approval of the short plat drawing shall be indicated by the signatures of the City Engineer and the Director of the Planning and Development Services Department on the original reproducible final short plat.

The approval of the final short plat by the Director shall be deemed to constitute acceptance by the public of the dedication of any street or other proposed public way or space, but only after such short plat has been recorded by the Pierce County Auditor.

Approval of the final short plat by the Director shall be null and void if the short plat is not recorded within 90 days after the date of approval, unless, during said 90-day period, written application to the Director for an extension of time is made and granted.

N. Issuance of Building Permits.

The issuance of a building permit or other development permit for the development of a short subdivision may be delayed or issued contingent upon the subdivider's providing for adequate access, stormwater systems, sewer systems and water supply systems, and electrical power supply systems. If required improvements are not properly installed prior to the issuance of a building permit or other development permit, surety may be required in accordance with Section 13.04.090.L of this chapter.

O. The development of any improvements associated with a short plat will not be permitted until after a short subdivision approval decision is final, the applicant has submitted the final short plat and the necessary construction and site development documents in compliance with the short subdivision decision. It is anticipated that partial permits to allow grading, clearing, etc., may be issued prior to the issuance of the final short plat for streets and utilities. Development pursuant to Sections 13.04.300 (Model homes) and 13.04.305 (Temporary rental or sales offices, contractors' offices and signs) are exempt from this provision.

P. Resubdivision.

Land within a short subdivision shall not be further divided in any manner for a period of five years from the date of filing of the short plat of said short subdivision with the Pierce County Auditor without the approval of a preliminary and final plat, except that when the short plat contains fewer than four parcels, the owner who filed the short plat may submit a revision within the five-year period to create up to a total of four lots within the original short plat boundary.

(Ord. 28906 Ex. B; passed Aug. 15, 2023: Ord. 28821 Ex. F; passed Jun. 28, 2022: Ord. 28613 Ex. C; passed Sept. 24, 2019: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28511 Ex. B; passed May 15, 2018: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28230 Ex. B; passed Jul. 22, 2014: Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. B; passed Jun. 30, 2009: Ord. 27017 § 3; passed Dec. 3, 2002: Ord. 25893 § 5; passed Jun. 4, 1996: Ord. 25851 § 4; passed Feb. 27, 1996<sup>1</sup>: Ord. 25532 § 1; passed Jun. 28, 1994)

<sup>1</sup> Ord. 25851 contained two sections numbered 4 – see also Section 13.04.100.

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### 13.04.095 Appeals.

The Director's decision on a boundary line adjustment, binding site plan approval, or short subdivision shall be final unless a request for reconsideration or appeal is filed in accordance with the provisions of Chapter 1.23 of the Tacoma Municipal Code.

(Ord. 28230 Ex. B; passed Jul. 22, 2014; Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27017 § 4; passed Dec. 3, 2002; Ord. 25851 § 5; passed Feb. 27, 1996<sup>1</sup>; Ord. 25532 § 1; passed Jun. 28, 1994)

### 13.04.100 Plat/subdivision procedures.

#### A. Application.

Applications for preliminary plat approval shall be submitted to Planning and Development Services on forms provided by the City. The application shall be considered complete when the following information is received by Planning and Development Services:

1. A completed application form including the following information: name(s), mailing address(es), and phone number(s) of applicant(s) and owner(s); legal description of property; assessor's parcel number; general location of property; current use of property; proposed improvement; signature of applicant(s); and date signed.
2. An environmental checklist or draft environmental impact statement.
3. A free-consent statement signed by all owners of the property.
4. A current (within 90 days) title report or plat certificate.
5. A filing fee as set forth in Chapter 2.09.
6. A City-approved plat layout drawing containing the following information:
  - a. The bearings and distances on the exterior boundary with ties to at least two known monuments on the City of Tacoma horizontal grid system. The plan shall be to scale, have a north arrow, and display the date of preparation.
  - b. The legal description of the existing lot, tract, or parcel and the legal description of all proposed lots, tracts or parcels.
  - c. The plat shall show existing and proposed contours at intervals of five feet or less, sufficient to show drainage patterns.
  - d. The names of all adjacent subdivisions and owners of adjoining parcels.
  - e. All the zoning districts as set forth in the Tacoma zoning ordinances.
  - f. The location of all existing and platted streets, pedestrian ways, bike routes, recorded easements, rights-of-way, and section lines within and adjacent to the subdivision.
  - g. All public and private open space to be preserved within the subdivision.
  - h. A table showing the plat area, number of lots and minimum and average lot size shall be shown. The lot layout, numbers and lot dimensions shall also be shown on the final layout drawing.
  - i. The layout, dimensions, and area of all existing and proposed parcels and tracts.
  - j. The lot layout, lot numbers, and lot dimensions, and average lot width.
  - k. The locations of existing stormwater systems and sanitary sewers, water mains and electric conduits or overhead power lines to be used to serve the property shall be shown at points of proposed connection.
  - l. The preliminary locations of proposed municipal and private stormwater systems required to serve each lot as well as any shared private stormwater systems that shall serve the plat/subdivision.
  - m. All existing buildings and required setbacks for each lot shall be shown.
  - n. The mylar shall be stamped by a Professional Land Surveyor or Professional Civil Engineer licensed in the State of Washington.

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<sup>1</sup> Ord. 25851 contained two sections numbered 5 – see also Section 13.04.140.

7. A transit access checklist, including a table showing the location and walking distance in feet to the nearest bus stop(s), the routes served by that stop, and the potential transit patronage calculated according to a formula and generation rates shown on the checklist, unless this information has already been provided in the checklist submitted pursuant to the State Environmental Policy Act (SEPA).

8. Additional application information may be requested by the Department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, transportation impact studies, and wastewater capacity analysis.

**B. Process.**

Upon submittal of a complete preliminary plat application, Planning and Development Services shall transmit at least one copy of the plat for review and comment to departments and agencies as determined by Planning and Development Services. Preliminary plat applications for plats that are adjacent to a transit street or within 1,000 feet of a bus stop shall be forwarded to Pierce Transit for review and comment.

Planning and Development Services shall assemble the agency comments and prepare a written preliminary report to the Hearing Examiner. The report shall be transmitted to the Examiner and applicants a minimum of seven days prior to the date of the public hearing on the application. The report shall contain an analysis of the applicable criteria for the approval of preliminary plats, agency comments, an environmental determination and requested conditions of approval.

At the time of submission of application for final plat the applicant shall request creation of any required new address(es).

**C. Stormwater Vesting.**

1. Projects are considered to be vested to the current Stormwater Management Manual when:

a. All relevant plans, specifications, and supporting documents necessary to meet the design requirements of the Stormwater Management Manual for the proposed project have been received by the City for review. This may include, but is not limited to, Civil Plans and Stormwater Site Plan including all necessary appendices.

b. The City of Tacoma has deemed the permit application complete.

2. Vesting for compliance with the Stormwater Management Manual is limited to timeframes specified in the most recent City of Tacoma Phase I Municipal Stormwater Permit.

**D. Notification.**

Notices for any public hearing required by this chapter shall be given in accordance with provisions of Chapter 13.05. In the event that a preliminary plat of proposed subdivision with the City of Tacoma joins the municipal boundaries thereof, a notice of filing shall be given to the appropriate county or city officials and, in the event that a preliminary plat of a proposed subdivision within the City of Tacoma is adjacent to the right-of-way of a state highway, a notice of filing shall be given to the Washington State Department of Transportation.

Mailed notices required by these regulations shall give the time, date, and place of the hearing; a legal description of the property to be platted; and a location description in non-legal language.

**E. Hearing Examiner or Director Review of Preliminary Plat.**

The Hearing Examiner or Director shall review the proposed preliminary plat. The preliminary plat shall not be approved unless it is found that:

1. Appropriate provisions are made for the public health, safety, and general welfare, and for open spaces; stormwater management; streets or roads; alleys; other public ways; bicycle circulation; transit stops; potable water supplies; sanitary wastes; parks and recreation; playgrounds; schools and school grounds; and all other relevant facilities, including sidewalks and other planning features which assure safe walking conditions for students who walk to and from school and for transit patrons who walk to bus stops or commuter rail stations.

2. The public use and interest will be served by the platting and dedication of such subdivision and dedication as set forth by the Comprehensive Plan and other Adopted City Ordinances, manuals, design specifications, plans, goals, policies, and guidelines.

The Hearing Examiner or Director shall consider the proposed preliminary plat and shall issue a decision. An appeal taken within 14 days of the Director's decision will be processed in accordance with provisions of Chapter 1.23 of the Tacoma Municipal Code.

Approval of the preliminary plat is a tentative approval and does not constitute final acceptance of the plat. Approval of the preliminary plat, however, will be approved; provided, that:

a. The final plat substantially conforms to the approved preliminary plat.

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- b. All requirements specified for the final plat are fully complied with.

A decision on the preliminary plat shall be made by the Hearing Examiner or Director within 90 days from the date of filing with the City Clerk, unless the applicant consents to the extension of such time period; provided, that if an environmental impact statement is required as provided in RCW 43.21C.030, the 90-day period shall not include the time spent preparing and circulating the environmental impact statement.

A final plat meeting all requirements of this section shall be submitted to the Director within the following timelines: If the preliminary plat was approved on or before December 7, 2007, the final plat must be submitted within nine years of the preliminary plat approval. If the preliminary plat was approved after December 7, 2007 but on or before December 31, 2014, the final plat must be submitted within seven years of the preliminary plat approval. A preliminary plat approved after January 1, 2015 must be submitted for final plat within five years of the preliminary plat approval.

### F. Final Plat Approval.

The final plat for the subdivision shall be submitted to Planning and Development Services and shall be an accurate plat for official record, surveyed and prepared by, or under the supervision of, a Washington State Licensed Land Surveyor who shall certify on the plat that it is a true and correct representation of the lands actually surveyed. The final plat shall be prepared in accordance with the regulations set forth in subsequent sections of this chapter and the City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans, and guidelines, in section 13.04.120. When the final plat is submitted to Planning and Development Services for processing, it shall be accompanied by two copies of a title report confirming that the title of lands, as described and shown on the plat, is in the name of the owner(s) signing the certificate of the plat. The final plat will be reviewed by the City Engineer and by representatives of the Water and Light Divisions of the Department of Public Utilities, and the Tacoma-Pierce County Health Department.

Planning and Development Services shall prepare a report summarizing the findings and recommendations of the reviewing departments and agencies and shall file said report and request with the Director. The Director or designee shall review the final plat. The Director's review shall be limited to ensuring that the final plat conforms to all requirements of this chapter and that all required improvements have been constructed or bonded. The Director shall issue a report approving or denying the final plat and shall transmit a copy of the report to the applicant and parties of record. The decision shall be final, unless appealed to the Hearing Examiner within 14 days of the date of the Director's decision.

An applicant may develop a plat in two or more phases. If phasing is to be used in the development, it is recommended that an applicant identify the proposed phasing plan at the time of preliminary plat approval so that appropriate conditions for each phase can be developed. When an applicant requests final plat approval for a specific phase of a plat subsequent to approval of the preliminary plat, the Director shall determine, after consultations with affected departments and agencies, the conditions of approval necessary to support that phase of the development. Each phase of a plat must receive final plat approval within the time period identified in Section 13.04.100.J.

### G. Contents of Final Plat.

The final plat shall be drawn to a scale of 100 feet or less, but, preferably, 100 feet to the inch, and shall show:

1. Name of subdivision.
2. Name and address of the subdivider.
3. North point, scale, and date.
4. The boundary lines with accurate distances and bearings, and the exact location and width of all existing or recorded streets and ways intersecting the boundary of the tract.
5. True bearings and distances to the established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and bearings.
6. Streets, alleys, and ways, together with their names, and any dedicated pedestrian ways, bike routes, and land for transit facilities within the subdivision.
7. The length of the arcs, radii, internal angles, points of curvature, length, and bearing of the tangents.
8. All easements for rights-of-way provided for public services or utilities and any limitations of the easement.
9. All block indications, lot numbers, and lot lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines.
10. The accurate location, material, and size of all monuments. Monuments shall meet the specifications of the Survey Recording Act and Public Works Department.

11. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.
12. Zoning districts as set forth in the Tacoma zoning ordinances.
13. Private restrictions and their boundaries, as applicable.
14. Certification by a Washington State Licensed Land Surveyor to the effect that the plat is a true and correct representation of the lands actually surveyed and that all monuments shown thereon actually exist, or, in lieu of their placement, that a bond has been provided in conformance with Section 13.04.100.J. of this chapter, and that their location, size, and material are correctly shown.
15. Certification of approval by the City Engineer of all locations, grades, and dimensions of the plat and the construction specifications.
16. Dedication of all streets, alleys, ways, easements, parks, and lands for public use as shown on the plat and as required by the City of Tacoma.
17. All private easements (new or existing).
18. All critical areas requiring delineation in accordance with Chapter 13.11.
19. All building setback lines.
20. Common facilities and open spaces shall be located in separate, individual tracts unless otherwise approved by the Hearing Examiner, and shall be dedicated, reserved or otherwise held in common by a proportional ownership interest shared among all of the property owners within the subdivision, or alternatively, and only if acceptable to the receiving public agency, dedicated to the public.
21. Conditions of Approval. Applicant shall include demonstration of compliance of conditions of preliminary plat.

**H. Monuments to be Placed Prior to Submission of Final Plat.**

Prior to the time the final plat shall be submitted to the Director, monuments shall be placed at angle points along the perimeter of the subdivision at intervals designated by the City Engineer; and monuments shall also be placed at all intersections of centerlines of streets and at all locations where the centerlines of streets cross section lines or quarter section lines. Delayed monumentation of the interior of the plat may be desirable pending completion of street and utility improvements. In that case, satisfactory completion of monumentation shall be secured in the form of a cash deposit or by inclusion in the performance bond. This provision shall not be construed to apply to boundary monumentation and survey.

**I. All final plats hereafter shall contain the following dedicatory language:**

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of owners), the owners of the land herein described, embraced in and covered by said plat, do hereby donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over the private property abutting upon said streets, alleys, and public places to construct and maintain all slopes, cuts, and fill occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets, alleys, and public places. Said owners, for themselves and their respective successors and assigns, waive all claims for damages to the property included in this plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma, and further certify and swear that said land is free from all taxes and assessments which have heretofore been levied and become chargeable against said property, and further certify and swear that there are no encumbrances existing upon any of the land upon which streets, alleys, and public places have been herein donated and dedicated to the public, except for the encumbrances that are the property of the following named person(s):

(Name of person(s))

If any of these persons named as having encumbrances are lienholders, then the dedication language must also include the following:

KNOW ALL PEOPLE BY THESE PRESENTS: We (name of lienholders), who have liens upon the land herein described, embraced in, and covered by said plat, do hereby, as to any of said property hereafter acquired, donate and dedicate to the public forever the streets, alleys, and public places shown hereon, together with a perpetual easement on and over said private property abutting upon said streets, alleys, and public places, to construct and maintain all slopes, cuts, and fills occasioned by the original grading by the City of Tacoma and necessary to accomplish and maintain such original grade of said streets and alleys. Said lienholders, for themselves and their respective successors and assigns, as to any of the property hereafter acquired, waive all claims for damages to the said property included in this plat by reason of any cuts or fills made in streets, alleys, or public places shown hereon in the original grading thereof by the City of Tacoma.

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### J. Conditions of Approval of the Final Plat.

Before approval of the final plat of a subdivision, the Director will require:

1. That all street grading and grading along street lines, including sidewalk areas and bus stop areas, be approved by the City Engineer to ensure proper transition from street grade to adjacent property.
2. Surfacing of all roadways, bike routes, and pedestrian ways with an all-weather surface approved by the City Engineer; this shall include the construction of curbs and gutters of Portland cement concrete in accordance with the specifications of the City of Tacoma.
3. Installation of necessary facilities for the proper handling of stormwater including identification and design of all private stormwater systems that are required for each individual lot as well as any shared municipal or private stormwater systems that shall serve the platted development or ROW improvements related to the plat, as approved by the City Engineer.
4. Installation of necessary facilities for the disposal of sanitary wastes as approved by the City Engineer.
5. Installation of necessary water supply systems, including fire hydrants, as approved by the Department of Public Utilities.
6. Installation of the necessary electrical power facilities as approved by the Department of Public Utilities.
  - a. As a condition of the final plat, the Director shall require the petitioner or developer to install underground all public utility services such as electric, telephone, and CATV facilities, whether in streets, alleys, on public easements, or on private properties.
  - b. The Director may, however, if the facts and circumstances in respect to some particular development in a proposed plat so warrant, authorize a waiver or modification from the general requirement hereinabove set forth, but, in such cases, shall give the reasons and conditions therefore.
7. The Director may also require the petitioner or developer, as a condition of approval of the final plat, to install or construct certain improvements on existing rights-of-way abutting the plat which are deemed necessary to control and expedite the movement of bicycles, automobiles, buses, and other vehicular and/or pedestrian traffic which would be generated by the development of the subdivision.
8. In lieu of the construction of the required public and private improvements before approval of the final plat of a subdivision by the Director, the subdivider/property owner shall post a performance bond, or cash deposit in lieu thereof, with Planning and Development Services in an amount not less than the City Engineer's estimate of the cost of the required improvements, and provide security satisfactory to Planning and Development Services, guaranteeing that the required improvements shall be completed in accordance with the requirements of the City of Tacoma and within the specified period of time. The cash deposit, bond, or other security, as hereinabove required, may also secure the successful operation of required improvements for a two-year period after final approval.

All required improvements shall be completed by the subdivider/property owner or designee within one year from the date of the approval of the final plat by the Director unless waived by the department, or departments, requiring such improvements. If said required improvements are not completed in the specified time, or the required improvements do not operate successfully for two years after completion, the City may use the applicable bonds or other security, or any portion thereof, to complete the same, correct any deficiencies in, or make any repairs to, constructed improvements which fail to successfully operate for two years after completion and final approval. After approval of the final plat by the Director and recording by the County Auditor of Pierce County, the subdivider may petition for, and have established by the City Council, a local improvement district in accordance with the state statutes and ordinances of the City of Tacoma to cover the cost of all required improvements not previously constructed. Planning and Development Services and/or the Public Utilities Department may authorize cancellation of the previously posted performance bond or security, or a portion thereof, for installation of the required improvements after final establishment of a local improvement district by the City Council and the execution of a contract therefore.
9. A house numbering system.
10. Sidewalks shall be required along all lot frontages within a subdivision as a condition of the building permit for the development of each lot within a subdivision. The required sidewalk(s) along a lot frontage(s) shall be constructed prior to the final inspection for any structure constructed upon such lot as provided for in Ordinance No. 19486 of the City of Tacoma or, in lieu of actual construction of required sidewalks, a performance bond or cash deposit shall be posted with Planning and Development Services ensuring that said sidewalks shall be constructed within a period of one year.

If required as a condition of the preliminary plat, sidewalks abutting private, common, or public open spaces within a subdivision shall be constructed in conjunction with the construction of the streets within the subdivision and, in lieu of actual construction, surety guaranteeing their installation shall be provided in accordance with the provisions contained in paragraph 8 of this subsection.

#### K. Approval of Final Plat.

Approval of the final plat shall be indicated by the signatures of the City Engineer, the Director, the City Treasurer, and the City Attorney on the original reproducible final plat.

The approval of the final plat by the Director shall be deemed to constitute acceptance by the public of the dedication of any street or other proposed public way or space, but only after such final plat has been recorded by the Pierce County Auditor.

Approval of the final plat by the Director shall be null and void if the plat is not recorded within 90 days after the date of approval, unless, during said 90-day period, written application to the Director for an extension of time is made and granted.

L. The development of any improvements associated with a plat will not be permitted until after the approval of a subdivision decision is final, the applicant has submitted the final plat for recording and the necessary construction and site development documents in compliance with the subdivision decision. It is anticipated that partial permits to allow grading, clearing, etc., may be issued prior to the issuance of the final plat for streets and utilities. Development pursuant to Sections 13.04.300 (Model homes) and 13.04.305 (Temporary rental or sales offices, contractors' offices and signs) are exempt from this provision.

(Ord. 28906 Ex. B; passed Aug. 15, 2023: Ord. 28821 Ex. F; passed Jun. 28, 2022: Ord. 28793 Amended Ex. B; passed Dec. 7, 2021: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28230 Ex. B; passed Jul. 22, 2014: Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27995 Ex. B; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. B; passed Jun. 30, 2009: Ord. 26934 § 8; passed Mar. 5, 2002: Ord. 26386 § 31; passed Mar. 23, 1999: Ord. 25893 § 6; passed Jun. 4, 1996: Ord. 25851 § 4; passed Feb. 27, 1996<sup>1</sup>: Ord. 25532 § 1; passed Jun. 28, 1994)

#### **13.04.105 Replat or redivision of platted lots.**

The division of a lot located within a recorded binding site plan, plat or short plat shall be processed as a new application in accordance with this Chapter and other applicable sections of the Tacoma Municipal Code. Minor adjustments to existing lot lines within a recorded subdivision/short subdivision may be allowed in accordance with the procedures set forth in TMC 13.04.085 for boundary line adjustments, provided no new lots are created.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 28077 Ex. A; passed Jun. 12, 2012)

#### **13.04.110 General requirements and minimum standards for subdivisions and short subdivisions.**

The general requirements and minimum standards of design and development set forth in Sections 13.04.120 to 13.04.230, inclusive, of these regulations, and the City's Comprehensive Plan, Subarea Plans, and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120, are hereby adopted as the minimum requirements and standards to which a subdivision plat, including short subdivision, must conform for approval. However, the minimum standards found in Sections 13.04.120 to 13.04.230 may be waived as part of a subdivision/short subdivision decision upon a finding by the Hearing Examiner or Director that unique circumstances exist that make the strict application of the standards unreasonable.

(Ord. 28511 Ex. B; passed May 15, 2018: Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27563 Ex. A; passed Dec. 12, 2006: Ord. 25532 § 1; passed Jun. 28, 1994)

#### **13.04.120 Conformity to the Comprehensive Plan and the Major Street Plan and applicable ordinances, manuals, design specifications, plans and guidelines.**

The subdivision/short subdivision shall conform to and be in harmony with the Comprehensive Plan, Subarea Plans, Public Works Design Manual, Stormwater Management Manual, Mobility Master Plan Pedestrian and Bicycle Design Guidelines, Complete Streets Design Guidelines, Americans with Disabilities Act Self-Evaluation and Transition Plan, and other adopted guidelines, manuals, and design specifications as currently enacted or as may be hereafter amended.

<sup>1</sup> Ord. 25851 contained two sections numbered 4 – see also Section 13.04.090.

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(Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

### 13.04.130 Relation to adjoining street system.

A subdivision/short subdivision shall provide for the continuation of the multi-modal street and transportation system existing for pedestrian, bicycles, and vehicles in the adjoining subdivisions/short subdivisions, or of their proper projection when adjoining property is not subdivided/short subdivided, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Hearing Examiner or Director, topographic or other conditions make such continuation or conformity impractical, an exception can be made. In cases where the City Council itself adopts a plan or plat of a neighborhood or area of which the subdivision/short subdivision is a part, the subdivision/short subdivision shall conform to such adopted neighborhood or sub/area plan.

Where the plat subdivision/short subdivision submitted covers only a part of the subdivider's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished, and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.

Where a tract is subdivided/short subdivided into lots of an acre or more, the Hearing Examiner or Director may require an arrangement of lots and streets such as to permit a later resubdivision/short subdivision in conformity to the streets and other requirements specified in these regulations.

(Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

### 13.04.140 Access.

A. There shall be no reserve strips controlling access to streets except where such strips are controlled by the City under conditions approved by the Hearing Examiner or the Director. The land shall be subdivided/short subdivided, providing each lot, by means of either a public or private street or way, or permanent access easement, with satisfactory access to an existing public highway or to a thoroughfare as shown in the Major Street Plan, the Comprehensive Plan, applicable ordinances, manuals, design specifications, plans and guidelines in section 13.04.120, or an official map.

B. Officially Approved Accessway.

When considering a subdivision, short subdivision, boundary line adjustment and/or binding site plan approval, a public or private street or way, or permanent access easement, which does not conform to the minimum requirements of the City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120, and which provides principal access to the property it is intended to serve, shall be found by the Director or Hearing Examiner to be adequate to provide all necessary ingress and egress to a parcel or parcels of land for specific uses subject to the following conditions:

1. That a minimum of 10-foot-wide officially approved accessway be required for one dwelling unit, and a minimum of a 16-foot-wide officially approved accessway be required for two or more dwelling units, or for any use other than residential;
2. That such officially approved accessway be permanent, unobstructed, and designed, improved, and maintained to accommodate fire apparatus and necessary mobile service equipment;
3. That, if determined to be necessary for the convenience and safety of the residents served by said officially approved accessway, the Director or Hearing Examiner may require other reasonable standards and improvements of said officially approved accessway;
4. That the ownership and control of said officially approved accessway be with the owner of the property it serves, unless other provisions are determined to be satisfactory;
5. That the Hearing Examiner or Director may attach to such a determination reasonable conditions limiting and controlling the development of said parcel according to the practical capacity of said officially approved accessway and in the interest of the particular neighborhood and of the general public.

(Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25851 § 5; passed Feb. 27, 1996; Ord. 25532 § 1; passed Jun. 28, 1994)<sup>1</sup>

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<sup>1</sup> Ord. 25851 contained two sections numbered 5 – see also Section 13.04.095.



**13.04.150 Conformity to topography.**

When the existing topography requires, the design of the subdivision/short subdivision shall be made so that the location of public or private streets or ways, or permanent access easements conform to the existing topography to the maximum extent feasible that desirable grades are secured and other requirements of these regulations are met and, especially, that desirable building sites are provided.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 27563 Ex. A; passed Dec. 12, 2006: Ord. 25532 § 1; passed Jun. 28, 1994)

**13.04.160 Public or private streets or ways, or permanent access easement widths.**

The widths for public or private streets or ways, or permanent access easements shall conform to the widths designated in the City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120. In cases where topography or other conditions make a public or private street or way, or permanent access easement of this width impractical, the Hearing Examiner or Director may modify this public or private street or way, or permanent access easement width regulation.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27563 Ex. A; passed Dec. 12, 2006: Ord. 25532 § 1; passed Jun. 28, 1994)

**13.04.165 Streetlights.**

Pedestrian-scale streetlights shall be installed throughout the subdivision/short subdivision in accordance with the Illuminating Engineering Society (IES) Standards, to the approval of the City Engineer.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 27563 Ex. A; passed Dec. 12, 2006: Ord. 25532 § 1; passed Jun. 28, 1994)

**13.04.170 Roadways.**

Roadways for arterial streets shall conform to the City's Comprehensive Plan and applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120.

Roadways for public or private streets or ways, or permanent access easements serving residential development shall not be less than 28 feet; provided, however, where topographical or other conditions make a roadway of this width impractical, the roadway width may be reduced with approval by the City Engineer.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 27563 Ex. A; passed Dec. 12, 2006: Ord. 25532 § 1; passed Jun. 28, 1994)

**13.04.180 Public or private streets or ways, or permanent access easement design.**

In general, the horizontal and vertical components of public or private streets or ways, or permanent access easement design shall conform with the latest current edition of "A Policy on Geometric Design of Highways and Streets" as published by the American Association of State Highway and Transportation Officials (AASHTO).

All non-arterial public or private streets or ways, or permanent access easements shall be constructed per the City of Tacoma standard details and specifications using either standard or pervious surfacing or alternative section subject to approval by the City Engineer. All design and construction features shall conform to design standards and policies of the City of Tacoma.

(Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 27563 Ex. A; passed Dec. 12, 2006: Ord. 25532 § 1; passed Jun. 28, 1994)

**13.04.190 Dead-end/cul-de-sac public or private streets or ways, or permanent access easements.**

Whenever feasible, a subdivision/short subdivision shall provide for the continuation of the multi-modal street and transportation system existing for pedestrians, bicycles, and vehicles by connecting to and extending abutting streets, sidewalks, and bicycle facilities. Dead-end/cul-de-sacs shall be allowed only when the Director or Hearing Examiner makes a finding that a public or private street way or permanent access easement cannot be aligned with and connected to the surrounding street system for pedestrian, bicycle and vehicular connectivity within the proposed subdivision/short subdivision due to factors such as topographic constraints, proximity to critical areas, and/or limitations by reason of property ownership. If the Director or Hearing Examiner makes a finding that such connectivity is not reasonable for the subject subdivision/short subdivision, dead-end/cul-de-sac public or private streets or ways, or permanent access easements shall not be longer than 500 feet. Whenever feasible, such dead-end/cul-de-sac shall nonetheless incorporate at a minimum a pedestrian connection to the adjacent transportation network. Any dead-end/cul-de-sac public or private street or way, or permanent access easement in

## **Tacoma Municipal Code**

excess of 150 feet in length shall incorporate a turn-around designed in accordance with applicable ordinances, manuals, design specifications, plans and guidelines in Section 13.04.120 as currently enacted or as may be hereafter amended, subject to approval by the City Engineer or designee.

(Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.200 Alleys.**

A minimum width of an alley in a residential block, when platted, shall be 20 feet. Alleys may be required in the rear of commercial and industrial districts and, where required, shall be at least 20 feet wide. If an alley is utilized for pedestrian access, additional width may be required, pursuant to City standards.

(Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.210 Easements.**

Where alleys are not provided, easements of not less than five feet in width may be required on each side of all rear lot lines or side lot lines where necessary for poles, cross-arms, guys, wires, appurtenances, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along lot lines or across lots where necessary for the extension of main sewers and other utilities.

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

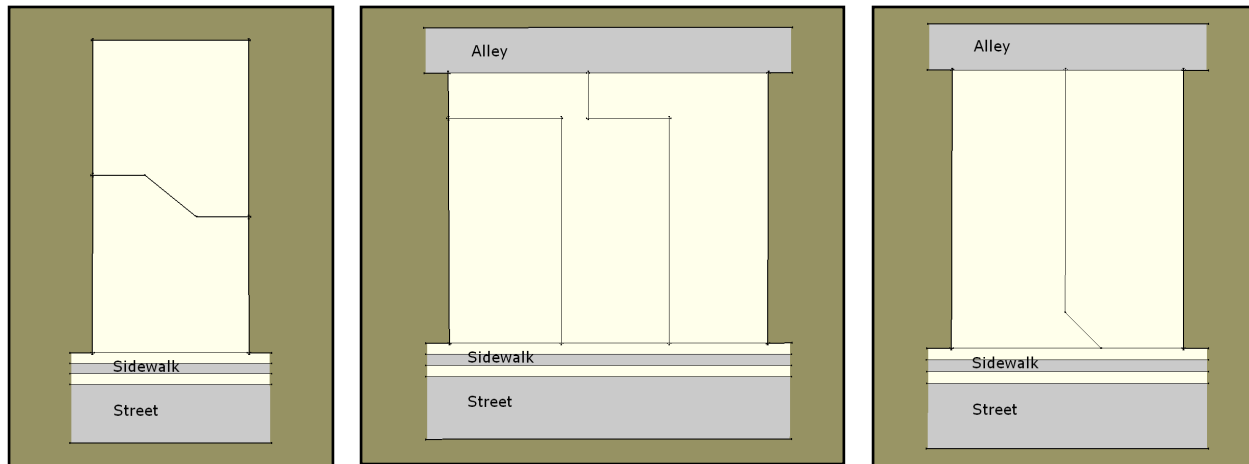
### **13.04.220 Blocks.**

Block length shall not exceed 660 feet. The width of blocks shall be such as to allow two tiers of normal lots.

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

**13.04.230 Lots.**

A. All side lot lines shall be at right angles to public or private street or way, or permanent access easement lines or radial to curved lines, unless a reasonable variation will give a better arrangement. Significant meandering of lot lines for the purpose of achieving minimum zoning lot size, frontage, width and/or setback standards which would result in the creation of development sites significantly inconsistent with a predominantly uniform development pattern of the surrounding area shall be prohibited. Lots with double frontage shall not be permitted except where unavoidable or when backing onto an arterial street.

**Examples of Significant Meandering of Lot Lines**

B. Corner lots shall have width sufficient to permit required front and side building setbacks and buildable widths as required by the zoning ordinances or other City regulations.

C. Lots on arterial street intersections shall have a corner radius of not less than 15 feet in the property line. This 15-foot radius is advisable in the property lines at all street intersections.

**D. Pipestem Lots.**

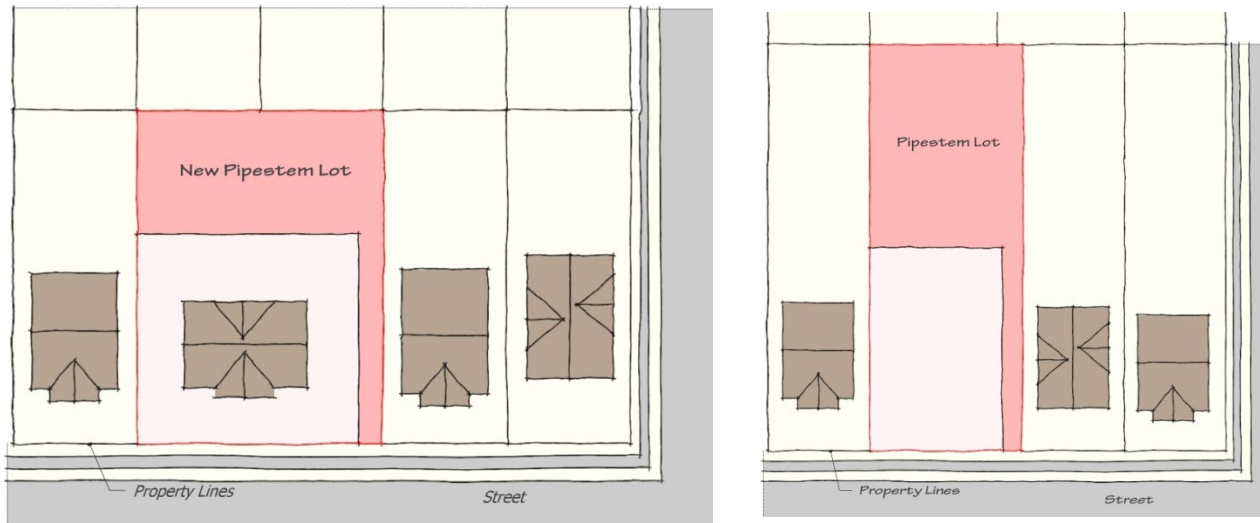
The creation of pipestem lots shall be allowed in certain circumstances. The intent of these limitations is to minimize negative impacts of inconsistent development patterns while allowing land to be divided when more traditional layouts are not achievable. The creation of pipestem lots is not allowed when a lot configuration can be provided that is consistent with the established pattern on the block without significantly reducing the number of allowed lots (see examples provided below). Pipestem lots shall provide a lot extension or primary accessway which connects to a public or private street. The creation of a pipestem lot is allowed under the following circumstances:

1. No more than one out of every three proposed lots is a pipestem lot; and
2. One of the following are met:
  - a. An existing dwelling which has been on the site for at least five years precludes a land division that is consistent with Section 13.04.230.A and would otherwise not meet the lot width, frontage, or setback requirements without a pipestem configuration (see examples for R-2 District below); or
  - b. The site has dimensions which preclude a land division that is consistent with Section 13.04.230.A and would otherwise not meet the lot width, frontage, or setback requirements without a pipestem configuration.

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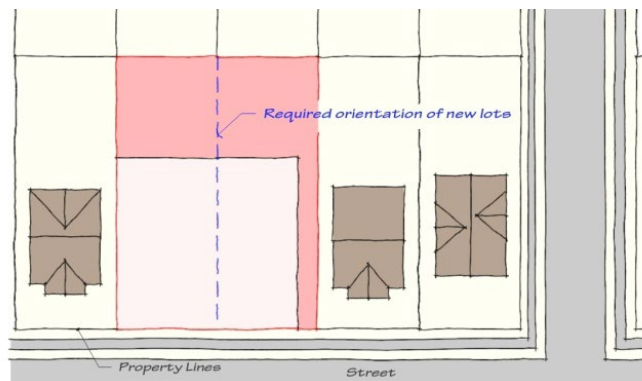
### Examples of allowed pipestem layouts

*In the first example, even though there is an established pattern on the block, the existing home prevents a property division consistent with that pattern. In the second example, the width and size of the property lends itself to a pipestem lot being created.*



### Example of a prohibited pipestem layout

*In this example there is an established pattern on the block and a division consistent with that layout can be provided without significantly reducing the number of possible lots. Instead of creating a pipestem lot, the property should be divided consistent with the*



*existing pattern.*

(Ord. 27995 Ex. B; passed Jun. 14, 2011; Ord. 27563 Ex. A; passed Dec. 12, 2006; Ord. 25532 § 1; passed Jun. 28, 1994)

### 13.04.240 Plats within Planned Residential Development Districts (PRD Districts).

#### A. Intent.

The PRD District is intended to: provide for greater flexibility in large-scale residential developments; promote a more desirable living environment than would be possible through the strict regulations of conventional zoning districts and of the subdivision ordinance of the City of Tacoma; encourage developers to use a more creative approach in land development; provide a means for reducing the improvements required in development through better design and land planning; conserve natural features and ecological systems of the physical environment; reflect a high quality of site and urban design; and facilitate more desirable, aesthetic and efficient use of open space. The PRD District is also intended to provide for density increases in association with the provision of public benefits including sustainability features and affordable housing.

In order to facilitate development within PRD Districts, these regulations may, if necessary, be modified as they apply to residential access streets, blocks, lots and building lines when the plan for such PRD District provides: adequate access to arterial streets and adequate circulation, recreation areas, and area per family as required by the zoning ordinances; light and

air for the needs of the tract when fully developed and populated; and such legal restrictions or other legal status as will assure the carrying out of the plan.

**B. Procedures.**

1. All preliminary plats within PRD Districts shall be considered by the Hearing Examiner, except for preliminary short plats considered by the Director subsequent to approval of a reclassification to a PRD District. The final plat/short plat shall be considered by the Director. The preliminary plat/short plat for a planned residential development may be submitted with the application for reclassification to a PRD District, and will then be processed concurrently with the reclassification application.
2. The final plat for a PRD District may be considered as a final site plan for that portion of the PRD District to which it pertains.
3. When the preliminary plat of a proposed subdivision in a PRD District is processed as the preliminary plan for the reclassification request, and/or the final plat is processed as the final site plan, the processing procedures for plats contained in this chapter shall be followed.
4. All preliminary plats within PRD Districts shall demonstrate consistency with the requirements of TMC 13.06.070.C, with TMC 1.39 when density bonuses are sought pursuant to the provision of affordable housing, as well as with other applicable sections of the TMC.

**C. General Requirements.**

**1. Lot Area.**

Lot sizes required for plats within PRD Districts shall generally be the same as for the residential district with which the PRD District is combined unless the Hearing Examiner or the Director determines that modification of lot sizes is appropriate in light of the following factors:

- a. Type of dwelling structures involved;
  - b. Amount of common and private open space to be provided and the location of such open space in relation to the dwelling structures involved;
  - c. The street pattern and street design within the PRD District;
  - d. The landscaping plan concept to be utilized around such dwellings. All modifications shall be made strictly within the spirit, intent, and purposes of this section and the PRD District section of the zoning ordinances.
  - e. The provision of public benefits including sustainability features and affordable housing committed to as part of a density bonus, when applicable.
  - f. The intent of the PRD District, including the pursuit of urban design excellence, creation of a livable and attractive neighborhood, and place-making.
2. Transfer of ownership of lots within PRD Districts shall be made in such a manner as to not increase the total number of lots in the PRD District, and in no event shall any ownership be less than the dimensions of the minimum size lot within the PRD District.
3. Streets and Roadways Within PRD Districts.
- a. Standards of design and construction for roadways, both public and private, within PRDs may be modified as is deemed appropriate by the Hearing Examiner.
  - b. Right-of-way widths and street roadway widths may be reduced where it is found that the plan for the PRD District provides for the separation of vehicular and pedestrian circulation patterns, accommodates bicycle circulation, and provides for adequate off-street parking facilities.
  - c. Preliminary plats within PRD Districts shall connect with and continue the abutting street network, to provide for a continuous connection with the neighborhood pedestrian, bicycle and vehicular pathways, unless specifically exempted by the City Engineer.
  - d. Transportation infrastructure within PRD Districts shall be designed to complete streets principles including emphasizing the pedestrian environment and providing for safe and comfortable bicycle travel.
4. All land within the Planned Residential Development District shall be subject to contractual agreements with the City of Tacoma and to recorded covenants approved by the City of Tacoma providing for compliance with the regulations and provisions of the district and the site plan or plat as approved.

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(Ord. 28725 Ex. A; passed Dec. 8, 2020: Ord. 28336 Ex. B; passed Dec. 1, 2015: Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 25893 § 7; passed Jun. 4, 1996: Ord. 25851 § 6; passed Feb. 27, 1996: Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.250 Duplication of names.**

The name of the proposed subdivision/short subdivision shall not duplicate the name of any other area within the City. A street name shall not duplicate the name of any other street or way within the City.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.260 Public open space.**

Due consideration shall be given by the subdivider to the allocation of suitable areas for schools, parks and playgrounds. Such land may be dedicated, by covenants in the deeds, for public use or reserved for the common use of all owners of property within the subdivision/short subdivision. Public open spaces shall conform to the Comprehensive Plan of the City.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 27079 § 12; passed Apr. 29, 2003: Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.270 Checking by the City Engineer - Charges.**

The City Engineer shall completely check the final plat/short plat before giving approval. The City Engineer shall prepare an estimate of cost for field and office checking and for changing any office records. The subdivider shall thereupon deposit each estimated cost with the City Treasurer to be credited to the Department of Public Works Revolving Fund.

All work done by the City Engineer in connection with checking, computing and correcting such plat, either in the field or in the office, or for changing office records, shall be charged to such deposit. If, during the progress of such work, it shall appear that the cost thereof will exceed the amount deposited, the City Engineer shall notify the subdivider thereof and shall do no further work in connection with such plat until there shall be deposited such additional amount as may be necessary to cover the cost of such work.

Upon completion of the work of checking and correcting any such plat or correcting office records, a statement of the amount of the engineering charges against such proposed plat shall be rendered by the Finance Department and any balance of such deposit unexpended shall thereupon be refunded to the subdivider; or, in case the engineering charges shall for any reason exceed the amount so deposited, such amount shall be due and payable by the subdivider upon receipt of statement of engineering charges referred to herein.

(Ord. 28157 Ex. D; passed Jun. 25, 2013: Ord. 25532 § 1; passed Jun. 28, 1994)

### **13.04.280 Development of illegally divided land.**

An application for a building permit or other development permit for any lot, tract, or parcel of land divided in violation of state law or these regulations shall not be granted without prior approval by the Director. Approval shall only be given following an application for determination by the Director under which the applicant must demonstrate to the satisfaction of the Director that either the applicant is an innocent purchaser for value OR a public interest exists that meets the required criteria below:

#### **Innocent Purchaser for Value**

A. The applicant purchased the lot, tract or parcel for value;

B. The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of state law or these regulations.

OR

#### **Public Interest Determination**

A. The Tacoma-Pierce County Health Department has certified that the proposed means of sewage disposal and water supply on and to the lot, tract or parcel are adequate and;

B. The City Engineer has certified that the lot, tract or parcel is served with an adequately designed means of ingress and egress, and with adequate drainage facilities, none of which interferes with or impairs existing or planned public highway and drainage facilities in the vicinity and;

C. The Planning and Development Services Department has certified that the proposed development will not adversely affect the safety, health, or welfare of owners of adjacent property or interfere with their enjoyment of their property.

(Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 25532 § 1; passed Jun. 28, 1994)

**13.04.290 Repealed by Ord. 28157. Development of illegally divided land – Public interest determination.**

(Repealed by Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 25532 § 1; passed Jun. 28, 1994)

**13.04.300 Model home.**

Model homes may be constructed for 20 percent of the lots within a proposed subdivision/short subdivision, with a maximum of four model homes within any subdivision of five or more lots which has received preliminary plat approval. The purpose of the model homes shall be to demonstrate a variety of housing designs together with all associated on-site improvements, e.g., landscaping, improved driveway, patios. Model homes shall be established subject to the following criteria:

A. Model homes shall meet all applicable codes of the City of Tacoma.

B. Only one model home may be occupied as a temporary real estate office.

C. Access and fire safety provisions shall be provided in a manner approved by the Building Official prior to construction of the model home. A model home may not be occupied as a dwelling unit or sold until the plat is recorded.

(Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 25532 § 1; passed Jun. 28, 1994)

**13.04.305 Temporary rental or sales offices, contractors' offices, and signs.**

Temporary facilities, structures or signs for rental or sales offices; contractors' offices; and advertising, directional and identification signs or structures may be utilized for the purpose of developing a new residential subdivision of five or more lots if:

A. Located in the residential subdivision to be served, promoted, or advertised, and deals exclusively with the real property of said subdivision; and

B. Structures and signs are removed upon buildout of the subdivision.

If a model home is occupied as a real estate office as identified in Section 13.04.300.B a separate temporary rental or sales office shall not be allowed.

(Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 25851 § 7; passed Feb. 27, 1996)

**13.04.310 Subdivisions and Critical Areas.**

The subdivision and short subdivision of land in Critical Areas and associated buffers/management areas/geo-setbacks is subject to Chapter 13.11.280 and the following:

A. Land that is located partially within a Critical Area or its buffer/management area/geo-setback may be subdivided provided that an accessible and contiguous portion of each new lot is located outside the Critical Area and its buffer/ management area/geo-setback.

B. Access roads and utilities serving the proposed subdivision may be permitted within the Critical Area and associated buffers/management areas/geo-setbacks only if the Director determines that no other feasible alternative exists, and the project is consistent with the remaining provisions of this chapter.

C. A protection covenant such as a Conservation Easement shall be recorded with the Pierce County Assessor's Office for wetland, stream or natural area tracts that are created as part of the permitting process.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28157 Ex. D; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27431 § 2; passed Nov. 15, 2005; Ord. 25532 § 1; passed Jun. 28, 1994)

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### **13.04.315 *Repealed by Ord. 27912.* Violations – Penalties.**

(Repealed by Ord. 27912 Ex. A; passed Aug. 10, 2010; Ord. 27431 § 3; passed Nov. 15, 2005)



## CHAPTER 13.05

### LAND USE PERMITS AND PROCEDURES <sup>1</sup>

#### Sections:

13.05.010	Land use permits.
13.05.020	Application requirements for land use permits.
13.05.030	Zoning and land use regulatory code amendments.
13.05.040	Historic preservation land use decisions.
13.05.050	Development regulation agreements.
13.05.060	Residential infill pilot program.
13.05.070	Notice process.
13.05.080	Director decision making authority.
13.05.090	Decision of the director.
13.05.100	Appeals of administrative decisions.
13.05.105	<i>Repealed.</i>
13.05.110	Applications considered by the Hearing Examiner.
13.05.120	Expiration of permits.
13.05.130	Modification/revision to permits.
13.05.140	Director approval authority.
13.05.150	Enforcement.

#### 13.05.010 Land Use Permits.

##### A. Conditional Use Permits.<sup>2</sup>

###### 1. 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. These uses may be authorized by the Director or Hearing Examiner in accordance with the procedures established in this Chapter and the applicable criteria outlined below.

###### 2. General Criteria.

Unless otherwise excepted, all conditional use permit applications shall be subject to the following criteria:

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

<sup>1</sup> Code Reviser's note: Section 13.05.005 (Definitions), was repealed and relocated to the new Chapter 13.01 per Ord. 28613 Ex. G. See 13.01.050.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06.640 (Conditional use permit); relocated to 13.05.010 per Ord. 28613 Ex. G. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019: Ord. 28611 Ex. B; passed Sept. 24, 2019: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28429 Ex. B; passed May 9, 2017: Ord. 28376 Exs. D, E; passed Aug. 16, 2016: Ord. 28336 Exs. B, C; passed Dec. 1, 2015: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28077 Ex. C; passed Jun. 12, 2012: Ord. 28050 Ex. C; passed Feb. 14, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27818 Ex. A; passed Jul. 28, 2009: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27539 § 19; passed Oct. 31, 2006: Ord. 27432 § 17; passed Nov. 15, 2005: Ord. 27296 § 28; passed Nov. 16, 2004: Ord. 27245 § 21; passed Jun. 22, 2004: Ord. 27079 § 49; passed Apr. 29, 2003: Ord. 26966 § 22; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002.

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d. 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:

- (1) 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.
- (2) 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.
- (3) The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impact of the use upon neighboring properties.

### 3. Conditional uses and height.

a. Since certain conditional uses have intrinsic characteristics related to the function or operation of such uses, which may necessitate buildings or other structures associated with such uses to exceed the height limits of the zoning districts in which the conditional uses may be located, the Director or Hearing Examiner may authorize the height of buildings or other structures associated with the following conditional uses to exceed the height limit set forth in the zoning district in which such uses are located; provided, such height is consistent with the criteria contained in subsection 4 of this section:

- (1) Airports;
- (2) Religious assembly;
- (3) Schools, public or private;
- (4) Public service facilities;
- (5) Hospitals;
- (6) Wireless communication towers or wireless facilities;
- (7) Utilities;
- (8) Park and recreation;
- (9) Surface Mining.

b. In order to ensure that the location and character of these uses will be compatible with the Comprehensive Plan, a review and decision by the Director or Hearing Examiner are required prior to the issuance of any conditional use permit.

### 4. Conditional Use Permits and Historic Properties.

For proposals affecting properties that are listed individually on the Tacoma Register of Historic Places, or are within historic special review or conservation districts, the Director shall refer the complete application to the Landmarks Preservation Commission for comment regarding whether the proposal appears to meet applicable historic guidelines and standards.

### 5. Special needs housing.

Applications for conditional use permits for special needs housing facilities shall be processed in accordance with the standard procedures and requirements for conditional use permits, with the following additional requirements.

#### a. Pre-application community meeting.

Prior to submitting an application for a conditional use permit to the City, 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 facility. The meeting should acquaint the neighbors of the proposed facility with the operators and provide for an exchange of information about the proposal and the community, including the goals, mission, and operation and maintenance plans for the proposed facility; the background of the operator, including their capacity to own, operate, and manage the proposed facility; and the characteristics of the surrounding community and any particular issues or concerns of which the operator should be made aware. The applicant shall provide written notification of the meeting to the appropriate neighborhood council, qualified neighborhood and community organizations, and to the owners of property located within 400 feet of the project site.

**b. Pre-application site inspection.**

Prior to submitting an application for a conditional use permit to the City, the applicant shall allow for an inspection by the appropriate Building Inspector and appropriate Fire Marshall to determine if the facility meets the Building and Fire Code standards for the proposed use. The purpose of this inspection is not to ensure that a facility meets the applicable Code requirements or to force an applicant to bring a proposed facility up to applicable standards prior to application for a conditional use permit, but instead, is intended to ensure that the applicant, the City, and the public are aware, prior to making application, of the building modifications, if any, that would be necessary to establish the use.

**c. Required submittals.**

Applications for conditional use permits for special needs housing facilities shall include the following:

- (1) A Land Use Permit Application containing all of the required information and submissions set forth in Section 13.05.010 for conditional use permits.
- (2) Written confirmation from the applicant that a pre-application public meeting has been held, as required under subsection a. above.
- (3) Demonstration of inspection by the appropriate Fire Marshal and Building Inspector, as required under subsection b. above, to include a description of any necessary building modifications identified during the inspection.
- (4) An Operation Plan that provides information about the proposed facility and its programs, per the requirements of Planning and Development Services.

**d. Review criteria.**

In addition to the General Criteria, a conditional use permit for a special needs housing facility shall only be approved upon a finding that such facility is consistent with all of the following criteria:

- (1) There is a demonstrated need for the use due to changing demographics, local demand for services which exceeds existing facility capacity, gaps in the continuum of service, or an increasing generation of need from within the community.
- (2) The proposed use is consistent with the goals and policies of the City of Tacoma Comprehensive Plan, any adopted neighborhood or community plan, and the City of Tacoma Consolidated Plan for Housing and Community Development.
- (3) The proposed location is or will be sufficiently served by public services which may be necessary or desirable for the support and operation of the use. These may include, but shall not be limited to, availability of utilities, access, transportation systems, education, police and fire facilities, and social and health services.
- (4) The use shall be located, planned, and developed such that it is not inconsistent with the health, safety, convenience, or general welfare of persons residing in the facility or residing or working in the surrounding community. The following shall be considered in making a decision:
  - (a) The impact of traffic generated by the proposed use on the surrounding area, pedestrian circulation and public safety and the ability of the proponent to mitigate any potential impacts.
  - (b) The provision of adequate off-street parking, on-site circulation, and site access.
  - (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, to include the following development criteria:
    - All program activities must take place within the facility or in an appropriately designed private yard space.
    - Adequate outdoor/recreation space must be provided for resident use.
  - (d) Compatibility of the proposed structure and improvements with surrounding properties, including the size, height, location, setback, and arrangements of all proposed buildings, facilities, and signage, especially as they relate to less intensive, residential land uses.
  - (e) 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.

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(5) Demonstration of the owner's capacity to own, operate, and manage the proposed facility, to include the following:

- (a) Provision of an operation plan which will provide for sufficient staffing, training, and program design to meet the program's mission and goals.
- (b) Provision of a maintenance plan which will provide for the exterior of the building and site to be maintained at a level that will not detract from the character of the surrounding area, including adequate provision for litter control and solid waste disposal.
- (c) Demonstration of knowledge of the City's Public Nuisance Code, TMC 8.30, and plans to educate the facility staff in the provisions of the nuisance code.
- (d) Participation in the City's Multi-Family Crime-Free Housing program by both the property owner and by on-site staff.
- (e) Provision of a point of contact for the facility to both the Neighborhood Council and the City.
- (f) Written procedures for addressing grievances from the neighborhood, City, and facility residents.

### e. Concomitant Agreement.

Upon issuance of a conditional use permit for a special needs housing facility, the applicant shall sign and record with the Pierce County Auditor a notarized concomitant agreement. Such agreement shall be in a form specified by Planning and Development Services and subject to the approval of the City Attorney, and shall include as a minimum: (a) the legal description of the property which has been permitted for the special needs housing facility, and (b) the conditions of the permit and applicable standards and limitations. The property owner shall submit proof that the concomitant agreement has been recorded prior to issuance of a certificate of occupancy by Planning and Development Services. The concomitant agreement shall run with the land as long as the facility is maintained on the property. The property owner may, at any time, apply to Planning and Development Services for termination of the concomitant agreement. Such termination shall be granted upon proof that the facility no longer exists on the property.

f. An application for a conditional use permit for a special needs housing facility shall also comply with the standards in 13.06.080.N Special Needs Housing.

g. The Director may, when appropriate, utilize other staff or outside parties in the review of such applications.

## 6. Special Review Districts.

Two- and three-family and townhouse dwellings, where allowed by conditional use permit in Special Review Districts (R-2SRD and HMR-SRD). In addition to the General Criteria, a conditional use permit for a two- or three- family or townhouse dwelling unit in a Special Review District shall only be approved upon a finding that such use is consistent with all of the following criteria:

- a. The use is consistent with the goals and policies of the Comprehensive Plan, any adopted neighborhood or community plans, and applicable ordinances of the City of Tacoma.
- b. The use is consistent with the intent and regulations of the R-2SRD and HMR-SRD Districts.
- c. Special circumstances exist on the site which present an opportunity to evaluate the potential integration of two or three-family or townhouse development into the predominately single-family neighborhood. Special circumstances may include, but shall not be limited to, the following:
  - (1) Location on an arterial street;
  - (2) Location in close proximity to a more intensive zoning district or to transit service;
  - (3) Unusually large lot for a single-family dwelling which, because of its shape, topography, lack of suitable access or other factors affecting the lot, could not be subdivided and developed in conformance with the regulations of the district; and
  - (4) The existence on the site of a single-family dwelling with an above-grade floor area of more than 2,400 square feet, exclusive of garage area, in the case of an application for conversion to a two-family dwelling, or 3,200 square feet in the case of a conversion to a three-family dwelling.
- d. The proposed use and development shall be compatible with the quality and character of surrounding residential development and shall not be materially detrimental to the overall single-family dwelling environment and character

of the general area, and in the case of conversion of an existing single-family dwelling to a two- or three-family dwelling, the existing architectural features shall be maintained to the extent practicable.

e. Within designated Historic Districts, new two or three-family development shall be consistent with the district's historic design guidelines. Conversions of single-family dwellings to two or three-family dwellings shall be limited to buildings listed as "noncontributing" on the historic district inventory adopted by the Landmarks Preservation Commission.

f. The proposed two-family, three-family or townhouse development shall be designed to present the general appearance of a detached single-family dwelling through one of the following two design approaches: Each unit is oriented onto a different street frontage designed in a similar manner to the street fronting façade of a detached single-family house. Or, each unit is accessed through a shared entrance. In the case of conversion of an existing single-family dwelling to a two- or three-family dwelling, the existing architectural features shall be maintained to the maximum extent practicable.

g. The proposed structure is designed to resemble a detached single-family house in terms of architecture, bulk, front and rear setbacks, and location of parking in a designated rear yard. The site shall provide the required rear yard of the zoning district on one side of the structure.

h. The applicant shall submit, in conjunction with the application, site plan drawings and drawings of building elevations, information on building materials, a landscape plan, and complete information indicating why the property is inappropriate for single-family development. The purpose of these plans and information shall be to show consistency with the required criteria.

#### **7. Infill Pilot Program.**

a. Two-family development may be allowed by conditional use permit in R-2 Districts. In addition to the General Criteria, a conditional use permit for a two-family dwelling or two townhouse dwelling units in R-2 Districts shall only be approved upon a finding that such use is consistent with all of the following criteria:

- (1) The proposed development site has a minimum lot size of 6,000 square feet in size.
- (2) The proposal is consistent with the Residential Infill Pilot Program criteria contained in TMC 13.05.060.
- (3) The proposed two-family or townhouse development is consistent with the following:
  - (a) Development must respond to the context and neighborhood and single-family structures through massing, bulk, materials, landscaping, and building placement.
  - (b) Each unit must have a primary entrance directly accessed from adjacent street.
- (4) In the case of conversion of an existing single-family dwelling to a two-family dwelling, the existing architectural features shall be maintained to the maximum extent practicable.
- (5) Applications for two-family and townhouse dwelling units in R-2 Districts shall be processed in accordance with the provisions of TMC 13.05.060 and TMC 13.05.010.A. Pursuant to those requirements, the applicant shall submit, in conjunction with the application, site plan drawings and drawings of building elevations, information on building materials, and complete information indicating how the property will meet the above criteria.

b. Multi-family development up to a maximum of six dwelling units may be allowed by conditional use permit in the R-3 District and in the R-2 District if the development is a renovation of an existing structure that does not increase building footprint. A conditional use permit for a multi-family dwelling unit in R-2 or R-3 Districts shall only be approved upon a finding that such use is consistent with all of the following criteria:

- (1) The proposed lot is a minimum of 7,000 square feet in size.
- (2) The proposal is consistent with the Residential Infill Pilot Program criteria contained in TMC 13.05.060.
- (3) The proposed structure is designed to minimize the overall impression of density and bulk and to fit with established neighborhood patterns. Access to dwellings shall be through a shared primary entrance. Parking shall be located to the rear of the site in a manner that obscures it from view from the street frontage.
- (4) Applications for multi-family dwellings in R-2 or R-3 Districts shall be processed in accordance with the provisions of the Residential Infill Pilot Program provisions of TMC 13.05.060. Pursuant to those requirements, the applicant shall submit, in conjunction with the application, site plan drawings and drawings of building elevations, information on building materials, and complete information indicating how the property will meet the above criteria.

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c. Between four and 24 Cottage Housing units may be allowed by conditional use permit in any residential district except HMR-SRD. A conditional use permit for a Cottage Housing unit shall only be approved upon a finding that such a use is consistent with all of the following criteria:

- (1) The proposed lot is a minimum of 7,000 square feet in size.
- (2) The proposal is consistent with the Residential Infill Pilot Program criteria contained in TMC 13.05.060.
- (3) The proposed development is designed to provide variety in unit sizes, building and site features, and site design elements. Landscaping shall be designed in an attractive way and according to a coherent design. Residential units are laid out to be oriented to the public right-of-way and shared open space. Building massing is designed to have limited impact on neighboring properties and parking is to be off the alley, where possible, and minimized through screening and landscaping.
- (4) Applications for Cottage Housing units in all residential districts except HMR-SRD shall be processed in accordance with the provisions of the Residential Infill Pilot Program provisions of TMC 13.05.060 , TMC 13.06.080.C, and TMC 13.05.010.A. Pursuant to those requirements, the applicant shall submit, in conjunction with the application, site plan drawings and drawings of building elevations, information on building materials, and complete information indicating how the property will meet the above criteria.

d. Planned Infill Housing developments may be allowed by conditional use permit in any residential district except HMR-SRD. A Conditional Use Permit for Planned Infill Housing shall only be approved upon a finding that such use is consistent with all of the following criteria:

- (1) The proposed lot is a minimum of 3,500 square feet in size in the R-3 Zone and 7,000 square feet in size in all other zones.
- (2) The proposal is consistent with the Residential Infill Pilot Program criteria contained in TMC 13.05.060.
- (3) Development must respond to context and neighboring structures through massing, bulk, materials, landscaping, and building placement.
- (4) Buildings must orient entrances toward the public right-of-way and parking shall be located to the rear of the site in a manner that obscures it from view from the street frontage.
- (5) Applications for Planned Infill Housing units in all residential districts shall be processed in accordance with the provisions of the Residential Infill Pilot Program provisions of TMC 13.05.060 and TMC 13.05.010.A. Pursuant to those requirements, the applicant shall submit, in conjunction with the application, site plan drawings and drawings of building elevations, information on building materials, and complete information indicating how the property will meet the above criteria.

### 8. Uses in Historic Structures.

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

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

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

- (1) 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.
- (2) 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.

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

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

e. Whether the proposed re-use is necessary to maintain and preserve the historic property due to unique circumstances of the property.

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

g. The proposed use(s) shall be limited to the following:

Craft production	Assembly facilities	Continuing care retirement community
Cultural institutions, including art galleries	Extended care facility	Group housing
Intermediate care facility	Short-term rental	Multi-family dwellings
Offices offering professional dental, medical, legal or design services	Offices for charitable, philanthropic or community service organizations where it can be shown that there is limited contact with the general public	Personal services
Retirement home	Retail, only as an incidental use to one or more of the other listed uses	Eating and Drinking
Live Work		

#### 9. Uses in the South Tacoma M/IC Overlay District.

When required, a conditional use permit for a use within the ST-M/IC South Tacoma Manufacturing/Industrial Overlay Zoning District, shall be authorized only if it can be found to be consistent with all of the following criteria:

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

b. 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.

c. 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:

(1) 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.

(2) 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.

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

d. Freight movement will not be negatively impacted by the proposed use and related traffic generation.

e. The proposed use is not located adjacent to or within 500 feet of a primary rail or truck access for an industrial or manufacturing use.

f. The proposed use is not likely to negatively impact adjacent industrial and manufacturing uses or displace an existing industrial or manufacturing user.

#### 10. Duplex, Triplex and Townhouse Development in NRX Districts.

In addition to the General Criteria for conditional use permits, a conditional use permit for a duplex, triplex or townhouse in the NRX District shall only be approved upon a finding that such development is consistent with all of the following additional criteria:

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- a. The intent and regulations of the NRX district.
- b. The proposed use and development shall be compatible with the quality and character of surrounding residential development, shall be designed in a manner consistent with existing neighboring structures, and shall not be materially detrimental to the overall residential environment and character of the general area. In the case of conversion of an existing single-family dwelling to a two- or three-family dwelling, the existing architectural features shall be maintained to the maximum extent practicable.

### 11. Pre-Existing Uses.

Pre-existing uses which were not required to obtain a Conditional Use Permit at the time they were developed, but which have subsequently become Conditional Uses, shall be viewed for zoning purposes in the same manner as if they had an approved Conditional Use Permit authorizing the extent of development as of August 1, 2011. If proposed modifications or expansions to such uses exceed the Major Modification thresholds of Section 13.05.130.C, or for park and recreation facilities the expansion/modification thresholds of Section 13.06.080.L, a Conditional Use Permit will be required for the new development activities proposed.

### 12. Large Scale Retail

#### a. 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.

#### b. 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 13.06.030, 13.06.040, and 13.06.060). 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 13.05.130 or expansions within buildings permitted after February 16, 2012, that exceed 50 percent of the previously permitted use area.

#### c. 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 General Criteria and all of the following additional decision criteria below. For projects that involve expansions to an existing large retail use but do not involve significant building expansion 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.

- (1) 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.
- (2) 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.
- (3) The type and volume of traffic and existing and proposed traffic pattern 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.



(4) Business activity, including delivery and hours of operation, is 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 structure.

(5) 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 BMPs and Principles, and a diverse array of public spaces, including indoor and outdoor spaces, active and passive spaces, and plazas and garden spaces.

(6) For projects on sites along a designated pedestrian street or core pedestrian street (see Sections 13.06.010.D) 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.

d. Pre-application community meeting.

Prior to submitting an application to the City for a conditional use permit for a large scale retail use, it is recommended that the applicant 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. It is recommended that the applicant 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.

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

13. Discontinued conditional uses.

Any authorized conditional use that has been discontinued for a period of three or more years may not be reestablished or recommenced except pursuant to a new conditional use permit. The Director may, in specific cases, authorize an extension of up to one year. In reviewing requests for this extension, the Director shall consider the following:

- a. Impacts to the community that may result from the reestablishment of the use; and
- b. Whether a reasonable effort has been made by the owner/applicant to maintain the property and use.

14. Master plan process for conditional uses.

Master plans provide conditional uses the flexibility to receive overall approval of long-term development plans which may occur in phases and extend beyond the standard timeframe for conditional use permits. This process is especially appropriate for large, campus-like facilities with multiple uses and/or buildings that may undergo continuous expansion/improvement. The master plan serves as an overall review in which general development intentions are outlined, implementation phasing is determined and conditions, improvements, and mitigations are outlined consistent with the project phases. The decision shall identify the duration of the master plan approval, any required periodic reviews, and any additional future notification and review requirements, which may be appropriate for future phases that may not have complete detail in the initial master plan approval.

15. Change of Use or Expansion of Nonconforming Uses and Structures.

A conditional use permit for a change of use or expansion of a nonconforming use or structure that exceeds the standards of this section shall only be approved upon a finding that such development is consistent with all of the General Criteria for conditional use permits, and all of the following criteria below.

- a. A rezone of the site would be inappropriate;
- b. The change or expansion of the nonconforming use will have a positive impact on the surrounding uses and the area overall;

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

- (1) Landscaping and buffering;
- (2) Pedestrian and bicycle support standards;
- (3) Off-street parking and storage areas.

### 16. Correctional or Detention Facilities.

#### a. 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.

### 17. Surface Mining.<sup>1</sup>

In addition to the General Criteria, the applicant shall submit plans and other necessary information justifying the proposed use or uses as follows:

- a. Plans for surface mining shall consist of a topographic map showing ten-foot contours, with cross-sections to show the topography of the property and its relation to streets, alleys, and surrounding property, and a map showing the extent of the proposed surface mining and the finished contours of the ground after the removal of the material and replacement of topsoil has been completed.
- b. The plans shall be reviewed by the Department of Public Works, and the Department of Environmental Services which shall advise the Director regarding the effect of the intended surface mining upon streets and alleys, either existing or contemplated, and adjoining properties.
- c. The Director, before issuing a conditional use permit, shall make a finding whether the proposed surface mining will interfere with logical future development of the tract for building or other purposes in accordance with the Comprehensive Plan.
- d. Surface Mining is also subject to the standards in 13.06.080.O.

### 18. Juvenile Community Facilities.<sup>2</sup>

The Director's decision shall be based on the applicable goals and policies of the Comprehensive Plan and applicable ordinances of the City, the Conditional Use General Criteria, and the additional following criteria:

- a. The extent to which the proposed location furthers the equitable distribution ("fair sharing") of essential public facilities within various areas of the City.
- b. The extent to which the applicant has demonstrated that the facility will be made secure. The applicant shall submit a proposed security plan to the Director for review. The security plan shall address, but is not limited to, the following:
  - (1) Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies on sign-outs for time periods consistent with the stated purpose of the absence for unescorted trips by residents away from the facility, methods of checking the records of persons sponsoring outings for juvenile community facility residents, and policies on penalties (i.e., placement back in the prison system for drug or alcohol use by residents); and
  - (2) Qualified staff numbers, level of responsibilities, and scheduling.

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<sup>1</sup> Code Reviser's note: Relocated from Subsection 13.06.540.B. per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Relocated from Subsection 13.06.530.D. per Ord. 28613 Ex. G

- c. The extent to which the applicant can demonstrate that the site size and building size is adequate for housing the requested number of residents. A copy of the American Corrections Association (“ACA”) Residential Standards shall be supplied with the project application to demonstrate compliance with this criterion. The Hearing Examiner, Director, or other designated administrative body shall take into consideration, but not be limited to, the ACA Residential Standards and Title 2.
- d. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure that security is maintained.
- e. The extent to which the landscape plan of the facility meets the requirements of the zone while allowing visual supervision of the residents of the facility.
- f. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas.
- g. The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking.
- h. The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation.
- i. Verification from DSHS, or applicable federal authority, that the proposed juvenile community facility meets DSHS standards, or the standards of the applicable federal authority, for such facilities and that the facility will meet state and local laws and requirements.
- j. Juvenile Community Facilities are also subject to the standards in 13.06.080.H.

**19. Work Release Centers.<sup>1</sup>**

A conditional use permit is required for new or expanding work release centers in the UCX, CIX, M-1, and M-2 Districts. The Director’s decision shall be based on the applicable goals and policies of the Comprehensive Plan and applicable ordinances of the City, the Conditional Use General Criteria and the additional following criteria:

- a. The extent to which the proposed location furthers the equitable distribution (“fair sharing”) of essential public facilities within various areas of the City, unless otherwise provided by state law.
- b. The extent to which the applicant can demonstrate that the site size and building size is adequate for housing the requested number of residents. A copy of the ACA Residential Standards shall be supplied with the project application to demonstrate compliance with this criteria. The Hearing Examiner, Director, or other designated administrative body shall take into consideration, but not be limited to, the ACA Residential Standards and Title 2.
- c. The extent to which proposed lighting is located so as to minimize spillover light on surrounding properties while maintaining appropriate intensity and hours of use to ensure that security is maintained.
- d. The extent to which the facility’s landscape plan meets the requirements of the zone while allowing visual supervision of the residents of the facility.
- e. The extent to which appropriate measures are taken to minimize noise impacts on surrounding properties. Measures to be used for this purpose may include landscaping, sound barriers or fences, berms, location of refuse storage areas, and limiting the hours of use of certain areas.
- f. The extent to which the impacts of traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking.
- g. The extent to which the facility is well-served by public transportation or to which the facility is committed to a program of encouraging the use of public or private mass transportation.
- h. Verification from the DOC, or applicable federal authority, that the proposed work release center meets DOC standards, or the standards of the applicable federal authority, for such facilities and that the facility will meet state and local laws and requirements.
- i. Work Release Centers are also subject to standards in 13.06.080.R Work Release Centers.

**20. Parks and Recreation.<sup>2</sup>**

<sup>1</sup> Code Reviser’s note: Relocated from Subsections 13.06.550.B. and D. per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser’s note: Relocated from Subsection 13.06.560.C. per Ord. 28613 Ex. G

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### a. Applicability.

The review process provisions of this section apply to all parks, recreation and open space uses in residential zones.

b. The following park and recreation features and facilities require a Conditional Use Permit in residential zones, unless exempt per subsection 13.05.010.A.20.f (Distance based conditional use permit exemption). The following definitions are intentionally descriptive, rather than proscriptive, to provide clarity while retaining adequate flexibility to accommodate future trends in park and recreational activities.

(1) Destination facilities: Zoos, stadiums, community centers, recreation centers, indoor or outdoor swimming pools, indoor recreational facilities, and similar large-scale buildings or facilities providing a site or forum for sports, events, major gatherings, exhibitions or similar activities. Destination facilities are likely to attract a substantial proportion of users from beyond the immediate neighborhood.

(2) High-intensity recreation facilities: Outdoor sports fields, athletic facilities, specialized recreation facilities (e.g., spray parks, dog parks, skateboard parks), and other facilities accommodating high-intensity outdoor recreational activities. High-intensity recreation facilities are likely to attract a substantial proportion of users from beyond the immediate neighborhood. In some cases, high-intensity recreation facilities are defined by the presence of multiple sports fields, courts or other features which, when taken together, are likely to become attractions beyond the immediate neighborhood.

The following features, or combinations of features, constitute high-intensity outdoor recreation facilities. These thresholds could be exceeded either through a single development action, or cumulatively (for example, a second sports field added to a site already developed with one, would constitute a high-intensity recreational facility).

(a) Two or more baseball, softball, football, soccer, rugby or similar sports fields improved with permanent sports and/or spectator features;

(b) Two or more basketball courts or four or more half basketball courts;

(c) Four or more tennis, handball or similar sports courts;

(d) Specialized high-intensity recreation facilities with a site footprint greater than 1,500 square feet;

Small-scale neighborhood-serving recreation facilities, play structures or equipment, picnic tables and shelters, street furniture, pervious fields without permanent sports, recreation or spectator facilities, and small-scale sports or recreation features dispersed within a substantially larger site do not constitute high-intensity recreation facilities.

### c. High-intensity lighting.

Flood lighting associated with, and bright enough to enable, organized team and/or spectator-oriented night-time sports, recreational or other outdoor events.

Parking lot lighting, pedestrian-scale lighting and security lighting do not constitute high-intensity lighting per this definition.

### d. Parking.

Development of more than 20 off-street parking spaces associated with a parks, recreation or open space use.

### e. Expansions or modifications of existing Conditional park and recreation facilities shall require review as follows:

(1) Expansions or modifications to Destination facilities, High-intensity lighting and Parking are subject to the Major Modification thresholds of Section 13.05.130.

(2) High-intensity recreation facilities: Expansions or modifications exceeding one or more of the following thresholds shall require a Major Modification:

(a) Exceeds one or more of the numerical thresholds for specific types of high-intensity recreation facilities listed above. For example, development of two or more sports fields, or expansion of a specialized recreation facility by 1,500 square feet or more, requires a Major Modification.

(b) Exceeds any of the Major Modification thresholds of Section 13.05.130, with the exception that high-intensity recreation facilities are not subject to limitations for total site structures, or to total site impervious surface.

### f. Distance-based Conditional Use Permit exemption.

(1) This provision modifies the review process for certain park and recreation features and facilities which would otherwise be conditional, when they are located far enough away that impacts to residential neighborhoods

would be limited. Most potential impacts decrease with distance. However, substantial traffic, noise and light generation can cause impacts over longer distances.

(2) Except for destination facilities and high-intensity lighting, park and recreation uses and facilities listed as conditional features above are exempt from the Conditional Use Permit requirement if located more than 1,000 feet from any other residentially zoned property.

g. Pre-existing parks, recreation, open space and school uses which were not required to obtain a Conditional Use Permit at the time they were developed, but which have subsequently become Conditional Uses, shall be viewed for zoning purposes in the same manner as if they had an approved Conditional Use Permit authorizing the extent of development as of August 1, 2011. If proposed modifications or expansions to such uses exceed the Major Modification thresholds of Section 13.05.130 or the expansion/modification thresholds of this Section, a Conditional Use Permit will be required for the new development activities proposed.

h. Development Regulation Agreements.

Per the provisions of TMC 13.05.050, Development Regulation Agreements are an optional application procedure for major projects in key locations. In the case of park, recreation and open space uses, DRAs may facilitate application review by encompassing one or more features defined as Conditional in this section; and, DRAs can authorize alternative development standards and additional land uses to those authorized by the zoning district, that support and complement the plan and functions of a major park, recreation or open space location.

i. Park and Recreation Facilities shall also meet the standards in 13.06.080.L Parks, recreation and open space.

## 21. Wireless Communication Facilities.<sup>1</sup>

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

b. Application for conditional use permit and building permit shall include the following:

(1) All the required submittals set forth in Section 13.06.080.Q.

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

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

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

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

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

c. In addition to these criteria, proposed Wireless Communication Facilities shall meet the standards in 13.06.080.Q Wireless Communication Facilities.

## 22. Downtown Master Planned Development (DMPD).<sup>2</sup>

<sup>1</sup> Code Reviser's note: Relocated from Subsections 13.06.545.D. and F. per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06A.100 (Downtown Master Planned Development (DMPD)); relocated to 13.05.010 per Ord. 28613 Ex. G. Prior legislation: Ord. 28157 Ex. G; passed Jun. 25, 2013: Ord. 27278 § 4; passed Oct. 26, 2004: Ord. 27245 § 28; passed Jun. 22, 2004: Ord. 26556 § 28; passed Dec. 14, 1999.

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### a. Applicability.

Any development meeting the following criteria may qualify as a Downtown Master Planned Development:

- (1) The development site is at least 50,000 square feet. Development sites that have lot area located on both sides of a street are considered contiguous for the purposes of calculating site size; however, right-of-way may not be included in the calculation unless its air rights are vacated.
- (2) The development meets the Basic Design Standards and Additional Standards as required.
- (3) The development complies with at least four of the Design Standards for Increasing Allowable FAR.
- (4) The development provides one Special Feature.
- (5) The development is governed by a master plan that describes, in detail, building footprints, massing, heights, public spaces and pedestrian connections, and architectural characteristics.

b. Qualifying development meeting the aforementioned criteria may include particular buildings or portions of buildings exceeding the maximum height limits specified in Section 13.06.050, provided that other buildings or portions of buildings on the site are built at least 25 percent below the allowable maximum height limit of the zoning district.

c. In no case can the maximum allowable FAR for the zoning district be exceeded except as otherwise provided.

## 23. Chemical Manufacturing, Processing, and Wholesale Distribution.

### a. Decision: Hearing Examiner.

b. In addition to the general conditional use criteria, Chemical manufacturing, processing, and wholesale distribution must demonstrate the following when a conditional use permit is required:

#### (1) Consultation:

- Planning and Development Services staff will seek input from the Tacoma Fire Department, Tacoma-Pierce County Health Department, Tacoma Community and Economic Development Department, Puyallup Tribe of Indians, and any other subject matter expert necessary to determine the potential risks and impacts of the proposed facility, as well as appropriate mitigation measures.

#### (2) Public health and safety:

- The property on which the proposed facility is to be located must not expose large concentrations of people, particularly in residential and commercial areas, to unreasonable adverse impacts. In applying this criteria the City shall consider impacts to employee-dense businesses in the Tideflats as well as to detention/correctional facilities and people detained within those facilities.
- The lot is located, or the use can be appropriately mitigated, to avoid any adverse impacts on receipt or utilization of federal funding for affordable housing and community development in adjacent residential and mixed-use areas, with particular attention given to Trust Lands of the Puyallup Tribe of Indians. The City will consider the current methodology for Acceptable Separation Distances as published by the Department of Housing and Urban Development in determining appropriate separation distances and on-site mitigation measures for this purpose.
- The applicant shall submit a management plan. The City will determine the level of detail to be disclosed in the plan based on the probable impacts and/or the scale of the effects. Discussion of materials handling and storage, odor control, transportation, spill prevention, and other factors may be required.
- The City may impose conditions of approval limiting the nature of the materials produced and/or the scale of manufacturing operations in order to minimize the degree and severity of risks to public health and safety.

#### (3) Emergency services and risk management:

- The project shall not result in any increased risk of spill within the waters of Puget Sound and Commencement Bay. Updated spill response and emergency response plans shall be provided with the application, for review by all appropriate agencies;

- Plans and sufficient, realistic performance bonding for decommissioning and failure incidents are provided to ensure that the site will be rehabilitated after the use or activity is completed, terminated, or abandoned;
- Permit applicant to provide proof of insurance naming City of Tacoma as additional insured.
- Any adverse impacts to emergency services or increased demands for emergency services necessary to ensure the health and safety of employees and surrounding communities shall be mitigated concurrently with the proposed use or development.

(4) Shoreline Resources and Shorelines of Statewide Significance.

For uses within the shoreline, with a shoreline facility, or that propose to transport products and materials via marine vessel, the following criteria apply, with consideration given to the potential off-site impacts resulting from transport:

- There will be no likely long-term significant adverse impacts to shoreline resources or uses, or shorelines of statewide significance;
- All feasible steps are taken to avoid and minimize adverse social and economic impacts, including impacts on aquaculture, recreation, tourism, navigation, air quality, and recreational, commercial, and tribal fishing;
- All feasible steps are taken to avoid and minimize adverse impacts to fish and wildlife, including impacts on migration routes and habitat areas of species listed as endangered or threatened, environmentally critical and sensitive habitats such as breeding, spawning, nursery, foraging areas and wetlands. All impacts that cannot be avoided can be sufficiently mitigated or compensated so as to achieve no net loss of ecological functions over time.

24. Non-Industrial Uses in the Port of Tacoma Manufacturing and Industrial Center.

a. Decision: Hearing Examiner.

b. In addition to the general conditional use criteria in TMC 13.05.010.A, non-industrial conditional uses in the Port of Tacoma Manufacturing and Industrial Center shall meet the following criteria. In considering conditional use permit applications, the City will consult with the Puyallup Tribe of Indians and Port of Tacoma to determine potential off-site impacts on port/industrial facilities and operations, and to identify appropriate mitigation measures.

- (1) The location will not significantly interfere with container shipping facilities. Mitigation may be required to avoid and minimize disruptions to nearby industrial activity.
- (2) The location is buffered from potentially high-impact industrial facilities.
- (3) The use will incorporate design elements to reduce impact on employees and customers from adjacent or nearby industrial activities.

25. Affordable housing bonus.

The intent of this section is to provide an optional incentive to religious organizations and/or nonprofits seeking to develop and manage multifamily projects integrating significant affordable housing, while ensuring reasonable compatibility with neighborhood scale and character and limiting negative impacts to the neighborhood. Applications for conditional use permits for Bonus Density for Affordable Housing on land owned by religious organizations or by nonprofit affordable housing providers shall be processed in accordance with the standard procedures for conditional use permits, with the following additional requirements.

- a. The application criteria and review process shall be the same as the Infill Pilot Program per TMC 13.05.060.
- b. Religious organizations as defined by RCW 26.04.007, as amended, as well as nonprofit affordable housing providers, meeting the requirements of these provisions may utilize the land use and development standards applicable to the R4-L Residential District.
- c. To qualify, applicants must provide a minimum of 20% of the total units affordable for a minimum of 15 years at the following affordability rates:
  - (1) Rental units must be affordable at the 80% of Area Median Income.
  - (2) Ownership units must be affordable at 115% of Area Median Income.

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(3) The general provisions of TMC 1.39 Affordable Housing Incentives and Bonuses Administrative Code shall apply. The fee in lieu option is not available for this purpose.

d. Pre-application site inspection for conversion of an existing building.

Prior to submitting an application for a conditional use permit, for conversion of an existing building for use as affordable housing, to the City, the applicant shall allow for an inspection by the appropriate Building Inspector and appropriate Fire Marshall to determine if the facility meets the Building and Fire Code standards for the proposed use. The purpose of this inspection is not to ensure that a facility meets the applicable Code requirements or to force an applicant to bring a proposed facility up to applicable standards prior to application for a conditional use permit, but instead, is intended to ensure that the applicant, the City, and the public are aware, prior to making application, of the building modifications, if any, that would be necessary to establish the use.

e. If the proposed development will include any special needs housing or on-site social service uses the conditional use permit will also follow and comply with the special needs housing conditional use permit process, criteria and conditions 13.05.010.A.5.

26. Pre-existing non-residential uses in residential districts

a. A conditional use permit may be granted for the replacement, reuse or expansion of existing structures in a residential zoning district for proposals meeting the General Criteria as well as following criteria. The intent of these provisions is to provide flexibility and development opportunities that promote additional housing opportunities and/or neighborhood-oriented and neighborhood-serving non-residential uses, while ensuring reasonable compatibility with neighborhood scale and character and limiting negative impacts to the neighborhood.

b. To be eligible, all of the following must be applicable to the site:

- (1) The site is located in a residential zoning district.
- (2) The site is less than 1 acre in size.
- (3) The uses and/or structures are either legally nonconforming or legally permitted.
- (4) The primary building(s) or site improvements constructed for a non-residential use are still in place, irrespective of whether they continue to be used for their original purpose.

c. The proposed use(s) shall be limited to the following:

Craft production	Assembly facilities	Continuing care retirement community
Cultural institutions, including art galleries	Extended care facility	Group housing
Intermediate care facility	Short-term rental	Multi-family dwellings
Offices offering professional dental, medical, legal or design services	Offices for charitable, philanthropic or community service organizations where it can be shown that there is limited contact with the general public	Personal services
Retirement home	Retail, provided it is primarily neighborhood serving	Eating and Drinking
Live Work		

d. Provided that the intent of this section is met, the replacement, reuse or expansion of existing structures and improvements shall be permitted subject to the development standards of the Neighborhood Commercial (C-1) Zoning District, along with any specific standards applied through the conditional use permit to meet that intent.

e. In some circumstances, the Director or Hearing Examiner may find that proposed development does not meet the neighborhood compatibility intent of this section and should be denied. For example, structures that are substantially taller than the neighborhood average height that do not provide reasonable transitions to neighboring residential development would not meet the intent. In granting such a conditional use permit the Director or Hearing Examiner may attach thereto such conditions regarding the size, location, character, orientation, layout, access and other features of the proposed development as may be deemed necessary to ensure consistency with the intent of the TMC and Comprehensive Plan and ensure that use of the building and site will be compatible with the surrounding area.



f. For proposals consistent with the provisions of this section, this process provides a remedy to nonconforming status as defined in TMC 13.06.010.L. The requirements of this section and the specific conditions of an approved Conditional Use Permit supersede some or all of the nonconforming standards that might otherwise apply.

B. Variances.<sup>1</sup>

1. Administration.

- a. All variances shall be processed in accordance with provisions of Chapter 13.05. Certain regulatory relief may be sought consistent with sections below that provide for potential variances in specified development situations.
- b. A minor variance is one in which the code relief requested is within 10 percent of the quantified standard contained in the code and shall be processed in accordance with 13.05.070.B. Minor variances may be granted for quantitative development regulations other than height, accessory building height, design, sign regulations, and off street quantity standards. Examples of quantitative standards are building setback, parking quantity, lot size, and minimum density requirements.
- c. A variance is one in which the code relief requested is beyond the threshold outlined above for minor variances and shall be processed in accordance with 13.05. 070.C.
- d. Both types of variances shall be subject to the same decision criteria found in this section. Minor variances shall not be granted for height in the View Sensitive Overlay District and for qualitative standards to which a 10 percent threshold would not apply.
- e. In the exercise of their powers to grant variances to, or interpret, the regulations contained in this chapter, the Director and Hearing Examiner may not, by any act or interpretation, change the allowed use of a structure or land, change the boundaries of a zoning district, or change the zoning requirements regulating the use of land.

2. Specified variances.

a. Variance to development regulations (bulk, area).

- (1) Applicability. These shall include variances to building setbacks, building location, building height, lot coverage, lot area, lot width, lot frontage, yard space, and minimum-density requirements. These shall not include variance to sign development standards, to design standards, parking lot development standards, or off-street parking quantity standards.
- (2) Criteria. The Director may, in specific cases, authorize a variance to the development regulations, subject to the criteria set forth below. In granting a variance, the Director or Hearing Examiner may attach thereto such conditions regarding the location, character and other features of the proposed structure as may be deemed necessary to ensure consistency with the intent of the Code and Comprehensive Plan and to ensure that the use of the site will be as compatible as practicable with the existing development on the site and surrounding uses. In instances in which a variance to building height is approved, no occupiable space above the district height limit shall be added.
  - (a) The restrictive effect of the specific zoning regulation construed literally as to the specific property is unreasonable due to unique conditions relating to the specific property, and which do not result from the actions of the applicant, such as: parcel size; parcel shape; topography; location; documentation of a public action, such as a street widening; proximity to a critical area; location of an easement; or character of surrounding uses.
  - (b) The requested variance does not go beyond the minimum necessary to afford relief from the specific hardship affecting the site.
  - (c) The grant of the variance would allow a reasonable use of the property and/or allow a more environmentally sensitive site and structure design to be achieved than would otherwise be permitted by strict application of the regulation, but would not constitute a grant of special privilege not enjoyed by other properties in the area.
  - (d) The grant of the variance will not be materially detrimental or contrary to the Comprehensive Plan and will not adversely affect the character of the neighborhood and the rights of neighboring property owners.

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.645 (Variances); relocated to 13.05.010 per Ord. 28613 Ex. G. Prior legislation: Ord. 28518 Ex. 6; passed Jun. 26, 2018; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27644 Ex. A; passed Sept. 18, 2007; Ord. 27079 § 50; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002.

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(e) The grant of the variance will not cause a substantial detrimental effect to the public interest.

(f) Standardized corporate design and/or increased development costs are not cause for variance.

### b. Accessory buildings – height.

(1) Applicability. The construction of an accessory building which exceeds the height limit may be authorized upon a lot in the following instances; provided, in no instance shall the height of an accessory building be allowed to exceed 25 feet, as defined in Chapter 13.01:

(a) Additional height is necessary to accommodate building door clearance to allow for the storage of a recreational vehicle or trailered boat.

(b) The subject property is affected by steep topography, which precludes development of detached garages for personal vehicles.

(c) The subject property is affected by a hardship situation where the rear yard area of a site abuts an alley and the topography of such area is affected by a slope of such severity as to preclude development under this subsection. In this instance, the height of the structure shall be measured from the grade of the abutting alley right-of-way to the highest point of the roofline.

(d) The additional height is necessary to provide architectural compatibility between the accessory building and the main building, for features such as roof pitch and style.

(2) Criteria. The Director may, in specific cases, authorize a variance to the height of accessory buildings, subject to the criteria set forth below. All of the following facts and circumstances must exist:

(a) Additional height shall be the minimum necessary to afford relief.

(b) The variance is in the interest of the general public.

(c) The variance is in the general interest of the particular neighborhood.

(d) For purposes of this variance, the interest of the general public and the general interest of the particular neighborhood are indicated, in part, by the Comprehensive Plan.

### c. View-Sensitive Overlay District – height.

(1) Applicability. In the View-Sensitive Overlay District, the construction of a building above the 25-foot height limit will be allowed if approved by the Director; provided, however, the height of a building cannot exceed the height of the underlying zoning district from existing grade or, when applicable, the grade approved by the Director.

(2) It is intended that the Director balance the interests of the applicant who wishes to build or remodel and the interests of the surrounding property owners who wish to preserve their view. There should be an awareness by all parties involved that every property owner does have the right to build on their property and that the proposed construction will have an impact on neighboring parties. Any negative view impact should be minimized.

(3) For purposes of this variance, the interest of the general public and the general interest of the particular neighborhood are indicated, in part, by the Comprehensive Plan.

(4) Criteria. In reviewing requests for this variance, the Director shall consider, but shall not be limited to, the following:

(a) the extent of the view;

(b) the impact of the proposed construction on the view from adjacent properties;

(c) the effect of any possible restrictions on the proposed construction, the character of the area;

(d) the topography of the site and surrounding properties;

(e) the variance is in the interest of the general public; and

(f) the variance is in the general interest of the particular neighborhood.

(5) Mitigation.

The following factors shall be considered as mitigating circumstances which may make approval of this variance more appropriate:

- (a) orientation of the ridgeline to minimize view impairment;
- (b) style of roof;
- (c) increased setback from the street and/or the side lot line; and
- (d) the placement of the structure(s) on the site.

d. Design.

(1) Applicability. These shall include variances to design standards as set forth in Sections 13.06.100 and 13.06.090, with the exceptions of those uses and developments with specific variance criteria.

(2) Criteria. The Director or Hearing Examiner may, in specific cases, authorize variances to design standards upon the finding that the variance request meets one of the criteria listed below. Standardized corporate design and/or increased development costs are not cause for variance. Failure to meet an appropriate test shall result in denial of the variance request. The Director or Hearing Examiner may issue such conditions as necessary to maximize possible compliance with the intent of the regulation from which relief is sought. The applicant carries the burden of proof to demonstrate applicability of the appropriate test(s):

- (a) Unusual shape of a parcel established prior to 2002 creates practical difficulties in achieving compliance with the design standard sought to be varied.
- (b) Preservation of a critical area, unique natural feature, or historic building and/or feature creates practical difficulties in achieving compliance with the design standard sought to be varied.
- (c) Widely varied topography of the building site creates practical difficulties in achieving compliance with the design standard sought to be varied.
- (d) Documentation of a pending public action, such as a street widening, creates practical difficulties in achieving compliance with the design standard sought to be varied.
- (e) A proposed alternative design that departs from a requirement that can be demonstrated to provide equal or superior results to the requirement from which relief is sought in terms of quantity, quality, location, and function.

e. Variance to sign regulations.

(1) Applicability. Variances to sign regulations found in Section 13.06.090.I shall be categorized as one of the following:

- (a) Level 1 Sign Variances: Any sign variance request for up to a 25 percent increase in the permitted sign area or height or to allow an increase in the permitted number of signs. Such variance requests shall be reviewed against the criteria outlined in Section 13.05.010.B.2.e (2). In no instance, shall a Level 1 Sign Variance allow the height of a sign to exceed 35 feet or exceed the height of the building it identifies, whichever is lower, if located on a site with freeway frontage.
- (b) Level 2 Sign Variances: Any sign variance request beyond 25 percent of the permitted sign size or height and any request for relief from sign setback, separation, location, or other sign standard not identified above. Such requests shall be reviewed against the criteria outlined in Sections 13.05.010.B.2.a and 13.05.010.B.2.e(2).

(2) Criteria. The Director may approve a sign variance for one or more of the following reasons:

- (a) The proposed signage indicates an exceptional effort to create visual harmony between the signs, structures, and other features of the property through the use of a consistent design theme, including, but not limited to, size, materials, color, lettering, and location.
- (b) The proposed signage will preserve a desirable existing design or siting pattern for signs in an area, including, but not limited to, size, materials, color, lettering, and location.
- (c) The proposed signage will minimize view obstruction or preserve views of historically or architecturally significant structures.
- (d) In a shopping center or mixed-use center, the proposed sign plan provides an integrated sign program consistent with the overall plan for the center.

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(e) In a shopping center or mixed-use center, the variance is warranted because of the physical characteristics of the center or site, such as size, shape, or topography, or because of the location of signs in existence on the date of passage of this section.

### f. Variance to parking lot development standards.

(1) Applicability. These shall include variances to the parking lot development standards (all standards other than quantity) contained in Section 13.06.090.C, 13.06.090.D and 13.06.090.E.

(2) Criteria. The Director may authorize a variance for one or more of the following reasons:

(a) Reasonable alternatives are to be provided to said standards which are in the spirit and intent of this chapter; or

(b) Strict enforcement of the standards would cause undue or unnecessary hardship due to the unique character or use of the property.

### g. Variance to off-street parking quantity standards.

(1) Applicability. These shall include variances to the required off-street parking quantity standards contained in Section 13.06.090.C

(2) Criteria. The Director may, in specific cases, authorize a variance to the off-street parking quantity standards. Except under extraordinary circumstances, the standard shall not be reduced by more than 50 percent. The Director or Hearing Examiner may issue such conditions as necessary to maximize possible compliance with the intent of the regulations. The applicant carries the burden of proof to demonstrate applicability of the appropriate criteria. The Director may authorize a variance upon finding that the application is consistent with each of criteria 1 through 3 and at least one of criteria 4 through 7.

(a) The grant of the variance would allow a reasonable use of the property;

(b) The grant of the variance will not be materially detrimental or contrary to the Comprehensive Plan and will not adversely affect the character of the neighborhood and the rights of neighboring property owners; and

(c) The grant of the variance will not cause a substantial detrimental effect to the public interest.

(d) Approval of the variance would not constitute a grant of special privilege not enjoyed by other properties in the vicinity and/or would allow for a more environmentally sensitive site and structure design to be achieved than would otherwise be permitted by strict application of the standard; or

(e) The restrictive effect of the specific zoning regulation as it applies to the specific property is unreasonable due to unique conditions relating to the specific property, such as: parcel size; parcel shape; topography; location; proximity to a critical area; location of an easement; or character of surrounding uses; or

(f) Reasonable alternatives are to be provided to said standards which are in the spirit and intent of this chapter; or

(g) The likelihood of a decreased need for off-street parking for the use at that location due to site-specific circumstances, such as:

- A parking study demonstrating that the individual characteristics of the use at that location require less parking than is generally required for a use of this type and intensity;
- An approved carpooling/vanpooling or commute trip reduction program consistent with TMC Chapter 13.15;
- Availability of private, convenient transportation services to meet the needs of the use;
- Accessibility to and frequency of public transportation; or
- For residential uses, availability of pedestrian access due to proximity to health and medical facilities, shopping facilities and other services providing for everyday needs and amenities.

### h. Wireless Facilities.

(1) Variance to development standards.<sup>1</sup>

The Director may, in such cases as deemed appropriate, modify any of the aforementioned development standards upon a finding that: (a) reasonable alternatives are to be provided to said standards which are in the spirit and intent of this section; or (b) strict enforcement of the standards would cause undue or unnecessary hardship due to the unique character or use of the property. Applications for variances shall be processed in accordance with the provisions of Chapter 13.05.

i. Downtown Variances.<sup>2</sup>

(1) Unless otherwise indicated, the Director shall not grant a variance by act or interpretation of the regulations contained in Section 13.06.050 Downtown as specified herein, or to change the use of a structure or land.

(2) The Director may grant a variance to the regulations contained in Section 13.06.050 upon the finding that the variance meets one of the tests below. Standardized corporate design and/or increased development costs are not cause for a variance. Failure to meet an appropriate test shall result in denial of the variance request. The Director may issue such conditions as necessary to maximize possible compliance with the intent of the regulation from which relief is sought. The applicant carries the burden of proof to demonstrate applicability of the appropriate test.

(a) Unusual shape of a parcel established prior to the reclassification of property to the downtown districts.

(b) Preservation of a critical area, unique natural feature, or historic building/feature restricts possible compliance.

(c) Widely varied topography of the building site restricts possible compliance.

(d) Documentation of a pending public action such as street widening restricts possible compliance.

(e) The proposal represents an alternative design that departs from the requirement(s) but is consistent with the goals and policies of the Comprehensive Plan and can be demonstrated to provide equal or superior results relative to the intent of the specific requirement(s) from which relief is sought.

(3) If a building is being renovated in accordance with the Secretary of Interior's Standards for Treatment of Historic Properties, and a conflict between the basic design standards or additional standards and the Secretary's Standards occurs, then the Historic Preservation Criteria and Findings made by the Tacoma Landmarks Preservation Commission shall prevail.

C. Site Approval.<sup>3</sup>

## 1. Applicability.

A Site Approval for transportation connectivity is required when proposed development meets both the site characteristics circumstances and the development thresholds as set forth below:

## a. Site Characteristics.

The development site must meet all of the following circumstances:

(1) The development site is located in an area subject to an adopted Subarea Plan, including the Tacoma Mall Neighborhood Subarea Plan, with a transportation element that identifies the need for additional street and pedestrian connectivity in order to accommodate planned growth.

(2) The development site, defined as land sharing common access, circulation, and improvements as specified in TMC 13.01.060.D, is at least one acre in size.

(3) The development site is located within a block that is eight acres or larger in size. Blocks, for this purpose, are defined as assemblages of land circumnavigated by the shortest possible complete loop via the public street network.

## b. Development Thresholds.

<sup>1</sup> Code Reviser's note: Relocated from Subsection 13.06.545.G.9 per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06A.110 (Variances); relocated to 13.05.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28157 Ex. G; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28051 Ex. C; passed Feb. 21, 2012; Ord. 26556 § 28; passed Dec. 14, 1999.

<sup>3</sup> Code Reviser's note: Previously codified as 13.06.660 (Site Approvals); relocated to 13.05.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018.

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The proposed development must exceed one or more of the following thresholds:

- (1) Construction of 200 or more dwelling units.
- (2) Construction of 60,000 or more square feet.

c. Development activities that exceed these thresholds may generate significant transportation impacts and could also potentially create barriers to circulation and pedestrian connectivity.

d. Project proponents may elect to apply for a Site Approval in association with development projects that do not meet both of the above site characteristics circumstances and development thresholds..

### 2. Purpose.

Within the Tacoma Mall Neighborhood Subarea Plan area, as well as other adopted Subarea Plans that call for actions to enable the transportation system to accommodate planned growth and achieve multimodal transportation options, proposed large-scale construction warrants transportation connectivity review on a case-by-case basis to identify conditions of approval necessary to mitigate potential adverse transportation impacts and ensure compatibility with the Subarea Plan.

### 3. Process.

a. Such a Site Approval for transportation connectivity will be conducted by the Director or designee in accordance with the criteria identified in this chapter, and the procedures established in TMC 13.05 for Type II permits.

b. Prior to submitting an application to the City for Site Approval, it is recommended that the applicant hold a public informational meeting with interested community members and owners of adjacent properties. The purpose of the meeting is to provide an early, open dialogue regarding the connectivity and transportation aspects of the proposed development. The meeting should acquaint the community with the applicant and/or developers and provide for an exchange of information about considerations pertinent to creating attractive, safe, comfortable, and multi-modal transportation choices. If the applicant elects to hold a public meeting, written notification of the meeting should be provided, 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.

c. Project proponents may propose modifications to the strict application of building design, landscaping, pedestrian/bicycle access, sign location, and other building and site standards that relate to or are based on the location of streets, internal accessways, pedestrian and bicycle pathways. A Site Approval may result in significant modifications to the street and connectivity network. Therefore, the project proponent may propose that standards such as maximum building setbacks, transparency, pedestrian access, site perimeter landscaping, and sign orientation be modified to emphasize and orient toward the proposed connectivity pattern.

d. The application shall include the proposed final site plan and project phasing and meet the submittal requirements of TMC 13.05.020.

e. Upon issuance, the Director's decision may be appealed subject to procedures contained in TMC 13.05.

### 4. Criteria.

a. A Site Approval for transportation connectivity shall address the following criteria:

(1) The Site Approval shall demonstrate consistency with the transportation connectivity goals and policies of the Comprehensive Plan, the adopted Subarea Plan, and all applicable ordinances of the City of Tacoma.

(2) The Site Approval shall incorporate design strategies which meet or exceed City design and development standards in terms of promoting transportation connectivity, providing multi-modal transportation options, mitigating traffic volumes and impacts to transportation networks, and addressing other transportation impacts.

(3) The Site Approval shall include a transportation impact analysis to determine whether the proposed development would generate impacts to the transportation system. If so, the Site Approval shall include mitigating actions determined by the City Engineer or designee. Such mitigation actions may include requirements on the applicant to provide frontage and onsite improvements and if warranted, to establish or participate in the establishment of new public rights-of-way, easements or private transportation connections.

(4) The Site Approval shall designate internal circulation alignments, off-street parking, and building pedestrian orientation and access, which meet or exceed City standards in a manner that ensures safe, comfortable, attractive, multi-modal access and circulation through, within, and in proximity to the development site. The internal circulation system shall provide safe, comfortable and attractive connections between buildings, through

parking areas, to the street and transit linkages, and to surrounding properties and neighborhoods. When desired, one or more alternatives may be provided that meet the intent while providing greater flexibility to accommodate a range of potential future development proposals.

(5) If modifications to City building and site standards are proposed based on the proposed future connectivity pattern, the project proponent shall demonstrate that such flexibility will better achieve the Comprehensive Plan and Subarea Plan intent and result in an attractive, multi-modal pedestrian-oriented development pattern.

(6) The Site Approval shall demonstrate consistency with other applicable provisions of the TMC, as appropriate.

(Ord. 28821 Ex. G; passed Jun. 28, 2022; Ord. 28793 Ex. B; passed Dec. 7, 2021; Ord. 28786 Ex. A; passed Nov. 16, 2021; Ord. 28725 Ex. E; passed Dec. 8, 2020; Ord. 28725 Ex. A; passed Dec. 8, 2020; Ord 28695 Ex. A; passed Oct. 20, 2020: Code Reviser's Note: Subsections were previously codified as Sections 13.06.640 (Conditional Use Permit), 13.06.645 (Variances), 13.06.660 (Site Approvals), 13.06A.100 (Downtown Maser Planned Development (DMPD)), and 13.06A.110 (Variances), all were relocated to 13.05.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See additional notes and prior legislation in footnotes.)

### **13.05.020 Application requirements for land use permits.<sup>1</sup>**

#### **A. Purpose.**

The purpose of this section is to outline land use permit and application requirements.

#### **B. Applicability.**

The regulations identified in this section apply to land use permits for which the Director and/or Hearing Examiner have decision-making authority. The applicant for a land use permit requested under this title shall have the burden of proving that a proposal is consistent with the criteria for such application.

#### **C. Application Requirements.**

##### **1. Predevelopment Conference.**

A predevelopment conference may be scheduled at the request of the Department or the applicant. The predevelopment conference is intended to define the project scope and identify regulatory requirements of Title 13, prior to preparing a land use proposal.

##### **2. Pre-Application Meeting.**

The pre-application meeting is a meeting between Department staff and a potential applicant for a land use permit to discuss the application submittal requirements and pertinent fees. A pre-application meeting is required prior to submittal of an application for rezoning, platting, height variances, conditional use permit, shoreline management substantial development (including conditional use, variance, and revision), wetland/stream/Fish and Wildlife Habitat Conservation Area (FWHCA) development permits, wetland/stream/FWHCA minor development permits, and wetland/stream/FWHCA verifications. This requirement may be waived by the Department. The pre-application meeting is optional for other permits.

##### **3. Applications Form and Content.**

The Department shall prescribe the form and content for complete applications made pursuant to this title. The applicant is responsible for providing complete and accurate information on all forms as specified below.

Applications shall include the following:

- a. The correct number of completed Department application forms signed by the applicant;
- b. The correct number of documents, plans, or maps identified on the Department Submittal Requirements form which are appropriate for the proposed project;
- c. A demonstration by the applicant of consistency with the applicable policies, regulations, and criteria for approval of the permit requested;
- d. A completed State Environmental Policy Act checklist, if required; containing all information required to adequately determine the potential environmental impacts of the proposal;

<sup>1</sup> Code Reviser's note: Previously codified as 13.05.010 (Application requirements for land use permits); relocated to 13.05.020 per Ord. 28613 Ex. G.

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- e. Payment of all applicable fees as identified in Section 2.09.170 – Required Filing Fees for Land Use Applications; and
- f. Additional application information which may be requested by the Department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis, and transportation impact studies.

### D. Initiation of Review Process.

The Department shall review a submitted application to determine its completeness, but will not begin permit processing of any application until the application is found to be complete. “Completeness” means the appropriate documents and reports have been submitted. Accuracy and adequacy of the application is not reviewed as a part of this phase.

### E. Notice of Complete or Incomplete Application.

1. Within 28 days after receiving a development permit application, the Department shall provide in writing to the applicant either:

- a. A notice of complete application; or
- b. A notice of incomplete application and what information is necessary to make the application complete.

The 28-day time period shall be determined by calendar days from the date the application was filed to the postmarked date on the written notice from the Department.

2. An application shall be found complete if the Department does not, within 28 days, provide to the applicant a notice of incomplete application.

3. If the application is determined to be incomplete, and/or additional information is requested, within 14 days after an applicant has submitted the requested additional information, the Department shall notify the applicant whether the information submitted adequately responds to the notice of incomplete application, thereby making the application complete, or what additional information is still necessary.

4. An application is complete for purposes of this section when it meets the submission requirements of the Department as outlined in Section 13.05.020.C and TMC Section 13.11.230 for projects that may affect Critical Areas or their regulated buffers/management areas/geo-setbacks, even though additional information may be required or project modifications may be made later. The determination of a complete application shall not preclude the Department from requesting additional information or studies, either at the time of the notice of complete application or subsequently if new information is required or substantial changes in the proposed action occur, or should it be discovered that the applicant omitted, or failed to disclose, pertinent information.

### F. Inactive Applications.

If an applicant fails to submit information identified in the notice of incomplete application or a request for additional information within 120 days from the Department’s mailing date, or does not communicate the need for additional time to submit information, the Department may consider the application inactive and, after notification to the applicant, may close out the file and refund a proportionate amount of the fees collected with the application.

### G. Modification to Application.

Proposed modifications to an application which the Department has previously found to be complete will be treated as follows:

- 1. Modifications proposed by the Department to an application shall not be considered a new application.
- 2. If the applicant proposes modifications to an application which would result in a substantial increase in a project’s impacts, as determined by the Department, the application may be considered a new application. The new application shall conform to the requirements of this title which are in effect at the time the new application is submitted.

### H. Limitations on Refiling of Application.

1. Applications for a land use permit pursuant to Title 13 on a specific site shall not be accepted if a similar permit has been denied on the site within the 12 months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed, or the date of the original decision if no appeal was filed.



2. The 12-month time period may be waived or modified if the Director finds that special circumstances warrant earlier reapplication. The Director shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:

- a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision;
- b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and
- c. An application for a variance shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision.

In every instance, the burden of proving that an application is not similar shall be upon the applicant.

#### **I. Filing Fees.**

The schedule of fees for land use permits is established in Chapter 2.09 of the Tacoma Municipal Code.

#### **J. Time Periods for Decision on Application.**

1. A decision on applications considered by the Director shall be made within 120 days of complete application. Applications within the jurisdiction of the Hearing Examiner shall be processed within the time limits set forth in Chapter 1.23. The notice of decision on a land use permit shall be issued (and postmarked) within the prescribed number of days after the Department notifies the applicant that the application is complete or is found complete as provided in Section 13.05.010.D.3. The following time periods shall be exempt from the time period requirement:

- a. Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information due to the applicant's misrepresentation or inaccurate or insufficient information.
- b. Any period during which an environmental impact statement is being prepared; however, in no case shall the time period exceed one year, unless otherwise agreed to by the applicant and the City's responsible official for SEPA compliance.
- c. Any period for administrative appeals of land use permits.
- d. Any extension for any reasonable period of time mutually agreed upon in writing between the applicant and the Department.

2. The 120-day time period established in Section 13.05.020.J.1 for applications to the Director shall not apply in the following situations:

- a. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.
- b. If, at the applicant's request, there are substantial revisions to the project proposal, in which case the time period shall start from the date on which the revised project application is determined to be complete, per Section 13.05.020.E.3.

3. Decision when effective. A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to either Chapter 1.23 or Chapter 1.70. In the case of a zoning reclassification, the City Council's decision on final reading of the reclassification ordinance shall be considered the final decision.

4. If unable to issue a final decision within the 120-day time period, a written notice shall be made to the applicant, including findings for the reasons why the time limit has not been met and the specified amount of time needed for the issuance of the final decision.

5. Time Computation. In computing any time period set forth in this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. Legal holidays are described in RCW 1.16.050.

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### K. Required submittals.<sup>1</sup>

#### 1. Administrative review-building permit.

Application for administrative review and building permit shall include the following:

- a. A site elevation and landscaping plan indicating the specific placement of the facility on the site, the location of existing structures, trees, and other significant site features, the type and location of plant materials used to screen the facility, including the related equipment facilities, and the proposed color(s) of the facility. The landscape plan shall address the required method of fencing, finished color, and, if applicable, the method of camouflage and illumination.
- b. A signed statement indicating that:
  - (1) the applicant for a new tower has provided notice to all other area wireless service providers of its application to encourage the collocation of additional antennas on the structure. Notice shall be published in a newspaper of general circulation once per week, for a minimum period of 30 days, and an affidavit of publication shall be provided at the time of application as proof that the required notice has occurred. This requirement shall not apply to the development of concealed or camouflaged towers; and
  - (2) the applicant and/or landlord agree to remove the facility within one year after abandonment.
- c. Copies of any environmental documents required, pursuant to the State Environmental Policy Act ("SEPA") (WAC 197-11). Project actions which are categorically exempt from SEPA shall also be exempt from this requirement. Copies of any environmental documents required by a federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or, in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.
- d. An engineered and stamped site plan clearly indicating the location, type, and height of the proposed tower and antenna, the anticipated antenna capacity of the tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures.
- e. Legal description of the parcel and Pierce County Assessor's Parcel Number.
- f. A letter signed by the applicant stating the tower will comply with all FAA regulations and applicable standards, and all other applicable federal, state, and local laws and regulations.
- g. A signed statement indicating that such installation, repair, operation, upgrading, maintenance, and removal of antenna(s) by the wireless communication provider shall be lawful and in compliance with all applicable laws, orders, ordinances, and regulations of federal, state, and local authorities having jurisdiction.
- h. Where applicable, proof that the applicant is an FCC-licensed wireless communication provider or that it has agreements with an FCC-licensed wireless communication provider for use or lease of the proposed facility.

(Ord. 28725 Ex. E; passed Dec. 8, 2020; Ord. 28725 Ex. A; passed Dec. 8, 2020; Code Reviser's note: Previously codified as 13.05.010 (Application requirements for land use permits); relocated to 13.05.020 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28180 Ex. C; passed Oct. 15, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. A; passed May 8, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27771 Ex. B; passed Dec. 9, 2008; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 5; passed Nov. 15, 2005; Ord. 27245 § 1; passed Jun. 22, 2004; Ord. 26843 § 2; passed Aug. 21, 2001; Ord. 26645 § 4; passed Jun. 27, 2000; Ord. 25852 § 1; passed Feb. 27, 1996)

### 13.05.030 Zoning and Land Use Regulatory Code Amendments.<sup>2</sup>

#### A. General Provisions.<sup>3</sup>

1. Whenever this chapter has been, or is hereafter, amended to include in a different district, property formerly included within classified district boundaries of another district, such property shall be deemed to thereupon be deleted from such former district boundaries.
2. Unless specifically classified otherwise, zoning district boundaries shall be considered to extend to the centerline of rights-of-way. Right-of-way, which has had prior approval for vacation pursuant to Chapter 9.22 or which is hereafter

<sup>1</sup> Code Reviser's note: Relocated from Subsection 13.06.545.D. per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Section previously codified as 13.05.030 (Director Decision Making Authority), was renumbered and relocated to 13.05.080 per Ord. 28613, Ex. G; passed Sept. 24, 2019.

<sup>3</sup> Code Reviser's note: Relocated from Subsection 13.06.650.C. through I. per Ord. 28613 Ex. G.

approved for vacation, shall be deemed to be added to the district boundaries of the property which the vacated right-of-way abuts. In instances where a vacated right-of-way is bordered on one side by a district which is different from the district on the other side, the right-of-way shall be deemed to be added apportionately to the respective districts.

**3. Limitation on rezones in downtown districts.**

After the area-wide reclassification establishing the downtown district boundaries has occurred, no property shall be reclassified to a downtown district, except through a subsequent area-wide reclassification.

**4. Limitations on rezones in Mixed-Use Centers.**

After adoption of the area-wide reclassifications establishing and confirming the Mixed-Use Center zoning district boundaries in 2009, no property shall be reclassified to or from a Mixed-Use Center zoning district (X-district) except through a subsequent area-wide reclassification.

**5. Limitations on rezones in certain overlay zoning districts.**

The boundaries of the following area-wide zoning overlay districts can only be amended through another area-wide reclassification: view-sensitive, groundwater protection, manufacturing/industrial center, and historic and conservation overlay districts.

**6. Area-wide reclassifications supersede.**

Area-wide reclassifications adopted by the City Council supersede any previous reclassifications and any conditions of approval associated with such previous reclassifications.

**7. Affordable housing – privately initiated upzones.**

Privately initiated residential upzones shall be conditioned to provide for inclusion of affordable housing. For development proposals meeting the thresholds and criteria of TMC 1.39, a certain number of the dwelling units shall be entered by the project proponent into the City's Affordable Housing Incentives Program. That number may be designated at the time of the upzone, or alternatively the upzone shall be conditioned to provide that designated percentage of affordable units at such time as a specific residential development proposal is submitted to the City.

**8. Affordable housing – City-initiated upzones.**

In order to ensure consistency with the housing policies of the Comprehensive Plan which promote mixed-income neighborhoods citywide, the City shall analyze the supply of affordable housing in the vicinity of the proposed upzone, and assess whether the upzone would substantially exacerbate affordability challenges. If there are affordability issues associated with the proposed upzone, the City shall consider actions to address them, potentially including placing special conditions on the upzone, targeting City programs or funding to increase the affordable housing supply, or other methods.

**B. Area-Wide Zoning Reclassifications.<sup>1</sup>**

1. Zoning classifications shall be adopted and amended by ordinance of the City Council, following the procedures identified in this section.

2. Area-wide zoning reclassifications must be consistent with the procedural requirements of RCW 36.70A and in compliance with applicable case law.

3. An area-wide zoning reclassification that brings the zoning classification into conformity with the Future Land Use Map as identified in Figure 2 of the Urban Form Chapter of the Comprehensive Plan will be conducted by the Planning Commission, consistent with RCW 42.36.010, with recommendation to the City Council. Area-wide zoning reclassifications which conform to the Future Land Use Map and do not require plan modification may be considered at any time.

4. Area-wide zoning reclassifications which are inconsistent with the Future Land Use Map as identified in Figure 2 of the Urban Form Chapter of the Comprehensive Plan shall be conducted by the Planning Commission in conjunction with the Future Land Use Map amendment. Area-wide zoning reclassifications that require a Future Land Use Map amendment shall be considered during the Comprehensive Plan amendment cycle as prescribed in Section 13.02.045.

5. Amendments proposed to comply with the update requirements of RCW 36.70.A.130 will occur according to the time frames established therein.

<sup>1</sup> Code Reviser's note: Previously codified as 13.02.053 (Area-wide zoning reclassifications); relocated to 13.05.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 6; passed Jun. 26, 2018; Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27995 Ex. A; passed Jun. 14, 2011; Ord. 27172 § 10; passed Dec. 16, 2003.

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### 6. Application for an area-wide zoning reclassification.

a. A proposed area-wide zoning reclassification may be submitted by any private individual, organization, corporation, partnership, or entity of any kind, including any member(s) of the City Council or the Planning Commission or other governmental Commission or Committee, the City Manager, any neighborhood or community council or other neighborhood or special purpose group, a department or office, agency, or official of the City of Tacoma, or of any other general or special purpose government.

b. Area-wide zoning reclassifications initiated by the City Council, the Planning Commission, or the Department do not require an application. For all other items, the Department shall prescribe the form and content for applications for amendments to the Comprehensive Plan and development regulations.

c. Application fees shall be as established by City Council action.

d. The application deadline for any given annual amendment cycle shall be established by the Department no later than the last day of May. Those applications for amending the Comprehensive Plan received after the established deadline are less likely to be considered in the current annual amendment cycle and are more likely to be considered in a subsequent amendment cycle, unless determined otherwise by the Planning Commission.

e. The application shall include, but not be limited to, the following:

#### (1) Project summary:

- A description of the proposed amendment;
- The current and proposed Comprehensive Plan land use designation and zoning classification for the affected area;
- A description, along with maps if applicable, of the area of applicability and the surrounding areas, including identification of affected parcels, ownership, current land uses, site characteristics, and natural features;
- The proposed amendatory language, if applicable.

#### (2) Background.

- Appropriate history and context for the proposed amendment, such as prior permits or rezones, concomitant zoning agreements, enforcement actions, or changes in use.

#### (3) Policy review.

- Identify and cite any applicable policies of the Comprehensive Plan that provide support for the proposed amendment;

#### (4) Objectives.

(a) Describe how the proposed amendment achieves the following objectives, where applicable:

- Address inconsistencies or errors in the Comprehensive Plan or development regulations.
- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services.
- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern.
- Enhance the quality of the neighborhood.

#### (5) Community outreach.

- A description of any community outreach and response to the proposed amendment;

#### (6) Supplemental information.

(a) Supplemental information as requested by the Department, which may include, but is not limited to:

- completion of an environmental checklist,
- wetland delineation study,
- visual analysis, or

- other studies.

f. Pre-Application meeting.

(1) The applicant is responsible for providing complete and accurate information. A meeting between the Department staff and the applicant to discuss the application submittal requirements before submitting an application is strongly advised.

7. Assessment of proposed amendments.

a. The Department shall docket all amendment requests upon submittal of a complete application, to ensure that all requests receive due consideration and are available for review by the public.

b. The Department will provide the Planning Commission with an Assessment Report for the proposed amendment applications that includes, at a minimum:

- Whether the amendment request is legislative and properly subject to Planning Commission review, or quasi-judicial and not properly subject to Commission review;
- Whether there have been recent studies of the same area or issue, which may be cause for the Commission to decline further review, or if there are active or planned projects that the amendment request can be incorporated into; and
- A preliminary staff review of the application submittal;
- Identification of other amendment options the Planning Commission could consider in addition to the amendment as proposed by the applicant; and
- Whether the amount of analysis necessary is reasonably manageable given the workloads and resources of the Department and the Commission, or if a large-scale study is required, the amendment request may be scaled down, studied in phases, delayed until a future amendment cycle, or declined.

c. The Planning Commission will review this assessment and make its decision as to:

- whether or not the application is complete, and if not, what information is needed to make it complete;
- whether or not the scope of the application should be modified, and if so, what alternatives should be considered; and
- whether or not the application will be considered, and if so, in which amendment cycle.

d. The Planning Commission shall make determinations concerning proposed Comprehensive Plan amendments within 120 days of the close of the application period.

e. The Planning Commission shall make determinations concerning proposed zoning and regulatory code amendments that do not require concurrent Comprehensive Plan amendments within 120 days of receiving an application.

8. Analysis of proposed amendments.

a. Upon completing the assessment and receiving an affirmative determination from the Planning Commission to accept the application, the proposed amendment will be analyzed by the Department.

b. The Department shall provide the Commission with a staff analysis report, which will include, as appropriate:

- (1) A staff analysis of the application in accordance with the elements described in 13.05.030.B.6;
- (2) An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;
- (3) An analysis of the amendment options identified in the assessment report; and
- (4) An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

9. Planning Commission Review.

a. The Department will present the proposed amendment along with analysis conducted pursuant to this Section to the Planning Commission for review and direction. The Commission will conduct public meetings and hearings, and

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solicit comments from the general public, organizations and agencies, other governmental departments and agencies, and adjacent jurisdictions as appropriate.

b. In formulating its recommendations to the City Council concerning a proposed area-wide zoning reclassification, the Planning Commission shall provide public notice and conduct at least one public hearing.

c. Advisory committees established in accordance with Section 13.02.015 may also conduct one or more public hearings prior to making recommendations to the Planning Commission.

d. For area-wide zoning reclassifications, the Department shall ensure that a special notice of the acceptance of the application by the Planning Commission for consideration in the current amendment cycle is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, and occupants, within, and within 2500 feet of, the subject area. This special notice will inform property taxpayers that an application has been filed, identify where the application and background information may be reviewed, describe in general terms the review and public comment process, establish a time and place for an informational meeting with City staff, and solicit preliminary comments.

e. The Planning Commission shall conduct a public hearing to consider an area-wide zoning reclassification and to determine the consistency of the reclassification with the Comprehensive Plan and its elements and RCW 36.70A. In making its recommendation to the City Council, the Planning Commission shall make findings and conclusions to demonstrate the manner in which the area-wide reclassification carries out and helps implement the goals and policies of the Comprehensive Plan.

### 10. Planning Commission findings and recommendations.

a. Upon completion of the public comment period and review of the public testimony, the Planning Commission will make a determination as to whether the proposed amendments are consistent with the following criteria:

- Whether the proposed amendment will benefit the City as a whole, will not adversely affect the City's public facilities and services, and bears a reasonable relationship to the public health, safety, and welfare; and
- Whether the proposed amendment conforms to applicable provisions of State statutes, case law, regional policies, and the Comprehensive Plan.

b. The Commission will prepare a recommendation and supportive findings to forward to the City Council for consideration.

### 11. City Council public hearing and action.

a. At least one City Council public hearing on the proposed area-wide zoning reclassification shall be held prior to final action by the City Council; prior to making a substantial change to the proposal recommended by the Planning Commission, the City Council shall hold an additional hearing or hearings, with the City Clerk giving notice pursuant to Section 13.05.070.

b. Consistent with RCW 36.70A, the Department must notify the Washington State Department of Commerce and other required state agencies of the City's intention to adopt or amend the Comprehensive Plan prior to adoption by the City Council, and must transmit copies of the adopted plan and any amendment after City Council action.

## C. Site Specific Zoning Reclassifications.<sup>1</sup>

### a. Application submittal.

Application for rezone of property shall be submitted to Planning and Development Services. The application shall be processed in accordance with the provisions of Chapter 13.05. Final action on the application shall take place within 180 days of submission.

### b. Criteria for rezone of property.

An applicant seeking a change in zoning classification must demonstrate consistency with all of the following criteria:

(1) That the change of zoning classification is generally consistent with the applicable land use intensity designation of the property, policies, and other pertinent provisions of the Comprehensive Plan.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.650 (Application for rezone of property); relocated to 13.05.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Exs. B, C; passed Dec. 1, 2015; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27079 § 51; passed Apr. 29, 2003; Ord. 26947 § 54; passed Apr. 23, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

(2) That substantial changes in conditions have occurred affecting the use and development of the property that would indicate the requested change of zoning is appropriate. If it is established that a rezone is required to directly implement an express provision or recommendation set forth in the Comprehensive Plan, it is unnecessary to demonstrate changed conditions supporting the requested rezone.

(3) That the change of the zoning classification is consistent with the district establishment statement for the zoning classification being requested, as set forth in this chapter.

(4) That the change of the zoning classification will not result in a substantial change to an area-wide rezone action taken by the City Council in the two years preceding the filing of the rezone application. Any application for rezone that was pending, and for which the Hearing Examiner's hearing was held prior to the adoption date of an area-wide rezone, is vested as of the date the application was filed and is exempt from meeting this criteria.

(5) That the change of zoning classification bears a substantial relationship to the public health, safety, morals, or general welfare.

#### D. Amendments to the land use regulations.<sup>1</sup>

1. The Planning Commission may, from time to time, recommend to the City Council amendments or supplements to the land use regulations in order to implement the goals and policies of the Comprehensive Plan. Procedures for amendments or supplements to the land use regulations shall be the same as those specified for development regulations in subsection 13.05.030.B.

#### E. Moratoria and interim zoning.<sup>2</sup>

1. Moratoria and/or interim zoning controls adopted by ordinance of the City Council may be considered either as a result of an emergency situation or as a temporary protective measure to prevent vesting of rights under existing zoning and development regulations. Those empowered to submit a request for a moratorium or interim zoning shall be the same as in Section 13.02.030.B. Those empowered may petition the City Council or Planning Commission, in writing, to request moratoria or interim zoning, including the specific geographic location and describing what circumstances contribute to an emergency situation or the need for protective measures.

2. Moratoria or interim zoning may be initiated by either the Planning Commission or the City Council by means of determination at a public meeting that such action may be warranted. Where an emergency exists, prior public notice may be limited to the information contained in the public meeting agenda. City Council-initiated moratoria or interim zoning shall be referred to the Planning Commission for findings of fact and a recommendation prior to action; provided, that where an emergency is found to exist by the City Council, it may act immediately and prior to the formulation of Planning Commission findings of fact and recommendation. The City Council shall hold a public hearing within at least 60 days of adopting any moratorium or interim zoning, as provided by RCW 36.70A.390. The City Council shall adopt findings of fact justifying the adoption of any moratorium or interim zoning before, or immediately after, the public hearing.

3. As part of its findings of fact and recommendation, the Planning Commission shall address the appropriate duration and scope for the moratorium or interim zoning controls and note if a study, either underway or proposed, is expected to develop a permanent solution and the time period by which that study would be concluded. Moratoria or interim zoning may be effective for a period of not longer than six months, but may be effective for up to one year if a work plan is developed for related studies requiring such longer period. Moratoria or interim zoning may be renewed for an unlimited number of six-month intervals following their imposition; provided, that prior to each renewal, a public hearing is held by the City Council and findings of fact are made which support the renewal.

(Ord. 28786 Ex. A; passed Nov. 16, 2021; Ord. 28725 Ex. A; passed Dec. 8, 2020; Code Reviser's note: Subsections were previously codified as 13.02.053 (Area-wide zoning reclassifications), 13.02.055 (Moratoria and interim zoning), 13.06.650 (Application for rezone of property), and 13.06.655 (Amendments to the zoning regulations); all were relocated to 13.05.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See prior legislation in footnotes.)

(Code Reviser's note: Director Decision Making Authority (previously codified as 13.05.030), was relocated to 13.05.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019; see 13.05.080 for prior legislation.)

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.655 (Amendments to the zoning regulations); relocated to 13.05.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27079 § 52; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002.

<sup>2</sup> Code Reviser's note: Previously codified as 13.02.055 (Moratoria and interim zoning); relocated to 13.05.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28157 Ex. C; passed Jun. 25, 2013; Ord. 27813 Ex. A; passed Jun. 30, 2009; Ord. 27172 § 11; passed Dec. 16, 2003.

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### 13.05.040 Historic preservation land use decisions.<sup>1</sup>

#### A. Purpose.

The City finds that the protection, enhancement, perpetuation, and continued use of landmarks, districts, and elements of historic, cultural, architectural, archeological, engineering, or geographic significance located within the City are required in the interests of the prosperity, civic pride, and ecological and general welfare of its citizens. The City further finds that the economic, cultural, and aesthetic standing of the City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the destruction or defacement of historic and cultural assets. The purpose of this section is to support these goals and provide regulatory procedures for historic preservation decision making bodies.

#### B. Authority and Responsibilities.

##### 1. Landmarks Preservation Commission.

Pursuant to TMC 1.42, and for the purposes of this chapter, the Landmarks Preservation Commission shall have the authority to:

- a. Approve or deny proposals to alter individual properties or contributing properties within historic and conservation districts that are listed on the Tacoma Register of Historic Places, as provided in TMC 13.07, and authorize the issuance of Certificates of Approval for the same, and adopt standards, design guidelines, and district rules to be used to guide this review.
- b. Where appropriate, encourage the conservation of historic materials and make recommendations regarding mitigation measures for projects adversely affecting historic resources.

##### 2. Historic Preservation Officer.

Pursuant to TMC 1.42, and for the purposes of this chapter, the Historic Preservation Officer shall have the authority to:

- a. Grant administrative Certificates of Approval, subject to such limitations and within such standards as the Commission may establish.
- b. On behalf of the Landmarks Preservation Commission, draft and issue Certificates of Approval or other written decisions on matters on which the Commission has taken formal action.
- c. Upon request by other City entities, review permit applications and other project actions for appropriateness and consistency with the purposes of this chapter, Chapter 13.07, and the Preservation Plan element of the Comprehensive Plan.
- d. With respect to the goals and policies contained within this chapter, Chapter 13.07, and the Comprehensive Plan, represent the Historic Preservation Certified Local Government program for Tacoma and review, advise, and comment upon environmental analyses performed by other agencies and mitigation proposed, including NEPA and SEPA, Section 106, and other similar duties.
- e. Advise property owners and the public of historic preservation code requirements.
- f. Assist the Director, as needed, with requests for interpretations of codes relating to landmarks and to historic districts, as provided in those codes.

#### C. Compatibility of historic standards with zoning development standards.<sup>2</sup>

1. All property designated as a City landmark or that is located within a Historic Special Review District or Conservation District, according to the procedures set forth in Chapter 13.07, shall be subject to all of the controls, standards, and procedures set forth in Title 13, including those contained herein and in Chapter 13.07, applicable to the area in which it is presently located, and the owners of the property shall comply with the mandates of this Title in addition to all other applicable Tacoma Municipal Code requirements for the area in which such property is located. In the event of a conflict between the application of this chapter and other codes and ordinances of the City, the more restrictive shall govern, except where otherwise indicated.

##### 2. Coordination with Residential Zoning Code.

In certain cases, application of the development standards in the residential zones, as defined in Section 13.06.020, including those for height, bulk, scale, and setbacks, may conflict with historic preservation standards or criteria and

<sup>1</sup> Code Reviser's note: Previously codified as 13.05.045 (Historic preservation land use decisions); relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. C; passed Jun. 14, 2011.

<sup>2</sup> Code Reviser's note: Previously codified as 13.05.046 (Compatibility of historic standards with zoning development standards); relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27995 Ex. C; passed Jun. 14, 2011.



result in adverse effects to City Landmark properties. In such cases, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the standards that conflict with the Landmarks Commission's application of historic preservation standards adopted pursuant to Chapter 13.07, including the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and applicable Historic Special Review District Design Guidelines. The issuance of a Certificate of Approval for final design by the Landmarks Preservation Commission shall include specific references to any conflicts between the historic standards and those in Chapter 13.06, and specifically request the appropriate exemptions.

### 3. Coordination with Downtown Zoning.

In certain cases, the application of design standards in Downtown Tacoma zoning districts, as defined in Section 13.06.050, may conflict with historic preservation standards or criteria and result in adverse effects to historic properties. In such cases, properties subject to design review and approval by the Landmarks Preservation Commission shall be exempted from the basic design standards of Section 13.06.050 that conflict with the Landmarks Commission's application of historic preservation standards adopted pursuant to this chapter, including the Secretary of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and applicable Historic Special Review District Design Guidelines. The issuance of a Certificate of Approval for final design by the Landmarks Preservation Commission shall serve as the Commission's findings.

## D. Certificates of approval, historic.<sup>1</sup>

### 1. Certificate of Approval Required.

Except where specifically exempted by this chapter, a Certificate of Approval is required before any of the following actions may be undertaken:

- a. Alteration to the exterior appearance of any City landmark, or any building, site, structure or object proposed for designation as a City Landmark pursuant to TMC 13.07.050;
- b. Alterations to the exterior appearance of any existing buildings, public rights-of-way, or other public spaces, or development or construction of any new structures, in any Historic Special Review District.
- c. Except where otherwise specified, construction of new structures and additions to existing buildings within Conservation Districts. This authority is limited to the exterior appearance of new buildings and additions.
- d. Removal or alteration of any existing sign, or installation or placement any new sign, on a City Landmark or property within a Historic Special Review or Conservation District.
- e. Demolition of any structure or building listed on the Tacoma Register of Historic Places, or that is located within a Historic Special Review or Conservation District.
- f. No City permits for the above activities shall be issued by the City until a Certificate of Approval has been issued by the Landmarks Preservation Commission or administrative approval has been granted by the Historic Preservation Officer.
- g. When a development permit application is filed with Planning and Development Services that requires a Certificate of Approval, the applicant shall be directed to complete an application for Certificate of Approval for review by the Landmarks Preservation Commission or Historic Preservation Officer.

### 2. Application Requirements.

The following information must be provided in order for the application to be complete, unless the Historic Preservation Officer indicates in writing that specific information is not necessary for a particular application:

- a. Property name and building address;
- b. Applicant's name and address;
- c. Property owner's name and address;
- d. Applicant's telephone and e-mail address, if available;
- e. The building owner's signature on the application or, if the applicant is not the owner, a signed letter from the owners designating the applicant as the owner's representative;

<sup>1</sup> Code Reviser's note: Previously codified as 13.05.047 (Certificates of approval, historic); relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. C; passed Jun. 14, 2011.

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- f. Confirmation that the fee required by the General Services Fee Schedule has been paid;
- g. Written confirmation that the proposed work has been reviewed by Planning and Development Services, appears to meet applicable codes and regulations, and will not require a variance;
- h. A detailed description of the proposed work, including:
  - Any changes that will be made to the building or the site;
  - Any effect that the work would have on the public right-of-way or public spaces;
  - Any new development or construction;
- i. 5 sets of scale plans, or a single legible electronic copy in a format approved by Planning and Development Services staff, with all dimensions shown, of:
  - A site plan of all existing conditions, showing adjacent streets and buildings, and, if the project includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;
  - A floor plan showing the existing features and a floor plan showing proposed new features;
  - Elevations and sections of both the proposed new features and the existing features;
  - Construction details, where appropriate;
  - A landscape plan showing existing features and plantings and a landscape plan showing proposed site features and plantings;
  - Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building façade where they are located;
  - If the proposal includes new finishes or paint, one sample of proposed colors and an elevation drawing or photograph showing the proposed location of proposed new finishes or paint;
- j. If the proposal includes new signs, canopies, awnings, or exterior lighting:
  - 5 sets of scale plans, or a single legible electronic copy of the proposed signs, awnings, canopies, or lighting showing the overall dimensions, materials, design graphics, typeface, letter size, and colors;
  - 5 copies or a single electronic copy of details showing the proposed methods of attachment for the new signs, canopies, awnings, or exterior lighting;
  - For lighting, detail of the fixture(s) with specifications, including wattage and illumination color(s);
  - One sample of the proposed colors and materials;
- k. If the proposal includes the removal or replacement of existing architectural elements, a survey of the existing conditions of the features that would be removed or replaced.

### 3. Applications for Preliminary Approval.

- a. An applicant may make a written request to submit an application for a Certificate of Approval for a preliminary design of a project if the applicant waives, in writing, the deadline for a Commission decision on the subsequent design phase or phases of the project and agrees, in writing, that the decision of the Commission is immediately appealable by the applicant or any interested person(s).
- b. The Historic Preservation Officer may reject the request if it appears that the review of a preliminary design would not be an efficient use of staff or Commission time and resources, or would not further the goals and objectives of this chapter.
- c. The Historic Preservation Officer may waive portions of the above application requirements in writing that are determined to be unnecessary for the Commission to approve a preliminary design.
- d. A Certificate of Approval of a preliminary design shall be conditioned automatically upon the subsequent submittal of the final design and all of the information listed in Subsection 2 above, and upon Commission approval prior to the issuance of any permits for work affecting the property.

### 4. Applications for a Certificate of Approval shall be filed with Planning and Development Services.

### 5. Process and standards for review.

- a. When an application for Certificate of Approval is received, the Historic Preservation Officer shall:
  - (1) Review the application and determine whether the application requires review by the Landmarks Preservation Commission, or, subject to the limitations imposed by the Landmarks Preservation Commission pursuant to Chapter 1.42, without prejudice to the right of the owner at any time to apply directly to the Commission for its consideration and action on such matters, whether the application is appropriate for administrative review.
  - (2) If the application is determined appropriate for administrative review, the Historic Preservation Officer shall proceed according to the Administrative Bylaws of the Commission.
- b. If the application requires review by the full Commission, the Historic Preservation Officer shall notify the applicant in writing within 28 days whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete.
- c. Within 14 days of receiving the additional information, the Historic Preservation Officer shall notify the applicant in writing whether the application is now complete or what additional information is necessary.
- d. An application shall be deemed to be complete if the Historic Preservation Officer does not notify the applicant in writing, by the deadlines provided in this section, that the application is incomplete. A determination that the application is complete is not a determination that an application is vested.
- e. The determination that an application is complete does not preclude the Historic Preservation Officer or the Landmarks Preservation Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in Chapter 13.07 and any rules adopted by the Commission.
- f. Within 30 days after an application for a Certificate of Approval has been determined complete or at its next regularly scheduled meeting, whichever is longer, the Commission shall review the application to consider the application and to receive comments.
- g. Notice of the Commission's meeting shall be served to the applicant and distributed to an established mailing list no less than three days prior to the time of the meeting.
- h. The absence of the owner or applicant shall not impair the Commission's authority to make a decision regarding the application.
- i. Within 45 days after the application for a Certificate of Approval has been determined complete, the Landmarks Preservation Commission shall issue a written decision granting, granting with conditions, or denying a Certificate of Approval, or if the Commission elects to defer its decision, a written description of any additional information the Commission will need to arrive at a decision. A copy of the decision shall be provided to the applicant and to Planning and Development Services.
- j. A Certificate of Approval shall be valid for 18 months from the date of issuance of the Commission's decision granting it unless the Commission grants an extension; provided, however, that a Certificate of Approval for actions subject to a permit issued by Planning and Development Services shall be valid for the life of the permit, including any extensions granted in writing by Planning and Development Services.

**6. Economic Hardship**

- a. After receiving written notification from the Commission of the denial of Certificate of Approval, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that hardship exists.
- b. When a claim of economic hardship is made due to the effect of this ordinance, the owner must prove that:
  - (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
  - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  - (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- c. The applicant shall consult in good faith with the Commission, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Commission.

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d. The Commission shall hold a public hearing on the application within sixty (60) days from the date the complete application is received by the Historic Preservation Officer. Following the hearing, the Commission has thirty (30) days in which to act on the application. Failure to act on the hardship application within the (30) day timeframe will waive the Certificate of Approval requirement for permitting.

e. All decisions of the Commission shall be in writing.

f. The Commission's decision shall state the reasons for granting or denying the hardship application.

g. Denial of a hardship application may be appealed by the applicant within (14) business days to the Hearing Examiner after receipt of notification of such action.

h. Economic Evidence. The following shall be required for an application for economic hardship to be considered complete:

(1) For all property:

- The amount paid for the property;
- The date of purchase, the party from whom purchased, and a description of the business or family relationship, if any, between the owner and the person from whom the property was purchased;
- The cost of any improvements since purchase by the applicant and date incurred;
- The assessed value of the land, and improvements thereon, according to the most recent assessments;
- Real estate taxes for the previous two years;
- Annual debt service, if any, for the previous two years;
- All appraisals obtained within the previous five years by the owner or applicant in connection with their purchase, financing or ownership of the property;
- Any listing of the property for sale or rent, price asked, and offers received, if any;
- Any consideration by the owner for profitable and adaptive uses for the property, including renovation studies, plans, and bids, if any; and

(2) For income-producing property:

- Annual gross income from the property for the previous four years;
- Itemized operating and maintenance expenses for the previous four years;
- Annual cash flow for the previous four years.

### 7. Appeals to the Hearing Examiner.

The Landmarks Preservation Commission shall refer to the Hearing Examiner for public hearing all final decisions regarding applications for certificates of approval and applications for demolition where the property owners, any interested parties of record, or applicants file with the Landmarks Preservation Commission, within 10 days of the date on the decision, written notice of appeal of the decision or attached conditions.

a. Form of Appeal. An appeal of the Landmarks Preservation Commission shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal. The following information shall be submitted:

- (1) An indication of facts that establish the appellant's standing;
- (2) An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion;
- (3) The requested relief from the decision being appealed;
- (4) Any other information reasonably necessary to make a decision on appeal. Failure to set forth specific errors or grounds for appeal shall result in a summary dismissal of the appeal.

b. The Hearing Examiner shall conduct a hearing in the same manner and subject to the same rules as set forth in TMC 1.23.

c. The Hearing Examiner's decision shall be final. Any petition for judicial review must be commenced within 21 days of issuance of the Hearing Examiner's Decision, as provided for by TMC 1.23.160 and RCW 36.70C.040.

d. The Hearing Examiner, in considering the appropriateness of any exterior alteration of any City landmark, shall give weight to the determination and testimony of the consensus of the Landmarks Preservation Commission and shall consider:

- (1) The purposes, guidelines, and standards for the treatment of historic properties contained in this Title, and the goals and policies contained in the Historic Preservation Element of the Comprehensive Plan;
- (2) The purpose of the ordinance under which each Historic Special Review or Conservation District is created;
- (3) For individual City landmarks, the extent to which the proposal contained in the application for Certificate of Approval would adversely affect the specific features or characteristics specified in the nomination to the Tacoma Register of Historic Places;
- (4) The reasonableness, or lack thereof, of the proposal contained in the application in light of other alternatives available to achieve the objectives of the owner and the applicant; and
- (5) The extent to which the proposal contained in the application may be necessary to meet the requirements of any other law, statute, regulation, code, or ordinance.

e. When considering appeals of applications for demolition decisions, in addition to the above, the Hearing Examiner shall refer to the Findings of Fact made by the Landmarks Preservation Commission in addition to the demolition criteria for review and other pertinent statements of purpose and findings in this Title.

f. The Examiner may attach any reasonable conditions necessary to make the application compatible and consistent with the purposes and standards contained in this Title.

#### 8. Ordinary Maintenance and Repairs.

Nothing in this chapter or Chapter 13.07 shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any City landmark, which maintenance or repair does not involve a change in design, material, or the outward appearance thereof.

### E. Demolition of City Landmarks.<sup>1</sup>

#### 1. Application requirements.

In addition to the application requirements listed in Section 13.05.040.D, the following information must be provided in order for the application to be complete, unless the Historic Preservation Officer indicates in writing that specific information is not necessary for a particular application:

a. A detailed, professional architectural and physical description of the property in the form of a narrative report, to cover the following:

- (1) Physical description of all significant architectural elements of the building;
- (2) A historical overview;
- (3) Elevation drawings of all sides;
- (4) Site plan of all existing conditions showing adjacent streets and buildings and, if the project includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays;
- (5) Photographs of all significant architectural elements of the building; and
- (6) Context photographs, including surrounding streetscape and major sightlines.

b. A narrative statement addressing the criteria in this subsection for Applications for Historic Building Demolitions, to include the following areas, as applicable:

- (1) Architectural/historical/cultural significance of the building;
- (2) Physical condition of the building;

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<sup>1</sup> Code Reviser's note: Previously codified as 13.05.048 (Demolition of City Landmarks); relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. C; passed Jun. 14, 2011.

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(3) Narrative describing future development plans for the site, including a description of immediate plans for the site following demolition.

c. For replacement construction/redevelopment of the site, the following information is required:

(1) A complete construction timeline for the replacement structure to be completed within two years, or a written explanation of why this is not possible.

(2) Conceptual drawings, sketches, renderings, and plans.

(3) Written proof, acceptable to the Landmarks Preservation Commission, of valid and binding financial commitments for the replacement structure is required before the permit can be issued, and should be submitted with the demolition request. This may include project budgets, funding sources, and written letters of credit.

d. If a new structure is not planned for the site, the application shall contain a narrative describing the rationale for demolition and a written request for waiver of the automatic conditions contained in Subsections 3.a, 3.b, and 3.d, below.

e. If a new structure is not planned for the site, the application requirements in this subsection and subsection 13.05.040.D relating to new construction are not required in order for an application to be complete.

f. Reports by professionally qualified experts in the fields of engineering, architecture, and architectural history or real estate finance, as applicable, addressing the arguments made by the applicant.

### 2. Permitting Timelines.

a. Any City landmark for which a demolition permit application has been received is excluded from City permit timelines imposed by Section 13.05.020.J.

b. An application for a Certificate of Approval for Demolition of a City Landmark shall be filed with the Planning and Development Services Permit Intake Center. When a demolition application is filed, the application shall be routed to the Historic Preservation Officer.

c. Determination of Complete Application.

The Historic Preservation Officer shall determine whether an application for demolition is complete consistent with the timelines and procedures outlined in Section 13.05.040.D.5.a through 5.e.

d. Application Review.

(1) Preliminary Meeting. Once the application for historic building demolition has been determined to be complete, excepting the demolition fee, the Historic Preservation Officer shall schedule a preliminary briefing at the next available regularly scheduled meeting of the Landmark Preservation Commission.

(a) The purpose of this meeting is for the applicant and the Commission to discuss the historic significance of the building, project background and possible alternative outcomes, and to schedule a hearing date, if necessary.

(b) To proceed with the application, the applicant shall request a public hearing, in writing, to consider the demolition application at the preliminary meeting.

(c) At this meeting, the Landmarks Preservation Commission may grant the request for public hearing, or may request an additional 30 days from this meeting to distribute the application for peer review, especially as the material pertains to the rationale contained in the application that involves professional expertise in, but not limited to, engineering, finance, law, architecture or architectural history, or, finding that the property in question is not contributing to the Historic District, may conditionally waive the procedural requirements of this section, provided that subsections 1 and 2 of Section 13.05.040.E, "Demolition of City Landmarks – Automatic Conditions," are met.

(d) If a 30-day peer review is requested, the request for public hearing shall again be considered at the next regular meeting following the conclusion of the peer review period.

(2) Public Hearing.

Upon receiving such direction from the Landmarks Preservation Commission, and once the application fee has been paid by the applicant, the Historic Preservation Officer shall schedule the application for a public hearing within 90 days.

- (a) The Historic Preservation Officer shall give written notice, by first-class mail, of the time, date, place, and subject of the meeting to consider the application for historic building demolition not less than 30 days prior to the meeting to all owners of record of the subject property, as indicated by the records of the Pierce County Assessor-Treasurer, and taxpayers of record of properties within 400 feet of the subject property.
- (b) The Commission shall consider the merits of the application, comments received during peer review, and any public comment received in writing or during public testimony.
- (c) Following the public hearing, there shall be an automatic 60-day comment period during which the Commission may request additional information from the applicant in response to any commentary received.
- (d) At its next meeting following the public comment period, the Landmarks Preservation Commission shall make findings of fact regarding the application based on the criteria for consideration contained in this subsection. The Landmarks Preservation Commission may approve, subject to automatic conditions imposed by this subsection, the application or may deny the application based upon its findings of fact. This decision will instruct the Historic Preservation Officer whether or not they may issue written approval for a historic building demolition.

### 3. Automatic Conditions.

Following a demolition approval pursuant to this section, the following conditions are automatically imposed, except where exempted per Section 13.05.040.E.2 or elsewhere in this chapter, and must be satisfied before the Historic Preservation Officer shall issue a written decision:

- a. For properties within a Historic Special Review or Conservation District, the design for a replacement structure is presented to and approved by the Landmarks Preservation Commission pursuant to the regular design review process as defined in this chapter; or, if no replacement structure is proposed for a noncontributing structure, the Commission may, at its discretion, waive this condition and those contained in Subsections 3.b and 3.d, below;
- b. Acceptable proof of financing commitments and construction timeline is submitted to the Historic Preservation Officer;
- c. Documentation of the building proposed for demolition that meets Historic American Building Survey (“HABS”) standards or mitigation requirements of the Washington State Department of Archaeology and Historic Preservation (“DAHP”), as appropriate, is submitted to the Historic Preservation Office and the Northwest Room of the Tacoma Public Library;
- d. Development permits for the replacement are ready for issue by Planning and Development Services, and there are no variance or conditional use permit applications outstanding;
- e. Any additional mitigation agreement, such as relocation, salvage of architectural features, interpretation, or deconstruction, proposed by the applicant is signed and binding by City representatives and the applicant, and approved, if necessary, by the City Council; and
- f. Any conditions imposed on the demolition have been accepted in writing (such as salvage requirements or archaeological requirements).

### 4. Specific exemptions.

The following are excluded from the requirements imposed by this chapter and Chapter 13.07 but are still subject to Landmarks Preservation Commission approval for exterior changes as outlined elsewhere in this chapter and Chapter 13.07.

- a. Demolition of accessory buildings, including garages and other outbuildings, and noncontributing later additions to historic buildings, where the primary structure will not be affected materially or physically by the demolition and where the accessory building or addition is not specifically designated as a historic structure of its own merit;
- b. Demolition work on the interior of a City landmark or object, site, or improvement within a Historic Special Review or Conservation District, where the proposed demolition will not affect the exterior of the building and where no character defining architectural elements specifically defined by the nomination will be removed or altered; and
- c. Objects, sites, and improvements that have been identified by the Landmarks Preservation Commission specifically as noncontributing within their respective Historic Special Review or Conservation District buildings inventory at the preliminary meeting, provided that a timeline, financing, and design for a suitable replacement structure have been approved by the Landmarks Preservation Commission, or such requirements have been waived, pursuant to Section 13.05.040.E.

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### F. Minimum buildings standards, historic.<sup>1</sup>

#### 1. Prevention of Demolition by Neglect.

The Landmarks Preservation Commission shall make a reasonable effort to notify the Building Official of historic properties that appear to meet the criteria for substandard buildings or property under TMC 2.01.050.

2. For buildings listed on the Tacoma Register of Historic Places which are found to be Substandard, Derelict, or Dangerous according to the Building Official, under the Minimum Building provisions of TMC 2.01, the following shall apply:

a. Because City landmarks are culturally, architecturally, and historically significant to the City and community, the historic status of a Substandard, Derelict, or Dangerous Building may constitute a “sufficient reason” for acceptance of alternate timelines and extensions upon agreed timelines; and,

b. Any timelines and plans for the remediation of a dangerous City landmark, including for repair or demolition, shall not be accepted by the Building Official until the applicable procedures as set forth in this chapter for review of design or demolition by the Landmarks Preservation Commission have been satisfied, pursuant to TMC 2.01.030.B.

c. The Building Official may consider the Landmarks Preservation Commission to be an interested party as defined in TMC 2.01, and shall make a reasonable effort to keep the Commission notified of enforcement complaints and proceedings involving City Landmarks.

d. Nothing in this chapter shall be construed to prevent the alteration of any feature which the Building Official shall certify represents an immediate and urgent threat to life safety. The Building Official shall make a reasonable effort to keep the Historic Preservation Officer informed of alterations required to remove an unsafe condition involving a City Landmark.

3. The Historic Preservation Officer shall have the authority to administratively approve changes without prior Landmarks Preservation Commission review per Section 13.05.040.E, if, upon consultation with the Building Official and appropriate City Engineering staff, it is determined such changes are necessary to mitigate an immediate and urgent threat of structural failure or significant damage to a City landmark. The circumstances and rationale for such an alteration shall be provided in a report to the Landmarks Preservation Commission at its next regular meeting.

(Ord. 28725 Ex. A; passed Dec. 8, 2020; Code Reviser’s note: Subsections were previously codified as Sections 13.05.045 (Historic Preservation Land Use Decisions), 13.05.046 (Compatibility of historic standards with zoning development standards), 13.05.047 (Certificates of approval, historic), 13.05.048 (Demolition of City Landmarks), and 13.05.049 (Minimum buildings standards, historic); all were relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See additional notes and prior legislation in footnotes.)

### **13.05.050 Development Regulation Agreements.<sup>2</sup>**

#### A. Purpose.

Pursuant to RCW 36.70B.170-210, the purpose of this section is to create an optional application procedure that could authorize certain major projects in key locations to be reviewed, rated, approved, and conditioned according to the extent to which they advance the Comprehensive Plan’s goals and policies. In addition to demonstrating precisely how it significantly advances the goals and policies of the Comprehensive Plan by achieving the threshold set forth in subsection 13.05.050.D, a threshold established based on the Comprehensive Plan goals and policies, a project located within the areas described in subsection 13.05.050.B must document specific compliance with the policies and standards set forth in the Downtown Element, Housing Element, or Tacoma Mall Neighborhood Subarea Plan, as applicable, as well as with other pertinent Comprehensive Plan goals and policies.

It is anticipated that there will be a degree of flexibility in the application of the City’s development regulations so that any conditions are tailored to the specifics of the proposed project and community vision in such a manner as to ensure that significant public benefits are secured. Project approval is embodied in a contract designed to assure that anticipated public benefits are realized according to agreed upon terms and conditions that may include, but are not limited to, project vesting, timing, and funding of on- and off-site improvements.

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<sup>1</sup> Code Reviser’s note: Previously codified as 13.05.049 (Minimum building standards, historic); relocated to 13.05.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28255 Ex. D; passed Nov. 4, 2014; Ord. 27995 Ex. C; passed Jun. 14, 2011.

<sup>2</sup> Code Reviser’s note: Previously codified as 13.05.095 (Development Regulation Agreements); relocated to 13.05.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019.



The City is authorized, but not required, to accept, review, and/or approve the proposed Development Regulation Agreements. This process is voluntary on the part of both the applicant and the City.

**B. Applicability.**

Development Regulation Agreements shall only be allowed for one of the following project types:

1. Proposed projects located within the International Financial Services Area (IFSA), as defined in the City's Amended Ordinance No. 27825 and illustrated in Figure 1, with a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;

**Figure 1: International Financial Services Area (IFSA)**



2. Proposed projects located within the Downtown Regional Growth Center, as set forth in the Urban Form Chapter of the City Comprehensive Plan, provided that the real property involved is subject to a significant measure of public ownership or control, and provided that the project includes a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;
3. Proposed projects located within the Downtown Regional Growth Center where the City Landmarks Commission formally certifies that the proposed project is either a historic structure or is directly associated with and supports the preservation of an adjacent historic structure;
4. Proposed projects located on a public facility site, as defined in subsection 13.01.060.P TMC, that are at least five acres in size and are not a public utility site.
5. Proposed projects located within the Tacoma Mall Neighborhood Regional Growth Center, that are located on a development site at least two acres in size and that include an overall project Floor Area Ratio of at least 1.00.
6. Proposed projects located outside of designated Centers, on sites at least one acre in size, in land use designations allowing residential development, within one-fourth mile walking distance to transit service, and including at least 50 housing units in total, of which a substantial percentage shall be affordable as described in subsection TMC 13.05.050.D.1.f., below.

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### C. Application process.

An application for a Development Regulation Agreement may only be made by a person or entity having ownership or control of real property within one of the qualifying areas identified in subsection B above. Applications for a Development Regulation Agreement shall be made with the Planning and Development Services Department, solely and exclusively on the current form approved by said Department, together with the filing fee set forth in the current edition of the City's Fee Schedule, as adopted by resolution of the City Council. The City Council shall be notified once a complete application has been received. The City shall give notice under Sections 13.05.070 and 13.02.070.H TMC as if the application were for a land use designation change.

### D. Review criteria.

The City Manager, and such designee or designees as may be appointed for the purpose, shall negotiate acceptable terms and conditions of the proposed Development Regulation Agreement based on the following criteria:

1. The Development Regulation Agreement conforms to the existing Comprehensive Plan. Except for projects on a public facility site of at least five acres in size, conformance must be demonstrated by the project, as described in the Development Regulation Agreement, scoring 800 points out of a possible 1,050 points, according to the following scoring system (based on the Downtown Element, the Housing Element, or on the Tacoma Mall Neighborhood Subarea Plan, as applicable):

- a. Balanced healthy economy. In any project where more than 30 percent of the floorspace is office, commercial, or retail, one point shall be awarded for every 200 square feet of gross floorspace (excluding parking) up to a maximum of 290 points.
- b. Achieving vitality downtown (applicable within the Downtown Regional Growth Center). Up to 40 points shall be awarded for each of the following categories: (i) CPTED design ("Crime Prevention Through Environmental Design"), (ii) sunlight access to priority public use areas, (iii) view maximization, (iv) connectivity, (v) quality materials and design, (vi) remarkable features, (vii) access to open space, and (viii) street edge activation and building ground orientation.
- c. Sustainability. Up to 50 points shall be awarded for each of the following categories: (i) complete streets, (ii) transit connections, (iii) energy conservation design to a L.E.E.D. (Leadership in Energy and Environmental Design) certification to a platinum level or certified under another well-recognized rating system to a level equivalent to certification to a platinum level, and (iv) Low Impact Development Best Management Practices and Principles.
- d. Quality Urban Design. Up to 60 points shall be awarded for each of the following categories: (i) walkability, (ii) public environment, (iii) neighborliness, and (iv) support for public art. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.
- e. Achieving vitality in the Tacoma Mall Neighborhood (applicable within the Tacoma Mall Neighborhood Regional Growth Center). Up to 40 points shall be awarded for each of the following categories: (i) enhanced site connectivity above and beyond requirements; (ii) landscaping, pedestrian paving, site features and amenities that demonstrably exceed requirements; (iii) provision of public gathering spaces (e.g., for markets, events, festivals); (iv) provision of publicly accessible recreational amenities; (v) provision of neighborhood-serving amenities or services (such as a grocery store, medical clinic, or community center); (vi) distinctive modern, contemporary signage that contributes to the identity of the subarea; (vii) street edge activation and building ground orientation that demonstrably exceeds requirements; and (viii) green stormwater infrastructure and tree canopy coverage that demonstrably exceeds requirements.

f. Achieving housing goals (applicable to sites meeting the criteria of TMC 13.05.050.B.6, above).

(1) The following minimum affordability requirements shall be met (meeting this requirement shall earn 200 points):

- (a) 20% of total units must be affordable at 60% of Area Median Income (AMI) for rentals for at least 15 years, or
- (b) 20% of the total units must be affordable at 80% of AMI for ownership for at least 15 years.

(2) An additional 40 points shall be awarded for each of the following, up to a maximum of 320 additional points:

- (a) An additional 5% of total units meeting the above affordability requirements;
- (b) An additional 5% reduction in housing cost relative to AMI for all affordable units;

(c) An additional 5 year affordability duration for all affordable units.

(3) The general provisions of TMC 1.39 Affordable Housing Incentives and Bonuses Administrative Code shall apply; the fee in lieu option is not available for this purpose. The City Council may choose to require additional affordability conditions in order to achieve consistency with the Comprehensive Plan Housing Element.

(4) Projects meeting these affordability requirements are eligible for the multifamily property tax exemption 12-year affordability option, and the same units may be counted as affordable for both purposes.

2. Appropriate project or proposal elements, such as permitted uses, residential densities, nonresidential densities and intensities, or structure sizes, are adequately provided to include evidence that the site is adequate in size and shape for the proposed project or use, conforms to the general character of the neighborhood, and would be compatible with adjacent land uses.
3. Appropriate provisions are made for the amount and payment of fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, and other financial contributions by the property owner, inspection fees, or dedications.
4. Adequate mitigation measures including development conditions under chapter 43.21C RCW are provided. The City shall be the lead agency in the SEPA process for all projects.
5. Adequate and appropriate development standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features are provided.
6. If applicable, targets and requirements regarding affordable housing are addressed.
7. Provisions are sufficient to assure requirements of parks and open space preservation.
8. Best available science and best management practices shall be used to address critical areas within the property covered by a Development Regulation Agreement adopted pursuant to this section. Review of a development activity's critical area impacts shall occur during the Development Regulation Agreement review process, and a separate critical areas permit is not required. Any Development Regulation Agreement approval(s) shall, to the maximum extent feasible, avoid potential impacts to critical areas, and any unavoidable impacts to critical areas shall be fully mitigated, either on- or off-site.
9. Interim uses and phasing of development and construction is appropriately provided. In the case of an interim use of a property or portion of a property, deferments or departures from development regulations may be allowed without providing a demonstrated benefit to the City; provided, that any departures or deferments to the Code requested for a final use of the property shall comply with criterion No. 10 below. The agreement shall clearly state the conditions under which the interim use shall be converted to a permanent use within a stated time period and the penalties for noncompliance if the interim use is not converted to the permanent use in the stated period of time.
10. Where a phased Development Regulation Agreement is proposed, a site plan shall be provided and shall clearly show the proposed interim and final use subject to the agreement.
11. In the case of a Development Regulation Agreement where the proposed use would be the final use of the property, it shall be clearly documented that any departures from the standards of the Code, requested by the applicant, are in the judgment of the City, off-set by providing a benefit to the City of equal or greater value relative to the departure requested. In no case shall a departure from the Code be granted if no benefit to the City is proposed in turn by the applicant.
12. Conditions are set forth providing for review procedures and standards for implementing decisions, together with conditions explicitly addressing enforceability of Development Regulation Agreement terms and conditions and applicable remedies.
13. Thresholds and procedures for modifications to the provisions of the Development Regulation Agreement are provided.
14. A build-out or vesting period for applicable standards is provided.
15. Any other appropriate development requirements or procedures necessary to the specific project or proposal are adequately addressed.
16. If appropriate and if the applicant is to fund or provide public facilities, the Development Regulation Agreement shall contain appropriate provisions for reimbursement, over time, to the applicant.
17. Appropriate statutory authority exists for any involuntary obligation of the applicant to fund or provide services, infrastructure, impact fees, inspection fees, dedications, or other service or financial contributions.

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18. Penalties for noncompliance with the terms of the Development Regulation Agreement are provided.

19. The building(s) shall be L.E.E.D. certified to a gold level or certified under another well-recognized rating system to be comparable to a building that is L.E.E.D. certified to a gold level, with the exception of affordable housing projects per the provisions of TMC 13.050.B.6.

### E. Other standards and requirements.

1. Compliance with the provisions of subsection D above will ensure that the terms of the Development Regulation Agreement are consistent with the development regulations of the City then in effect, except that in the case of Shoreline Management Districts (Title 19<sup>1</sup> TMC) and Landmarks and Historic Special Review Districts (Chapter 13.07 TMC), specific compliance with the regulations and procedures of these codes is required.

2. The Development Regulation Agreement shall specify any and all development standards to which its terms and provisions apply. All other applicable standards and requirements of the City or other agencies shall remain in effect for the project.

### F. Public hearing and approval process.

1. If the City Manager deems that an acceptable Development Regulation Agreement has been negotiated and recommends the same for consideration, the City Council shall hold a public hearing and then may take final action, by resolution, to authorize entry into the Development Regulation Agreement. In addition, the City Council may continue the hearing for the purpose of clarifying issues or obtaining additional information, facts, or documentary evidence; advice may be sought from the Planning Commission.

2. Because a Development Regulation Agreement is not necessary to any given project or use of real property under the existing Comprehensive Plan and development regulations in effect at the time of making application, approval of a Development Regulation Agreement is wholly discretionary, and any action taken by the City Council is legislative only and not quasi-judicial.

3. The decision of the City Council shall be final immediately upon adoption of a resolution authorizing or rejecting the Development Regulation Agreement.

4. Following approval of a Development Regulation Agreement by the City Council, and execution of the same, the Development Regulation Agreement shall be recorded with the Pierce County Auditor.

### G. Modifications.

Once a Development Regulation Agreement is approved, no variances or discretionary permits may be applied for. Changes to standards may only be secured by amendment to the Development Regulation Agreement pursuant to amendment thresholds and process set forth in the Development Regulation Agreement.

### H. Enforcement.

Unless amended pursuant to this section and the terms of the agreement, or terminated, a Development Regulation Agreement is enforceable during its term by a party to the Development Regulation Agreement. A Development Regulation Agreement and the development standards in the Development Regulation Agreement govern during the term of the agreement or for all or that part of the specified build-out period. The Agreement will not be subject to a new or amended zoning ordinance or development standard adopted after the effective date of the Agreement, unless otherwise provided in the Agreement or unless amended pursuant to this section. Any permit or approval issued by the City after the execution of the Agreement must be consistent with the Development Regulation Agreement.

(Ord. 28793 Ex. B; passed Dec. 7, 2021; Ord. 28725 Exs. A and E; passed Dec. 8, 2020; Code Reviser's Note: Previously codified as Section 13.05.095 (Development Regulation Agreements); relocated to 13.05.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28376 Ex. E; passed Aug. 16, 2016; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28077 Ex. B; passed Jun. 12, 2012; Ord. 28051 Ex. A; passed Feb. 21, 2012; Ord. 27877 Ex. A; passed Mar. 2, 2010)

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<sup>1</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

**13.05.060 Residential Infill Pilot Program<sup>1</sup>****A. Purpose.**

To promote innovative residential infill development types, while ensuring that such development demonstrates high quality building and site design that is responsive to and harmonious with neighborhood patterns and character. In addition, the Pilot Program is intended to develop a body of successful, well-regarded examples of innovative residential infill in order to inform a later Council decision whether to finalize development regulations and design standards for some or all of these infill housing types.

**B. Term.**

The Pilot Program will commence when infill design guidelines illustrating in graphic format the intent and requirements of this section have been revised and updated, with input from the Planning Commission, and authorized by the Director. The Pilot Program will be reassessed as directed by the City Council or by the Director. Once six spaces in all of the categories have been completed in each Council District in Tacoma, no additional applications will be accepted for that category until further Council action has been taken.

**C. Applicability.**

The provisions of this section apply to the following categories of residential infill:

1. Two-family dwelling or two townhouse dwelling units within the R-2 District;
2. Multifamily development within the R-3 District. In addition, applications to the Infill Pilot Program for renovations of existing structures that do not increase building footprint will be reviewed in the R-2 District;
3. Cottage Housing development within any residential district except the HMR-SRD District; and
4. Planned Infill Housing option in all residential districts.

**D. Consistency with the TMC.**

Proposals submitted to the Infill Pilot Program must be consistent with the provisions of TMC 13.06 regarding residential districts, the development and permitting requirements described therein, as well as any other pertinent sections of the TMC that apply.

**E. Submittals.**

Proponents of any of the above innovative residential infill development types shall submit the following:

1. Site plan(s) showing proposed and existing conditions.
2. Building elevations from all four sides, showing proposed and existing conditions.
3. A massing study.
4. Photographs of any existing structures that will be altered or demolished in association with the proposal, as well as photographs of the structures on adjacent parcels.
5. A narrative and any supporting exhibits demonstrating how the project will be consistent with the Pilot Program intent and the provisions of this section.
6. Demonstration that the proposal would meet all pertinent TMC requirements, including those contained in TMC 13.06.020.
7. A complete application, along with applicable fees, for any required land use permits, including a Conditional Use Permit. Such processes may require public notification and/or meetings.
8. The Director reserves the right to request additional information and documentation prior to beginning the City's review.

**F. Review process.**

The Director will convene a special advisory review body which shall function in an advisory capacity to provide input prior to the Director or Hearing Examiner's decision and conditions of approval.

1. This body will include the following representatives:

<sup>1</sup> Code Reviser's note: Previously codified as 13.05.115 (Residential Infill Program); relocated to 13.05.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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- a. The Director or designee;
  - b. The Long Range Planning Manager or designee;
  - c. A City staff member with residential building and site development expertise;
  - d. A designee representing the area Neighborhood Council where the project is proposed;
  - e. An architect or urban design professional;
  - f. A representative of the Landmarks Preservation Commission, if the project is within an Historic or Conservation District or would affect or be adjacent to historically significant properties; and
  - g. The Current Planning Manager or designee.
2. The Historic Preservation Officer shall be consulted to assess potential adverse impacts to historically designated properties or properties eligible for historic designation. To mitigate or avoid adverse impacts, conditions recommended by the Historic Preservation Officer may include:
  - a. Designation of the historically significant property to the Tacoma Register of Historic Places.
  - b. Avoidance of the historically significant property or minimizing exterior changes to the property.
  - c. Documentation and architectural salvage of the historically significant property, if demolition cannot be avoided.
3. The special advisory review body will assess the consistency of the proposal with the following criteria. All proposals submitted under the provisions of this section must demonstrate the following:
  - a. Responsiveness to the following basic neighborhood patterns established by existing development in the area.
    - (1) Street frontage characteristics.
    - (2) Rhythm of development along the street.
    - (3) Building orientation on the site and in relation to the street.
    - (4) Front setback patterns.
    - (5) Landscaping and trees.
    - (6) Backyard patterns and topography.
    - (7) Architectural features.
    - (8) Historic character, if located within a designated Historic District.
    - (9) Whether adverse impacts to properties that are eligible for listing on a historic register can be mitigated.
  - b. Pedestrian-friendly design. The proposed development must provide direct and convenient pedestrian access from each dwelling to abutting sidewalks and public pathways and must emphasize pedestrian connectivity. The quality of the pedestrian experience within the site and in the abutting public right-of-way shall be high.
  - c. De-emphasize parking. Parking is not required for projects in the Infill Pilot Program, but if parking is provided, the project should de-emphasize parking in terms of its prominence on the site and its visibility from the public right-of-way.
  - d. Minimize scale contrasts, shading and privacy impacts. The proposal must demonstrate that it will limit abrupt changes in scale between the proposed development and existing buildings on adjacent parcels. Privacy and shading impacts on abutting parcels must be prevented or reduced to a reasonable extent.
  - e. Create usable outdoor (or yard) spaces. The proposal must provide usable and functional outdoor or yard space that will be an amenity to its residents.
  - f. Sustainable features. In the case of multifamily development in the R-3 District, and Cottage Housing, the proposal must provide documentation of the incorporation of sustainability features through one of the following certification programs:
    - (1) Built Green 3 Stars; LEED Bronze; or equivalent.
  - g. Consistency with Residential Infill Pilot Program Handbook. The proposed development must demonstrate consistency with the housing type-specific standards and Design Elements contained within the latest version of the Residential Infill Pilot Program Handbook.

#### G. Residential Infill Pilot Program Handbook.

The Director shall prepare, and update as appropriate, an Infill Pilot Program Handbook to illustrate the design intent, clarify and explain the standards for each housing type, clarify the permit process, and provide additional information of use to program applicants and the special advisory review body.

#### H. Decision.

As part of the associated land use decision, the Director or Hearing Examiner shall determine whether the proposal meets the intent of this section and incorporate conditions as appropriate into the land use and building permit approvals. In the case of projects in historic or conservation districts, or individually designated landmarks, Landmarks Preservation Commission approval will be required pursuant to TMC 13.05.040. The Director has discretion to increase, decrease, or modify development standards, including setbacks, height, and parking, in order to ensure the proposal is fully consistent with the intent of the Infill Pilot Program prior to issuance of a decision.

(Ord. 28821 Ex. G; passed Jun. 28, 2022; Ord. 28725 Ex. A; passed Dec. 8, 2020; Ord. 28695 Ex. A; passed Oct. 20, 2020. Code Reviser's Note: Previously codified as Section 13.05.115 (Residential Infill Pilot Program); relocated to 13.05.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior Legislation: Ord. 28576 Ex. A; passed Mar. 19, 2019; Ord. 28336 Ex. B; passed Dec. 1, 2015)

### **13.05.070 Notice process.<sup>1</sup>**

#### A. Purpose.

The purpose of this section is to provide notice requirements for land use applications.

#### B. Administrative Determination.

1. A public notice is not required for Administrative Determinations. Examples of Administrative Determinations are minor variances, reasonable accommodation requests, review of non-conforming rights, zoning verification requests, and information requests.
2. Determinations of the Director shall be mailed to the applicant and the property owner (if different than the applicant) by first class mail and/or electronic mail.
3. At the discretion of the Director, notice of the Determination and/or summary of Determination may be provided to other qualified or interested parties.

#### C. Process I – Minor Land Use Decisions.

1. A public notice shall be provided, and a notice of application published, within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.E. Examples of minor land use decisions are variances, Conditional Use Major Modifications, temporary shelters, wetland/stream/FWHCA Verifications, and wetland/stream/FWHCA Minor Development Permits.
2. Public notice shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils pursuant to TMC 1.45 and business districts pursuant to TMC 1.47 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); and the Puyallup Tribe of Indians. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. Notice shall also be mailed by first-class mail to occupants 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 13.05.070.H.
3. Parties receiving public notice shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department.
4. Decisions of the Director shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. Decisions of the Director requiring environmental review pursuant to the State Environmental Policy Act, WAC 197-11, and the provisions of TMC Chapter 13.12, shall also include a Threshold Determination by the Responsible Official for the Department.

<sup>1</sup> Code Reviser's note: Previously codified as 13.05.020 (Notice process); relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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(a) A full copy of the decision shall be provided to any party who commented on the proposal during the comment period.

(b) A notice of decision shall be mailed by first-class mail to all recipients of the initial public notice, as described above.

5. A public information sign (or signs), provided by the Department for applications noted in Table H (Section 13.05.070.H), 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 sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and how additional information can be obtained.

### D. Process II – Administrative Decisions Requiring an Environmental Determination and Height Variances, Shoreline Permits, Conditional Use, Special Development Permits, Wetland/Stream/Fish & Wildlife Habitat Conservation Area (FWHCA) Development Permits, Site Approvals.

1. A public notice shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.E.

2. Public notice shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils pursuant to TMC 1.45 and neighborhood business districts pursuant to TMC 1.47 in the vicinity where the proposal is located; qualified neighborhood or community organizations consistent with the requirements set forth for Process I land use permits; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); and the Puyallup Tribe of Indians. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. Notice shall also be mailed by first-class mail to occupants 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 13.05.070.H. 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 occupants and 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 13.05.070.H. from the boundary of the PRD District.

3. Parties receiving public notice shall be given 30 days, with the exception of five to nine lot preliminary plats which shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department, unless a Public Meeting is held, as provided by Section 13.05.070.G.

4. A public information sign (or signs), provided by the Department for applications noted in Table H (Section 13.05.070.H), 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 sign shall contain, at a minimum, the following information: type of application, name of applicant, description and 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 H of this section.

6. Decisions of the Director shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. Decisions of the Director requiring environmental review pursuant to the State Environmental Policy Act, WAC 197 11, and the provisions of TMC Chapter 13.12, shall also include a Threshold Determination by the Responsible Official for the Department.

(a) A full copy of the decision shall be provided to any party who commented on the proposal during the comment period.

(b) A notice of decision shall be mailed by first-class mail to: all recipients of the initial public notice, as described above.

### E. Process III – Decisions Requiring a Public Hearing.

1. A public notice shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.020.C.



2. Public notice, including the information identified in Section 13.05.070.F, shall be mailed by first-class mail to the applicant, property owner (if different than the applicant), neighborhood councils pursuant to TMC 1.45 and neighborhood business districts pursuant to TMC 1.47 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); and the Puyallup Tribe of Indians. Any of the above groups may be notified by electronic means instead of, or in addition to, first-class mail, upon written notification to the Department that electronic transmittal is the preferred method. Notice shall also be mailed by first-class mail to residents 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 13.05.070.H. For major modifications to development approved in a PRD District rezoning and/or site approval, the notice of application shall also be provided to occupants and 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 13.05.070.H 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 H of this section.

**F. Content of Public Notice and Notice of Application.**

1. At a minimum, the Public Notice shall contain the following elements:

- a. A clear statement that a full Notice of Application as described below is available, and how to access that Notice;
- b. A project description, including type of permit requested, proponent, location, and vicinity map;
- c. Preliminary environmental determination (or exemption);
- d. Project contact information, including comment method and deadline and, as applicable, the following:
  - (1) Date, time, place and type of hearing (notice must be provided at least 15 days prior to the open record hearing);
  - (2) A provision which advises that a “public meeting” may be requested by any party entitled to notice.

2. The notice of application shall contain the following information, where applicable, in whatever sequence is most appropriate for the proposal, per the requirements of RCW 36.70B.110. The notice shall be made available, at a minimum, in the project’s online permit file, and by any other methods deemed appropriate:

- a. Date of application;
- b. Date of notice of completion for the application;
- c. Date of the notice of application;
- d. Description of the proposed project action;
- e. List of permits included in the application;
- f. List of studies requested;
- g. Other permits which may be required;
- h. A list of existing environmental documents used to evaluate the proposed project(s) and where they can be reviewed;

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- i. Public comment period (not less than 14 nor more than 30 days), statement of right to comment on the application, receive notice of and participate in hearings, request a copy of the decision when made, and any appeal rights;
- j. Date, time, place and type of hearing (notice must be provided at least 15 days prior to the open record hearing);
- k. Statement of preliminary determination of development regulations that will be used for project mitigation and of consistency;
- l. A provision which advises that a “public meeting” may be requested by any party entitled to notice;
- m. Notice that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 14 days of the mailing of such notice, or who requests receipt of a copy of the decision.
- n. Any other information determined appropriate, e.g., preliminary environmental determination, applicant’s analysis of code/policy applicability to project.

### G. Public Comment Provisions.

Parties receiving public notice shall be given the opportunity to comment in writing to the department. A “public meeting” to obtain information, as defined in Section 13.01.050, may be held on applications which require public notification under Process II, and Conditional Use Major Modifications, when:

1. The Director determines that the proposed project is of broad public significance; or
2. The neighborhood council pursuant to TMC 1.45 or the neighborhood business district pursuant to TMC 1.47 in the area of the proposed project requests a “public meeting”; or
3. The owners of five or more parcels entitled to notice for the application make a written request for a meeting; or
4. The applicant has requested a “public meeting.”

Requests for a meeting must be made in writing and must be in the Planning and Development Services office within the comment period identified in the notice. One public meeting shall be held for a permit request regardless of the number of public meeting requests received. If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting. Notice of the “public meeting” shall be mailed at least 14 days prior to the meeting to all parties entitled to original notice, and shall specify the extended public comment period; however, if the Director has determined that the proposed project is of broad public significance, or if the applicant requests a meeting, notification of a public meeting may be made with the notice of application, and shall allow the standard 30-day public comment period.

The comment period for permit type is identified in Section 13.05.070.H. When a proposal requires an environmental determination under Chapter 13.12, the notice shall include the time within which comments will be accepted prior to making a threshold determination of environmental significance or non-significance.

### 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**

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* (see TMC 13.05.070.I)	Optional	Same as case type	Yes if no hearing required	No	Same as case type	Director	No	No	None
Environmental Impact Statement (EIS)* (see TMC 13.05.070.I)	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* (see TMC 13.05.070.I)	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	Required	400 feet	No	Yes	30 days <sup>5</sup>	Director	No	No	5 years
Conditional use* (see TMC 13.05.070.I)	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 facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years

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Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Conditional use, detention facilities (new or major modification)	Required	2,500 feet from the edge of the zone	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 Shelters 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 13.05.110.C).

- 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 13.05.120 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.

### I. Expanded Notification for Heavy Industrial Uses.

#### 1. Applicability.

The following expanded notification standards apply to the following permit applications and SEPA determinations:

- a. Uses classified as "heavy industry" where a shoreline permit, conditional use permit, or variance is required.

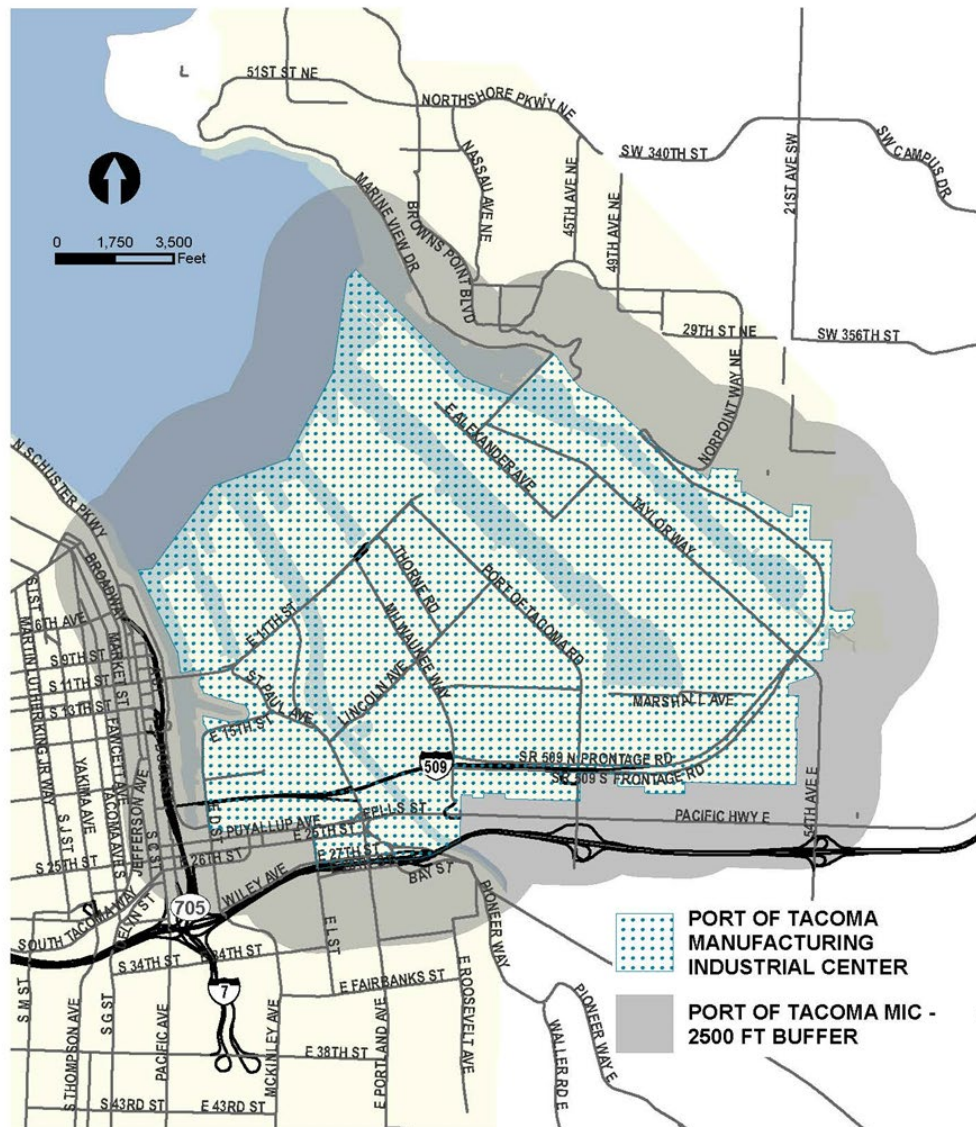
b. SEPA determinations for uses classified as “Petroleum Fuel Facility,” “Cleaner Fuel Infrastructure (new and expanded),” and “Chemical Manufacturing.”

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.

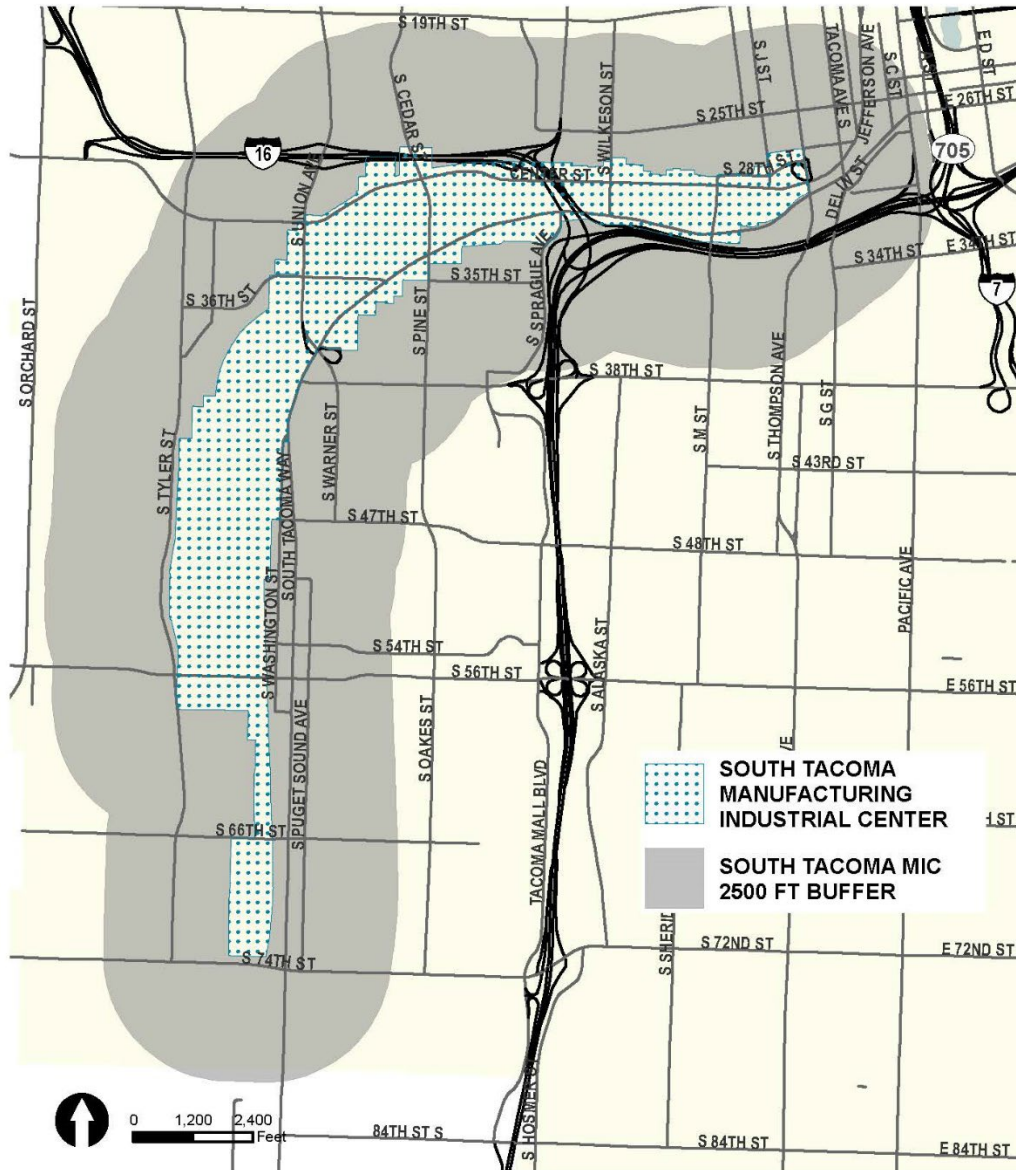
3. Notification of designated projects will be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils and business districts; qualified neighborhood or community organizations; the Puyallup Tribe of Indians; Local Governments in Pierce County; 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) shall extend to 2,500 feet from the boundaries of that center, as generally depicted in the following map:



b. Notification distance for a project within the South Tacoma Manufacturing/Industrial Overlay District shall extend to 2,500 feet from the boundaries of the Overlay District as generally depicted in the following map:



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 public meeting to provide notification 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.

c. This required public meeting is in lieu of the optional public meeting in Subsection G above.

6. Upon determination of a Complete Application, the City will post the permit package and all relevant studies on the City's permitting website.

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.

J. Notice for public hearings.<sup>1</sup>

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

2. For Comprehensive Plan land use designation changes, area-wide zoning reclassifications, and interim zoning of an area-wide nature, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers, as indicated in the records of the Pierce County Assessor, and occupants, within, and within 2500 feet of the subject area.

3. For land use designation amendments, area-wide zoning reclassifications, or center boundary modifications affecting a designated regional growth center or manufacturing and industrial center, the Department shall ensure that a special notice of public hearing is mailed to all property taxpayers and occupants within, and within 2500 feet, of the designated center.

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

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

(Ord. 28786 Ex. A; passed Nov. 16, 2021: Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's note: Subsections were previously codified as Section 13.02.057 (Notice for public hearing) and Section 13.05.020 (Notice process); both were relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

(Prior legislation for 13.02.057: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28157 Ex. C; passed Jun. 25, 2013: Ord. 27813 Ex. A; passed Jun. 30, 2009: Ord. 27172 § 12; passed Dec. 16, 2003)

(Prior legislation for 13.05.020: Ord. 28613 Ex. D; passed Sept. 24, 2019: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28511 Ex. A; passed May 15, 2018: Ord. 28498 Ex. B; passed Apr. 10, 2018: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28470 Ex. A; passed Nov. 21, 2017 [Code Reviser's note: Ord. 28470, as extended by various ordinances, expired and was replaced by Ord. 28786 Amended, passed Nov. 16: 2021]: Ord. 28460 Ex. A; passed Oct. 17, 2017: Ord. 28429 Ex. A; passed May 9, 2017: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28230 Ex. C; passed Jul. 22, 2014: Ord. 28216 Ex. B; passed Apr. 22, 2014: Ord. 28180 Ex. C; passed Oct. 15, 2013: Ord. 28157 Ex. E; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. A; passed May 8, 2012: Ord. 28050 Ex. B; passed Feb. 14, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. C; passed Jun. 30, 2009: Ord. 27771 Ex. B; passed Dec. 9, 2008: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27631 Ex. A; passed Jul. 10, 2007: Ord. 27431 § 6; passed Nov. 15, 2005: Ord. 27245 § 2; passed Jun. 22, 2004: Ord. 27158 § 1; passed Nov. 4, 2003: Ord. 26195 § 1; passed Jan. 27, 1998: Ord. 25852 § 1; passed Feb. 27, 1996)

### 13.05.080 Director Decision Making Authority.<sup>2</sup>

A. Authority.

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

1. Interpretation, enforcement, and administration of the City's land use regulatory codes as prescribed in this title, including the approval of equivalencies for projects wherein the deviation from code is not substantial and there are

<sup>1</sup> Code Reviser's note: Previously codified as 13.02.057 (Notice for public hearings); relocated to 13.05.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

<sup>2</sup> Code Reviser's note: Previously codified as 13.05.030 (Director Decision Making Authority); relocated to 13.05.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019.



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alternatives provided that achieve the intent of the code by providing equal or superior results in terms of quantity, quality, location and/or function;

2. Applications for conditional use permits;
3. Applications for site plan approvals;
4. Applications for minor variances and variances;
5. Applications for preliminary and final plats as outlined in Chapter 13.04, Platting;
6. Applications for Critical Area Development Permits, Verifications, and Minor Development Permits as outlined in Chapter 13.11;
7. Applications for Shoreline Management Substantial Development Permits/conditional use/ variances as outlined in Title 19<sup>1</sup>;
8. Modifications or revisions to any of the above approvals;
9. Approval of landscape plans;
10. Extension of time limitations;
11. Application for permitted use classification for those uses not specifically classified;
12. Boundary line adjustments, binding site plans, and short plats;
13. Approval of building or development permits requiring Land Use Code and Environmental Code compliance.

### B. Interpretation and Application of Land Use Regulatory Code.

In interpreting and applying the provisions of the Land Use Regulatory Code, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, morals or general welfare. It is not intended by this code to interfere with or abrogate or annul any easements, covenants or agreements between parties. Where this code imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires larger yards or setbacks and open spaces than are required in other ordinances, codes, regulations, easements, covenants or agreements, the provisions of this code shall govern. An interpretation shall be utilized where the factual basis to make a determination is unusually complex or there is some problem with the veracity of the facts; where the applicable code provision(s) is ambiguous or its application to the facts unclear; or in those instances where a person applying for a license or permit disagrees with a staff determination made on the application. Requests for interpretation of the provisions of the Land Use Regulatory Code shall be processed in accordance with the requirements of Section 13.05.090.

### C. Permitted Uses – Uses Not Specifically Classified.

In addition to the authorized permitted uses for the districts as set forth in this title, any other use not elsewhere specifically classified may be permitted upon a finding by the Director that such use will be in conformity with the authorized permitted uses of the district in which the use is requested. Notification of the decision shall be made by publication in a newspaper of general circulation.

### D. Reasonable Accommodation.

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

#### 1. Purpose.

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

#### 2. Application.

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

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<sup>1</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.



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

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

4. Review Authority and Review Procedure.

- a. Review Authority. Requests for reasonable accommodation shall be reviewed by the Director, or designee.
- b. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another Land Use discretionary application shall be reviewed by the authority reviewing the discretionary land use application; further, a reasonable accommodation cannot waive a requirement for a Conditional Use Permit when otherwise required or result in approval of uses otherwise prohibited by the City's land use and zoning regulations.
- c. Review Procedure. The Director, or designee, shall either grant, grant with conditions, or deny a request for reasonable accommodation in accordance with 13.05.080.D.5 (Findings and Decision).
- d. The Director may require an Accommodation Agreement be recorded with the Pierce County Auditor to provide notice and ensure conditions of approval are met. The City will be responsible for creating the Accommodation Agreement and will provide it to the applicant. The Accommodation Agreement must be recorded prior to issuance of Certificate of Occupancy or Certificate of Completion for the associated building permit;
- e. A notice of the Director's decision will be mailed to all property owners/taxpayers located within 100 feet of the site where the accommodation is requested.

5. Findings and Decision.

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

- a. The requested accommodation is necessary to make specific housing available to a disabled person;
- b. The housing will be used by a disabled person;
- c. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning; and
- d. The requested accommodation would not impose an undue financial or administrative burden on the City;

6. Reasonable Conditions.

In granting a request for reasonable accommodation, the reviewing authority may further impose conditions of approval that are deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required under 13.05.080.D.5 above, such as removal of the improvements, where removal would not constitute an unreasonable financial burden and when the need for which the accommodation was granted no longer exists.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.05.030 (Director Decision Making Authority); relocated to 13.05.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28180 Ex. C; passed Oct. 15, 2013: Ord. 28157 Ex. E; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28077 Ex. B; passed Jun. 12, 2012: Ord. 28070 Ex. A; passed May 8, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. C; passed Jun. 30, 2009: Ord. 27728 Ex. A; passed

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Jul. 1, 2008: Ord. 27539 § 1; passed Oct. 31, 2006: Ord. 27466 § 35; passed Jan. 17, 2006: Ord. 27431 § 7; passed Nov. 15, 2005: Ord. 27245 § 3; passed Jun. 22, 2004: Ord. 27017 § 5; passed Dec. 3, 2002: Ord. 26195 § 2; passed Jan. 27, 1998: Ord. 25852 § 1; passed Feb. 27, 1996)

### 13.05.090 Decision of the Director.<sup>1</sup>

#### A. Effect of Director's Land Use Decision.

The Director's decision shall be final; provided, that pursuant to subsection H of this section, an appeal may be taken to the Hearing Examiner. The Director's decision shall be based upon the criteria set forth for the granting of such permit, the policies of the Comprehensive Plan, and any other applicable program adopted by the City Council. The decision of the Director shall be set forth in a written summary supporting such decision and demonstrating that the decision is consistent with the applicable criteria and standards contained in this title and the policies of the Comprehensive Plan. The decision shall include the environmental determination of the responsible official.

#### B. Conditioning Land Use Approvals.

When acting on any land use matter, the Director may attach any reasonable conditions found necessary to make the project compatible with its environment, to carry out the goals and policies of the City's Comprehensive Plan, including its Shoreline Master Program, or to provide compliance with applicable criteria or standards set forth in the City's Land Use Regulatory Codes. Such conditions may include, but are not limited to:

1. The exact location and nature of the development, including additional building and parking area setbacks, screening in the form of landscape berms, landscaping or fencing;
2. Mitigating measures, identified in applicable environmental documents, which are reasonably capable of being accomplished by the project's sponsor, and which are intended to eliminate or lessen the environmental impact of the development;
3. Provisions for low- and moderate-income housing as authorized by state statute;
4. Hours of use or operation, or type and intensity of activities;
5. Sequence in scheduling of development;
6. Maintenance of the development;
7. Duration of use and subsequent removal of structures;
8. Dedication of land or granting of easements for public utilities and other public purposes;
9. Construction of, or other provisions for, public facilities and utilities. In regard to the conditions requiring the dedication of land or granting of easements for public use and the actual construction of or other provisions for public facilities and utilities, the Director shall find that the problem to be remedied by the condition arises, in whole or significant part, from the development under consideration, the condition is reasonable, and is for a legitimate public purpose.
10. Critical Area development permits, minor development permits, and verifications shall be subject to TMC Chapter 13.11.

Refer to Section 13.05.150 and TMC Chapter 13.11 for procedures to enforce permit decisions and conditions.

#### C. Timing of Decision.

After examining all pertinent information and making any inspections deemed necessary by the Director, the Director shall issue a decision within 120 days from the date of notice of a complete application, unless additional time has been agreed to by the applicant, or for other reasons as stated in Section 13.05.020.

In the event the Director cannot act upon a land use matter within the time limits set forth, the Director shall notify the applicant in writing, setting forth reasons the matter cannot be acted upon within the time limitations prescribed, and estimating additional time necessary for completing the recommendation or decision.

#### D. Mailing of Decision.

1. A copy of the decision shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. A copy of the decision shall be mailed to those who commented in writing or requested a copy of the decision

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<sup>1</sup> Code Reviser's note: Previously codified as 13.05.040 (Decision of the Director); relocated to 13.05.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

within the time period specified in Section 13.05.070 and a summary of the decision shall also be mailed by first-class mail to owners of the property, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances specified in Section 13.05.070.H; the Puyallup Indian Tribe for “substantial actions” 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; neighborhood councils pursuant to TMC 1.45 or the neighborhood business districts pursuant to TMC 1.47 in the vicinity of the proposal; and qualified neighborhood or community organizations.

2. Notice to the State of Washington on Shoreline Permit Decisions/Recommendations. Copies of the original application and other pertinent materials used in the final decision in accordance with this section, State regulations, and, pursuant to RCW 90.58 or 43.21C, the permit and any other written evidence of the final order of the City relative to the application, shall be transmitted by the Director to the Attorney General of the State of Washington and the Department of Ecology in accordance with WAC 173-27-130 and RCW 90.58.140(6).

3. Notice shall be provided to property owners affected by the Director’s decision that such owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. Notice of the Director’s decision shall also be provided to the Pierce County Assessor/Treasurer’s Office.

**E. Consolidated Review of Multiple Permit Applications and of Environmental Appeals with the Underlying Land Use Action.**

Applications which require an open-record hearing shall be considered by the Hearing Examiner. When an open-record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently. Therefore, in this situation, applications for which the Director has authority shall be transferred to the jurisdiction of the Hearing Examiner to allow consideration of all land use actions concurrently.

**F. Consolidated Review of Land Use Permitting on Multi-Jurisdictional Projects.**

Applications for projects that require land use permits from the City of Tacoma as well as from a neighboring jurisdiction, and where such neighboring jurisdiction’s land use permitting processes require a pre-decision public hearing, the application for the City of Tacoma’s land use permit shall be transferred to the jurisdiction of the Hearing Examiner for the purpose of conducting a joint hearing with the other permitting jurisdiction. Should a joint hearing not be arranged by agreement of the permitting jurisdictions, the matter shall be returned to the jurisdiction of the Director.

**G. Reconsideration.**

A request for reconsideration may be made on any decision or ruling of the Director by any aggrieved person or entity having standing under this chapter. A request seeking reconsideration shall be in writing and shall set forth the alleged errors of procedure, fact, or law. The request for reconsideration shall be filed with Planning and Development Services within 14 calendar days of the issuance of the Director’s decision, not counting the day of issuance of the decision. If the last day for filing the request for reconsideration falls on a weekend day or a holiday, the last day for filing shall be the next working day. It shall be within the discretion of the Director to determine whether the opposing party or parties will be afforded an opportunity to respond. After review of the matter, the Director shall take such further action deemed proper, which may include the issuance of a revised decision.

**H. Appeal to the Hearing Examiner.**

Any aggrieved person having standing under this chapter shall have the right, within 14 calendar days of the issuance of the Director’s decision to appeal the Director’s decision to the Hearing Examiner. Such appeal shall be in accordance with Section 13.05.100 of this chapter.

**I. Compliance with Permit Conditions.**

Compliance with conditions established in a permit is required. Any departure from the conditions of approval or approved plans constitutes a violation of this title and shall be subject to enforcement actions and penalties. See Section 13.05.150 for enforcement and penalties.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser’s note: Previously codified as 13.05.040 (Decision of the Director); relocated to 13.05.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28157 Ex. E; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. A; passed May 8, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 8; passed Nov. 15, 2005: Ord. 27245 § 4; passed Jun. 22, 2004: Ord. 27079 § 13; passed Apr. 29, 2003: Ord. 26585 § 2; passed Mar. 14, 2000: Ord. 26195 § 3; passed Jan. 27, 1998: Ord. 25852 § 1; passed Feb. 27, 1996)

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### 13.05.100 Appeals of administrative decisions.<sup>1</sup>

#### A. Purpose.

The purpose of this section is to cross-reference the procedures for appealing administrative decisions on land use proposals.

#### B. Applicability.

The provisions of this section shall apply to any order, requirement, permit, decision, or determination on land use proposals made by the Director. These may include, but are not limited to, variances, short plat, wetland/stream development, site approval, and conditional use permits, modifications to permits, interpretations of land use regulatory codes, and decisions for the imposition of fines. Appeals of shoreline permit decisions shall be subject to the appeals process in the Shoreline Master Program and TMC Title 19<sup>2</sup>. These provisions also do not apply to activities that are allowed with staff review under TMC Chapter 13.11.

#### C. Appeal to the Hearing Examiner.

The Hearing Examiner shall have the authority to hear and decide appeals from any final written order, requirement, permit, decision, or determination on land use proposals, except for appeals of decisions identified in Chapter 13.04. The Hearing Examiner shall consider the appeal in accordance with procedures set forth in Chapter 1.23 and the Hearing Examiner's rules of procedure.

#### D. Who May Appeal.

Any final decision or ruling of the Director may be appealed by any aggrieved person or entity having standing under the ordinance relevant to the Director's final written order. In this context, an "aggrieved person" shall be defined as a person who is suffering from an infringement or denial of legal rights or claims. An aggrieved person has "standing" when it is determined that the person or entity can demonstrate that such person or entity is within the zone of interest to be protected or regulated by the City law and will suffer direct and substantial impacts by the governmental action of which the complaint is made, different from that which would be experienced by the public in general.

#### E. Time Limit for Appealing.

Appeals from decisions or rulings of the Director shall be made within 14 calendar days of the effective date of the final written order or within seven calendar days of the date of issuance of the decision on a request for reconsideration, not counting the day of issuance of the decision. If the last day for filing an appeal falls on a weekend day or a holiday, the last day for filing shall be the next working day.

#### F. Form of Appeal.

An appeal of the Director shall take the form of a written statement of the alleged reason(s) the decision was in error, or specifying the grounds for appeal. The following information, accompanied by an appeal fee as specified in Section 2.09.170, of the Tacoma Municipal Code, shall be submitted:

1. An indication of facts that establish the appellant's right to appeal.
2. An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion.
3. The requested relief from the decision being appealed.
4. Any other information reasonably necessary to make a decision on the appeal.

NOTE: Failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal.

#### G. Where to Appeal.

The Office of the Hearing Examiner.

(Code Reviser's note: Previously codified as 13.05.050 (Appeals of administrative decisions); relocated to 13.05.100 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28230 Ex. C; passed Jul. 22, 2014: Ord. 28180 Ex. C; passed Oct. 15, 2013: Ord. 28157 Ex. E; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27813 Ex. C; passed Jun. 30, 2009: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27245 § 5; passed Jun. 22, 2004: Ord. 25852 § 1; passed Feb. 27, 1996)

<sup>1</sup> Code Reviser's note: Previously codified as 13.05.050 (Appeals of administrative decisions); relocated to 13.05.100 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

<sup>2</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

**13.05.105 Repealed by Ord. 27912. Sign enforcement.**

(Ord. 27912 Ex. A; passed Aug. 10, 2010: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27245 § 7; passed Jun. 22, 2004: Ord. 27017 § 8; passed Dec. 3, 2002: Ord. 26435 § 2; passed Jun. 8, 1999)

**13.05.110 Applications considered by the Hearing Examiner.<sup>1, 2</sup>****A. Reclassifications.**

A public hearing shall be held by the Hearing Examiner for parcel reclassification of property. The application shall be processed in accordance with provisions of Sections 13.05.020 and 13.05.070. Refer to Section 13.05.030.C for criteria which apply to reclassification of property.

**B. Subdivision of Property.**

A public hearing shall be conducted by the Hearing Examiner for preliminary plats with ten or more lots. The provisions of Chapter 13.04 for processing of the application shall apply.

**C. Consolidated Review of Multiple Permit Applications and of Environmental Appeals Considered Concurrently.**

The Hearing Examiner shall consider concurrently all related land use permit applications for a specific site, and any accompanying environmental appeal. Applications for which the Director has authority shall be transferred to the jurisdiction of the Hearing Examiner to allow concurrent consideration of all land use actions, as prescribed in Section 13.05.090.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.05.060 (Applications considered by the Hearing Examiner); relocated to 13.05.110 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 26934 § 9; passed Mar. 5, 2002: Ord. 25852 § 1; passed Feb. 27, 1996)

(Code Reviser's note: "Violations - Penalties" (previously codified as 13.05.110) was previously repealed by Ord. 27912. Prior legislation: Ord. 27912 Ex. A; passed Aug. 10, 2010: Ord. 27539 § 3; passed Oct. 31, 2006: Ord. 25852 § 1; passed Feb. 27, 1996. *This section was replaced by a new 13.05.110 per Ord. 28613 Ex. G; passed Sept. 24, 2019*)

**13.05.120 Expiration of permits.<sup>3</sup>**

(Refer to Table H in Section 13.05.070).

**A. Expiration Schedule.**

The following schedule indicates the expiration provisions for land use permits within the City of Tacoma.

	<b>Type of Permit</b>	<b>Maximum Duration</b>
1.	Conditional Use Permit	5 years, possible 1-year extension <sup>4</sup>
2.	Variance	5 years, possible 1-year extension
3.	Site Approval	5 years, possible 1-year extension
4.	Wetland/Stream/FWHCA Development Permits and Wetland/Stream/FWHCA Minor Development Permits	5 years. Programmatic Restoration projects can apply for possible 5 year renewals, not to exceed 20 years total
5.	Wetland Delineation Verifications	5 years
6.	Preliminary Plat	5 years, 7 years, or 10 years to submit a final plat permit application, dependent on preliminary plat approval date per RCW 58. <sup>5</sup>

<sup>1</sup> Code Reviser's note: Previously codified as 13.05.060 (Applications considered by the Hearing Examiner); relocated to 13.05.120 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

<sup>2</sup> Code Reviser's note: "Violations - Penalties" (previously codified as 13.05.110) was previously repealed by Ord. 27912. Prior legislation: Ord. 27912 Ex. A; passed Aug. 10, 2010: Ord. 27539 § 3; passed Oct. 31, 2006: Ord. 25852 § 1; passed Feb. 27, 1996. This section was replaced by a new 13.05.110 per Ord. 28613 Ex. G.

<sup>3</sup> Code Reviser's note: Previously codified as 13.05.070 (Expiration of permits); relocated to 13.05.120 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

<sup>4</sup> 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.

<sup>5</sup> If the preliminary plat was approved on or before December 31, 2007, the final plat must be submitted within ten years of the preliminary plat approval. If the preliminary plat was approved after December 31, 2007, but on or before December 31, 2014, the final plat must be submitted within seven years of the preliminary plat approval. A preliminary plat approved after January 1, 2015, must be submitted for final plat within five years of the preliminary plat approval.

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7.	Binding Site Plans, Short Plats, Boundary Line Adjustments	5 years to record with Pierce County Auditor
8.	Shoreline Permits	2 years to commence construction; 5 years maximum, possible one- year extension

The Hearing Examiner or Director may, when issuing a decision, require a shorter expiration period than that indicated in subsection A of this section. However, in limiting the term of a permit, the Hearing Examiner or Director shall find that the nature of the specific development is such that the normal expiration period is unreasonable or would adversely affect the health, safety, or general welfare of people working or residing in the area of the proposal. The Director may adopt appropriate time limits as a part of action on shoreline permits, in accordance with WAC 173-27-090.

### B. Commencement of Permit Term.

The term for a permit shall commence on the date of the Hearing Examiner's or Director's decision; provided, that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The term for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.

### C. When Permit Expired.

A permit under this chapter shall expire if, on the date the permit expires, the project sponsor has not submitted a complete application for building permit or the building permit has expired, with the exception of projects that qualify for a programmatic restoration project extension. Programmatic restoration projects shall be allowed to apply for a renewal every five (5) years for a maximum total of 20 years to allow implementation of long-term habitat recovery.

In order to apply for a renewal, the applicant is required to submit a status report explaining the progress of a minor development permit or development permit and shall identify the remaining items requiring additional permitting, including building permits. The applicant shall provide copies of any monitoring reports that were required as part of the permit conditions. The renewal application shall be submitted prior to the termination of the five year limit with the appropriate renewal fees.

(See 13.11.220.A – Programmatic Restoration Projects processed under the Minor Development Permit or the Development Permit may qualify for additional time extensions according to TMC 13.05.120.)

### D. Extension of Permits (excluding those permits subject to RCW 58 Boundaries and Plats and those permits subject to WAC 173-27-090).

The Director may authorize a permit extension for up to one (1) year if a written request for an extension has been filed prior to the permit expiration date and has been determined to comply with the following criteria:

1. No significant changes in the site, proposal, or surrounding area have occurred which would result in the modification of a special condition of approval or could significantly alter a finding made in the original decision;
2. No changes have been made to the proposal which would necessitate additional review or permitting;
3. No changes have occurred on the site which would necessitate additional review or permitting;
4. If changes to the proposal or site have occurred, they do not exceed the standards found in 13.05.130.B Minor Modifications.

The Director may place conditions upon the permit extension request and notice of the approved extension shall be mailed to parties of record and required agencies pursuant to section 13.05.070.H. The extension of Shoreline permits shall be authorized in accordance with WAC 173-27-090 and notice of the extension shall be provided to the Department of Ecology.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.05.070 (Expiration of permits); relocated to 13.05.120 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28230 Ex. C; passed Jul. 22, 2014: Ord. 28180 Ex. C; passed Oct. 15, 2013: Ord. 28157 Ex. E; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. A; passed May 8, 2012: Ord. 27813 Ex. C; passed Jun. 30, 2009: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 9; passed Nov. 15, 2005: Ord. 27245 § 6; passed Jun. 22, 2004: Ord. 26195 § 4; passed Jan. 27, 1998: Ord. 25852 § 1; passed Feb. 27, 1996)

**13.05.130 Modification/revision to permits.<sup>1</sup>****A. Purpose.**

The purpose of this section is to define types of modifications to permits and to identify procedures for those actions.

**B. Minor Modifications.**

No additional review for minor modifications to previously approved land use permits is required, provided the modification proposed is consistent with the standards set forth below:

1. The proposal results in a change of use that is permitted outright in the current zoning classification.
2. The proposal does not add to the site or approved structures more than a 10 percent increase in square footage.
3. If a modification in a special condition of approval imposed upon the original permit is requested, the proposed change does not modify the intent of the original condition.
4. The proposal does not increase the overall impervious surface on the site by more than 25 percent.
5. The proposal is unlikely to result in a notable increase in or any new significant adverse effects on adjacent properties or the environment.
6. Any additions or expansions approved through a series of minor modifications that cumulatively exceed the requirements of this section shall be reviewed as a major modification.

**C. Major Modifications.**

Any modification exceeding any of the standards for minor modifications outlined above shall be subject to the following standards.

1. Major modifications shall be processed in the same manner and be subject to the same decision criteria that are currently required for the type of permit being modified. Major modifications to Site Rezone Permits that do not change the site's zoning designation shall be considered by the Director and processed as a Process II permit, consistent with the regulations found in Section 13.05.070.D. Major modifications to Conditional Use Permits shall be processed as a Process I permit, consistent with the regulations found in Section 13.05.070.C.
2. In addition to the standard decision criteria, the Director or Hearing Examiner shall, in their review and decision, address the applicability of any specific conditions of approval for the original permit.

**D. Shoreline Permit Revision.**

1. The applicant shall submit detailed plans and text describing the proposed changes in the permit, and how those changes are within the scope and intent of the original permit in accordance with WAC 173-27-100.

**E. Conditional Use Permit Revision.**

1. Conditional use permits issued for special needs housing facilities pursuant to Sections 13.06.080.N and 13.05.010.A shall, in addition to the above criteria, be subject to the following additional revision criteria:
  - a. Minor modifications shall include: changes in the number of residents up to 10 percent, minor modifications to the operational plan, and changes of the operating agency or provider to a parent organization or to an equivalent organization (e.g., from one supportive housing provider that is licensed by DSHS to another).
  - b. Major modifications shall include: changes in the mission of the organization, significant changes to the operational plan (changes that could potentially affect the impacts of the facility on the surrounding community), and substantial changes in staffing levels (e.g., increase in number of professional staff by more than 10 percent).

**F. PRD District Modifications.**

1. Proposed modifications to development approved in a PRD District rezone and/or site approval shall, in addition to the above criteria, be deemed minor only if all the following criteria are satisfied:
  - a. No new land use is proposed;
  - b. No increase in density, number of dwelling units, or lots is proposed;
  - c. No reduction in the amount of approved open space is proposed, excluding reductions in private yards; and

<sup>1</sup> Code Reviser's note: Previously codified as 13.05.080 (Modification/revision to permits); relocated to 13.05.130 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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d. No reduction in the amount, quality or condition of sustainability features and, when applicable, affordable housing units required as part of the PRD decision pursuant to a density increase per the provisions of TMC 13.06.070.C.

Examples of minor modifications could include, but are not limited to, lot line adjustments, minor relocations of buildings or landscaped areas, minor additions to existing buildings, the construction of accessory buildings, and minor changes in phasing and timing.

2. In addition to the standard criteria applicable to major modifications to a PRD District rezone and/or site approval, such major modifications to fully or partially developed PRD Districts shall only be approved if found to be consistent with the following additional decision criteria:

- a. The proposed modification shall be designed to be compatible with the overall site design concept of the originally approved site plan. In determining compatibility, the decision maker may consider factors such as the design, configuration and layout of infrastructure and community amenities, the arrangement and orientation of lots, the layout of different uses, and the bulk and scale of buildings, if applicable, with a particular focus on transition areas between existing and proposed development.
- b. The proposed modification shall be generally consistent with the findings and conclusions of the original PRD rezone decision.
- c. If the existing PRD District is nonconforming to the current development standards for PRD District, the proposed modification does not increase the district's level of nonconformity to those standards.

### G. Other permits.

Any modification, whether considered minor or major, may still require approvals other than the type granted for the original development. For example, an existing, permitted conditional use seeking a modification that qualifies as a minor modification to their existing conditional use permit but that also necessitates a variance to a development standard, would not be required to obtain approval of a major modification to their existing conditional use permit or a new conditional use permit but would need to receive a variance permit for the project.

(Ord. 28725 Exs. A and E; passed Dec. 8, 2020: Code Reviser's Note: Previously codified as 13.05.080 (Modification/revision to permits); relocated to 13.05.130 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Ex. B; passed Dec. 1, 2015: Ord. 28230 Ex. C; passed Jul. 22, 2014: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27631 Ex. A; passed Jul. 10, 2007: Ord. 27539 § 2; passed Oct. 31, 2006: Ord. 27431 § 10; passed Nov. 15, 2005: Ord. 27431 § 10, passed Nov. 15, 2005: Ord. 26195 § 5, passed Jan. 27, 1998: Ord. 25852 § 1; passed Feb. 27, 1996)

### 13.05.140 Director approval authority.<sup>1</sup>

No building or development permit shall be issued without prior approval of the Director or designee with regard to compliance with the Land Use Code or the Environmental Code.

(Code Reviser's note: Previously codified as 13.05.090 (Director approval authority); relocated to 13.05.140 per Ord. 28613 Ex. G; passed Sept. 24, 2019 Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27017 § 6, passed Dec. 3, 2002)

### 13.05.150 Enforcement.<sup>2</sup>

#### A. Purpose.

To ensure that the Land Use Regulatory Code, as well as conditions imposed on land use permits granted by the City, are administered, enforced, and upheld to protect the health, safety and welfare of the general public.

#### B. Applicability.

A person who undertakes a development or use without first obtaining all required land use permits or other required official authorizations or conducts a use or development in a manner that is inconsistent with the provisions of this title, or who fails to conform to the terms of an approved land use permit or other official land use determination or authorization of the Director, Hearing Examiner, City Council or other authorized official, or who fails to comply with a stop work order issued

<sup>1</sup> Code Reviser's note: Previously codified as 13.05.090 (Director approval authority); relocated to 13.05.140 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

<sup>2</sup> Code Reviser's note: Previously codified as 13.05.100 (Enforcement); relocated to 13.05.150 per Ord. 28613 Ex. G; passed Sept. 24, 2019.



under these regulations shall be considered in violation of this title and be subject to enforcement actions by the City of Tacoma, as outlined herein.

1. The Director, and/or their authorized representative, shall have the authority to enforce the land use regulations of the City of Tacoma.
2. The Land Use Regulatory Code shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
3. It is the intent of this Land Use Regulatory Code to place the obligation of complying with its requirements upon the owner, occupier, or other person responsible for the condition of the land and buildings within the scope of this title.
4. No provision of, or term used in, this code is intended to impose upon the City, or any of its officers or employees, any duty which would subject them to damages in a civil action.
5. Any violation of this title is a detriment to the health, safety, and welfare of the public, and is therefore declared to be a public nuisance.
6. The enforcement provisions outlined in this chapter shall apply to all sections of Title 13 of the Tacoma Municipal Code. However, if a specific chapter or section contains its own set of enforcement provisions, then such provisions shall be used for enforcement of that chapter and are exempt from the enforcement provisions outlined herein.

**C. Enforcement Process.**

**1. Violation Review Criteria.**

Each violation requires a review of all relevant facts in order to determine the appropriate enforcement response. When enforcing the provisions of this Chapter, the Director and/or their authorized representative should, as practical, seek to resolve violations without resorting to formal enforcement measures. When formal enforcement measures are necessary, the Director and/or their authorized representative should seek to resolve violations administratively prior to imposing civil penalties or seeking other remedies. The Director and/or their authorized representative should generally seek to gain compliance via civil penalties prior to pursuing abatement or criminal penalties. The Director may consider a variety of factors when determining the appropriate enforcement response, including but not limited to:

- a. Severity, duration, and impact of the violation(s), including whether the violation has a probability of placing a person or persons in danger of death or bodily harm, causing significant environmental harm, or causing significant physical damage to the property of another;
- b. Compliance history, including any identical or similar violations or notice of violation at the same site or on a different site but caused by the same party;
- c. Economic benefit gained by the violation(s);
- d. Intent or negligence demonstrated by the person(s) responsible for the violation(s);
- e. Responsiveness in correcting the violation(s); and,
- f. Other circumstances, including any mitigating factors.

**2. Stop Work Order.**

a. The Building Official and/or their authorized representative shall have the authority to issue a Stop Work Order whenever any use, activity, work or development is being done without a permit, review or authorization required by this title or is being done contrary to any permit, required review, or authorization which may result in violation of this title. The Stop Work Order shall be posted on the site of the violation and contain the following information:

- (1) The street address or a description of the building, structure, premises, or land where the violation has occurred, in terms reasonably sufficient to identify its location;
- (2) A description of the potential violation and a reference to the provisions of the Tacoma Municipal Code which may have been violated;
- (3) A description of the action required to remedy the potential violation, which may include corrections, repairs, demolition, removal, restoration, or any other appropriate action as determined by the Director and/or their authorized representative;
- (4) The appropriate department and/or division investigating the case and the contact person.

b. With the exception of emergency work determined by the Director and/or their authorized representative to be necessary to prevent immediate threats to the public health, safety and welfare or stabilize a site or prevent further

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property or environmental damage, it is unlawful for any work to be done after the posting or service of a Stop-Work Order until authorization to proceed is provided by the Director and/or their authorized representative

### 3. Voluntary Compliance.

The Director and/or their authorized representative may pursue a reasonable attempt to secure voluntary compliance by contacting the owner or other person responsible for any violation of this title, explaining the violation and requesting compliance. This contact may be in person or in writing or both.

### 4. Investigation and Notice of Violation

a. The Director and/or their authorized representative, if they have a reasonable belief that a violation of this title exists and the voluntary compliance measures outlined above have already been sought and have been unsuccessful, or are determined to not be appropriate, may issue a Notice of Violation to the owner of the property where the violation has occurred, the person in control of the property, if different, or the person committing the violation, if different, containing the following:

- (1) The street address or a description of the building, structure, premises, or land where the violation has occurred, in terms reasonably sufficient to identify its location;
- (2) A description of the violation and a reference to the provisions of the Tacoma Municipal Code which have been violated;
- (3) A description of the action required to remedy the violation, which may include corrections, repairs, demolition, removal, restoration, submittal of a work plan or any other appropriate action as determined by the Director and/or their authorized representative;
- (4) A statement that the required action must be taken or work plan submitted within 18 days of receipt of the Notice of Violation, after which the City may impose monetary civil penalties and/or abate the violation in accordance with the provisions of this chapter;
- (5) The appropriate department and/or division investigating the case and the contact person.
- (6) A statement that the person to whom a Notice of Violation is directed may appeal the Notice of Violation to the Hearing Examiner, or designee, including the deadline for filing such an appeal.
- (7) A statement that if the person to whom the Notice of Violation is issued fails to submit a Notice of Appeal within 10 calendar days of issuance or fails to voluntarily abate the violation within 18 calendar days of issuance, the City may assess monetary penalties, as outlined in the Civil Penalties section below, against the owner of the property, and/or the person in control of the property, if different, and/or the person committing the violation, if different and readily identifiable.

b. The Notice of Violation shall be served by any one or any combination of the following methods:

- (1) By first-class mail to the last known address of the owner of the property and to the person in control of the property, if different, and/or to the person committing the violation, if different and readily identifiable; or
- (2) By posting the Notice of Violation in a prominent location on the premises in a conspicuous manner which is reasonably likely to be discovered; or
- (3) By personal service upon the owner of the property and/or the person in control of the property, if different, and/or the person committing the violation, if different and readily identifiable.

c. The Director and/or their authorized representative may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by the Land Use Regulatory Code.

d. At the end of the specified timeframe, the site will be re-inspected to see if the condition has been corrected. If the condition has been corrected, the case will be closed. If the condition has not been corrected, Civil Penalties, Abatement, or Criminal Penalties may be imposed against the person and/or persons named in the Notice of Violation, to the discretion of the Director or designee, in accordance with TMC 13.05.150.C.5 through 13.05.150.C.10, below.

### 5. Civil Penalty.

a. Any person who fails to remedy a violation or take the corrective action described by the Director and/or their authorized representative in a Notice of Violation within the time period specified in the Notice of Violation may be subject to monetary civil penalties. The Civil Penalty will be either:

- (1) Prepared and sent by first-class mail to the owner of the property and/or the person in control of the property, if different, and/or the person committing the violation, if different and readily identifiable; or
- (2) Personally served upon the owner of the property, and/or the person in control of the property, if different, and/or the person committing the violation, if different and readily identifiable; or
- (3) Posted on the property or premises in a prominent location and in a conspicuous manner which is reasonably likely to be discovered.

b. The Civil Penalty shall contain the following:

- (1) A statement indicating that the action outlined by the City in the Notice of Violation must be taken, or further civil penalties may be imposed to the discretion of the Director or designee;
- (2) The address of the site and specific details of the violation which is to be corrected;
- (3) The appropriate department and/or division investigating the case and the contact person;
- (4) A statement that the person to whom the Civil Penalty is directed may appeal the Civil Penalty to the Hearing Examiner, or designee, including the deadline for filing such an appeal. Such Notice of Appeal must be in writing and must be received by the City Clerk's Office, no later than ten days after the Civil Penalty has been issued.
- (5) A statement that if the person to whom the Civil Penalty is issued fails to submit a Notice of Appeal within ten calendar days of issuance or fails to voluntarily abate the violation indicated in the Notice of Violation, the City may remedy the violation through abatement, as outlined below, and bill such costs against the person in control of the property, if different, and/or the person committing the violation, if different and readily identifiable.

c. The site will be re-inspected to see if the condition has been corrected. If the condition has been corrected, the case will be closed. If the condition has not been corrected, a second Civil Penalty may be sent or delivered in accordance with subsection 13.05.150.C.5 above. The monetary civil penalties for violations of this chapter shall be as follows:

- (1) First, second, and subsequent civil penalties, \$250;
- (2) Each day that a property or person is not in compliance with the provisions of this title may constitute a separate violation of this title and be subject to a separate civil penalty.

d. Civil penalties will continue to accumulate until the violation is corrected.

e. At such time that the assessed civil penalties associated with a violation exceeds \$1,000, a Certificate of Complaint may be filed with the Pierce County Auditor to be attached to the title of the property. A copy of the Certificate of Complaint shall be sent to the property owner and any other identified parties of interest, if different from the property owner.

f. Any person to whom a civil penalty is issued may appeal the civil penalty, as outlined in Section 13.05.150.C.7

6. Abatement.

a. In the event that compliance is not achieved through the measures outlined in 13.05.150.C.1 through 13.05.150.C.5, above, or that said measures are not an appropriate means to remedy a violation, in the discretion of the Director or designee, the City may, in addition to collecting monetary civil penalties, remove or correct the violation through abatement.

b. Using any lawful means, the City may enter unsecured property and may remove or correct a violation which is subject to abatement. If the person in control of the premises does not consent to entry, the City may seek such judicial process in Pierce County Superior Court as it deems necessary to effect the removal or correction of such condition.

c. Abatement undertaken on properties regulated under Chapter 13.07 shall be reviewed and approved by the Tacoma Landmarks Preservation Commission, in accordance with the provisions contained in TMC 13.07, prior to abatement.

d. Recovery of Costs

- (1) An invoice for abatement costs shall be mailed to the owner of the property over which a Notice of Violation has been directed and/or the party identified in the Notice of Violation, and shall become due and payable to the City of Tacoma within 30 calendar days from the date of said invoice. Provisions for appealing an invoice for abatement costs shall be included on said invoice, as specified in Section 13.05.150.C.8.

## Tacoma Municipal Code

(2) Any debt shall be collectible in the same manner as any other civil debt owed to the City, and the City may pursue collection of the costs of any abatement proceedings under this Chapter by any other lawful means, including, but not limited to, referral to a collection agency.

### 7. Appeals of a Notice of Violation or Civil Penalty.

a. A person to whom a Notice of Violation or Civil Penalty is issued may appeal the City's notice or order by filing a request with the City Clerk no later than 10 calendar days after said Notice of Violation or Civil Penalty is issued. Each request for appeal shall contain the address and telephone number of the person requesting the hearing and the name and address of any person who may represent him or her. Each request for appeal shall set out the basis for the appeal.

b. If an appeal is submitted, the Hearing Examiner, or designee, will conduct a hearing, as required by this Chapter, no more than 18 calendar days after the Hearing Examiner or designee issues a Notice of Hearing.

c. If an appeal is submitted, the Hearing Examiner or designee shall mail a Hearing Notice giving the time, location, and date of the hearing, by first-class mail to person or persons to whom the Notice of Violation or Civil Penalty was directed and any other parties identified in the appeal request.

d. The Hearing Examiner, or designee, shall conduct a hearing on the violation. The Director and/or their authorized representative, as well as the person to whom the Notice of Violation or Civil Penalty was directed, may participate as parties in the hearing and each party may call witnesses. The City shall have the burden of proof to establish, by a preponderance of the evidence, that a violation has occurred and that the required corrective action is reasonable, or that the Civil Penalty was appropriately assessed for noncompliance with this Title.

e. The Hearing Examiner shall determine whether the City has established, by a preponderance of the evidence, that a violation has occurred and that the required corrective action is reasonable, or that the Civil Penalty was appropriate and reasonable, and, based on that determination, shall issue a Final Order that affirms, modifies, or vacates the Director's decisions regarding the alleged violation, the required corrective action, and/or Civil Penalty. The Hearing Examiner's Final Order shall contain the following information:

- (1) The decision regarding the alleged violation including findings of facts and conclusion based thereon;
- (2) The required corrective action, if any;
- (3) The date and time by which the correction must be completed;
- (4) Any additional conditions imposed by the Hearing Examiner regarding the violation and any corrective action;
- (5) The date and time after which the City may proceed with abatement, as outlined in TMC 13.05.150.C.6, if the required corrective action is not completed;
- (6) A statement that any associated civil penalties are affirmed, modified, or waived;
- (7) A statement of any appeal remedies;
- (8) A notice that if the City proceeds with abatement, the costs of said abatement may be assessed against the property owner, person in control of the property, or person committing the violation, if the costs of abatement are not paid in accordance with the provisions of this Chapter.

f. If the person to whom the Notice of Violation or Civil Penalty was directed fails to appear at the scheduled hearing, the Hearing Examiner will enter a Final Order finding that the violation has occurred, or the Civil Penalty Order was appropriate and reasonable, and that abatement may proceed.

g. The Final Order shall be served on the person by one of the methods stated in Section 13.05.150.C.4 of this Chapter.

h. A Final Order of the Hearing Examiner shall be considered the final administrative decision and may be appealed to a court of competent jurisdiction within 21 calendar days of its issuance.

### 8. Appeals of Abatement Invoice.

a. Any person sent an invoice regarding the costs due for the abatement of a violation may appeal the invoice and request a hearing to determine if the costs should be assessed, reduced, or waived.

b. A request for appeal shall be made in writing and filed with the City Clerk no later than ten calendar days from the date of the invoice specifying the costs due for the abatement.

- c. Each request for hearing shall contain the address and telephone number of the person requesting the hearing and the name and/ address of any person who will be present to represent him or her.
- d. Each request for hearing shall set out the basis for the appeal.
- e. Failure to appeal an abatement invoice within ten days from the date of the invoice shall be a waiver of the right to contest the validity of the costs incurred in abatement of the violation. The costs will be deemed to be valid and the City may pursue collection of the costs by any lawful means, including, but not limited to, referral to a collection agency.
- f. The hearing:
  - (1) Shall be scheduled no more than 18 calendar days after the Hearing Examiner or designee issues the Notice of Hearing. The Hearing Examiner or designee shall mail a notice giving the time, location, and date of the hearing by first class mail to person or persons to whom the notice of the costs due for the abatement was directed.
  - (2) Shall be held before the Hearing Examiner informally. The department and the person requesting the hearing may be represented by counsel, examine witnesses, and present evidence.
  - (3) The Hearing Examiner may uphold the amount billed for the cost of abatement, reduce the amount billed, or waive the costs. Costs shall be collected by any lawful means, including, but not limited to, referral to a collection agency.
- g. The determination of the Hearing Examiner is the final administrative decision and may be appealed to a court of competent jurisdiction within 21 calendar days of its issuance.

#### **9. Emergency Abatement.**

In certain instances, such as an unanticipated and imminent threat to the health, safety, or general welfare of the public or the environment which requires immediate action within a time too short to allow full compliance with the standard procedures outlined in this chapter, the City may seek emergency abatement in order to gain compliance with this title, in the discretion of the Director or designee. Using any lawful means, the City may enter unsecured property and may remove or correct a violation which is subject to abatement. If the person in control of the premises does not consent to entry, the City may seek such judicial process in Pierce County Superior Court as it deems necessary to effect the removal or correction of such condition.

#### **10. Criminal Penalty.**

In certain instances, where the aforementioned enforcement and penalty provisions outlined in this Chapter do not result in compliance or are not an appropriate means for achieving compliance, the Director and/or their authorized representative may refer the matter to the City Attorney for criminal prosecution. Upon conviction, the owner of the property upon which the violation has occurred, and/or the person in control of the property where the violation has occurred, if different, and/or the person committing the violation, if different, may be subject to a fine of up to \$1,000, or imprisonment for not more than 90 days in jail, or by both such fine and imprisonment. Upon conviction and pursuant to a prosecution motion, the court shall also order immediate action by the property owner or person in control of the property to correct the condition constituting the violation and to maintain the corrected condition in compliance with this Title. The mandatory minimum fines shall include statutory costs and assessments.

#### **11. Additional Relief.**

Nothing in this chapter shall preclude the City from seeking any other relief, as authorized in other provisions of the Tacoma Municipal Code. Enforcement of this Chapter is supplemental to all other laws adopted by the City.

#### **12. Revocation of Permits.**

Any person, firm, corporation, or other legal entity found to have violated the terms and conditions of a discretionary land use permit within the purview of the Director, Hearing Examiner, City Council, or other authorized official, pursuant to this Title, shall be subject to revocation of that permit upon failure to correct the violation. Permits found to have been authorized based on a misrepresentation of the facts that the permit authorization was based upon shall also be subject to revocation. Should a discretionary land use permit be revoked, the use rights attached to the site and/or structure in question shall revert to uses permitted outright in the underlying zoning district, subject to all development standards contained therein. Revocation of a permit does not preclude the assessment of penalties outlined in Section 13.05.150.C, above. Appeals of the revocation order shall be in accordance with Section 13.05.100.

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(Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.05.100 (Enforcement); relocated to 13.05.150 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27912 Ex. A; passed Aug. 10, 2010: Ord. 27017 § 7; passed Dec. 3, 2002: Ord. 25852 § 1; passed Feb. 27, 1996)

## CHAPTER 13.06

### ZONING <sup>1</sup>

#### Sections:

<a href="#">13.06.010</a>	<a href="#">General Provisions.</a>
<a href="#">13.06.020</a>	<a href="#">Residential Districts.</a>
<a href="#">13.06.030</a>	<a href="#">Commercial Districts.</a>
<a href="#">13.06.040</a>	<a href="#">Mixed-Use Center Districts.</a>
<a href="#">13.06.050</a>	<a href="#">Downtown.</a>
<a href="#">13.06.060</a>	<a href="#">Industrial Districts.</a>
<a href="#">13.06.070</a>	<a href="#">Overlay Districts.</a>
<a href="#">13.06.080</a>	<a href="#">Special Use Standards.</a>
<a href="#">13.06.090</a>	<a href="#">Site Development Standards.</a>
<a href="#">13.06.100</a>	<a href="#">Building Design Standards.</a>

### 13.06.010 General Provisions

#### A. Applicability.<sup>2</sup>

1. The regulations of this Chapter are applicable in all zoning districts, with exceptions only as noted. Regulations may refer to districts by class of districts, for example Districts or Industrial Districts, this means that all districts carrying the designated prefix or suffix are required to meet the given regulation. Overlay districts are combined with an underlying zoning district and supplement the regulations of that district. Overlay districts only apply to land carrying the overlay district designation.
2. For a Public Facility Site, as defined in Chapter 13.01, that is at least five acres in size, the regulations set forth in Chapter 13.06 shall not apply if a Development Regulation Agreement, pursuant to the provisions of Section 13.05.050, has been approved for the site and is complied with.<sup>3</sup>
3. Puyallup Tribal Trust Lands are under the jurisdiction of the Puyallup Tribe of Indians and not subject to the use and development standards of this Title. If a property held in Tribal Trust status is removed from Trust and becomes subject to City of Tacoma zoning, the least intensive zoning classification associated with the applied Land Use Designation in the Comprehensive Plan Future Land Use Map will be applied to the property until such time as the City conducts a zoning review and amendment process.

#### B. Zoning code administration – General purposes.<sup>4</sup>

1. The broad purposes of the zoning provisions of the Tacoma Municipal Code are to protect and promote the public health, safety, and general welfare, and to implement the policies of the Comprehensive Plan of the City of Tacoma. More specifically, the zoning code is intended to:
  - a. Provide a guide for the physical development of the City in order to:
    - (1) Preserve the character and quality of residential neighborhoods;
    - (2) Foster convenient, harmonious, and workable relationships among land uses; and
    - (3) Achieve the arrangement of land uses described in the Comprehensive Plan.
  - b. Promote the economic stability of existing land uses that are consistent with the Comprehensive Plan and protect them from intrusions by inharmonious or harmful land uses.

<sup>1</sup> Code Reviser's note: Various sections were reorganized, relocated, or renumbered per Ord. 28613 Ex. G; passed Sept. 24, 2019. In addition, previously repealed sections were removed from the body of Chapter 13.06. See footnotes for relocated and renumbered Section references; see end of this Chapter for a list of previously repealed sections and prior legislation.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06.500 (Requirements in all preceding districts); relocated to 13.06.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 26933 § 1; passed Mar. 5, 2002.

<sup>3</sup> Code Reviser's note: Previously codified as 13.06.601 (Public Facility Sites - Development Regulation Agreements Authorized); relocated to 13.06.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27877 Ex. A; passed Mar. 2, 2010.

<sup>4</sup> Code Reviser's note: Previously codified as 13.06.600 (Zoning code administration - General purposes); relocated to 13.06.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 27079 § 45; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002.

## Tacoma Municipal Code

- c. Promote intensification of land use at appropriate locations, consistent with the Comprehensive Plan, and ensure the provision of adequate open space for light, air, and fire safety.
- d. Foster development patterns that offer alternatives to automobile use by establishing densities and intensities that help make frequent transit service feasible, and encourage walking and bicycling. This emphasis on alternative transportation will also have air quality benefits and will conserve energy.
- e. Establish review procedures to ensure that new development is consistent with the provisions of this chapter and all other requirements of this code.

### C. Official Zoning Map.<sup>1</sup>

The following map is a general representation of the zoning classifications and their boundaries, as established in this Chapter.

[See next page for map.]

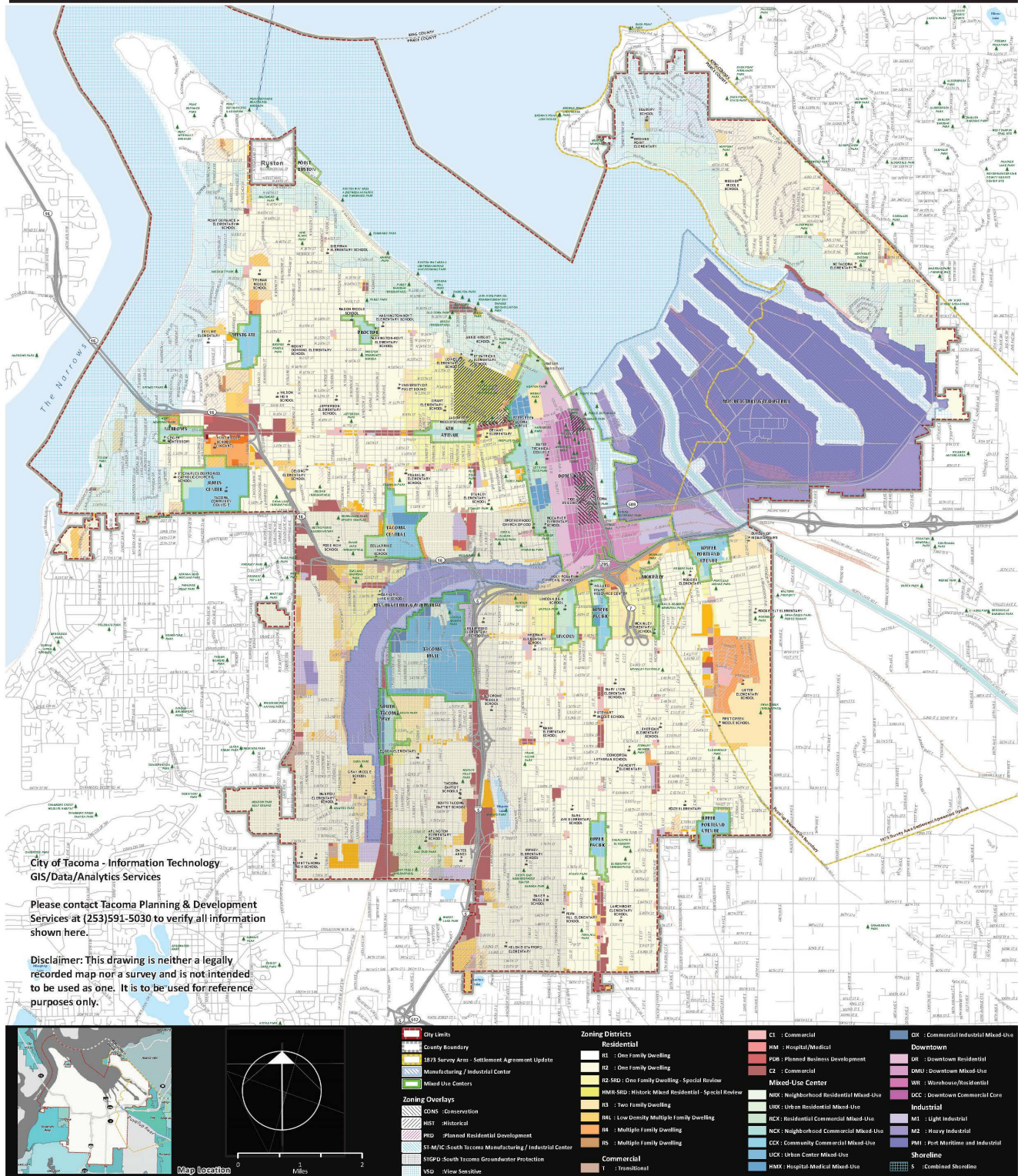
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<sup>1</sup> Code Reviser's note: Relocated from 13.06.600.B per Ord. 28613 Ex. G.



# ZONING

Effective October 31, 2019



## Tacoma Municipal Code

### D. Pedestrian streets designated.

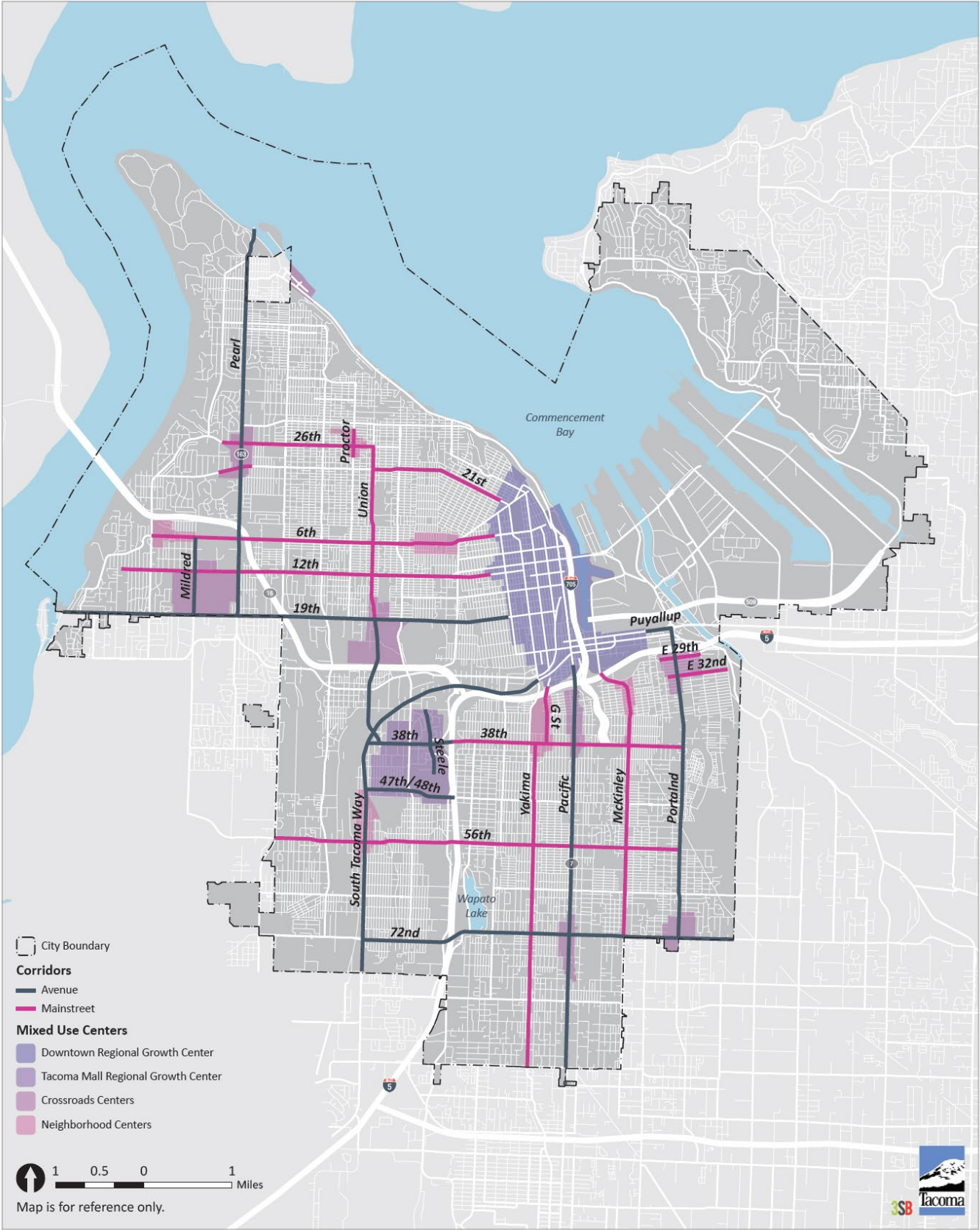
#### 1. Pedestrian streets designated.

Figure 7 of the Comprehensive Plan Urban Form Chapter 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.

<b>Pedestrian Streets</b>		
<b>Street</b>	<b>From</b>	<b>To</b>
6 <sup>th</sup> Avenue	North Jackson	South L Street
12 <sup>th</sup> Street	South Locust Lane	South Cushman Ave
19 <sup>th</sup> Street	91 <sup>st</sup> Avenue West	Downtown Regional Growth Center
North 21 <sup>st</sup> Street	North Vassault Street	North Highland Street
North 26 <sup>th</sup> Street	North Vassault Street	North Union Avenue
East 29 <sup>th</sup>	Crossroads Mixed Use Center	East T Street
East 32 <sup>nd</sup>	East N Street	East Grandview Avenue
South 38 <sup>th</sup> Street	South Tacoma Way	East Portland Avenue
South 47 <sup>th</sup> /48 <sup>th</sup> Street	South Tacoma Way	Interstate 5
South 56 <sup>th</sup> Street	South Orchard Street	East Portland Avenue
East 72 <sup>nd</sup> Avenue	South Tacoma Way	City Limits
South G Street/Delin Street	Downtown Regional Growth Center	South 38 <sup>th</sup> Street
North I Street	North Steele Street	North 3 <sup>rd</sup> Street
McKinley Avenue	Wiley Avenue	East 72 <sup>nd</sup> Street
North Mildred Street	North 9 <sup>th</sup> Street	South 19 <sup>th</sup> Street
Pacific Avenue	South 27 <sup>th</sup> Street	99 <sup>th</sup> Street South
North Pearl Street	North Terminus of Pearl Street	South 19 <sup>th</sup> Street
North Proctor Street	North 28 <sup>th</sup> Street	North 24 <sup>th</sup> Street
East Portland Avenue	Puyallup Avenue	East 72 <sup>nd</sup> Street
Puyallup Avenue	East L Street	East Portland Avenue
South Tacoma Way	Thompson Avenue	City Limits
North Union Avenue	North 26 <sup>th</sup> Street	South 38 <sup>th</sup> Street



Comprehensive Plan Figure 7



## Tacoma Municipal Code

### 2. Downtown primary streets designated.<sup>1</sup>

Within the Downtown, the “primary pedestrian streets” are considered key streets in the intended development and utilization of the area due to pedestrian use, traffic volumes, transit connections, and/or visibility. The streetscape and adjacent development on these streets should be designed to support pedestrian activity throughout the day. They are designated for use with certain provisions in the Downtown zoning regulations, including setbacks and design requirements. Within the Downtown, the primary pedestrian streets are:

- a. Pacific Avenue between S. 7th and S. 25th Streets.
- b. Broadway between S. 7th and S. 15th Streets.
- c. Commerce Street between S. 7th and S. 15th Streets.
- d. “A” Street between S. 7th and S. 12th Streets.
- e. Tacoma Avenue between S. 7th and S. 15th Streets.
- f. South Jefferson between South 21st Street and South 25th Street.
- g. South 25th Street between I-705 and South Fawcett Avenue.
- h. South ‘C’ Street.
- i. Puyallup Avenue.
- j. East 25th Street.
- k. East 26th Street.
- l. East ‘D’ Street.

### 3. Tacoma Mall Regional Growth Center.<sup>2</sup>

Tacoma Mall Neighborhood Regional Growth Center	South 35th Street between Pine Street and Sprague Avenue; South 36th/South California Streets between Lawrence and Steele Streets; South 38th Street between South Tacoma Way and South Lawrence Street; South 45th Street/future Loop Road between South Lawrence and South Steele Streets; South 47th/48th Street; South Lawrence Street between South 36th and South 45th Streets; South Pine Street between South Tacoma Way and South 47th/48th Streets	South 38th Street between South Lawrence and South Steele Streets*; South Steele Street*
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### 4. Mixed-Use Centers.<sup>3</sup>

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

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

<sup>1</sup> Code Reviser’s note: Previously codified as 13.06A.052 (Primary Pedestrian Streets); relocated to 13.06.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28230 Ex. E; passed Jul. 22, 2014; Ord. 27995 Ex. G; passed Jun. 14, 2011.

<sup>2</sup> Code Reviser’s note: Relocated from 13.06.300.C per Ord. 28613 Ex. G.

<sup>3</sup> Code Reviser’s note: Relocated from 13.06.300.C per Ord. 28613 Ex. G.

<b>Mixed-Use Center</b>	<b>Designated Pedestrian Streets</b> (All portions of the streets within Mixed-Use Centers, unless otherwise noted.)	<b>Designated Core Pedestrian Streets</b> (All portions of the streets within Mixed-Use Centers, unless otherwise noted)
6 <sup>th</sup> Avenue Neighborhood Center	6 <sup>th</sup> Avenue	6 <sup>th</sup> Avenue
Narrows Neighborhood Center	6 <sup>th</sup> Avenue	6 <sup>th</sup> Avenue
McKinley Neighborhood Center	McKinley Avenue from Wright Avenue to East 39 <sup>th</sup> Street*	McKinley Avenue from Wright Avenue to East 36 <sup>th</sup> Street
Lower Portland Crossroads Center	Portland Avenue*, East 32 <sup>nd</sup> Street, East 29 <sup>th</sup> Street	Portland Avenue
Proctor Neighborhood Center	North 26 <sup>th</sup> Street; North Proctor Street*	North 26 <sup>th</sup> Street; North Proctor Street
Stadium District – Downtown Regional Growth Center (DRGC)	Division Avenue from North 2 <sup>nd</sup> Street to Tacoma Avenue; Tacoma Avenue*; North 1 <sup>st</sup> Street; North I Street	Division Avenue from North 2 <sup>nd</sup> Street to Tacoma Avenue; Tacoma Avenue; North 1 <sup>st</sup> Street
Hilltop Neighborhood – Downtown Regional Growth Center (DRGC)	Martin Luther King Jr. Way*; South 11 <sup>th</sup> Street; Earnest S. Brazill Street; 6 <sup>th</sup> Avenue, South 19 <sup>th</sup> Street	Martin Luther King Jr. Way from South 9 <sup>th</sup> to South 15 <sup>th</sup> , South 11 <sup>th</sup> Street; Earnest S. Brazill Street
Lincoln Neighborhood Center	South 38 <sup>th</sup> Street*; Yakima Avenue from South 37 <sup>th</sup> Street to South 39 <sup>th</sup> Street; and South G Street south of 36 <sup>th</sup> Street	South 38 <sup>th</sup> Street
Lower Pacific Crossroads Center	Pacific Avenue	Pacific Avenue
South Tacoma Way	South Tacoma Way*; South 56 <sup>th</sup> Street	South Tacoma Way
Upper Portland Crossroads Center	East 72 <sup>nd</sup> Street*; Portland Avenue	East 72 <sup>nd</sup> Street, Portland Avenue
Upper Pacific Crossroads Center	South 72 <sup>nd</sup> Street; Pacific Avenue*	Pacific Avenue
Tacoma Central Crossroads Center	Union Avenue*; South 19 <sup>th</sup> Street between South Lawrence Street and South Union Avenue	Union Avenue south of South 18 <sup>th</sup> Street; South 19 <sup>th</sup> Street between South Lawrence Street and South Union Avenue
James Center Crossroads Center	Mildred Street*; South 19 <sup>th</sup> Street	Mildred Street south of South 12 <sup>th</sup> Street; South 19 <sup>th</sup> Street
Westgate Crossroads Center	Pearl Street*; North 26 <sup>th</sup> Street	Pearl Street

#### E. General Administrative Provisions.

##### 1. Interpretation and application.<sup>1</sup>

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, morals, or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or agreements between parties. Where this chapter imposes a greater restriction upon the use and/or development of any buildings, land, or premises than are required in other ordinances, codes, regulations, easements, covenants, or agreements, the provisions of this chapter shall govern.

##### 2. Severability.<sup>2</sup>

Should any section, clause, or provision of this chapter be declared by the court to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be invalid.

##### 3. General code compliance.<sup>3</sup>

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.605 (Interpretation and application); relocated to 13.06.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 26933 § 1; passed Mar. 5, 2002.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06.620 (Severability); relocated to 13.06.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 26933 § 1; passed Mar. 5, 2002.

<sup>3</sup> Code Reviser's note: Relocated from 13.06.602 per Ord. 28613 Ex. G.

## Tacoma Municipal Code

No new subdivision, parcel or lot shall be created that prevents compliance with the standards of this or any other applicable Code, Title or standard of the City of Tacoma.

### 4. No resulting nonconforming plats.<sup>1</sup>

No permit for the construction, alteration, enlarging, or moving of any building or structure shall be granted where it shall appear from the records of the Building Official that the plat, as required by Chapter 13.04, contains any lot or tract of land, or a part of any lot or tract of land previously designated as the plat, or part of the plat, for any building or structure, for the construction, alteration, enlarging, or moving of which a permit has been granted, if the original plat will thereby be reduced to an area which will not comply with the lot area, setback and yard requirements of this chapter.

### 5. Use.<sup>2</sup>

Any building, structure, premises, or part thereof, shall be erected, raised, moved, reconstructed, extended, enlarged, or altered; or any land shall be used or occupied; only for the uses or purpose of accommodating the uses permitted in the district in which such building, structure, premises, or land is located, and then only after applying for and securing all permits and licenses required by law and city ordinances. While listed uses may not be varied, dimensional and/or design requirements contained in the additional regulations listed in the use tables may be varied; however, this does not allow uses to be varied.

## F. Height restrictions.<sup>3</sup>

### 1. Applicability.

The following provisions apply to all zoning districts, except as hereinafter provided, and except where modified by the provisions of Section 13.06.050 relating to Downtown Districts, Title 19<sup>4</sup> relating to Shoreline Management, and other sections of the TMC.

### 2. Purpose.

### 3. Height limits established.

Any building, structure, or portion thereof, hereafter erected, shall not exceed the height limits established for the district wherein such building or structure is located.

### 4. Height exceptions.

a. As provided in Section 13.05.010.A relating to conditional uses.

b. As provided in Section 13.05.010.B relating to height variances for residential structures located in the View-Sensitive Districts.

c. Schools, libraries, structures for religious assembly, colleges. In districts with a height limit of 35 feet, these facilities, when permitted as a use, are allowed at a maximum 45 feet in height.

d. Structures, above height limits. Chimneys, tanks, towers, cupolas, steeples, flagpoles, smokestacks, silos, elevators, fire or parapet walls, open railings, and/or similar necessary building appurtenances may exceed the district height limit provided all structural or other requirements of the City of Tacoma are met and no usable floor space above the district height limit is added.

e. Shipping cranes or other freight moving equipment are exempt from height limits.

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<sup>1</sup> Code Reviser's note: Relocated from 13.06.602 per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Relocated from 13.06.602 per Ord. 28613 Ex. G.

<sup>3</sup> Code Reviser's note: Previously codified as 13.06.602 (General restrictions); relocated to 13.06.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28180 Ex. D; passed Oct. 15, 2013; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27432 § 16; passed Nov. 15, 2005; Ord. 27296 § 27; passed Nov. 16, 2004; Ord. 27079 § 46; passed Apr. 29, 2003; Ord. 26966 § 21; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

<sup>4</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

f. Solar panels/collectors are allowed to exceed the maximum height limit provided they do not extend more than 12-inches above the surface of the roof, as measured to the upper side of the solar panel, and on pitched roofs do not extend above the ridgeline (see examples below).



g. For the purpose of adding insulation to the exterior of the existing building structural frame, the maximum allowable roof height may be increased by 8 inches, only. Existing buildings not conforming to development standards shall not exceed the maximum allowable height limit by more than 8 inches. This exception is not applicable within view-sensitive districts.

#### G. Lot area restrictions.

##### 1. Applicability.

The following provisions apply to all zoning districts, except as hereinafter provided, and except where modified by the provisions of Section 13.06.050 relating to Downtown Districts, Title 19 relating to Shoreline Management, and other sections of the TMC.

##### 2. Purpose.

##### 3. Lot area established.

- a. Any building or structure hereafter built, enlarged, or moved on a lot shall conform to the area regulations of the district in which such building or structure is located.
- b. No lot area, now existing or hereafter established, shall be so reduced or diminished such that the yards, setbacks, open spaces, or total lot area be made smaller than required by the chapter, except in conformity with the regulations of this chapter.

##### 4. Lot area exceptions.

- a. Primary access easements and lot extensions on pipestem lots shall not be included in the calculation of lot area. As used herein, a primary access easement is the easement that provides the primary vehicular and pedestrian access to a property that does not have frontage on a public right-of-way or to a property that does have frontage on a public right-of-way when such right-of-way is not practicable for use as vehicular or pedestrian access to the property, for reasons such as significant topography.
- b. Lot area modifications for mobile home parks, multiple-family dwellings, retirement homes, apartment hotels, and residential hotels.

(1) In the case of a lot which abuts more than one street, computation of lot area may include one-half the area of the second and additional streets so abutting for the purpose of determining the number of mobile home lots or dwelling units, guest rooms, and guest suites that may be permitted on such lot; provided, said streets exceed 50 feet in width; and provided, said total street area so computed shall not exceed 33-1/3 percent of the actual net area of the lot contained within its lot lines.

(2) Lot coverage modifications for mobile home parks and multiple-family dwellings, retirement homes, apartment hotels, and residential hotels. In the case of a lot which abuts more than one street, computation of lot area may include one-half the area of the second and additional streets so abutting for the purpose of determining lot coverage for main buildings; provided, such streets exceed 50 feet in width; and provided, such total street area so computed shall not exceed 25 percent of the actual net area of the lot contained within its lot lines.

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### H. Setbacks and yard areas.

#### 1. Applicability.

The following provisions apply to all zoning districts, except as hereinafter provided, and except where modified by the provisions of Section 13.06.050 relating to Downtown Districts, Title 19 relating to Shoreline Management, and other sections of the TMC.

#### 2. Purpose.

#### 3. Setbacks and yard areas established.

- a. Any building or structure hereafter built, enlarged, or moved on a lot shall conform to the setback and yard area regulations of the district in which such building or structure is located.
- b. No required setback, yard or other open space shall include any land dedicated, reserved, or set aside for street purposes, or land contained in any primary access easement, except as provided in this chapter.
- c. No required setback, yard or other open space shall include any land condemned for or upon which notice of condemnation has been given for public purposes.
- d. No required yard, setback or other open space, now provided for any building or structure or hereafter provided in compliance with the regulations of this chapter, shall be considered as any part of a yard, setback or open space for any other building or structure, nor shall any yard, setback or open space of abutting property be considered as providing a yard, setback or open space for a building or structure on a lot it abuts, except as specifically allowed, such as for shared yards or common open space.

#### 4. Setback and yard area exceptions.

##### a. Setbacks for group buildings.

- (1) In the case of group buildings on one site, including institutions and dwellings, the setbacks on the perimeter of the site or lot shall not be less than required for one building on one lot in the district in which the property is located.
- (2) The distance separating buildings, exclusive of accessory buildings, shall not be less than twice the standard side yard setback for the applicable zoning district.
- (3) For a building exceeding six stories in height, separation from other buildings on the site shall be increased by one foot in width for each additional story or part thereof that such building exceeds six stories. Where two adjacent buildings on one site both exceed six stories in height, the building separations between them shall be increased by two feet in width for each additional story or part thereof that such buildings exceed six stories.
- (4) No multiple-family dwelling court shall be less than 25 feet in width.
- (5) In the case of row houses or dwellings rearing on one side yard and fronting upon another, in districts where multiple-family dwellings are permitted, the side yard setback on which dwellings rear shall be increased one foot for each dwelling unit abutting on such side yard, and the side yard setback on which dwellings front shall be not less than 20 feet in width.

##### b. Side yard setbacks for schools, religious assemblies, and institutions.

Public schools, public libraries, religious assemblies, colleges, universities, fraternities, sororities, private clubs, lodges, hospitals, sanitariums, educational institutions, philanthropic institutions, and other institutions, hereafter built in an R-1, R-2, R-3, HMR-SRD, or R-4-L District, shall provide side yard setbacks of not less than 20 feet (see Section 13.06.080.L, for parks, recreation, and open space setbacks).

##### c. Side yard setbacks, institutions in Multiple-Family Dwelling Districts.

Side yard setbacks for public schools, public libraries, religious assemblies, colleges, universities, fraternities, sororities, private clubs, lodges, hospitals, sanitariums, educational institutions, philanthropic institutions, and other institutions, hereafter built in an R-4 Multiple-Family Dwelling District, shall be not less than 25 feet in width and, in an R-5 Multiple-Family Dwelling District, not less than 30 feet in width (see Section 13.06.080.L, for parks, recreation, and open space setbacks).

##### d. Townhouse dwellings.

For the purpose of side yard setback regulations, townhouse dwellings having common-party walls, shall be considered as one building occupying one lot.



e. Rear yard setback includes one-half of alley.

In computing the depth of a required rear yard setback, where such setback abuts on an alley, one-half of the width of such alley right-of-way may be assumed to be a portion of such rear yard setback.

f. Through lots.

Through lots having a frontage on two streets shall provide the required front yard setback on each street.

g. Projections into required setbacks and yards.

Every part of a required setback or yard shall be open, from the ground to the sky, and unobstructed, except for the following:

- (1) Accessory building in the required rear yard setback.
- (2) Ordinary building projections such as cornices, eaves, belt courses, sills, or similar architectural features, may project into any required yard or setback not more than 24 inches.
- (3) Chimneys may project into any required setback not more than 24 inches.
- (4) Uncovered balconies, decks, or fire escapes whose surface is greater than 8 feet above the surrounding grade may project over a required front or rear yard setback four feet or over a required yard two feet.
- (5) Uncovered terraces, platforms, and decks whose surface is greater than 30-inches but not more than 8 feet above the surrounding grade may project or extend into a required front or rear yard setback not more than eight feet or into a court not more than six feet.
- (6) Uncovered, ground level decks (deck surface no more than 30-inches in height from surrounding grade) may occupy up to 50 percent of a required setback area and may also extend into required side yard setbacks to within 3-feet of the property line.
- (7) An uncovered landing which does not extend above the level of the first floor of the building may project or extend into a required side yard setback not more than three feet.
- (8) Mechanical equipment may encroach 8-feet into the required rear yard setback and may encroach 8-feet into the functional rear yard setback on double-frontage lots (see Section 13.06.020.G regarding "functional rear/front yards"). Mechanical equipment may not be located within a required side yard setback or yard space. The location of mechanical equipment shall not be used in the calculation of average setbacks.
- (9) Covered porches which are open on three sides and do not extend above the level of the first floor may project up to 8-feet into the required front yard setback, but must be at least 2 feet away from the property line.
- (10) Bay windows, garden windows and fireboxes may extend up to 24-inches into required side yard setbacks, as long as the total of such features does not exceed 25% of the side wall area.
- (11) For the purpose of adding insulation to the exterior of an existing building structural frame required, the setback distance from adjacent property lines may be decreased by a maximum of 4 inches, where allowed by building code and where a minimum 3' clearance from the lot line is maintained for fire and emergency access. Existing buildings not conforming to development standards shall not extend into a required setback more than 4 inches.
- (12) Rainfall catchment systems, which may include rain barrels, tanks or cisterns as well as associated piping, may extend into a required yard setback according to the following:
  - Rainfall catchment tanks no greater than 600 gallons shall be allowed to encroach into a required setback if each tank is less than 4' wide (as measured perpendicular from the side of the house or principal structure), a minimum 3' clearance from the lot line is maintained, and provided that the cumulative coverage of the tanks does not exceed 10% of each yard area.
  - Rainfall catchment tanks larger than 600 gallons may be permitted in a required setback provided that they do not exceed 10% coverage of any required yard, and they are not located closer than 3' from a side or rear lot line, or 15' from the front lot line. If located in the front, the rainfall catchment tank must be screened.
  - Rainfall catchment tanks may not impede requirements for lighting, open space, minimum usable yard space, and fire protection or egress.

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- The rainfall catchment system shall not obstruct any escape window and shall not create a surcharge on an existing retaining wall.

### I. Annexed land.

All territory, which may hereafter be annexed to the City of Tacoma and for which no zoning classification has been previously established, shall automatically become an R-1 Single-Family Dwelling District until the Planning Commission shall make a thorough study of the new City area and report its recommendation to the City Council regarding the appropriate changes to the Comprehensive Plan and zoning regulations of the City, to incorporate the newly annexed area into said program and establish the final zoning classification(s) for the annexed area.

### J. Split zoning.

Whenever a zone boundary line passes through a single unified parcel of land as indicated by record of the Pierce County Auditor as of May 18, 1953, and such parcel is of an area equal to the minimum requirements of either zone, the entire parcel may be used in accordance with the provisions of the least restrictive of the two zones; provided, more than 50 percent of the parcel is located within the least restrictive of the two zones.

### K. Shoreline zoning.

#### 1. Applicability.

The following is applicable only to those portions of Shoreline Districts S-1a, S-6, S-8 and S-15 that are located outside of shoreline jurisdiction, as described in Chapter 9 of the Shoreline Master Program:

2. Permit processing, including discretionary land use permits such as conditional use permits and variances, shall be in accordance with this chapter and the applicable sections of Chapter 13.05.

3. In cases where a proposal is located entirely outside the jurisdiction of the Shoreline Management Act but wholly within the shoreline zoning district, any land use permits required for the use and development shall be processed in accordance with this chapter, however the applicable use and development standards of the Shoreline Master Program shall apply.

4. Policies and development regulations that directly pertain to the goals and objectives of the Shoreline Management Act, including water-orientation, no net loss standards, and public access requirements, shall not apply to uses and development occurring under this chapter and outside the jurisdiction of the Shoreline Management Act.

### L. Nonconforming parcels/uses/structures.<sup>1</sup>

#### 1. Applicability.

Within the zones established by this title there exist parcels, uses, and structures which were lawful when established, but whose establishment would be prohibited under the requirements of this title.

#### 2. Purpose.

The intent of this section is to allow the beneficial development of such nonconforming parcel, to allow the continuation of such nonconforming uses, to allow the continued use of such nonconforming structures, and to allow maintenance and repair of nonconforming structures. It is also the intent of this section, under certain circumstances and controls, to allow the enlargement, intensification, or other modification of nonconforming uses and structures, consistent with the objectives of maintaining the economic viability of such uses and structures, and protecting the rights of other property owners to use and enjoy their properties. However, relief for nonconforming uses shall be narrowly construed, recognizing that nonconforming uses are disfavored by state law.

#### 3. Pre-existing parcels, uses, and/or structures.

a. Parcels, uses, and/or structures shall be considered legally nonconforming if such parcel, uses, and/or structure were legally created prior to May 18, 1953, or if such legally created parcel, use, and/or structure became nonconforming by reason of subsequent changes in this chapter.

b. Pre-existing uses or structures located within a wetland, stream or their associated buffers that were lawfully permitted prior to adoption of the Tacoma Municipal Code (TMC) Chapter 13.11, Critical Areas Preservation

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.630 (Nonconforming parcels/uses/structures); relocated to 13.06.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28230 Ex. D; passed Jul. 22, 2014: Ord. 28077 Ex. C; passed Jun. 12, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27539 § 18; passed Oct. 31, 2006: Ord. 27431 § 11; passed Nov. 15, 2005: Ord. 27079 § 47; passed Apr. 29, 2003: Ord. 26933 § 1; passed Mar. 5, 2002.

Ordinance (CAPO), but were not in compliance with the CAPO, shall be subject to the applicable provisions of this section and shall comply with the requirements of TMC Chapter 13.11.

**4. Nonconforming parcels.**

- a. Except as otherwise required by law, a legal nonconforming parcel, which does not conform to the minimum lot area, minimum lot width, and/or minimum lot depth requirements of this title, nevertheless, may be developed subject to all other development standards, use restrictions, and other applicable requirements established by this title.
- b. Parcel modifications, such as boundary line adjustments, property combinations, segregations, and short and long plats shall be allowed, without need for a variance, to modify existing parcels that are nonconforming to minimum lot size requirements, such as minimum area, width or frontage, and minimum dimensional requirements, such as setbacks, yard area, and lot coverage, as long as such actions would make the nonconforming parcel(s) more conforming to the existing requirements and would not create any new or make greater any existing nonconformities.

**5. Nonconforming use.**

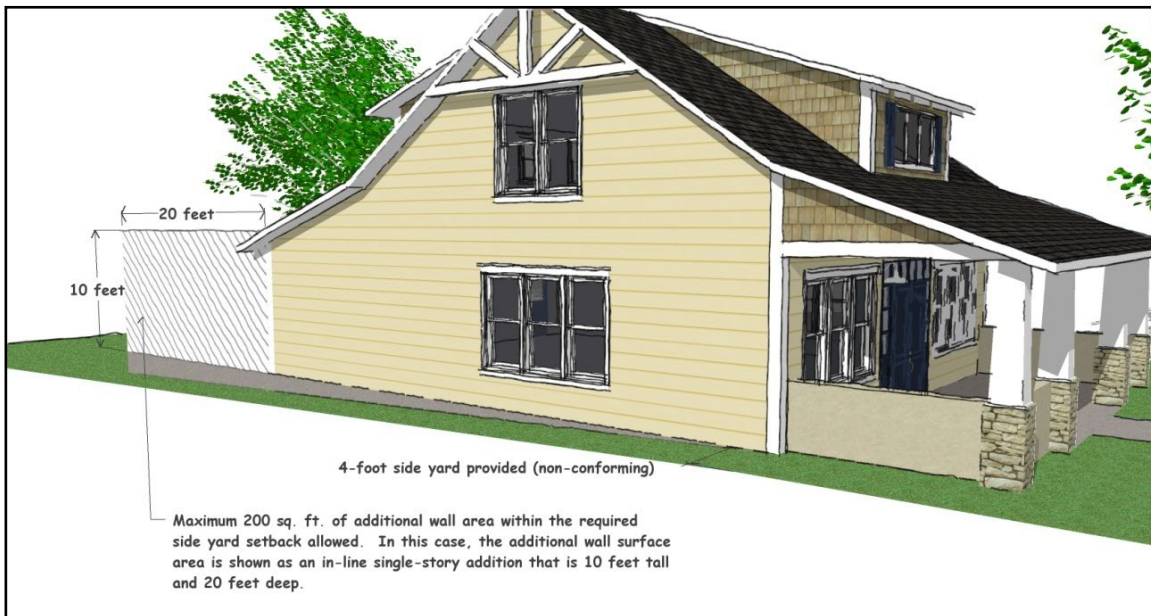
- a. Continuation of nonconforming use. Except as otherwise required by law, a legal nonconforming use, within a building or on unimproved land, may continue unchanged. In the event that a building, which contains a nonconforming use, is damaged by fire, earthquake, or other natural calamity, such use may be resumed at the time the building is restored; provided that the restoration is commenced in accordance with applicable codes and regulations and that any degree of nonconformity to the land use regulations is not increased. Further, such restoration shall be undertaken only under a valid building permit for which a complete application was submitted within 18 months following said damage, which permit must be actively pursued to completion.
- b. The use of unimproved land which does not conform to the provisions of this chapter shall be discontinued one year from the adoption date of the change to this chapter that creates the nonconformity; provided, however, exception may be made for the nonconforming use of unimproved land abutting a lot occupied by a building containing a nonconforming use and which nonconforming use is continuous and entire in the building and over said abutting land, all being in one ownership, and such use shall have been legally established prior to the adoption date of the change to the chapter that creates the nonconformity.
- c. Allowed changes to and expansions of nonconforming use.

Changes to a nonconforming use shall be allowed only under the following circumstances:

- (1) A nonconforming use, or a portion of a nonconforming use, may be changed to a use that is allowed in the zoning district in which it is located.
- (2) A nonconforming use, or a portion of a nonconforming use, may be expanded or changed to another nonconforming use when nonconforming rights for the subject use have been verified by the City of Tacoma. The applicant must provide evidence to show that the subject use was lawfully permitted prior to May 18, 1953, or if such legal use became nonconforming by reason of subsequent changes in this Chapter, prior to the date of the code change that made the use nonconforming. An application for a review of nonconforming rights shall include the following:
  - (a) The name, address and phone number of the applicant(s) or applicant's representative.
  - (b) The name address and phone number of the property owner, if other than the applicant.
  - (c) Location of the property. This shall, at a minimum, include the property address and/or parcel number(s).
  - (d) A general description of any proposed change of use and/or proposed expansion.
  - (e) A general description of the property as it now exists including its physical characteristics and improvements and structures.
  - (f) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information.
  - (g) Documenting evidence to prove that the nonconforming use was allowed when established and maintained over time, which may include: photographs, permit documentation, zoning codes or maps, tax/license/utility records, insurance maps, directories, inventories or data prepared by a government agency.
- (3) If a determination of nonconforming rights concludes that a use is lawfully in existence, then it may be expanded or changed to another nonconforming use, subject to the limitations and standards provided herein.

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- (a) Changes in use shall be limited to those uses allowed in the lowest intensity zoning district where the existing nonconforming use is currently permitted outright.
  - (b) The proposed change or expansion will not increase the cumulative generation of vehicle trips by more than 10 percent, as estimated by the City Traffic Engineer; nor will the change or expansion result in an increase in the number of parking spaces that would be required by this chapter by more than 10 percent. In no event shall multiple changes or expansions be approved that would, in the aggregate, exceed the 10 percent requirement as calculated for the initial request for a change or expansion in use;
  - (c) The proposed change or expansion will not result in an increase in noise such that it exceeds maximum noise levels identified in TMC 8.122;
  - (d) The proposed change or expansion will not result in substantial additional light or glare perceptible at the boundary lines of the subject property;
  - (e) The proposed change or expansion will not result in an increase in the outdoor storage of goods or materials; and
  - (f) The proposed change or expansion will not result in an increase in the hours of operation.
- (4) Any change from one nonconforming use to another nonconforming use, as allowed herein, shall not be considered converting such nonconforming use to a permitted use.
- (5) Changes in use that would exceed the standards herein may be approved through the issuance of a conditional use permit subject to the criteria in subsection 13.05.010.A, or, in specified circumstances, through a conditional use permit as set forth in TMC 13.05.010.A.26.
6. Abandonment or vacation of nonconforming use.
- When a nonconforming use is vacated or abandoned for 12 consecutive months or for 18 months during any three-year period, the nonconforming use rights shall be deemed extinguished and the use shall, thereafter, be required to be in accordance with the regulations of the zoning district in which it is located. Nonconforming rights for the use of an existing structure may be re-established through a Conditional Use Permit per the requirements in TMC 13.05.010.A, provided (a) the use has not been abandoned for a period of more than five years and (b) the proposed re-use of the structure is no more intensive than the last permitted use at the site as described in subsection (c.) above.
7. Continued occupancy of nonconforming structure.
- Except as otherwise required by law and consistent with all other requirements of this chapter, a legal nonconforming structure may continue unchanged.
8. Nonconforming structure and nonconforming commercial, industrial, and institutional uses.
- A legal nonconforming structure, that is also nonconforming as to use, may only be expanded and/or modified in the following cases:
- a. Ordinary repairs and maintenance, including painting, repair, or replacement of wall surfacing materials and the repair or 1. Ordinary repairs and maintenance, including painting, repair, or replacement of wall surfacing materials and the repair or replacement of fixtures, wiring, and plumbing are permitted; provided, such repair or maintenance will not result in noise exceeding levels identified in TMC 8.122, light, or glare at the boundary lines of the subject property.
  - b. The enlargement or modification is required for safety upon order of the City, or otherwise required by law to make the structure conform to any applicable provisions of law.
  - c. Such enlargement and/or modification does not result in an intensification of the use as addressed by Section 13.06.010.L.5.
  - d. Such enlargement and/or modification complies with the requirements of TMC Chapter 13.11.
  - e. Changes in use or expansion that would exceed the limitations of 13.06.010.L.5 may be approved through the issuance of a conditional use permit subject to the criteria in 13.05.010.A.
9. Nonconforming structure and conforming commercial, industrial, and institutional uses.



A legal conforming use located in a structure that is nonconforming as to setback, location, maximum height, lot coverage, or other development regulations may be replaced, enlarged, moved, or modified in volume, area, or space; provided, such replacement, enlargement, movement, or modification does not increase the degree of nonconformity. Any structure's replacement, enlargement, movement, or modification of volume, area, or space must comply with all other current applicable regulations as provided by this chapter, and with the requirements of TMC Chapter 13.11.

#### 10. Nonconforming structure and nonconforming residential use.

Nothing in this chapter shall prohibit the enlargement of a residential structure, which is nonconforming as to use and development regulations, if such expansion does not increase the number of dwelling units or reduce existing lot area or off-street parking. Such expansion, including the construction of accessory buildings, shall be limited to compliance with the setback, height, and location requirements of the zoning district in which the subject site is located, and with the requirements of TMC Chapter 13.11.

#### 11. Nonconforming residential structures and conforming residential uses.

a. A legal nonconforming structure which is nonconforming as to setback, location, maximum height, lot area, lot coverage, or other development regulation may be replaced, enlarged, moved, or modified in volume, area, or space; provided, such replacement, enlargement, movement, or modification complies with the setback, height, and location requirements of the zoning district in which the subject site is located, and with the requirements of TMC Chapter 13.11.

b. Certain additions to existing, nonconforming single-, two-, three-, or multi-family or townhouse dwellings may extend into a required front, side, or rear yard setback when the existing dwelling is already legally nonconforming with respect to that setback. The nonconforming portion shall be at least 60 percent of the total width of the respective wall of the structure prior to the addition and any other additions added since May 18, 1953. Additions may extend up to the height limit of the zoning district and extend into the required front, side and/or rear yard setback as follows:

(1) Front and rear yard setbacks: The addition may extend five feet into the required front or rear yard setback or to the extent of the setback line formed by the nonconforming portion, whichever is less.

(2) Side yard setbacks: The addition may extend into the required side yard setback up to the setback line formed by the nonconforming wall, except in no case shall the addition be closer than 3 feet from the side property line. Furthermore, the size of the addition shall be limited to an additional wall surface area within the required side setback area of no more than 200 square feet. (See example on following page.) For purposes of this provision, "wall surface area" is defined as the length (measured parallel to the side property line) multiplied by the height of the vertical wall surface of any building addition within the required side yard setback area. Any windows, doors or architectural features present are counted toward the total permissible wall surface area. Additions below the current ground level finished floor will not be counted toward the maximum permissible wall surface area.

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### 12. Restoration of damaged or destroyed nonconforming commercial, industrial, institutional, and residential structures.

Restoration of a legal nonconforming building or structure which has been damaged by fire, earthquake, or other natural calamity is permitted; provided that the restoration is commenced in accordance with applicable codes and regulations and that any degree of nonconformity to the land use regulations is not increased. Such restoration shall be undertaken only under a valid building permit for which a complete application is submitted within 18 months following said damage, which permit must be actively pursued to completion.

### 13. Nonconforming signs.<sup>1</sup>

#### a. Purpose.

To allow the continued existence of legal nonconforming signs, subject, however, to the following restrictions.

b. No sign that had previously been erected in violation of any City Code shall, by virtue of the adoption of this section, become a legal nonconforming sign.

c. No nonconforming sign shall be changed, expanded, or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved, in whole or in part, to any other location where it would increase its nonconformity. However, a legal nonconforming on-premises sign may be altered if the degree of nonconformity for height and sign area is decreased by 25 percent or greater. Further, a legal nonconforming on-premises sign may be relocated to a different portion of the site so long as it doesn't become further non-conforming to any separation, setback, or location standard. For purposes of this subsection, normal maintenance and repair, including painting, cleaning, or replacing damaged parts of a sign, shall not be considered a structural alteration.

d. Any sign which is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not, thereafter, be reestablished, except in full compliance with this chapter. Any period of such discontinuance caused by government actions, strikes, material shortages, acts of God, and without any contributing fault by the sign user, shall not be considered in calculating the length of discontinuance for purposes of this section.

e. Any nonconforming sign damaged or destroyed, by whatever means, to the extent of one-half of its replacement cost shall be terminated and shall not be restored.

f. Nonconforming billboards shall be made to conform with the requirements of this section under the following circumstances:

(1) When any substantial alteration is proposed on premises where a nonconforming billboard is located, the billboard shall be removed or brought into conformance with this section. For purposes of this provision, "substantial alteration" means all alterations within a two-year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code, excluding purchase costs of the property and/or structure.

(2) Whenever a building, or portion thereof, to which a nonconforming billboard is attached (such as upon the roof or attached to a wall), is proposed to be expanded and/or remodeled, all nonconforming billboards shall be removed or brought into compliance with this section if the value of the alterations within any two-year period is greater than or equal to 50 percent of the value of the existing building, as determined by the Building Code, excluding purchase costs of the property and/or structure.

g. Signs for nonconforming commercial and/or industrial uses in a residential district shall be limited to the signage which existed at the time it became nonconforming or, in the event the sign is destroyed or removed, it may be replaced by a sign not to exceed 32 square feet.

### 14. Downtown Districts.<sup>2</sup>

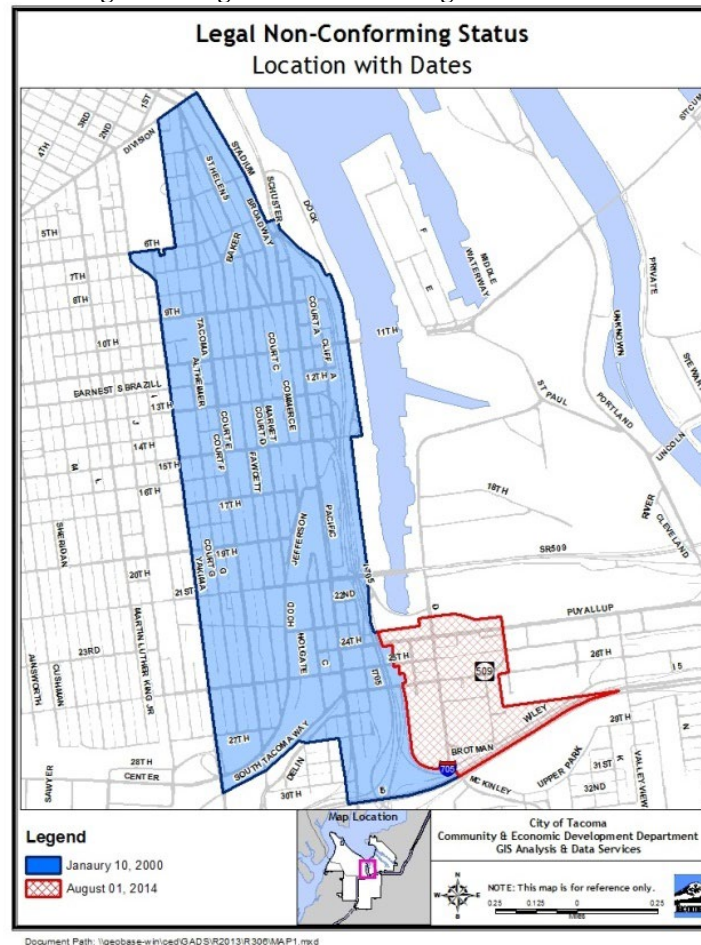
a. It is intended that nonconforming development or elements of nonconforming development that affect appearance, function, and design quality be brought into conformance with the development and basic design standards of this chapter. It is not intended to bring nonconforming development into compliance immediately, but to have future development comply with the purpose and intent of this code and eventually be brought into conformance with its standards. It is not intended to require extensive changes that are impractical, such as moving or lowering buildings.

<sup>1</sup> Code Reviser's note: Relocated from 13.06.630.J. and 13.06.521.N per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06A.055 (Nonconforming Development); relocated to 13.06.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28194 Ex. A; passed Dec. 17, 2013: Ord. 27995 Ex. G; passed Jun. 14, 2011: Ord. 26934 § 10; passed Mar. 5, 2002: Ord. 26899 § 8; passed Dec. 11, 2001.

b. For purposes of the Downtown zoning districts, nonconforming development shall mean development or an element of development which does not conform to the current development standards and basic design standards that existed prior to January 10, 2000, within the blue-shaded area of Figure 1 (below) or existed prior to August 1, 2014, within the red-shaded area of Figure 1.

**Figure 1: Legal Non-Conforming Status Locations**



c. Nonconforming development may continue as set forth, unless specifically limited by other regulations of this chapter.

d. Additions to buildings nonconforming to the development standards or basic design standards must comply with these standards, unless otherwise exempted. No addition can increase the nonconformity to the development or basic design standards or create new nonconformity with these standards.

15. Adult uses.<sup>1</sup>

a. Any adult entertainment, activity, use, or retail use in existence within the City limits as of November 19, 2000, shall be considered a nonconforming use.

16. Special needs housing.<sup>2</sup>

a. Registration of existing special needs housing.

Facilities existing as of November 13, 2006, shall be required to register with Planning and Development Services by May 13, 2007. Such registration shall be in a form provided by Planning and Development Services and shall include the following information:

- (1) The type of facility;
- (2) The location of the facility;

<sup>1</sup> Code Reviser's note: Relocated from 13.06.525.C per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Relocated from 13.06.535.F per Ord. 28613 Ex. G.

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- (3) The size of the facility, including the number of clients served and number of staff; and
- (4) Contact information for the facility and its operator.

### **b. Abandonment.**

Any existing special needs housing facility that is abandoned for a continuous period of one year or more shall not be permitted to be re-established, except as allowed in accordance with the standards and requirements for establishment of a new facility.

(Ord. 28793 Ex. B; passed Dec. 7, 2021; Ord. 28725 Exs. A and F; passed Dec. 8, 2020. Code Reviser's Note: Subsections were previously codified as Sections 13.06.500 (Requirements in all preceding districts), 13.06.600 (Zoning Code administration – General purposes), 13.06.601 (Public Facility Sites – Development Regulation Agreements Authorized), 13.06.602 (General restrictions), 13.06.605 (Interpretation and application), 13.06.620 (Severability), 13.06.630 (Nonconforming parcels/uses/structures), 13.06A.052 (Primary Pedestrian Streets), and 13.06A.055 (Nonconforming Development); all were relocated to 13.06.010 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See additional notes and prior legislation in footnotes. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019)



**13.06.020 Residential Districts.<sup>1</sup>****A. Applicability.**

The following tables compose the land use regulations for all districts of Section 13.06.020. All portions of 13.06.020 apply to all new development of any land use variety, including additions, and remodels, in all districts in Section 13.06.020, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.020.A through Section 13.06.020.C are not eligible for variances. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply. For individually designated properties listed on the Tacoma Register of Historic Places, and for contributing buildings within Historic Special Review Districts, where there is a conflict between the regulations of this chapter and historic guidelines and standards, the historic guidelines and standards shall prevail pursuant to TMC 13.05.040.

**B. Purpose.**

The specific purposes of the Residential Districts are to:

1. Implement the goals and policies of the City's Comprehensive Plan.
2. Implement the Growth Management Act's goals and county-wide and multi-county planning policies.
3. Provide a fair and equitable distribution of a variety of housing types and living areas throughout the City's neighborhoods.
4. Protect and enhance established neighborhoods, and ensure that new development is in harmony with neighborhood scale and character.
5. Provide for predictability in expectations for development projects.
6. Allow for creative designs while ensuring desired community design objectives are met.
7. Strengthen the viability of residential areas by eliminating incompatible land uses, protecting natural physical features, promoting quality design, and encouraging repair and rehabilitation of existing residential structures.
8. Allow for the enhancement of residential neighborhoods with parks, open space, schools, religious institutions and other uses as deemed compatible with the overall residential character.
9. Throughout the Zoning Code, references are made to "R-Districts" and "Residentially Zoned" properties. Both of these references mean any district within the R-series, i.e., the R-1 through R-5 Districts listed within this 13.06.020 series.

**C. Districts established.**

1. The following districts are intended primarily for residential land uses, as well as other uses such as daycares, parks, schools, churches and other uses which serve the neighborhood and have been deemed compatible with residential character.

2. R-1 Single-Family Dwelling District.

This district is intended for low-density, single-family detached housing. Other compatible uses such as residential care homes and shelters are also appropriate. The district is characterized by low residential traffic volumes and properties located within the View Sensitive Overlay district. It is most appropriate in areas with steep topography or an established pattern of larger lots.

3. R-2 Single-Family Dwelling District.

This district is intended primarily for single-family detached housing but, in addition to the uses listed above, may also allow a limited number of compatible uses including lodging uses, holiday sales for Christmas and Halloween, and two-family dwellings in certain circumstances. The district is characterized by low residential traffic volumes and generally abuts more intense residential and commercial districts.

4. R-2SRD Residential Special Review District.

This district is intended primarily for single-family detached housing, but in addition to the uses listed above, it also may allow a limited number of two- and three-family dwellings by conditional use permit where the location, amount, and quality of such development would be compatible with the single-family character of the area.

5. HMR-SRD Historic Mixed Residential Special Review District.

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.100 (Residential Districts); relocated to 13.06.020 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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This district is designed to apply to existing neighborhood areas or portions of existing neighborhood areas which have been designated as an historic special review district because the buildings within reflect significant aspects of Tacoma's early history, architecture, and culture as set forth and according to the procedures in Chapter 13.07, and which are characterized by a mix of residential buildings, including single family residential dwellings and multiple family dwellings, and where it is desirable to protect, preserve, and maintain the historic buildings. Single-family dwellings will continue to be the predominant land use within the HMR-SRD district. Infill development shall be consistent with historic character of the district and shall be predominantly single-family. A limited number of two- and three-family dwellings may be permitted by conditional use permit provided they are consistent with the historic character of the district and are not conversions of historically contributing single-family houses. Conversion of existing multiple-family uses to single-family uses will be encouraged, but not required.

### 6. R-3 Two-Family Dwelling District.

This district is intended primarily for two-family housing development. Uses such as single-family dwellings, three-family dwellings, and some lodging and boarding homes may also be appropriate, in addition to the uses permitted in less dense zones. The district is characterized by low residential traffic volumes and generally abuts more intense residential and commercial districts.

### 7. R-4-L Low-Density Multiple-Family Dwelling District.

This district is intended primarily for low-density multiple-family housing, mobile home parks, retirement homes and group living facilities. It is similar to the R-4 Multiple-Family Dwelling District, but more restrictive site development standards are intended to minimize adverse impacts of permitted and conditional uses on adjoining land. The district is characterized by amenities and services associated with single- and two-family residential districts, and it is located generally along major transportation corridors and between higher and lower intensity uses.

### 8. R-4 Multiple-Family Dwelling District.

This district is intended primarily for medium density multiple-family housing. In addition to uses permitted in less dense zones, other appropriate uses may include day care centers, and certain types of special needs housing. The district is characterized by a more active living environment and is located generally along major transportation corridors and between higher and lower intensity uses.

### 9. R-5 Multiple-Family Dwelling District.

This district is intended for high-density multiple family housing, as well as residential hotels, retirement homes, and limited mixed-use buildings, in addition to uses permitted in less dense zones. The district is generally located in the center of the city in close proximity to employment centers, conveniences, services, major transportation corridors, and public transportation facilities.

## D. Pedestrian streets designated.

Figure 7 of the Comprehensive Plan Urban Form Chapter 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" and are defined in Section 13.06.010.D. The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

## E. District use restrictions.

1. The following use table designates all permitted, limited, and prohibited uses in the districts listed. Use classifications not listed in this section are prohibited, unless permitted via Section 13.05.080.
2. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.
3. Use table abbreviations.

P = Permitted use in this district.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.080.P.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.05.010.A.
N = Prohibited use in this district.

4. District use table – Residential Districts (13.06.020).<sup>1</sup>

Uses (See Footnote 3)		R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations (See Footnotes 1, 3)
<b>Agriculture and Natural Resources</b>										
	Agricultural uses	CU	CU	CU	CU	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Buildings shall not be permitted in connection with such use, except greenhouses having total floor area not in excess of 600 square feet. Livestock is not allowed.
	Mining and quarrying	N	N	N	N	N	N	N	N	Existing surface mines considered permitted as conditional use, subject to requirements contained in Section 13.06.080.O.
	Urban horticulture	N	N	N	N	N	N	N	N	
<b>Residential Uses</b>										
Dwelling Types										
	Dwelling, accessory (ADU)	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.A.
	Dwelling, cottage housing	CU <sup>2</sup>	CU <sup>2</sup>	CU <sup>2</sup>	N	CU <sup>2</sup>	CU <sup>2</sup>	CU <sup>2</sup>	CU <sup>2</sup>	Cottage Housing developments require the issuance of a Conditional Use Permit and are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.060.
	Dwelling, single-family detached	P	P	P	P	P	P	P	P	No lot shall contain more than one dwelling unless specifically approved to do so through a Planned Residential District, Cottage Housing or other City review process.
	Dwelling, two-family	N	CU <sup>2</sup>	P/CU	P/CU	P	P	P	P	In the R-2SRD and HMR-SRD districts, two-family dwellings are permitted if lawfully in existence at the time of reclassification to R-2SRD/HMR-SRD or only upon issuance of a conditional use permit. In R-2 Districts, two-family development may be considered under the Residential Infill Pilot Program (see Section 13.05.060), but requires issuance of a conditional use permit. Subject to additional requirements contained in Section 13.06.100.

<sup>1</sup> Code Reviser's note: Ord. 28906 Ex. C (Aug. 15, 2023) reorganized land use table order; due to scrivener's errors, not all language from existing tables was carried over. Corrections were made during codification to re-insert language re: dwelling, cottage housing; accessory uses and buildings; emergency and transitional housing; short-term rental; extended care facility; commercial parking facility; and fueling station.

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Uses (See Footnote 3)		R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations (See Footnotes 1, 3)
	Dwelling, three-family	N	N	P/CU	P/CU	P	P	P	P	In the R-2SRD and HMR-SRD districts, three-family dwellings are permitted if lawfully in existence at the time of reclassification to R-2SRD or HMR-SRD. New three-family dwellings are permitted only upon issuance of a conditional use permit. For R-3, three-family dwellings are permitted, provided existing single- or two-family dwellings shall not be enlarged, altered, extended, or occupied as a three-family dwelling, unless the entire building is made to comply with all zoning standards applicable to new buildings; and, further provided such existing structures shall not be enlarged or extended, unless such enlargement, extension, or alteration is made to conform to the height, area, and parking regulations of this district. Subject to additional requirements contained in Section 13.06.100.
	Dwelling, multiple-family	N	N	N	P/N	CU <sup>2</sup>	P	P	P	In the HMR-SRD district, only multiple-family dwellings lawfully in existence on December 31, 2005 are permitted. Such multiple-family dwellings may continue and may be changed, repaired, and replaced, or otherwise modified, provided, however, that the use may not be expanded beyond property boundaries owned, leased, or operated as a multiple-family dwelling on December 31, 2005. In R-3 Districts multiple-family development may be considered under the Residential Infill Pilot Program (see Section 13.05.060), but requires issuance of a conditional use permit.
	Dwelling, townhouse	N	CU <sup>2</sup>	CU	CU	P	P	P	P	Subject to additional requirements contained in Section 13.06.020.G. In R-2, R-2SRD and HMR-SRD Districts townhouse development requires issuance of a conditional use permit. In R-2, townhouses also require review under the Residential Infill Pilot Program (see Section 13.05.060).

Uses (See Footnote 3)		R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations (See Footnotes 1, 3)
Other Residential										
	Accessory uses and buildings	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.020.F
	Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N
	Day care, family	P	P	P	P	P	P	P	P	Must be licensed by the State of Washington.
	Emergency and transitional housing	N	N	N	N	N	CU	CU	CU	Subject to additional requirements contained in Section 13.06.080.N.
	Foster home	P	P	P	P	P	P	P	P	
	Group housing	P	P	P	P	P	P	P	P	In the R-1, R-2, R-2SRD, and HMR-SRD districts, group housing is limited to 6 or fewer unrelated adults. In the R-3 district, group housing is limited to 15 or fewer unrelated adults. In the R-4-L, R-4 and R-5 districts, there is no limit to the allowed number residents in a group housing facility.
	Home occupation	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.G
	Live/Work	N	N	N	N	N	N	N	N	
	Mobile home/ trailer court	N	N	N	N	N	CU	N	N	Subject to additional requirements contained in Section 13.06.090.B.
	Short-term rental (1-2 guest rooms)	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Sections 13.06.080.M and 13.06.080.A.
	Short-term rental (3-9 guest rooms)	N	N	N	N	CU	CU	CU	CU	Subject to additional requirements contained in Sections 13.06.080.M and 13.06.080.A.
	Short-term rental (entire dwelling)	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.M and 13.06.080.A.
	Staffed residential home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
	Student housing	CU	CU	CU	CU	CU	CU	CU	CU	
	Retirement home	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
<b>Medical and Health Services</b>										
	Continuing care retirement community	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
	Detoxification center	CU	CU	CU	CU	CU	CU	CU	CU	
	Extended care facility	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.

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Uses (See Footnote 3)	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations (See Footnotes 1, 3)
Hospital	N	N	N	N	N	CU	CU	CU	
Intermediate care facility	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
Residential care facility for youth	N	N	N	N	P	P	P	P	Subject to additional requirements contained in 13.06.080.N.
Residential chemical dependency treatment facility	N	N	N	N	N	P	P	P	Subject to additional requirements contained in 13.06.080.N.
<b>Community and Civic Facilities</b>									
Assembly facility	N	N	N	N	N	CU	CU	CU	
Cemetery/Internment services	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	N/CU	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 13.05.010.A.
Confidential shelter	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N.
Correctional facility	N	N	N	N	N	N	N	N	
Cultural institution	N	N	N	N	N	N	N	N	
Detention facility	N	N	N	N	N	N	N	N	Side yards shall be provided as specified in Section 13.06.010.
Juvenile community facility	CU	CU	CU	CU	CU	CU	CU	CU	Subject to additional requirements contained in Section 13.06.080.H.
Parks, recreation and open space	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	Parks, recreation and open space uses are permitted outright. However, the following parks and recreation features and facilities require a Conditional Use Permit: Destination facilities High-intensity recreation facilities High-intensity lighting Development of more than 20 off-street parking spaces Parks, recreation and open space uses are subject to the requirements of Section 13.06.080.L, where the above features are defined.
Public service facilities	CU	CU	CU	CU	CU	CU	CU	CU	Unless the specific use is otherwise allowed outright, public service facilities are permitted only upon issuance of a conditional use permit.

Uses (See Footnote 3)		R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations (See Footnotes 1, 3)
Religious assembly		CU	CU	CU	CU	CU	CU	CU	CU	
School, public or private		CU	CU	CU	CU	CU	CU	CU	CU	
Work release center		N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.080.R.
<b>Commercial Uses</b>										
Craft Production		N	N	N	N	N	N	N	N	Prohibited except as provided for in Section 13.06.020.E
Hotel/Motel		N	N	N	N	N	N	N	N	
Office		N	N	N	N	N	N	N	N	
Work/Live		N	N	N	N	N	N	N	N	
Eating and Drinking Establishments										
	Brewpub	N	N	N	N	N	N	N	N	
	Eating and drinking	N	N	N	N	N	N	N	P	For R-5, minor eating and drinking establishments are permitted, provided they are within retirement homes, continuing care retirement communities, student housing, apartment complexes, or similar facilities, are designed primarily to serve on-site residents, and are consistent with a restaurant use per Section 13.01.060.
	Microbrewery/ winery	N	N	N	N	N	N	N	N	
Entertainment and Recreation										
	Adult retail and entertainment	N	N	N	N	N	N	N	N	
	Carnival	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.080.P.
	Commercial recreation and entertainment	N	N	N	N	N	N	N	N	
	Golf Courses	P	P	P	P	P	P	P	P	
	Theater	N	N	N	N	N	N	N	N	

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Uses (See Footnote 3)		R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations (See Footnotes 1, 3)
Retail		N	N	N	N	N	N	N	P	For R-5, minor retail businesses such as drug stores and newsstands are permitted, provided they are within retirement homes, continuing care retirement communities, student housing, apartment complexes, or similar facilities and are designed primarily to serve on-site residents.
	Marijuana retailer	N	N	N	N	N	N	N	N	
	Nursery	N	N	N	N	N	N	N	N	
Services										
	Ambulance services	N	N	N	N	N	N	N	N	
	Animal sales and service	N	N	N	N	N	N	N	N	
	Building material and services	N	N	N	N	N	N	N	N	
	Business support services	N	N	N	N	N	N	N	N	
	Day care center	CU	CU	CU	CU	CU	P/CU	P	P	Subject to additional requirements contained in Section 13.06.080.E. 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.
	Funeral home	N	N	N	N	N	N	N	N	
	Personal services	N	N	N	N	N	N	N	P	For R-5, minor personal service uses, such as beauty parlors and instructional services, are permitted, provided they are within retirement homes, continuing care retirement communities, student housing, apartment complexes, or similar facilities and are designed primarily to serve on-site residents.
	Repair services	N	N	N	N	N	N	N	N	
Storage Uses										
	Warehouse/storage	N	N	N	N	N	N	N	N	
	Wholesale or distribution	N	N	N	N	N	N	N	N	
	Self-storage	N	N	N	N	N	N	N	N	



Uses (See Footnote 3)		R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations (See Footnotes 1, 3)
Vehicle Related Uses										
	Commercial parking facility	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.090.C
	Drivethrough with any permitted use	N	N	N	N	N	N	N	N	
	Fueling station	N	N	N	N	N	N	N	N	
	Vehicle rental and sales	N	N	N	N	N	N	N	N	
	Vehicle service and repair	N	N	N	N	N	N	N	N	
	Vehicle storage	N	N	N	N	N	N	N	N	
<b>Industrial</b>										
Industry, heavy		N	N	N	N	N	N	N	N	
	Coal facility	N	N	N	N	N	N	N	N	
	Chemical manufacturing, processing and wholesale distribution	N	N	N	N	N	N	N	N	
	Cleaner Fuel Infrastructure	N	N	N	N	N	N	N	N	
	Petroleum Fuel Facility	N	N	N	N	N	N	N	N	
	Port, terminal, and industrial; water-dependent or water-related (as defined in Title 19)	N	N	N	N	N	N	N	N	
	Smelting	N	N	N	N	N	N	N	N	
Industry, light		N	N	N	N	N	N	N	N	
	Vehicle service and repair, industrial	N	N	N	N	N	N	N	N	
	Research and development industry	N	N	N	N	N	N	N	N	
	Marijuana processor	N	N	N	N	N	N	N	N	
	Marijuana producer	N	N	N	N	N	N	N	N	
<b>Utilities, Transportation and Communication Facilities</b>										
Airport		CU	CU	CU	CU	CU	CU	CU	CU	

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Uses (See Footnote 3)	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations (See Footnotes 1, 3)
Communication facility	CU	CU	CU	CU	CU	CU	CU	CU	Antennas for such facilities are subject to the additional requirements contained in Section 13.06.080.Q.
Heliport	CU	CU	CU	CU	CU	CU	CU	CU	
Passenger terminal	N	N	N	N	N	N	N	N	
Transportation/ freight terminal	N	N	N	N	N	N	N	N	
Utilities	CU	CU	CU	CU	CU	CU	CU	CU	
Wireless communication facility	CU	CU	CU	CU	CU	CU	CU	CU	Subject to additional requirements contained in Section 13.06.080.Q and the time limitations set forth in Chapter 13.05, Table H.
<b>Accessory and Temporary Uses</b>									
Seasonal sales	TU	TU	TU	TU	TU	TU	TU	TU	Subject to additional requirements contained in Section 13.06.080.P.
Temporary uses	TU	TU	TU	TU	TU	TU	TU	TU	See Section 13.06.080.P
<b>Unlisted Uses</b>									
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	N	N	N	
<b>Footnotes:</b>									
<sup>1</sup> For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.06.640.F for additional details, limitations and requirements. <sup>2</sup> Certain land uses, including two-family, townhouse, and cottage housing in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.060. <sup>3</sup> Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.									

## F. District development standards.

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
1. Minimum Lot Area (in square feet, unless otherwise noted)								
a. Purpose.								
b. Single-family detached dwellings – Standard Lots	7,500	5,000	5,000	5,000	5,000	5,000	5,000	5,000
c. Single-family detached dwellings – Small Lots (Level 1)	6,750	4,500	4,500	4,500	2,500	2,500	2,500	2,500
d. Two-family dwellings		6,000	6,000	6,000	6,000	4,250	3,750	3,500
e. Three-family dwellings			9,000	9,000	9,000	5,500	5,000	4,500
f. Multiple-family dwellings					9,000	6,000 sq. ft. plus 1,500 sq. ft. for each unit in excess of four	6,000	6,000
g. Townhouse dwellings		3,000	3,000	3,000	3,000	1,500	1,000	1,000
h. Mobile home/trailer court						3.5 acres, provided at least 3,500 sq. ft. is provided for each mobile home		
i. Pre-existing lots	A lot which was a single unified parcel of land as indicated by the records of the Pierce County Auditor as of May 18, 1953 or a lot which was configured legally to conform to the applicable requirements but which became nonconforming as a result of subsequent changes to this chapter or other official action by the City, and which has been maintained in that configuration since, having an average width, frontage, or area that is smaller than the applicable minimum requirements may be occupied by a single-family dwelling; provided all other applicable requirements are complied with, including required setbacks, yards and design standards (see Sections 13.06.020.J and 13.06.010.L).							
j. Single-family Small Lots – Exceptions to Standard Minimum Lot Area Requirements	Reductions to minimum detached single-family dwelling lot area requirements, as shown above, may be allowed pursuant to Section 13.06.020.J. Lots smaller than the Minimum Lot Area for Standard Lots must meet the applicable Design Standards of Section 13.06.020.J. Single-family Small lot development must be oriented such that the lot frontage and the front façade of the house face the street. Small lot exceptions are not applicable to pipestem lots.							

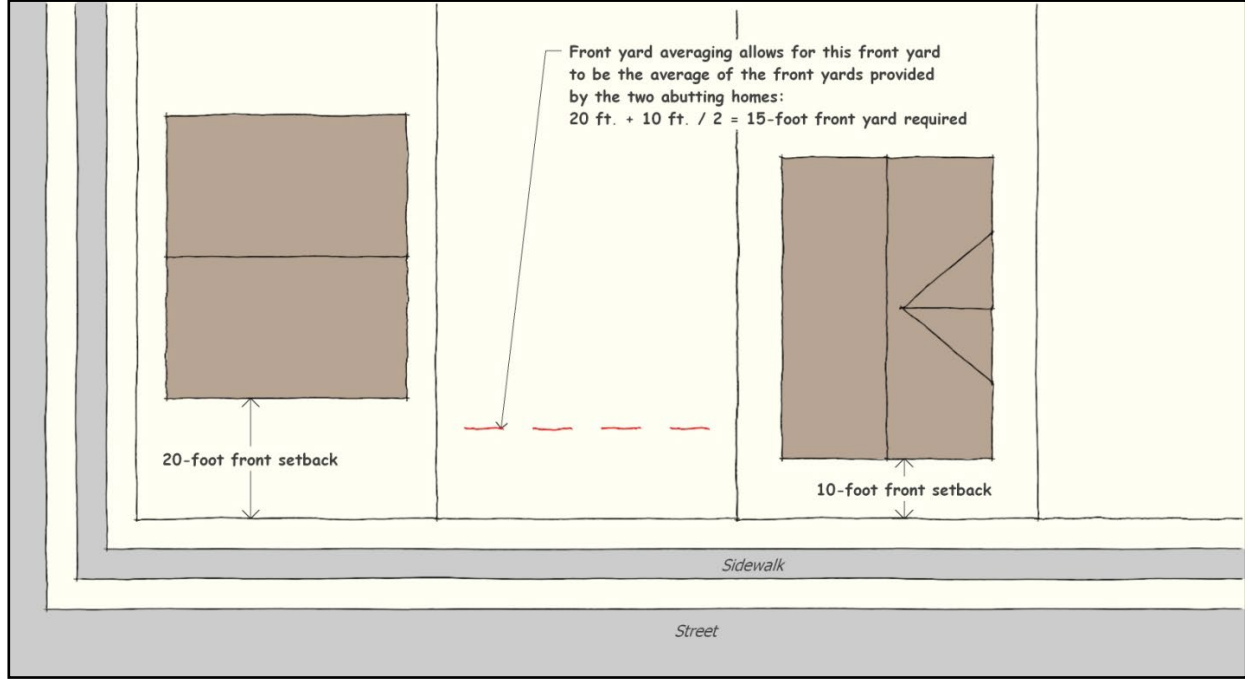
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	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
k. Single-family detached dwellings – Small Lots (Level 2):	<p>One of the following exceptions may be applied per parcel to achieve Level 2 Small Lot without a variance, to the following minimum lot sizes: R-1: 4,500 sq. ft.; R-2, R-2SRD, HMR-SRD: 3,000 sq. ft.; R-3 and above: 2,500 sq. ft.</p> <p>Lot Size Averaging – Infill: To provide for consistency with pre-existing development patterns, the average size of lots along the street frontage and block (excluding the site) may be substituted for the zoning district minimum lot size.</p> <p>Lot Size Averaging – Subdivisions: Within proposed Short and Full Plats, lots are permitted to a minimum size of 4,500 square feet in the R-1 District and 3,000 square feet in the R-2, R2-SRD and HMR-SRD Districts, provided that the overall average lot size within the Short or Full Plat meets the Small Lots minimum lot size of the zoning district. Critical areas and buffers may not be counted toward lot size averaging.</p> <p>Alley lot area credit: In R-1, R-2, and R2-SRD and HMR-SRD Districts, half of the width of abutting alleys which are utilized for vehicular access to the lot may be counted toward the required minimum lot area, up to an additional reduction equivalent to 10 percent of the Standard Minimum Lot Size.</p>							
l. Critical Areas Density Bonus	Critical Areas Protection Ordinance Residential Density Bonus: Per Section 13.11.260, in order to provide flexibility to avoid critical area impacts, minimum lot sizes and setbacks may be reduced in association with Critical Areas approvals.							
m. Planned Residential Districts	Planned Residential Districts: Exceptions to the standard and small lot provisions of this section may be permitted through the density provisions of Section 13.06.070.							
2. Lot Measurements (in feet)								
a. Purpose.								
b. Minimum Average Lot Width – Standard Lots	50	50	50	50	50	50	50	50
					16 for townhouse dwellings; 32 for two-family dwellings			
c. Single-family Small Lots – Minimum Average Lot Width	45	35	35	35	30	25	25	25
d. Minimum Lot Frontage	25	25	25	25	25	25	25	25
	The minimum lot frontage requirement does not apply to townhouse dwellings.  Pipestem lots which only serve one single-family dwelling are not required to meet the minimum lot frontage requirements, provided the access easement or lot extension to such pipestem lot has a minimum width of 10 feet.							
e. Small Lots – Exceptions to Minimum Average Lot Width	Reductions to minimum lot width, as shown above, may be allowed pursuant to Section 13.06.020.J.  Small lot exceptions are not applicable to pipestem lots.							
3. Building Coverage (total building coverage / lot area x 100 = percentage)								
a. Purpose.								

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
b. Maximum building coverage, percent of lot	-	-	-	-	50	50	65	65
c. Bonus	-	-	-	-	Corner Lot: May add an additional 10% of the lot area to the total lot area for the purpose of calculating the maximum building coverage allowance.  Alley: Lots with an alley may count 50% of the abutting alley as lot area for calculating the maximum allowable building coverage.			
d. Exceptions	-	-	-	-	Usable Yard Space that is covered, but not enclosed, shall not count towards the maximum building coverage.  Detached Accessory Dwelling units and small-lot single family: Building coverage limitations do not apply to Detached ADUs, small-lot single family, or cottage housing.			
4. Minimum Density (units per net acre)								
a. Purpose. Accessory dwelling units, conversion of existing single-family to more than one unit, and one infill single-family house on sites currently developed with one, are exempt from minimum-density requirements.								
b. Standard	-	-	-	-	10	14	18	22
5. Max. Height Limits (in feet)								
a. Purpose.								
b. Main Buildings	35	35	35	35	35	35	60	150
c. Accessory Buildings	15-feet							
d. Exceptions	Buildings within a View Sensitive Overlay district are subject to the additional height restrictions contained in 13.06.070.A. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602. Single-family Small Lot development on lots with an average width between 40 and 50 feet: Maximum height is 30 feet. Single-family Small Lot development on lots with an average width of less than 40 feet: Maximum height is 25 feet.							
6. Setbacks (in feet)	These residential setback requirements are designed to provide yard areas that help to minimize impacts between neighboring uses, allow space for recreational activities, allow access to light and air, serve as filtration areas for storm water run-off, provide a level of privacy and comfort, provide emergency and utility access around and into buildings, provide public view corridors, create a pleasing, rhythmic streetscape, promote consistency with existing development patterns, and promote the desired character of residential neighborhoods.  Certain conditional uses may require different minimum setbacks. See Section 13.05.010.A.							

## Tacoma Municipal Code

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
a. Minimum Front Setback, except where Build-to Area is required	25	20	20	20	20	20	15	10
b. Build-to Area for lots located on a designated pedestrian street (see Section 13.06.010.D).	-	-	-	-	Occupied structures must be located between 5 feet and 20 feet from the front lot line abutting the pedestrian street right-of-way for a minimum of 50% of the pedestrian street frontage.  Exception: porches, entries, landscaping and residential transition areas may be located within 5' of the lot line abutting the pedestrian street right-of-way.  Exemptions: <ul style="list-style-type: none"><li>• Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided, the addition reduces the level of nonconformity as to maximum setback.</li><li>• When a public easement precludes compliance with this standard, the setback requirement shall be measured from the back edge of the easement.</li><li>• Public facilities on sites greater than 5 acres shall be exempt from Build-to Area requirements. This exemption shall expire upon the establishment of a new Institutional Zoning designation, an Institutional Master Plan process, or similar zoning process for reviewing, evaluating and approving large, public, campus-like facilities.</li><li>• Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.</li></ul>			
c. Townhouse Dwelling Minimum Front Setback	For townhouse dwellings, the minimum front yard setback shall apply only along the front property line of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.020.H.							
d. Vehicular Doors Facing the Front Or Corner Street Property Line	Vehicular doors that face the front or corner street property line, where such property line abuts a public street or private road, shall be setback a minimum of 20 feet from the front or corner street property line or private road easement.							
e. Pipestem Lot Setback	Pipestem lots shall provide the required front setback along one of the property lines that abut or are nearest to the accessway/lot extension. The accessway/lot extension shall not be included when measuring the setback. The front yard setback will determine the orientation of the other required setbacks.							

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

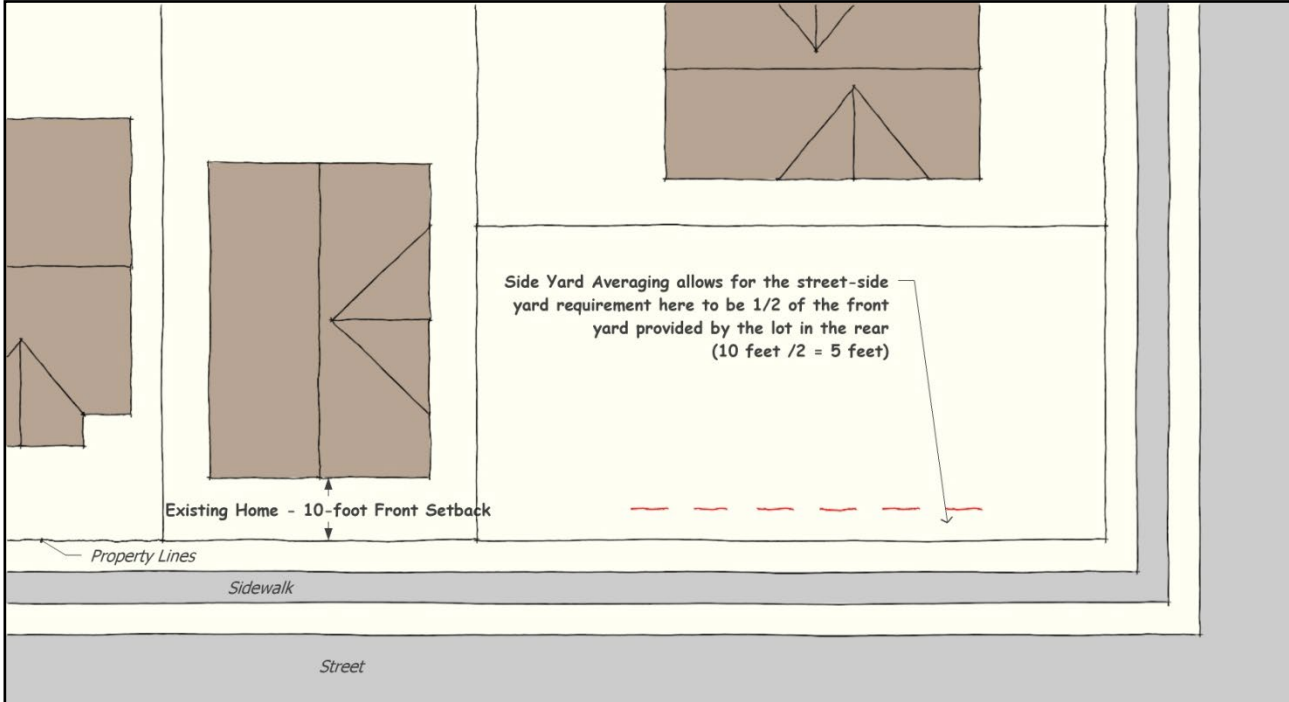
	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
	<p>(1) Where a side property line abuts the rear property line of an adjacent corner lot (see example below), the front yard setback for the main building shall be either the average of the adjacent side and front setbacks provided by the structures on either side, or the minimum front yard setback required for the zoning district in which it is located, whichever is less.</p> <p>Front yard averaging allows for this front yard to be the average of the front and corner-side yards provided by the two abutting homes:  <math>5 \text{ ft.} + 10 \text{ ft.} / 2 = 7.5\text{-foot front yard required}</math></p> <p>5-foot Front Setback</p> <p>10-foot Side Setback</p> <p>Sidewalk</p> <p>Street</p> <p>Property Lines</p>							
	<p>(2) For properties where one side abuts an undeveloped lot, a street or an alley, the setback shall be equal to that provided by the one abutting house.</p> <p>(3) In no case shall averaging be construed to require a greater setback than the standard minimum setback required by the regulations of the district.</p>							




**Tacoma Municipal Code**

	<b>R-1</b>	<b>R-2</b>	<b>R-2SRD</b>	<b>HMR-SRD</b>	<b>R-3</b>	<b>R-4-L</b>	<b>R-4</b>	<b>R-5</b>
g. Minimum Side Setback (Interior Lots)	7.5	5	5	5	5	5	5	5 ft. for buildings less than 6 stories Each side yard setback shall be increased 1-ft. in width for each story, or part thereof, above 6 stories.
h. Townhouse Dwelling Minimum Side Setback	For townhouse dwellings, the minimum side yard setback shall apply only along the side property lines of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.100.							





**Tacoma Municipal Code**

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
i. Minimum Side Setback (Corner Lots)	<p>On corner lots, the side yard setback regulations shall be the same as for interior lots, except where the rear lot line of a corner lot abuts the side lot line of a lot in the rear (see example below). In this case, there shall be a side yard setback on the street-side of such corner lot of not less than one-half of the front yard setback provided on the lot in the rear, but such side yard setback need not exceed half the standard front yard setback requirement for the district. In no case, however shall the side yard setback be less than five feet.</p>  <p>Side Yard Averaging allows for the street-side yard requirement here to be 1/2 of the front yard provided by the lot in the rear (10 feet / 2 = 5 feet)</p> <p>Existing Home - 10-foot Front Setback</p> <p>Property Lines</p> <p>Sidewalk</p> <p>Street</p>							
j. Minimum Rear Setback	25	25	25	25	25	20	25 20 ft. for mobile home parks	20
k. Townhouse Dwelling Minimum Rear Setback	For townhouse dwellings, the minimum rear yard setback shall apply only along the rear property line of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.020.H.							
7. Minimum Usable Yard Space								
a. Purpose.								

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
b. Single Family Dwelling	<p>All single family dwellings shall provide a contiguous rear or side usable yard space equivalent to at least 10% of the lot size. This usable yard space shall be subject to the following limitations:</p> <ul style="list-style-type: none"> <li>• Have no dimension less than 15-feet, except for lots that are less than 3500 SF, where the minimum dimension shall be no less than 12 feet;</li> <li>• Not include structures, parking, alley or driveway spaces or required critical areas and buffers;</li> <li>• Not be located in the front yard, with the exception of front porches, which may be counted towards the overall yard space requirement where meeting the design standards in f.1 below.</li> </ul> <p>For through lots, the required yard space may be located within the “functional rear yard” (see Subsection G.6 for additional information about “functional rear yards”).</p> 							
c. Duplex/Triplex	<p>In the R-1, R-2, R-2SRD and HMR-SRD districts, duplex and triplex developments shall provide usable yard space in accordance with the standards for single family dwellings, above.</p> <p>In the R-3, R-4-L, R-4 and R-5 Districts, duplex and triplex development shall provide at least 400 square feet of yard space for each dwelling unit. Private and common yard space must meet the design requirements specified in f. below.</p>							
d. Townhouse	<p>At least 300 square feet of private yard space and 100 square feet of common yard space is required for each townhouse. Private and common yard space must meet the design requirements specified in f. below.</p>							
e. Multi-family	<p>At least 20% of the lot area is required to be usable yard space. A minimum of 35% of the yard space shall be provided in common. The remainder can be provided as private or common yard space. Private and common yard space must meet the design requirements specified in f. below.</p>							

**Tacoma Municipal Code**

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

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
g. Yard Space Exceptions	<div><div>(1) Critical Area Exception:</div><div><div>• When the lot contains identified critical areas and/or buffers, said critical areas and/or buffer area shall be excluded from the lot size calculation for determining the required usable yard space required on site.</div><div>• For usable yard space required on a per unit basis, critical areas and/or buffer areas may be counted towards the landscaping allowance.</div></div><div>(2) Proximity to Active Public Recreation:</div><div><div>• When the site is located within a quarter mile accessible walking distance of a public park or school that has attractive, well-maintained outdoor recreation facilities regularly available to the public on a long-term basis, the common yard space requirement may be waived, reducing the overall required usable yard space to 13 percent of the lot area for multi-family development and 300 total square feet for townhouses.</div></div></div>							
h. Acceptable Yard Space Examples	<div><div></div><div><div></div><div><i>Balconies are a good source of private yard space.</i></div></div><div><div></div><div><i>Above: Examples of common open space.</i></div><div><i>Example of a shared rooftop deck.</i></div></div></div>							
8. Tree Canopy Coverage								
a. Purpose.								
b. Tree Canopy, percentage of lot area	-	-	-	-	30	30	20	15

## Tacoma Municipal Code

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5
c. Calculating Tree Canopy	<p>Tree Canopy is measured as a percentage of the overall lot area. Example: 6,000 square foot lot in the R-3 District would require a tree canopy of 1800 square feet (<math>6000 \times .3 = 1800</math>). The Urban Forest Manual classifies trees as small, medium, and large based on the overall tree factor, which also weighs growth rate. In meeting the tree canopy requirement planted trees will receive the following canopy credit:</p> <ul style="list-style-type: none"> <li>• Small Trees: 300 sq. ft.</li> <li>• Medium Trees: 500 sq. ft.</li> <li>• Large Trees: 1000 sq. ft.</li> </ul> <p>1800 square feet of tree canopy could be met as a combination of one large, one medium, and one small tree, or any other combination that meets or exceeds the overall canopy requirement.</p> <p>The canopy requirement may include the trees located on the lot or from street trees planted in the abutting right-of-way that overhang the lot. Tree canopy provided on the lot as a result of other landscaping requirements of this Chapter may be used to fulfill this requirement.</p>							
d. Other standards and flexibility	<p>Trees planted to meet this requirement are subject to the standards in Section 13.06.090.B landscaping requirements applicable to all required landscaping. Trees may be located within private or common usable yard space. Tree retention credits from Section 13.06.090.B may be applied.</p>							
e. Enforcement	<p>Violations of the provisions of this section are subject to Code Enforcement, per TMC 13.05.150.</p>							

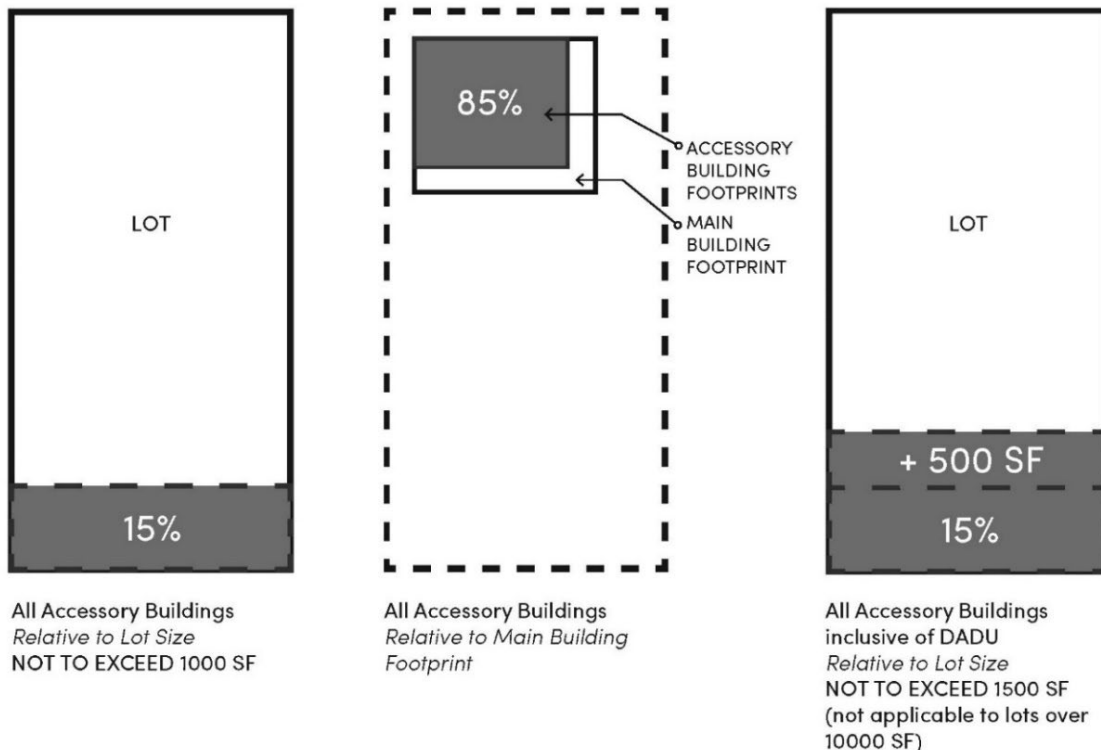
## G. Accessory building standards.

Accessory buildings permitted per Section 13.06.020, such as garages, sheds, detached accessory dwelling units (DADUs), common utility and laundry facilities, and business offices and recreational facilities for mobile home/trailer courts and multi-family uses, are subject to the following location and development standards:

1. The total square footage of all accessory building footprints shall be no more than 85 percent of the square footage of the main building footprint and no more than 15 percent of the square footage of the lot, not to exceed 1,000 square feet. For lots greater than 10,000 square feet, the total square footage of all accessory building footprints shall be no more than 10 percent of the square footage of the lot (the other limitations applicable to smaller properties outlined above shall not apply). If one of the accessory buildings is a Detached ADU, the total allowed square footage of accessory structures is increased by 500 square feet, provided that the additional 500 square feet is non-habitable and detached from all other structures.

**Accessory Buildings**

(For lots under 10,000 square feet)



2. Size of Accessory Dwelling Units. See Section 13.06.080.A for ADU standards.
3. A stable shall be located at least 25 feet from any street right-of-way line and at least seven and one-half feet from any side lot line. The capacity of a private stable shall not exceed one horse for each 20,000 square feet of lot area.
4. Except for an approved Accessory Dwelling Unit (ADU – see Section 13.06.080.A), an accessory building shall contain no habitable space. Plumbing shall not be permitted in an accessory building without a finding by the Building Official that such plumbing is not to be utilized in conjunction with habitable space within the accessory building or will not permit the accessory building to be utilized as habitable space.
5. Detached accessory buildings shall be located on the same lot or parcel on which the main building is situated. A detached accessory building may remain on a lot or parcel where no main building exists: (1) in the event the main structure on a lot is damaged or for other reason, is required to be removed; or (2) if the property is subdivided in such a manner that the detached accessory building would be located on a separate building site. In either case, a building permit for construction of a main structure shall be required to be obtained within one year of removal or division of property and substantial construction completed in accordance with the plans for which the permit was authorized.
6. Detached accessory buildings shall be located behind the front wall line of the main building on a lot, and shall not be located in the required side yard setback area of the main building.

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a. For through lots, if there is an established pattern of “functional front and rear yards,” detached accessory buildings shall be allowed in the “functional rear yard.” A “functional rear/front yard” shall be defined by the established pattern of the block, based on the orientation of existing dwellings and location of existing detached buildings. If there is no defined pattern, a locational variance shall be required to allow the accessory structure in the front yard. The required front setback for such an accessory building shall be the same as for a primary building as set forth in TMC 13.06.020.F.

7. For garages that include vehicular doors facing the front or corner street property line, the building or portion of the building with such doors shall be setback at least 20 feet from the front or corner street property line or private road easement.

8. Detached accessory buildings located on corner lots shall provide the main building side yard setback along the corner side property line. When the rear lot line of a corner lot abuts the side lot line of the lot in the rear, no accessory building shall be located less than the interior side yard setback for the site’s zoning district.

9. Except as noted below, commercial shipping and/or storage containers shall not be a permitted type of accessory building in any residential zoning district.

a. Shipping and/or storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P.

b. Shipping and/or storage containers may be allowed on a site with a valid conditional use permit, subject to the following standards:

(1) On sites less than 5 acres, shipping container shall not be located between the building and street right-of-way. On corner lots, this applies to front and side.

(2) On sites less than 5 acres, on corner lots, shipping container shall be setback further than the side wall of the main building.

(3) Shipping containers shall be screened from any Residential District when adjacent to or across street and/or alley from the Residential District. The shipping container must be screened by a minimum 6-foot tall solid wood fence and/or landscaping.

(4) Shipping containers cannot be stacked.

(5) Shipping containers must meet, at a minimum, the setbacks of the main building.

(6) If any of these standards cannot be met, a shipping container may be located as a Temporary Use for a reduced time and subject to the standards for a Temporary Use. See TMC 13.06.080.P.

10. Parking quantity requirements and additional development standards are provided in Sections 13.06.602 and 13.06.090, including subsection 13.06.090.C.

### H. Townhouse Standards.

Refer to Section 13.06.100 for design standards that apply to all townhouse developments in R-Districts.

### I. References to common requirements.

13.01	Definitions.
13.05.010	For Land use permits, including conditional use and variance criteria.
13.06.010	General provisions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area, as well as nonconforming uses/parcels/structures.)
13.06.070	Overlay districts (these districts may modify allowed uses and/or the development regulations of the underlying zoning district.)
13.06.080	For Home occupations and Short-term rentals.
13.06.090.B	Landscaping standards.
13.06.090.C	Off-street parking areas.
13.06.090.D	Loading spaces.
13.06.090.F	Pedestrian and bicycle support standards.
13.06.090.H	Transit support facilities.
13.06.090.I	Signs standards.
13.06.100	Building design standards.



J. Small-lot single family residential development.<sup>1</sup>

## 1. Applicability.

## 2. Purpose.

These regulations are intended to supplement and amend the regulations pertaining to single-family detached residential development by providing criteria for small-lot single-family detached development in the R-1, R-2, R-2SRD, HMR-SRD, R-3, R-4, R-4-L and R-5 Districts. These regulations are intended primarily to promote residential infill development within the City to be consistent with the mandate of the State Growth Management Act and the City's Comprehensive Plan, to encourage growth within urban areas, and to minimize sprawl. Residential infill within already urbanized areas is increasingly recognized as a regional stormwater best management practice by encouraging a more compact urban form that reduces the development footprint within sensitive watersheds and greenfield areas. These provisions are designed to provide a mechanism to create new lots and develop existing lots that have a smaller area and/or width than the standard lot size requirements in the R Districts. However, in allowing for the creation of and development on these smaller lots, additional design standards are applied to better ensure that new single-family development on such lots is compatible with the desired character of the City's residential areas.

## 3. Lot size standards.

- a. New Small Lots that are smaller than the applicable standard minimum lot dimensions in Section 13.06.020.J, shall be allowed, without variance, in the R-1, R-2, R-2SRD, HMR-SRD, R-3, R-4, R-4-L and R-5 Districts, subject to the Small Lot standards of that section, and provided that all new dwellings meet the design standards in Section 13.06.100.F.
- b. New lots that are smaller than the applicable Level 1 Small Lot minimum lot dimensions in Section 13.06.020.J shall only be allowed pursuant to the Level 2 Small Lots provisions of that section, or with approval of a variance (see Section 13.05.010.B), and provided that all new dwellings meet the design standards in Section 13.06.100.F.
- c. New small lot development must be oriented such that the lot frontage and the front façade of the house face the street.
- d. The provisions of this section are not applicable to pipestem lots, which are required to meet the applicable Standard Lot dimensions specified in Section 13.06.020, and any other applicable provisions.

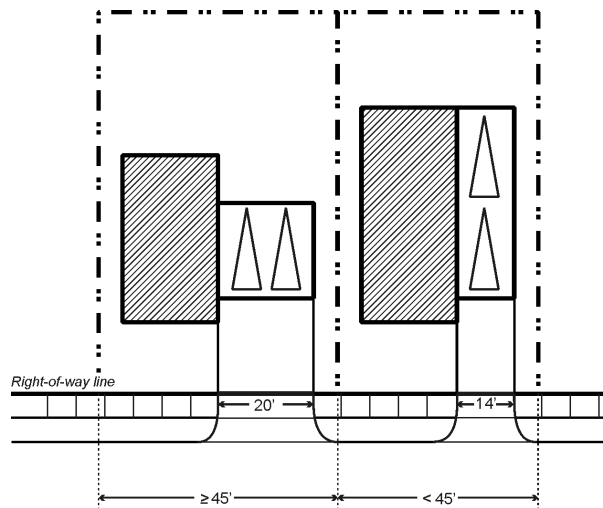
## 4. Building envelope standards.

- a. New single-family detached dwellings on small lots shall be subject to the standard building envelope requirements for single-family dwellings in the applicable zoning district.
- b. Floor Area Ratio. Houses developed on Small Lots shall not exceed a Floor Area Ratio of 0.5.
- c. Functional yard space. All lots shall provide at least one contiguous yard space equivalent to at least 10% of the lot size.

## 5. Driveways.

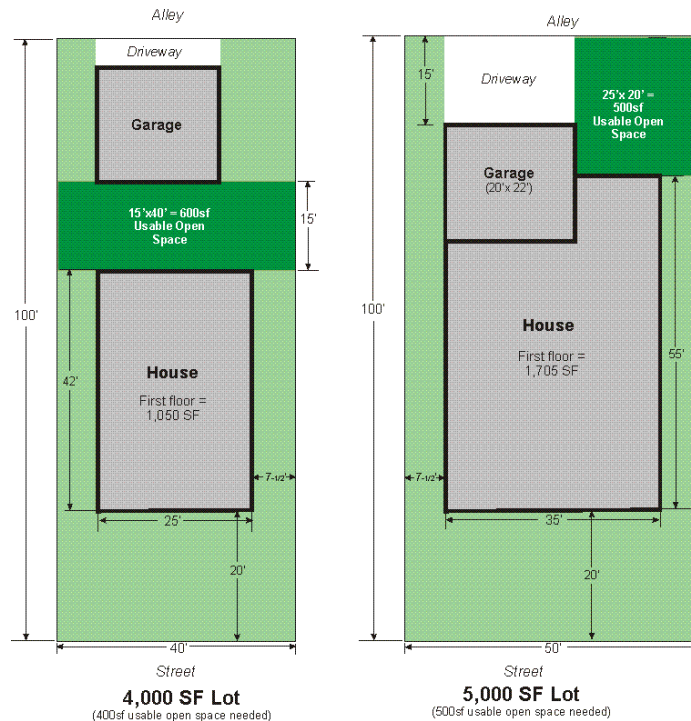
- a. Vehicular access shall be from the rear of the site whenever feasible.
- b. For driveways accessing the street, the maximum width of driveway approaches shall be 20 feet.
- c. Driveway approach widths for lots less than 45 feet wide shall be no greater than 14 feet.
- d. In no case shall a driveway approach occupy more than 50% of any lot frontage. Shared driveway approaches may be appropriate for narrower lots.
- e. In no case shall a driveway or parking area occupy more than 50% of the width of the front yard. If a parking turnaround is used, the turnaround area shall be setback at least 10 feet and be screened by a 4-foot high landscape hedge.

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.145 (Small-lot single-family residential development); relocated to 13.06.020 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28336 Ex. B; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28077 Ex. C; passed Jun. 12, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27432 § 5; passed Nov. 15, 2005; Ord. 27296 § 9; passed Nov. 16, 2004; Ord. 27079 § 19; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002.



6. Minimum yard space shall (see examples below):

- Feature minimum dimensions of 15 feet on all sides, except for lots that are less than 3,500 SF, where the minimum dimensions shall be no less than 12 feet.
- Not include alleys or driveway space.
- Not be located within the required front yard.
- Be directly connected to and accessible from the house.
- For minimum usable yard spaces applicable to single family dwellings, refer to Section 13.06.020.F.7.b.
- For yard space exceptions pertaining to critical areas, refer to Section 13.06.020.F.7.g(1).



7. Street tree. One street tree shall be installed per small lot, per the provisions of TMC 13.06.090.B.

(Ord. 28906 Ex. C; passed Aug. 15, 2023: Ord. 28903 Ex. A; passed Aug. 15, 2023: Ord. 28821 Ex. H; passed Jun. 28, 2022: Ord. 28793 Ex. B; passed Dec. 7, 2021: Ord. 28786 Ex. A; passed Nov. 16, 2021: Ord. 28725 Exs. A and F; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.06.100 (Residential Districts); relocated to 13.06.020 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See also footnote regarding 13.06.145 (Small-lot single-family residential development). Prior

legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019: Ord. 28592 Ex. A; passed Jun. 25, 2019: Ord. 28576 Ex. A; passed Mar. 19, 2019: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28470 Ex. C; passed Nov. 21, 2017 [Code Reviser's note: Ord. 28470, as extended by various ordinances, expired and was replaced by Ord. 28786 Amended, passed Nov. 16: 2021]: Ord. 28429 Ex. B; passed May 9, 2017: Ord. 28417 Ex. A; Mar. 7, 2017: Ord. 28376 Exs. B, D; passed Aug. 16, 2016: Ord. 28336 Exs. B, C; passed Dec. 1, 2015: Ord. 28327 Ex. C; passed Nov. 3, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014: Ord. 28182 Ex. A; passed Nov. 5, 2013: Ord. 28157 Ex. F; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28077 Ex. C; passed Jun. 12, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27964 § 3; passed Mar. 1, 2011: Ord. 27918 §§ 2,3; passed Feb. 22, 2011: Ord. 27949 § 3; passed Feb. 22, 2011: Ord. 27918 §§ 2,3; passed Feb. 22, 2011: Ord. 27916 §§ 2,3; passed Feb. 15, 2011: Ord. 27917 § 3; passed Feb. 8, 2011: Ord. 27880 § 3; passed Aug. 31, 2010: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27817 § 3; passed Apr. 6, 2010: Ord. 27813 Ex. D, H-1, I-1; passed Jun. 30, 2009: Ord. 27782 § 3; passed Mar. 24, 2009: Ord. 27772 § 5,8,11-20; passed Dec. 9, 2008: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27432 § 1; passed Nov. 15, 2005: Ord. 27296 § 1; passed Nov. 16, 2004: Ord. 26933 § 1; passed Mar. 5, 2002)

## Tacoma Municipal Code

### 13.06.030 Commercial Districts.<sup>1</sup>

#### A. Applicability.

The following tables compose the land use regulations for all districts of Section 13.06.030. All portions of Section 13.06.030 apply to all new development of any land use variety, including additions and remodels, in all districts in Section 13.06.030, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.030.A through Section 13.06.030.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.

#### B. District purposes.

The specific purposes of the Commercial Districts are to:

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

#### C. Districts established.

##### 1. T Transitional District.

This district is intended as a transition between commercial or institutional areas and residential areas. It may also provide a transition between residential districts and commercial districts on arterial street segments supported by the Comprehensive Plan. It primarily consists of office uses with negligible off-site impacts. It is characterized by lower traffic generation, fewer operating hours, smaller scale buildings, and less signage than general commercial areas. Residential uses are also appropriate. A T Transitional District may, in limited circumstances, also be applied to locations that meet the unique site criteria of the Comprehensive Plan. This classification is not appropriate inside a designated mixed-use center.

##### 2. C-1 General Neighborhood Commercial District.

This district is intended to contain low intensity land uses of smaller scale, including office, retail, and service uses. It is characterized by less activity than a community commercial district. Building sizes are limited for compatibility with surrounding residential scale. Residential uses are appropriate. Land uses involving vehicle service or alcohol carry greater restriction. This classification is not appropriate inside a plan designated mixed-use center or single-family intensity area.

##### 3. C-2 General Community Commercial District.

This district is intended to allow a broad range of medium- to high-intensity uses of larger scale. Office, retail, and service uses that serve a large market area are appropriate. Residential uses are also appropriate. This classification is not appropriate inside Comprehensive Plan designated mixed-use centers or low-intensity areas.

##### 4. PDB Planned Development Business District.

This district is intended to provide limited areas for a mix of land uses that includes warehousing, distribution, light assembly, media, education, research, and limited commercial. The developments in this district are intended to have fewer off-site impacts than would be associated with industrial or community commercial areas. Retail uses are size limited and signage is reduced. These areas should be designed for improved residential compatibility on boundaries by landscaping and other design elements. Sites should have reasonably direct access to a highway or major arterial. This district is not appropriate inside Comprehensive Plan designated mixed-use centers or low-intensity areas.

#### D. Pedestrian streets designated.

Figure 7 of the Comprehensive Plan Urban Form Chapter 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" and are defined in Section 13.06.010.D. The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.200 (Commercial Districts); relocated to 13.06.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

## E. District use restrictions.

1. 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 this section are prohibited, unless permitted via Section 13.05.080.
2. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.
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 13.05.010.A.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.080.P.
N	=	Prohibited use in this district.

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### 4. District use table – Commercial Districts (13.06.030).<sup>1</sup>

Uses (Table Footnote 3)		T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations (See Footnotes 2 and 3 at bottom of table)
<b>Agriculture and Natural Resources</b>						
	Agricultural uses	CU	CU	CU	CU	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. Livestock is not allowed.
	Mining and quarrying	N	N	N	N	Existing surface mines are permitted as conditional uses, subject to specific requirements in Section 13.06.080.O.
	Urban horticulture	N	N	N	N	
<b>Residential Uses</b>						
Dwelling Types						
	Dwelling, accessory (ADU)	P	P	P	P	Subject to additional requirements contained in 13.06.080.A.
	Dwelling, single-family detached	P	P	P	P	Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
	Dwelling, two-family	P	P	P	P	Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
	Dwelling, three-family	P	P	P	P	Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
	Dwelling, multiple-family	P	P	P	P	
	Dwelling, townhouse	P	P	P	P	
Other Residential						
	Adult family home	P	P	P	P	See definition for bed limit.
	Day care, family	P	P	P	P	
	Emergency and transitional	CU	CU	P	CU	See Section 13.06.080.N
	Foster home	P	P	P	P	
	Group housing	P	P	P	P	
	Home occupation	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.G
	Live/Work	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.080.I.
	Mobile home/trailer court	N	N	CU	N	
	Short-term rental (1-2 guest rooms)	P	P	P	P	Subject to additional requirements contained in Sections 13.06.080.M and 13.06.080.A.
	Short-term rental (3-9 guest rooms)	P	P	P	P	Subject to additional requirements contained in Sections 13.06.080.M and 13.06.080.A.
	Short-term rental (entire dwelling)	P	P	P	P	Subject to additional requirements contained in Sections 13.06.080.M and 13.06.080.A.
	Staffed residential home	P	P	P	P	See Section 13.06.080.N. See definition for bed limit.
	Student housing	P	P	P	P	

<sup>1</sup> Code Reviser's note: Ord. 28906 Ex. C (Aug. 15, 2023) reorganized land use table order; due to scrivener's errors not all language from existing tables was carried over. Corrections were made during codification to re-insert language re: emergency and transitional; short-term rentals; extended care facility; commercial parking facility; and fueling station.

Uses (Table Footnote 3)	T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations (See Footnotes 2 and 3 at bottom of table)
Retirement home	P	P	P	P	See Section 13.06.080.N.
<b>Medical and Health Services</b>					
Continuing care retirement community	P	P	P	P	See Section 13.06.080.N.
Detoxification center	N	N	N	N	
Extended care facility	P	P	P	P	See Section 13.06.080.N.
Hospital	N	CU	CU	N	
Intermediate care facility	P	P	P	P	See Section 13.06.080.N.
Residential care facility for youth	P	P	P	P	See Section 13.06.080.N. See definition for bed limit.
Residential chemical dependency treatment facility	P	P	P	P	See Section 13.06.080.N.
<b>Community and Civic Facilities</b>					
Assembly facility	CU	P	P	P	
Cemetery/Internment services	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit.
Confidential shelter	P	P	P	P	See Section 13.06.080.N. Limit: 15 residents in T District.
Correctional facility	N	N	N	N	
Cultural institution	P	P	P	N	
Detention facility	N	N	N	N	
Juvenile community facility	N	N	N	N	Prohibited except as provided for in Section 13.06.080.H.
Parks, recreation and open space	P	P	P	P	Subject to the requirements of Section 13.06.080.L.
Public service facilities	P	P	P	P	
Religious assembly	P	P	P	P	
School, public or private	P	P	P	P	
Work release center	N	N	N	N	Prohibited except as provided for in Section 13.06.080.R.
<b>Commercial Uses</b>					
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 13.06.090.E. All production, processing and distribution activities are to be conducted within an enclosed building.
Hotel/Motel	N	N	P	P	
Office	P	P	P	P	*Limited to 7,000 square feet of floor area, per business, in the JBLM Airport Compatibility Overlay District.
Work/Live	P	P	P	P	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.080.I.

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Uses (Table Footnote 3)		T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations (See Footnotes 2 and 3 at bottom of table)
Eating and Drinking Establishments						
	Brewpub	N	N	P	N	2,400 barrel annual brewpub production maximum, equivalent volume wine limit.
	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 Chapter 13.01 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, JBLM Airport Compatibility Overlay District, and PDB Districts
	Microbrewery/ winery	N	N	N	N	
Entertainment and Recreation						
	Adult retail and entertainment	N	N	N	N	Prohibited except as provided for in Section 13.06.080.B.
	Carnival	TU	TU	TU	TU	Subject to Section 13.06.080.P.
	Commercial recreation and entertainment	N	N	P	P	
	Golf Courses	P	P	P	P	
	Theater	N	P	P	N	Movie theaters are limited to 4 screens. This does not include adult entertainment.
Retail		N	P	P/CU~	P*	~A conditional use permit is required for retail uses exceeding 45,000 square feet within the C-2 District. *Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District, and PDB Districts.
	Marijuana retailer	N	P	P	P*	*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts. See additional requirements contained in Section 13.06.080.J.
	Nursery	N	N	P	N	
Services						
	Ambulance services	N	P	P	P	
	Animal sales and service	N	P	P	N	Must be conducted entirely within an enclosed building.
	Building material and services	N	N	P	N	
	Business support services	N	P	P	P	
	Day care center	P	P	P	P	Subject to development standards contained in Section 13.06.080.E.
	Funeral home	P	P	P	N	
	Personal services	N	P	P	P*	*Limited to 7,000 square feet of floor area, per business, in the HM and PDB Districts.
	Repair services	N	P	P	N	Must be contained within a building with no outdoor storage. Engine repair, see Vehicle Repair.
Storage Uses						
	Warehouse/storage	N	N	N	N	
	Wholesale or distribution	N	N	N	P	



Uses (Table Footnote 3)		T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations (See Footnotes 2 and 3 at bottom of table)
	Self-storage	N	N	P	P	Any other use of the facility shall be consistent with this section. See specific requirements in Section 13.06.090.J.
Vehicle Related Uses						
	Commercial parking facility	P	P	P	P	
	Drivethrough with any permitted 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 13.06.090.A.
	Fueling station	N	P	P	N	
	Vehicle rental and sales	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).
	Vehicle service and repair	N	P*	P	P	*In the C-1 District, car washes are allowed with a limit of 2 washing bays. Washing bays shall be enclosed on at least 2 sides and covered with a roof. No water shall spray or drain off site. Subject to development standards contained in Section 13.06.080.S. Prohibited in any commercial district combined with a VSD View Sensitive Overlay District and adjacent to a Shoreline District (i.e., Old Town Area).
	Vehicle storage	N	N	N	N	
<b>Industrial</b>						
Industry, heavy		N	N	N	N	
	Coal facility	N	N	N	N	
	Chemical manufacturing, processing and wholesale distribution	N	N	N	N	
	Cleaner Fuel Infrastructure	N	N	N	N	
	Petroleum Fuel Facility	N	N	N	N	
	Port, terminal, and industrial; water-dependent or water-related (as defined in Title 19 <sup>1</sup> )	N	N	N	N	
	Smelting	N	N	N	N	
Industry, light		N	N	N	N	
	Vehicle service and repair, industrial	N	N	N	N	
	Research and development industry	N	N	N	P	
	Marijuana processor, producer, and researcher	N	N	N	N	

<sup>1</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

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Uses (Table Footnote 3)	T	C-1	C-2 <sup>1</sup>	PDB	Additional Regulations (See Footnotes 2 and 3 at bottom of table)
<b>Utilities, Transportation and Communication Facilities</b>					
Airport	CU	CU	CU	CU	
Communication facility	N	N	P	P	
Heliport	N	N	N	N	
Passenger terminal	N	N	P	N	
Transportation/ freight terminal	N	N	P	P	
Utilities	CU	CU	CU	CU	
Wireless communication facility	P/CU	P/CU	P/CU	P/CU	Wireless communication facilities are also subject to Section 13.06.080.Q.
<b>Accessory and Temporary Uses</b>					
Seasonal sales	TU	TU	TU	TU	Subject to Section 13.06.080.P.
Temporary uses	TU	TU	TU	TU	Subject to Section 13.06.080.P.
<b>Unlisted Uses</b>					
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	
<b>Footnotes:</b>					
<p>Footnotes:</p> <p>1. Designated Pedestrian Streets - For segments here noted, additional use limitations apply to areas within C-2 Commercial District zoning to ensure continuation of development patterns in certain areas that enhance opportunities for pedestrian-based commerce. North 30th Street from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline: street level uses are limited to retail, personal services, eating and drinking, and offices.</p> <p>2. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit. See Section 13.05.010.A for additional details, limitations and requirements.</p> <p>3. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.</p>					

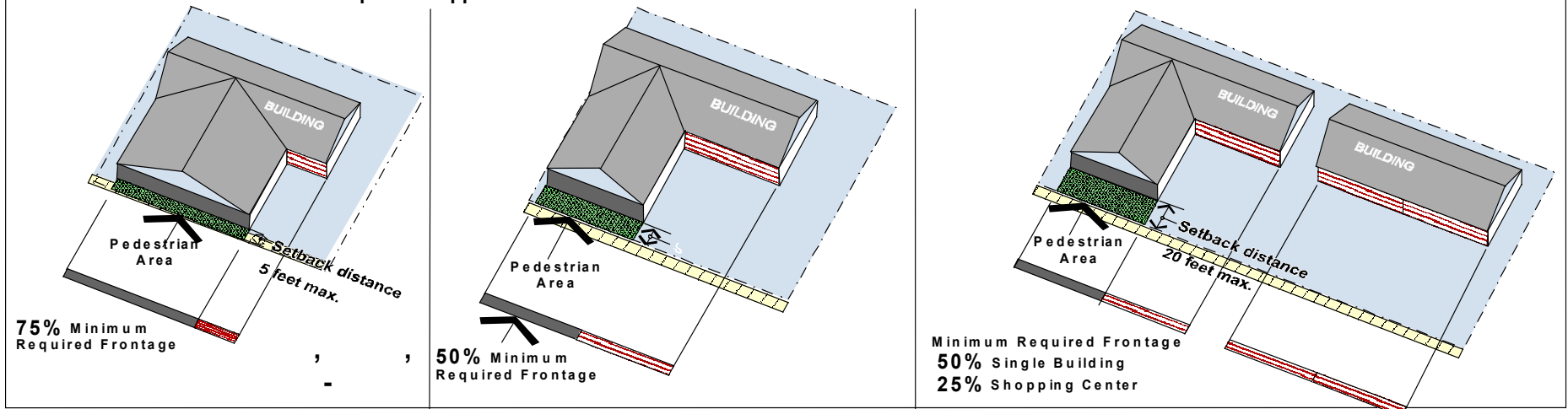
## F. District development standards.

	T	C-1	C-2	PDB
1. Lot area and building envelope standards				
a. Applicability.				
b. Purpose.				
c. Minimum Lot Area	0 non-residential; 1,500 square feet per residential unit	0	0	0
d. Minimum Lot Width	0	0	0	0
2. Building coverage.				
a. Applicability.	Applies to single-use multi-family residential development only.			
b. Purpose.				
c. Maximum Building Coverage	None non-residential; Residential maximum building coverage in accordance with the R-4-L District	None non-residential; Residential maximum building coverage in accordance with the R-4-L District	None non-residential; Residential maximum building coverage in accordance with the R-4 District	None non-residential; Residential maximum building coverage in accordance with the R-4 District
3. Setbacks				
a. Applicability.	See TMC 13.06.100.A for setbacks applicable to shipping containers.			
b. Purpose.				
c. 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 13.06.030.F.8) supersede this requirement where applicable. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
d. Minimum Side Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.090.B. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
e. Minimum Rear Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.090.B. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
4. Height				
a. Applicability.				
b. Purpose.				
c. Maximum Height Limit	35 feet	35 feet	45 feet	45 feet
	Height will be measured consistent with Building Code, Height of Building, unless a View Sensitive Overlay District applies. Height may be further restricted in View-Sensitive Overlay Districts, per Section 13.06.070.ASouth Tacoma. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.010.			
5. Maximum floor area.				
a. Applicability.				
b. Purpose.				

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	T	C-1	C-2	PDB
c. District standard.	20,000 square feet per building	30,000 square feet per building	45,000 square feet per business for retail uses, unless approved with a conditional use permit.	7,000 square feet per business for eating and drinking, retail and personal services uses
6. Minimum usable yard space.				
a. Applicability.	Applies to single use residential development and multi-family residential development with a commercial component, only.			
b. Purpose.				
c. Minimum Usable Yard Space	Minimum usable yard space shall be provided in accordance with the residential building type requirements in 13.06.020.F.7. Duplex/triplex dwellings shall provide usable yard space in accordance with the R-3, R-4-L, R-4 and R-5 Districts.			
7. Tree Canopy Coverage				
a. Applicability.	Applies to single-use residential development and multi-family residential development with a commercial component, only.			
b. Purpose.				
c. District standard (percent of lot).	30	30	20	20
	Tree canopy shall be provided in accordance with the standards in 13.06.020.F.8.			
8. Maximum setback standards on designated streets.				
a. Applicability.	Pedestrian streets as defined in TMC 13.06.010.D.1.			
b. Purpose.	To achieve a pedestrian supportive environment, where buildings are located in close proximity to the street and designed with areas free of pedestrian and vehicle movement conflicts, maximum building setbacks are required as follows:			
c. Maximum Setback Applied	<div>a. 10 feet maximum front and/or corner side setback from property lines at the public right-of-way shall be provided for at least 75 percent of building facing the designated street frontage.</div> <div>b. When the site is adjacent to a designated pedestrian street, that street frontage shall be utilized to meet the maximum setback requirement with the front, side, and/or corner side of the façade as indicated above.</div> <div>c. This requirement supersedes any stated minimum setback.</div> <div>d. Maximum setback areas shall be designed to be sidewalk, pedestrian plaza, public open space, landscaping, and/or courtyard and to be free of motor vehicles at all times.</div>			
d. Exceptions	<div>a. Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided the addition does not increase the level of nonconformity as to maximum setback..</div> <div>b. Buildings that are 100 percent residential, or that have any portion of the ground floor as a residential use, do not have a maximum setback and instead shall meet the Build-to Area standard in 13.06.020.F.6.</div> <div>c. The primary building of a gas station, where gas stations are allowed, is subject to the maximum setback on only one side of the building on corner parcels. Kiosks without retail and intended for fuel payment only are exempt.</div> <div>d. Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.</div>			

Examples for Application of Maximum Setback



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### G. JBLM Airport Compatibility Overlay District.

Within the JBLM Airport Compatibility Overlay District, see the provisions of TMC 13.06.070.F, including specific square footage limitations for certain uses.

### H. References to other common requirements.

13.01	Definitions.
13.05.010	For Land use permits, including conditional use and variance criteria.
13.06.010	General provisions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area, as well as nonconforming uses/parcels/structures.)
13.06.070	Overlay districts (these districts may modify allowed uses and/or the development regulations of the underlying zoning district.)
13.06.080	For Home occupations and Short-term rentals.
13.06.090.B	Landscaping standards.
13.06.090.C	Off-street parking areas.
13.06.090.D	Loading spaces.
13.06.090.F	Pedestrian and bicycle support standards.
13.06.090.H	Transit support facilities.
13.06.090.I	Signs standards.
13.06.100	Building design standards.

(Ord. 28906 Ex. C; passed Aug. 15, 2023: Ord. 28905 Ex. A; passed Aug. 15, 2023: Ord. 28903 Ex. A; passed Aug. 15, 2023: Ord. 28821 Ex. H; passed Jun. 28, 2022: Ord. 28793 Ex. B; passed Dec. 7, 2021: Ord. 28786 Ex. A; passed Nov. 16, 2021: Ord. 28725 Exs. A and F; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.06.200 (Commercial Districts); relocated to 13.06.030 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019: Ord. 28592 Ex. A; passed Jun. 25, 2019: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28470 Ex. C; passed Nov. 21, 2017 [Code Reviser's note: Ord. 28470, as extended by various ordinances, expired and was replaced by Ord. 28786 Amended, passed Nov. 16: 2021]: Ord. 28429 Ex. B; passed May 9; 2017: Ord. 28417 Ex. A; Mar. 7, 2017: Ord. 28376 Ex. B, D; passed Aug. 16, 2016: Ord. 28361 Ex. B; passed May. 24, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28327 Ex. C; passed Nov. 3, 2015: Ord. 28230 Ex. D; passed Jul. 22, 2014: Ord. 28182 Ex. A; passed Nov. 5, 2013: Ord. 28157 Ex. F; passed Jun. 25, 2013: Ord. 28077 Ex. C; passed Jun. 12, 2012: Ord. 28050 Ex. C; passed Feb. 14, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27964 § 2; passed Mar. 1, 2011: Ord. 27949 § 2; passed Feb. 22, 2011: Ord. 27917 § 2; passed Feb. 8, 2011: Ord. 27880 § 2; passed Aug. 31, 2010: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27817 § 2; passed Apr. 6, 2010: Ord. 27752 § 2,4,5; passed Mar. 30, 2010: Ord. 27818 Ex. A; passed Jul. 28, 2009: Ord. 27813 Ex. D; passed Jun. 30, 2009: Ord. 27782 § 2; passed Mar. 24, 2009: Ord. 27742 § 2; passed Feb. 24, 2009: Ord. 27771 §§ 6,7,9,10,19; passed Dec. 9, 2008: Ord. 27741 § 2; passed Dec. 9, 2008: Ord. 27733 § 2; passed Sept. 9, 2008: Ord. 27701 §§ 2,3; passed Jul. 29, 2008: Ord. 27576 § 2; passed Jul. 29, 2008: Ord. 27716 §§ 2,3; passed Jun. 24, 2008: Ord. 27694 §§ 2,3; passed Jun. 17, 2008: Ord. 27680 § 3; passed May 13, 2008: Ord. 27651 § 2; passed Feb. 26, 2008: Ord. 27532 § 2; passed Jan. 8, 2008: Ord. 27665 § 2 (Ex. A), §10; passed Dec. 4, 2007: Ord. 27644 Ex. A; passed Sept. 18, 2007: Ord. 27613 § 2; passed Aug. 14, 2007: Ord. 27628 § 3; passed Aug. 7, 2007: Ord. 27612 §§ 2,3; passed Jul. 31, 2007: Ord. 27553 §§ 2,3; passed Jun. 19, 2007: Ord. 27543 §§ 2,3; passed Feb. 6, 2007: Ord. 27380 § 2; passed Dec. 12, 2006: Ord. 27518 § 2; passed Nov. 14, 2006: Ord. 27539 § 13; passed Oct. 31, 2006: Ord. 27469 § 2; passed Jul. 18, 2006: Ord. 27420 § 2; passed Jan. 17, 2006: Ord. 27432 § 7; passed Nov. 15, 2005: Ord. 27413 § 2; passed Oct. 4, 2005: Ord. 27393 § 2; passed Aug. 9, 2005: Ord. 27335 § 2; passed Jun. 14, 2005: Ord. 27362 § 2; passed Jun. 7, 2005: Ord. 27325 § 2; passed May 24, 2005: Ord. 27279 § 2; passed Mar. 29, 2005: Ord. 27324 § 1; passed Mar. 22, 2005: Ord. 27296 § 11; passed Nov. 16, 2004: Ord. 27245 § 9; passed Jun. 22, 2004: Ord. 27079 § 22; passed Apr. 29, 2003: Ord. 26966 § 9; passed Jul. 16, 2002: Ord. 26947 § 1-50; passed Apr. 23, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.040 Mixed-Use Center Districts.<sup>1</sup>****A. Applicability.**

All portions of Section 13.06.040 apply to all new development of any land use variety, including additions and remodels, in all Mixed-Use Center Districts, unless explicit exceptions or modifications are noted. The requirements of Sections 13.06.040.A through 13.06.040.E 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.

**B. Purpose.**

The specific purposes of the Mixed-Use Center Districts regulations are to:

1. Increase the variety of development opportunities in Tacoma by encouraging greater integration of land uses within specific districts in a manner consistent with the Growth Management Act, the Regional Plan: Vision 2040, the County-Wide Planning Policies for Pierce County, and the City's Comprehensive Plan.
2. Strengthen the City's economic base by encouraging more efficient use of existing infrastructure and limited land supply through mixed-use, density, and design, as well as transit and pedestrian orientation in specified centers.
3. Allow and encourage a variety of housing options within mixed-use centers, including residences over businesses that can promote live-work arrangements which reduce demands on the transportation system.
4. Help provide employment opportunities closer to home and reduce vehicular trips for residents of the City and surrounding communities by encouraging mixed-use development.
5. Create a variety of suitable environments for various types of commercial and industrial uses, and protect them from the adverse effects of inharmonious uses.
6. Allow commercial and industrial growth in specified centers and/or districts while minimizing its impact on adjacent residential districts through requirements of buffering, landscaping, compatible scale, and design.
7. Accommodate and support alternative modes of transportation, including transit, walking, and bicycling, to reduce reliance on the automobile by making specified centers more "pedestrian-oriented" and "transit-oriented" through the provision of street amenities, landscaping, windows, continuous building frontages, limited curb cuts, and direct pedestrian entrances adjacent to the right-of-way and/or public sidewalk.
8. Locate and design parking to be consistent with the overall intent of providing a pedestrian and transit-supportive environment that encourages human-oriented design instead of vehicle-oriented design and promotes alternatives to single-occupancy vehicles. Examples include building location at the street, parking location behind or within buildings, adequate screening, avoidance of pedestrian-vehicle conflicts, and conveniently located transit stops.
9. Within Centers, the core areas of the district are the central hub and focus for the greatest level of growth and activity. Within these core areas, enhanced standards and design flexibility is appropriate to ensure that they are developed consistent with the community vision and goals for these areas, as outlined in the Comprehensive Plan.
10. To promote and attract dense infill development that may otherwise have resulted in the expansion of the region's urban footprint into sensitive greenfield areas within the watershed, and to achieve a compact land use pattern that promotes air and water quality, healthy watersheds and the reduction of regional stormwater runoff.
11. To implement the Tacoma Mall Neighborhood Regional Growth Center vision of a thriving center of regional significance and a distinctive, connected, livable and healthy place offering a wide range of opportunities for all people to live, work, invest, and fulfill their potential.

**C. Districts established.**

The following specific districts are established to implement the purposes of this section and the goals and policies of Tacoma's Comprehensive Plan:

1. NCX Neighborhood Commercial Mixed-Use District.

To provide areas primarily for immediate day-to-day convenience shopping and services at a scale that is compatible and in scale with the surrounding neighborhood, including local retail businesses, professional and business offices, and service establishments. This district is intended to enhance, stabilize, and preserve the unique character and scale of neighborhood centers and require, where appropriate, continuous retail frontages largely uninterrupted by driveways and

<sup>1</sup> Code Reviser's note: Previously codified as Section 13.06.300 (Mixed-Use Center Districts); relocated to 13.06.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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parking facilities with street amenities and direct pedestrian access to the sidewalk and street. Residential uses are encouraged as integrated components in all development.

### 2. CCX Community Commercial Mixed-Use District.

To provide for commercial and retail businesses intended to serve many nearby neighborhoods and draw people from throughout the City. These areas are envisioned as evolving from traditional suburban development to higher density urban districts. Walking and transit use are facilitated through designs which decrease walking distances and increase pedestrian safety. Uses include shopping centers with a wide variety of commercial establishments; commercial recreation; gas stations; and business, personal, and financial services. Residential uses are encouraged in CCX Districts as integrated development components.

### 3. UCX Urban Center Mixed-Use District.

To provide for dense concentration of residential, commercial, and institutional development, including regional shopping centers, supporting business and service uses, and other regional attractions. These centers are to hold the highest densities outside the Central Business District. An urban center is a focus for both regional and local transit systems. Walking and transit use is facilitated through designs which decrease walking distances and increase pedestrian safety. Residential uses are encouraged in UCX Districts as integrated development components.

### 4. RCX Residential Commercial Mixed-Use District.

To provide sites for medium- and high-intensity residential development in centers, with opportunities for limited mixed use. This district is primarily residential in nature and provides housing density on the perimeter of more commercial mixed-use zones. Commercial uses in this district are small in scale and serve the immediate neighborhood. These uses provide opportunities for employment close to home. This district frequently provides a transition area to single-family neighborhoods.

### 5. CIX Commercial Industrial Mixed-Use District.

To provide sites for a mix of commercial establishments and limited industrial activities, including light manufacturing, assembly, distribution, and storage of goods, but no raw materials processing or bulk handling. Larger scale buildings are appropriate. Residential uses are permitted.

### 6. NRX Neighborhood Residential Mixed-Use District.

To provide for a predominantly residential neighborhood, to discourage removal of existing single-family residential structures; and to encourage in-fill residential development of appropriate size and design. This district is designed for areas characterized by an established mix of housing types and limited neighborhood commercial uses, in areas which were formerly zoned to permit residential development at densities greater than single-family, where redevelopment removed many existing single-dwelling structures and where there is continued development pressure that threatens single-family dwellings. Adaptive reuse of existing single-family detached structures as duplexes or triplexes is permitted with special review. Multiple-family dwellings in existence at the time of reclassification to NRX are conforming uses.

### 7. URX Urban Residential Mixed-Use District.

To provide sites for medium intensity residential development, such as townhouses, condos and apartments. This district is residential in nature and provides housing density in proximity to more commercial mixed use zones. This district serves as a transition between more intensive MUC uses and surrounding residential areas.

### 8. HMX Hospital Medical Mixed-Use District.

This district is intended for limited areas that contain hospitals and/or similar large-scale medical facilities along with a dense mix of related and supportive uses, such as outpatient medical offices, care facilities, counseling and support services, medical equipment and support facilities, food and lodging. Residential uses are also appropriate. The district includes limitations on non-medical and non-related uses. It is not intended for introduction into areas not containing or non-contiguous to a hospital or similar facility. Walking and transit use is facilitated through designs which decrease walking distances and increase pedestrian safety. This classification is not appropriate inside Comprehensive Plan designated low-intensity areas.

## D. Pedestrian streets designated.

The pedestrian streets designated in 13.06.010.D are considered key streets in the development and utilization of Tacoma's mixed-use centers, due to pedestrian use, traffic volumes, transit connections, and/or visibility. They are designated for use with certain provisions in the mixed-use zoning regulations, including use restrictions and design requirements, such as increased transparency, weather protection and street furniture standards. In some centers, these "pedestrian streets" and/or portions thereof are further designated as "core pedestrian streets" for use with certain additional provisions. The "core



pedestrian streets” are a subset of the “pedestrian streets,” and thus, those provisions that apply to designated “pedestrian streets” also apply to designated “core pedestrian streets.”

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

E. District use restrictions.

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 are prohibited, unless permitted via Section 13.05.080.

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 13.05.010.A.
TU	=	Temporary use consistent with Section 13.06.080.P.
N	=	Prohibited use in this district.

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### 3. District use table – Mixed-Use Center Districts (13.06.040).<sup>1</sup>

Uses		NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 at bottom of table)
<b>Agriculture and Natural Resources</b>										
	Agricultural uses	N	N	N	N	N	N	N	N	
	Mining and quarrying	N	N	N	N	N	N	N	N	
	Urban horticulture	N	N	N	N	P	N	N	N	
<b>Residential Uses</b>										
Dwelling Types										
	Dwelling, accessory (ADU)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). See Section 13.06.080.A for specific Accessory Dwelling Unit (ADU) Standards. Prohibited in Commercial-only area of the UCX District.
	Dwelling, single-family detached	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District. Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
	Dwelling, two-family	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District. Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.
	Dwelling, three-family	P	P	P	P	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District. Subject to additional requirements pertaining to accessory building standards as contained in Section 13.06.020.G.

<sup>1</sup> Code Reviser's note: Ord. 28906 Ex. C (Aug. 15, 2023) reorganized land use table order; due to scrivener's errors not all language from existing tables was carried over. Corrections were made during codification to re-insert language re: emergency and transitional housing; short term rentals; extended care facility; commercial parking facility; and fueling station.

Uses		NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 at bottom of table)
	Dwelling, multiple-family	P	P	P	P	P	P	P	N	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). In the NRX District, multiple-family dwellings lawfully in existence on August 31, 2009, the time of reclassification to this district, shall be considered permitted uses; said multiple-family dwellings may continue and may be changed, repaired, replaced or otherwise modified, provided, however that the use may not be expanded beyond property boundaries owned, leased, or operated as a multiple-family dwelling at the time of reclassification to this district. Prohibited in Commercial-only area of the UCX District.
	Dwelling, townhouse	P	P	P	P	P	P	P	CU	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District.
Other Residential										
	Adult family home	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.080.N. See definition for bed limit. Prohibited at street level along designated pedestrian streets in NCX.2 Not subject to minimum densities. Prohibited in Commercial-only area of the UCX District.
	Day care, family	P	P	P	P	N	P	P	P	
	Emergency and transitional housing	CU	P	P	CU	N	CU	CU	CU	See Section 13.06.080.N. In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District.
	Foster home	P	P	P	P	P	P	P	P	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District.
	Group housing	P	P	P	P	P	P	P	P	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District.
	Home occupation	P	P	P	P	P	P	P	P	Home occupations shall be allowed in all X-Districts pursuant to the standards found in Section 13.06.080.G.

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Uses		NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 at bottom of table)
	Live/Work	P	P	P	P	P	P	P	P	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.080.I. Prohibited in Commercial-only area of the UCX District.
	Mobile home/ trailer court	N	N	N	N	N	N	N	N	
	Short-term rental (1-2 guest rooms)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets in NCX, CCX, UCX, CIX, and HMX Districts (see table footnote 2). Subject to additional requirements contained in Section 13.06.80.M and 13.06.080.A. Prohibited in Commercial-only area of the UCX District.
	Short-term rental (3-9 guest rooms)	P	P	P	CU	P	P	P	CU	Prohibited at street level along frontage of designated core pedestrian streets in NCX, CCX, UCX, CIX and HMX Districts (see table footnote 2). Subject to additional requirements contained in Section 13.06.13.06.080.M and 13.06.080.A. Prohibited in Commercial-only area of the UCX District.
	Short-term rental (entire dwelling)	P	P	P	P	P	P	P	P	Prohibited at street level along frontage of designated core pedestrian streets in NCX, CCX, UCX, CIX, and HMX Districts (see table footnote 2). Subject to additional requirements contained in Section 13.06.13.06.080.M and 13.06.080.A. Prohibited in Commercial-only area of the UCX District.
	Staffed residential home	P	P	P	P	P	P	P	P	See Section 13.06.080.N. See definition for bed limit. Prohibited at street level along designated core pedestrian streets in NCX, CCX, UCX, CIX, and HMX Districts (see table footnote 2). Not subject to minimum densities. Prohibited in Commercial-only area of the UCX District.
	Student housing	P	P	P	P	P	P	P	N	Prohibited at street level along frontage of designated core pedestrian streets in NCX, CCX, UCX, CIX, and HMX Districts (see table footnote 2). Prohibited in Commercial-only area of the UCX District.
	Retirement home	P	P	P	P	P	P	P	P	See Section 13.06.080.N. In NCX,CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 at bottom of table)
<b>Medical and Health Services</b>									
Continuing care retirement community	P	P	P	P	P	P	P	P	See Section 13.06.080.N. Prohibited at street level along frontage of designated core pedestrian streets in UCX, CIX, CCX, HMX, and NCX (see table footnote 2). Prohibited in Commercial-only area of the UCX District.
Detoxification center	N	N	N	N	CU	CU	N	N	
Extended care facility	P	P	P	P	P	P	P	P	See Section 13.06.080.N. Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District.
Hospital	N	CU	CU	N	P	P	N	N	
Intermediate care facility	P	P	P	P	P	P	P	P	See Section 13.06.080.N. In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District.
Residential care facility for youth	P	P	P	P	P	P	P	P	See Section 13.06.080.N. See definition for bed limit. In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Not subject to minimum densities. Prohibited in Commercial-only area of the UCX District.
Residential chemical dependency treatment facility	P	P	P	P	P	P	P	P	See Section 13.06.080.N. In CCX, NCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Prohibited in Commercial-only area of the UCX District.
<b>Community and Civic Facilities</b>									
Assembly facility	P	P	P	CU	P	N	N	N	Prohibited at street level along designated pedestrian streets in NCX (see table footnote 2).
Cemetery/Internment services	N	N	N	N	N	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit.
Confidential shelter	P	P	P	P	P	P	P	P	See Section 13.06.080.N. Prohibited at street level along frontage of designated core pedestrian streets in UCX, CIX, CCX, HMX, and NCX. <sup>2</sup> Not subject to minimum densities. Prohibited in Commercial-only area of the UCX District.
Correctional facility	N	N	N	N	N	N	N	N	
Cultural institution	P	P	P	N	P	N	N	N	
Detention facility	N	N	N	N	N	N	N	N	

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Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 at bottom of table)
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX, CCX, UCX, CIX, and HMX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). See Section 13.06.080.H for additional information about size limitations and permitting requirements. Prohibited in Commercial-only area of the UCX District.
Parks, recreation and open space	P	P	P	P	P	P	P	P	Not subject to RCX residential requirement (see table footnote 1). Subject to the requirements of Section 13.06.080.L.
Public service facilities	P	P	P	P	P	P	P	CU	In the NRX District, unless the specific use is otherwise allowed outright, public service facilities are permitted only upon issuance of a conditional use permit. Not subject to RCX residential requirement (see table footnote 1).
Religious assembly	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement (see table footnote 1).
School, public or private	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement (see table footnote 2).
Work release center	N	N	CU	N	CU	N	N	N	Permitted with no more than 15 residents in the UCX and no more than 25 residents in the CIX, subject to a Conditional Use Permit and the development regulations found in Section 13.06.080.R.
<b>Commercial Uses</b>									
Craft Production	P	P	P	P	P	N	N	N	Must include a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of usable space, fronts the street at sidewalk level or has a well-marked and visible entrance at sidewalk level, and is open to the public. Outside storage is allowed provided screening and/or buffer planting areas are provided in accordance with Section 13.06.090.E. All production, processing and distribution activities are to be conducted within an enclosed building.
Hotel/Motel	P	P	P	N	P	P	N	N	
Office	P	P	P	P	P	P	N	N	Not subject to RCX residential requirement for properties fronting the west side of South Pine Street between South 40th Street and South 47th Street (see table footnote 1).
Work/Live	P	P	P	P	P	P	P	P	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.080.I. Prohibited in Commercial-only area of the UCX District.

Uses		NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 at bottom of table)
Eating and Drinking Establishments										
	Brewpub	P	P	P	P	P	N	N	N	Brewpubs located in NCX, CCX, UCX, and RCX shall be limited to producing, on-premises, a maximum of 2,400 barrels per year of beer, ale, or other malt beverages, as determined by the annual filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
	Eating and drinking	P	P	P	P	P	P*	N	N	Outdoor seating is permitted with a 12 seat maximum in RCX. In RCX live entertainment is limited to that consistent with a Class “C” Cabaret license, as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a either a Class “B” or Class “C” Cabaret license, as designated in Chapter 6B.70. *Limited to 7,000 square feet of floor area, per business, in the HMX District.
	Microbrewery/ winery	N	N	CU	N	P	N	N	N	Microbreweries shall be limited to 15,000 barrels per year of beer, ale, or other malt beverages, as determined by the filings of barrelage tax reports to the Washington State Liquor Control Board. Equivalent volume winery limits apply.
Entertainment and Recreation										
	Adult retail and entertainment	N	N	N	N	N	N	N	N	Prohibited, except as provided for in Section 13.06.080.B.
	Carnival	TU	TU	P	N	TU	TU	TU	N	Subject to Section 13.06.080.P.
	Commercial recreation and entertainment	P	P	P	N	P	N	N	N	
	Golf Courses	N	N	N	N	N	N	N	N	
	Theater	P	P	P	N	P	N	N	N	Theaters only permitted up to 4 screens in NCX and CCX. Theaters only permitted up to 6 screens in CIX.
Retail		P	P/CU ~	P/CU ~	P	P/CU ~	P*	N	N	~ A conditional use permit is required for retail uses exceeding 45,000 square feet. * Limited to 7,000 square feet of floor area, per business, in the HMX District. * Commissary Kitchens are limited to 6,000 SF of net building area and exterior display or storage of equipment is prohibited. * Retail uses are required to primarily conduct in-person, direct customer sales along the designated pedestrian street storefront.
	Marijuana retailer	P	P	P	N	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District. See additional requirements contained in Section 13.06.080.J
	Nursery	P	P	P	N	P	N	N	N	

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Uses		NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 at bottom of table)
Services										
	Ambulance services	N	CU	CU	N	P	P	N	N	
	Animal sales and service	P	P	P	N	P	N	N	N	Except in the CIX District, must be conducted entirely within an enclosed structure. Must be set back 20 feet from any adjacent residential district or use.
	Building material and services	N	P	CU	N	P	N	N	N	Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2).
	Business support services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited. Offices must be located at building fronts on designated pedestrian streets in NCX.
	Day care center	P	P	P	P	P	P	P	CU	Not subject to RCX residential requirement (see table footnote 1).
	Funeral home	P	P	P	N	P	P	N	N	
	Personal services	P	P	P	P	P	P*	N	N	*Limited to 7,000 square feet of floor area, per business, in the HMX District.
	Repair services	P	P	P	N	P	N	N	N	In NCX, all activities must occur within buildings; outdoor storage/repair is prohibited.
Storage Uses										
	Warehouse/storage	N	N	CU	N	P	N	N	N	In the UCX, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2).
	Wholesale or distribution	N	N	CU	N	P	N	N	N	In the UCX, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2).
	Self-storage	N	P	P	N	P	N	N	N	See specific requirements in Section 13.06.090.J. Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2).
Vehicle Related Uses										
	Commercial parking facility	P	P	P	N	P	P	N	N	Prohibited at street level along frontage of designated pedestrian streets (see table footnote 2). Stand-alone surface commercial parking lots are prohibited in the UCX District.
	Drivethrough with any permitted use	P	P	P	N	P	P*	N	N	* In the HMX District, drive-throughs are only allowed for hospitals and associated medical uses. All drive-throughs are subject to the requirements of TMC 13.06.090.A.
	Fueling station	N	P	P	N	P	N	N	N	Prohibited along frontage of designated pedestrian streets within the UCX and CCX Districts (see table footnote 2). Fueling station pump islands, stacking lanes and parking areas shall be located at the side or rear of the building.



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<b>Uses</b>		<b>NCX</b>	<b>CCX</b>	<b>UCX</b>	<b>RCX<sup>1</sup></b>	<b>CIX</b>	<b>HMX</b>	<b>URX</b>	<b>NRX</b>	<b>Additional Regulations</b> (see footnotes 3, 4, and 5 at bottom of table)
	Vehicle rental and sales	N*	P	P	N	P	N	N	N	In CCX Districts, prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). *Use permitted in the South Tacoma Way Neighborhood Center NCX only, if all activities occur within buildings; outdoor storage repair, and sales are prohibited.
	Vehicle service and repair	N*	P	CU	N	P	N	N	N	All activities must occur within buildings; outdoor storage and/or repair is prohibited. Subject to development standards contained in Section 13.06.080.S. Prohibited along frontage of designated core pedestrian streets. <sup>2</sup> *Use permitted in the South Tacoma Way Neighborhood Center NCX only, provided all activities occur entirely within buildings; outdoor storage and/or repair is prohibited.
	Vehicle storage	N	N	N	N	P	N	N	N	Subject to development standards contained in Section 13.06.080.S. Prohibited at street level along frontage of designated pedestrian streets (see table footnote 2).
<b>Industrial</b>										
	Industry, heavy	N	N	N	N	N	N	N	N	
	Coal facility	N	N	N	N	N	N	N	N	
	Chemical manufacturing, processing and wholesale distribution	N	N	N	N	N	N	N	N	
	Cleaner Fuel Infrastructure	N	N	N	N	N	N	N	N	
	Petroleum Fuel Facility	N	N	N	N	N	N	N	N	
	Port, terminal, and industrial; water-dependent or water-related (as defined in Title 19 <sup>1</sup> )	N	N	N	N	N	N	N	N	
	Smelting	N	N	N	N	N	N	N	N	

<sup>1</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

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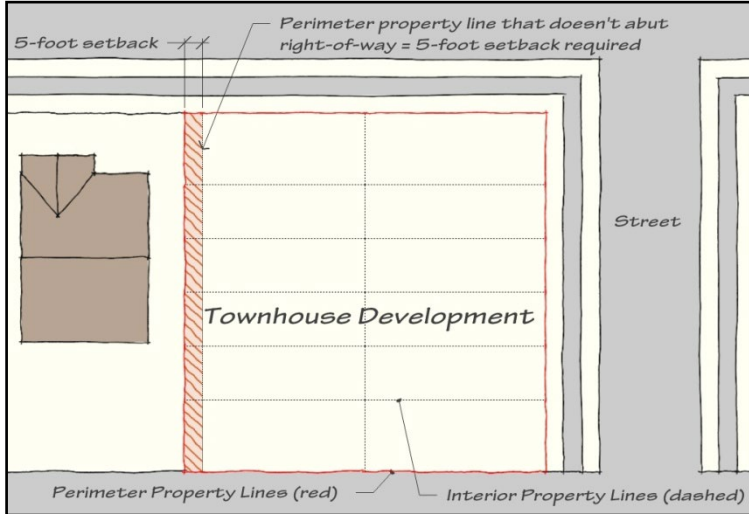
Uses		NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 at bottom of table)
Industry, light		N	N	N	N	P	N	N	N	
	Vehicle service and repair, industrial	N	N	CU	N	P	N	N	N	Subject to additional development standards contained in Section 13.06.080.S. Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2).
	Research and development industry	N	N	CU	N	P	N	N	N	
	Marijuana processor, producer, and researcher	N	N	N	N	P	N	N	N	See additional requirements contained in Section 13.06.080.J
<b>Utilities, Transportation and Communication Facilities</b>										
Airport		CU	CU	CU	CU	CU	CU	CU	CU	
Communication facility		CU	CU	P	N	P	N	N	N	Prohibited at street level along frontage of designated pedestrian streets (see table footnote 2).
Heliport		N	N	N	N	CU	CU	N	N	
Passenger terminal		P	P	P	N	P	N	N	N	
Transportation/ freight terminal		P	P	CU	N	P	P	N	N	Prohibited at street level along frontage of designated core pedestrian streets(see table footnote 2).
Utilities		CU	CU	CU	CU	CU	CU	CU	CU	Prohibited at street level along frontage of designated core pedestrian streets (see table footnote 2). Not subject to RCX residential requirement (see table footnote 1).
Wireless communication facility		P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	Wireless communication facilities are also subject to Section 13.06.080.Q.
<b>Accessory and Temporary Uses</b>										
Seasonal sales		TU	TU	TU	TU	TU	TU	TU	TU	Subject to Section 13.06.080.P.
Temporary uses		TU	TU	TU	TU	TU	TU	TU	TU	See Section 13.06.080.P.
<b>Unlisted Uses</b>										
Uses not prohibited by City Charter and not prohibited herein		N	N	N	N	N	N	N	N	

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations (see footnotes 3, 4, and 5 at bottom of table)
<b>Footnotes:</b>									
<p>1. The floor area of any development in RCX must be at least 75 percent residential, unless otherwise noted.</p> <p>2. For uses that are restricted from locating at street-level along designated pedestrian or core pedestrian streets, the following limited exception is provided. Entrances, lobbies, management offices, and similar common facilities that provide access to and service a restricted use that is located above and/or behind street-level uses shall be allowed, as long as they occupy no more than 50-percent or 75 feet, whichever is less, of the site's street-level frontage on the designated pedestrian or core pedestrian street. See Section 13.06.010.D. for the list of designated pedestrian and core pedestrian streets.</p> <p>3. For historic structures and sites, certain uses that are otherwise prohibited may be allowed, subject to the approval of a conditional use permit.</p> <p>4. Commercial shipping containers shall not be an allowed type of accessory building in any mixed-use zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P.</p> <p>5. Additional restrictions on the location of parking in mixed-use zoning districts are contained in the parking regulations – see Section 13.06.090.C.</p>									

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### F. District development standards.

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
<b>1. Lot area and setbacks.</b>									
a. Applicability.									
b. Purpose.									
c. Minimum lot area.	0 square feet	0 square feet	0 square feet	0 square feet	0 square feet	0 square feet	0 square feet	3,500 square feet for single-family dwellings; 2,500 square feet per unit for duplexes; 6,000 square feet for triplexes and multi-family dwellings; 5,000 square feet total per townhouse development	
d. Minimum lot width.	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	25 feet for single-family dwellings, duplexes and triplexes; 14 feet for townhouses	
e. Minimum setbacks.	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	For single, two- and three-family	

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
	For townhouse developments, a setback of at least 5 feet shall be provided along the perimeter of the development on all sides that do not abut public street or alley right-of-way.							dwelling and townhouses: 10-foot front, 5-foot sides, 15-foot rear  For other uses: 10-foot front, 7.5-foot sides, 20-foot rear	Maximum setbacks may apply (see Section 13.06.040.H).  If a buffer is required, a minimum setback is created (see Section 13.06.090.J).  Townhouse setback standards apply to the perimeter property lines of the development and not to individual internal property lines between townhouses in the same development.  See 13.06.100 for additional requirements applicable to duplex, triplex and townhouse developments.
									
For X District property abutting a residentially zoned property, equal to the residential zoning district for the first 100 feet from that side. For X District property across a non-designated Pedestrian Street from R-1, R-2 or R-2SRD District property, the following front yard setback shall be provided:									
<ul style="list-style-type: none"><li>• Minimum 10-foot front yard setbacks are required along non-designated Pedestrian Streets.</li><li>• Limited exception: For corner lots that also front on a designated Pedestrian Street, this setback shall not apply for the first 130 feet from the corner, as measured along the edge of the right-of-way.</li><li>• Covered porches and entry features may project up to 6 feet into the setback.</li><li>• The setback area may include landscaping, walkways, pedestrian plazas, private patios, porches, or vehicular access crossings (where allowed), but not include parking.</li></ul>									
2. Height.									
a. Applicability.									
b. Purpose.									

**Tacoma Municipal Code**

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
c. District standards.	45 feet <sup>1</sup> ; 65 feet in the Stadium District of the DRGC. <sup>1</sup>	60 feet <sup>1</sup>	75 feet <sup>1, 3</sup>	60 feet <sup>1</sup>	75 feet <sup>1, 3</sup>	150 feet	45 feet <sup>1, 2, 3</sup> ; 75 feet in the Tacoma Mall RGC – Madison District Inclusionary Zoning Pilot Area	35 feet	Height will be measured consistent with Building Code, Height of Building. Maximum heights, shall be superseded by the provisions of Section 13.06.090.J. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.010.F.
	<sup>1</sup> In designated X Districts, additional height above these standard height limits may be allowed in certain areas through the X-District Height Bonus Program.								
	<sup>2</sup> In the McKinley Neighborhood Center, the portion of the URX District that is north of the alley between East Wright Avenue and East 34th Street has a height limit of 35 feet instead of 45 feet.								
	<sup>3</sup> In the Tacoma Mall Neighborhood Regional Growth Center, height bonuses are available in designated UCX, CIX, and URX Districts (Lincoln Heights District) as shown on the Tacoma Mall Neighborhood Subarea Plan Zoning Map and in Section 13.06.040.J, below.								
3. Upper story setbacks.									
a. Applicability.									
b. Purpose.									
c. District standards.	See Section 13.06.100 for stepback standards along pedestrian streets.	See Section 13.06.100 for stepback standards along pedestrian streets.	None	None	None	None	None	None	See Section 13.06.090.J; residential transition standards may also apply.
4. Maximum floor area.									
a. Applicability.									
b. Purpose.									

	NCX	CCX	UCX	RCX	CIX	HMX	URX	NRX	Additional Requirements
c. District standards.	30,000 square feet per business; 45,000 square feet for full service grocery stores only; offices shall be exempt from these limits.	45,000 square feet per business for retail uses, unless approved with a conditional use permit.	45,000 square feet per business for retail uses, unless approved with a conditional use permit.	30,000 square feet per business; 45,000 square feet for full service grocery stores only.	45,000 square feet per business for retail uses, unless approved with a conditional use permit.	7,000 SF per business for eating and drinking, retail and personal services uses	None	None	See Section 13.06.040 for limitations on the amount of non-residential space allowed in developments in RCX Districts.
<b>5. Minimum density (units/acre).</b>									
a. Applicability.									
b. Purpose.									
c. District standards.	30; 40 on designated pedestrian streets. See Section 13.06.010. D	30; 40 on designated pedestrian streets. See Section 13.06.010. D	40	30; 40 on designated pedestrian streets. See Section 13.06.010. D	None	None	25; 35 in the Tacoma Mall RGC – Madison District Inclusionary Zoning Pilot Area	None	Projects that do not include residential uses, mixed-use projects (such as residential & commercial, residential & industrial, or residential & institutional), ADUs, conversion of existing single-family to more than one unit, and one infill single-family house on sites currently developed with one, are exempt from minimum-density requirements.

**Tacoma Municipal Code**

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



## G. District Height Bonuses.

## 1. Applicability.

Where applicable in the Mixed-Use Centers, the height bonus provision allows for projects to be eligible to increase the standard maximum height limit through the incorporation of one or more public benefit features into the development of the project. These public benefit features are divided into two levels, each of which is outlined below (see graphic on the next page).

## 2. Purpose.

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

3. The following table details the areas within the various neighborhood centers that are eligible for this height bonus program and the maximum additional height allowed through each of the two bonus levels:

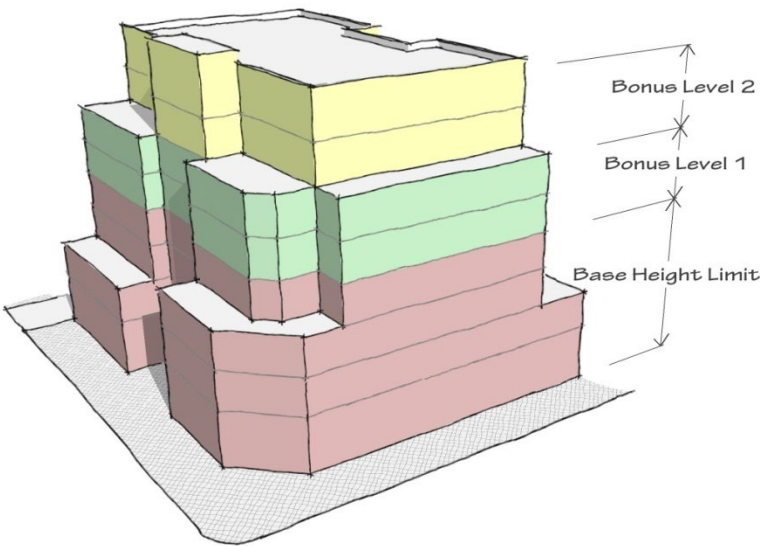
<b>Zoning District &amp; Center</b>	<b>Base Height Limit (allowed without any bonus items)</b>	<b>Maximum Height Allowed Through Level 1<sup>3</sup></b>	<b>Maximum Height Allowed Through Level 2<sup>3</sup></b>
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (Proctor, Lincoln, 6 <sup>th</sup> Ave, McKinley, and Narrows)	45 feet	65 feet	Not Available
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (Stadium District, DRGC)	65 feet	75 feet	85 feet
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (South Tacoma Way)	45 feet	65 feet	85 feet
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (Hilltop Neighborhood, DRGC – property within 200 ft of Core Pedestrian Street) <sup>1</sup>	45 feet	65 feet	85 feet
<b>NCX – Neighborhood Commercial Mixed-Use District</b> (Hilltop Neighborhood, DRGC – property not within 200 ft of core pedestrian street) <sup>1</sup>	45 feet	65 feet	Not Available
<b>RCX – Residential Commercial Mixed-Use District</b> (Hilltop Neighborhood, DRGC – east of MLK Jr. Way and between 9th and 13th Streets)	60 feet	70 feet <sup>2</sup>	80 feet
<b>CIX – Commercial-Industrial Mixed-Use District</b> (South Tacoma Way, Tacoma Mall Neighborhood RGC)	75 feet	90 feet	100 feet
<b>CCX – Community Commercial Mixed-Use District</b>	60 feet	75 feet	Not Available
<b>UCX – Urban Center Mixed-Use District</b> (where applicable per TMC 13.06.040.J Figure 2)	75 feet	100 feet	120 feet

<b>Zoning District &amp; Center</b>	<b>Base Height Limit (allowed without any bonus items)</b>	<b>Maximum Height Allowed Through Level 1<sup>3</sup></b>	<b>Maximum Height Allowed Through Level 2<sup>3</sup></b>
<b>UCX – Urban Center Mixed-Use District</b> (where applicable per TMC 13.06.040.J Figure 2)	65 feet	85 feet	Not Available
<b>URX – Urban Residential Mixed-Use District</b> (where applicable per TMC 13.06.040.J Figure 2)	45 feet	65 feet	Not Available
<b>Footnotes:</b> 1. The 200-foot depth used to define some of the areas eligible for the height bonus program shall be extended to encompass an entire development site when at least 60% of the development site is within the standard 200-foot deep bonus area. For purposes of this provision, the “development site” can include multiple parcels as long as they are part of the same project proposal and are abutting or separated by no more than an alley right-of-way. 2. Within the RCX-zoned area, the “Residential Use” item that is provided within the Level 1 bonus palette is not available. 3. Projects that qualify for this program are still subject to the upper-story stepback restrictions found in Section 13.06.090.J.			

#### 4. Height Bonus Palettes.

The two tables below outline the various public benefit features available for incorporation as part of a project in order to increase maximum height limits, as described above. The following limitations and guidelines apply to the use of the bonus palettes:

- a. In no case, regardless of how many bonus features are incorporated, can the additional maximum height limits outlined above be exceeded.
- b. In cases where the bonus height associated with a feature exceeds the maximum bonus height available, that bonus feature can be incorporated but shall only be worth the maximum amount available. For example, if the maximum amount available is 10 feet and a project incorporates the “Affordable Housing” bonus feature (which is normally worth 20 feet), that feature would only be worth 10 feet in that case.
- c. Within each level, projects can include any combination of the available features to achieve the additional allowed height. In those areas where the maximum height bonus available is divided into two steps, the bonus features in the Level 2 palette cannot be utilized for the first step of additional height and the bonus features in the Level 1 palette cannot be utilized for the second step of additional height.
- d. The bonus palettes identify the minimum of what must be incorporated in order to achieve each feature and qualify for the associated bonus height. Bonus features must be provided in full in order to qualify and partial credit is not available. For example, the “Residential Use” bonus feature requires that at least 50% of the project be residential in order to receive 10 feet of additional height – providing 25% of the project as residential is not worth 5 feet.
- e. Bonus features cannot be counted more than once toward the additional allowed height or be worth more than the maximum height identified for that feature, even if the project provides more than the minimum amount required to qualify (providing a bonus feature twice or at twice the level described is not worth twice the bonus amount). A limited exception to this restriction is allowed for green roofs, such that a green roof can count as the “Green Roof” bonus item and also be one part of a larger design strategy to achieve the “LID Stormwater Management” or “Energy Efficiency” bonus items.
- f. Bonus features are not subject to variance.



X-District Height Bonus Program

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### g. Height Bonus Palette – Level 1:

Height Bonus Palette – Level 1		
BONUS FEATURE	DEFINITION	BONUS HEIGHT
<b>Pedestrian-Oriented Environment</b>		
Ground Floor Retail or Restaurant	At least 70% of ground floor project street frontage along the designated core pedestrian street designed to accommodate retail and/or restaurant uses. Retail space(s) shall be a minimum of 1,000 square feet and have a minimum depth and width of 25 feet. Restaurant space(s) shall be a minimum of 2,000 square feet and shall incorporate necessary venting and sewer facilities. The space shall have a minimum interior height of 12 feet from the finished floor to the finished ceiling above and have direct visibility and accessibility from the public sidewalk. Projects not fronting on a core pedestrian street are ineligible to use this palette item.	5 feet
Public Art (1%)	A feature worth 1% of the value of the building (as calculated using the latest Building Valuation Data published by the International Code Council), to be installed on-site, exterior to the building with a location and design that benefits the streetscape, or in an approved off-site location within the same Mixed-Use Center and within 1,000 feet of the project site. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission as determined by the Arts Administrator.	5 feet
Structured Parking (50%)	At least 50% of the required parking is provided within the building footprint (above or below ground). For projects that do not require parking but wish to utilize this feature, the amount required shall be based on the amount of parking that would be required for the proposed development if it were not exempted.	10 feet
Structured Parking (100%)	All parking is provided within building footprint (above or below ground). For projects that do not require parking but wish to utilize this feature, the amount required shall be at least the amount of parking that would be required for the proposed development if it were not exempted.	20 feet
<b>Transit-Oriented Development</b>		
Transit Stop/Station Improvement	Provide twice the level of improvements that are required by code. If no improvements are required, provide the first level of required improvements. Only applicable to transit stops located within 500 feet of the project site. Must coordinate with Pierce Transit. See Section 13.06.090.H, Transit Support Facilities.	5 feet
Residential Use	Residential use for at least 50% of a mixed-use project’s floor area.	10 feet
<b>Sustainability</b>		
LID Stormwater Management	Manage stormwater through an integrated system and management plan that utilizes various low impact development techniques, such as permeable surfaces, roof rainwater collection systems, bioretention/rain gardens, etc. System shall be designed to result in no net increase in the rate and quantity of stormwater runoff from existing to developed conditions or, if the amount of existing imperviousness on the project site is greater than 50%, the system shall be designed to result in a 25% decrease in the rate and quantity of stormwater runoff.	10 feet

Height Bonus Palette – Level 1		
BONUS FEATURE	DEFINITION	BONUS HEIGHT
Vegetated Roof	Provide a vegetated roof that covers at least 60% of the building footprint. Vegetated roofs shall conform to best available technology standards, such as those published by Leadership in Energy and Environmental Design (LEED) and be designed in accordance with the City of Tacoma Stormwater Management Manual.	10 feet
Solar Energy Collection	Install a solar energy collection system on the site that is designed to provide at least 15% of the expected annual operating energy for the building. The system shall be designed and installed under the direction of a professional with demonstrated expertise in the design and construction of such systems.	10 feet
Adjacent Historic Rehabilitation	Retention, renovation and incorporation of a designated or listed City Landmark adjacent to new construction. Renovation must qualify as a “substantial rehabilitation” as defined in RCW 84.26.020(2). Incorporation and renovation shall be coordinated with the City’s Historic Preservation Officer and approved by the Landmarks Preservation Commission.	10 feet
Landmark Designation	Voluntary placement of any significant, historic building in the same Mixed-Use Center on the Tacoma Register of Historic Places. Notice of intent to utilize incentive required in writing prior to submittal of Landmark Nomination. Listing is subject to the approval of the Landmarks Preservation Commission and City Council.	10 feet
Historic Façade Retention	Retention and incorporation of an existing façade that is 50 or more years in age. The project shall retain 100% of the original front wall surface, window and door configurations, cornice line, parapet and any original architectural ornamentation. New construction exceeding the height of the original façade must be setback behind the street-side plane of the original façade. Subject to the approval of the Historic Preservation Officer.	10 feet
Energy Efficiency	Design the structure to reduce energy usage beyond the prerequisite standards by at least 20% for new structures and 10% for existing structures or existing portions of structures. Project shall utilize an energy cost budget analysis to demonstrate energy savings over current standards.	10 feet
<b>Quality of Life</b>		
Affordable Housing	At least 20% of residential units provided for households making less than 80% of area median income. In order to qualify, the affordable units shall meet all of the standards prescribed through the City’s Multi-family Property Tax Incentive program.	20 feet
Affordable Housing Trust Fund	Contribution to the City’s Housing Trust Fund in an amount equal to the fee in lieu provisions of TMC 1.39 Affordable Housing Incentives Administrative Code. First priority for the use of the contribution would be within the mixed-use center where the project contribution is being made.	10 feet
Open Space Fund Contribution (0.5%)	Contribution to the City’s Open Space Fund in an amount equal to 0.5% of the value of the building (as calculated using the latest Building Valuation Data published by the International Code Council). These funds would be utilized for acquisition and management of open spaces within the City, with a particular focus, when appropriate, on acquiring and managing open spaces within and in close proximity to the subject Mixed-Use Center.	10 feet

## Tacoma Municipal Code

Height Bonus Palette – Level 1		
BONUS FEATURE	DEFINITION	BONUS HEIGHT
Transfer of Development Rights (TDR)	Use of TDRs from an identified TDR sending area.	10 feet

### h. Height Bonus Palette – Level 2:

Height Bonus Palette – Level 2		
BONUS FEATURE	DEFINITION	BONUS HEIGHT
<b>Quality of Life</b>		
Transfer of Development Rights (TDR)	Use of TDRs from an identified TDR sending area.	10 feet (Stadium Center and MLK Center RCX-zoned area); 20 feet (MLK and 56th & South Tacoma Way Centers); 20 feet (Tacoma Mall Neighborhood Regional Growth Center)

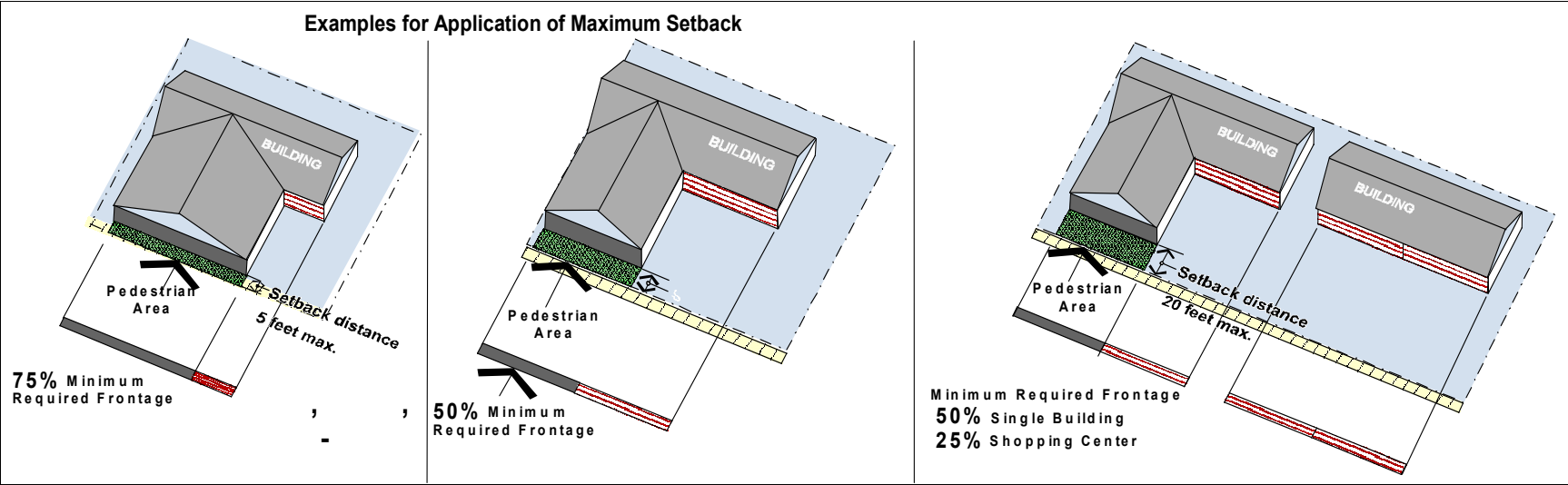
5. The Director, or designee, shall have the authority to require any and all necessary agreements or documentation, as they deem appropriate, to ensure that projects utilizing the height bonus program maintain all required bonus features for the life of the project. Any such agreements or documentation shall be in a format acceptable to the City Attorney and shall be recorded on the title of the property.

### H. Maximum setback standards.

To achieve a pedestrian serviceable environment, where buildings are located in close proximity to the street and designed with areas free of pedestrian and vehicle movement conflicts, maximum building setbacks are required as follows:

	Non-residential buildings and/or shopping centers of 30,000 square feet or less floor area	Non-residential buildings greater than 30,000 square feet floor area	Shopping centers greater than 30,000 square feet floor area
1. NCX and RCX Districts	<ul style="list-style-type: none"> <li>5 feet maximum front and corner side setback from the property lines at the public right-of-way for 75 percent of front and corner side façade.</li> </ul>	<ul style="list-style-type: none"> <li>5 feet maximum setback from property lines at the public right-of-way for 75 percent of front and corner side façade.</li> </ul>	<ul style="list-style-type: none"> <li>5 feet maximum setback from property lines at the public right-of-way for at least 75 percent of the front and corner side street frontage of the shopping center.</li> </ul>
2. CCX Districts	<ul style="list-style-type: none"> <li>10 feet maximum front and corner side setback from the property lines at the public right-of-way for 50 percent of front and corner side façade.</li> </ul>	<ul style="list-style-type: none"> <li>10 feet maximum setback from the property line at the public right-of-way for 50 percent of the front or side of the façade.</li> </ul>	<ul style="list-style-type: none"> <li>10 feet maximum setback from the property lines at the public right-of-way for at least 25 percent of the front and corner side street frontage of the shopping center.</li> </ul>
3. UCX, HMX and CIX Districts	<ul style="list-style-type: none"> <li>20 feet maximum front and corner side setback from the property lines at the public right-of-way for 50 percent of front and corner side façade.</li> </ul>	<ul style="list-style-type: none"> <li>20 feet maximum setback from the property line at the public right-of-way on either 50 percent of the front or side of the façade.</li> </ul>	<ul style="list-style-type: none"> <li>20 feet maximum setback from the property lines at the public right-of-way for at least 25 percent of the front and corner side street frontage of the shopping center.</li> </ul>

	<b>Non-residential buildings and/or shopping centers of 30,000 square feet or less floor area</b>	<b>Non-residential buildings greater than 30,000 square feet floor area</b>	<b>Shopping centers greater than 30,000 square feet floor area</b>
4. Pedestrian Streets	<ul style="list-style-type: none"> <li>When the site is adjacent to a designated pedestrian street(s), that street(s) frontage shall be utilized to meet the maximum setback requirement with the front, side, and/or corner side of the façade, as indicated above.</li> <li>When the site has more than two pedestrian street frontages, the primary pedestrian street frontage shall be utilized to meet the maximum setback requirement.</li> </ul>		
5. Motor Vehicles	<ul style="list-style-type: none"> <li>Maximum setback areas shall be designed to be sidewalk, pedestrian plaza, public open space, landscaping, and/or courtyard, and to be free of motor vehicles at all times.</li> </ul>		
6. Corner Sites	<ul style="list-style-type: none"> <li>To allow additional flexibility on corner sites, particularly for features such as outdoor seating areas or other enhanced pedestrian amenities, the minimum percentage may be calculated based on the total of the front and corner side building frontage and the required percentage provided along any combination of the two, as long as the total percentage requirement is met.</li> </ul>		
7. Exceptions	<ul style="list-style-type: none"> <li>In all X-Districts, when there is a steep slope (at least 25% slope with a vertical relief of 10 or more feet) located adjacent to the sidewalk the maximum setback requirement shall be measured from the top or toe of the slope, as appropriate.</li> <li>When a residential buffer is required, the buffer requirement shall supersede the maximum setback requirement (see Section 13.06.090.J).</li> </ul>		
8. Exemptions in all Mixed-Use Center Districts	<ul style="list-style-type: none"> <li>Additions to legal, nonconforming buildings are exempt from maximum setbacks, provided, the addition reduces the level of nonconformity as to maximum setback.</li> <li>When a public easement precludes compliance with this standard, the setback requirement shall be measured from the back edge of the easement.</li> <li>Buildings that are 100 percent residential do not have a maximum setback.</li> <li>The primary building of a fueling station, where fueling stations are allowed, is subject to the maximum setback on only one side of the building on corner parcels. Kiosks without retail, and intended for fuel payment only, are exempt.</li> <li>Public facilities on sites greater than 5 acres in neighborhood, community and urban mixed-use centers shall be exempt from maximum setback requirements. This exemption shall expire upon the establishment of a new Institutional Zoning designation, an Institutional Master Plan process, or similar zoning process for reviewing, evaluating and approving large, public, campus-like facilities.</li> <li>Within parks, recreation and open space uses, accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the maximum setback standards.</li> </ul>		





## I. X-District Residential Yard Space Standards

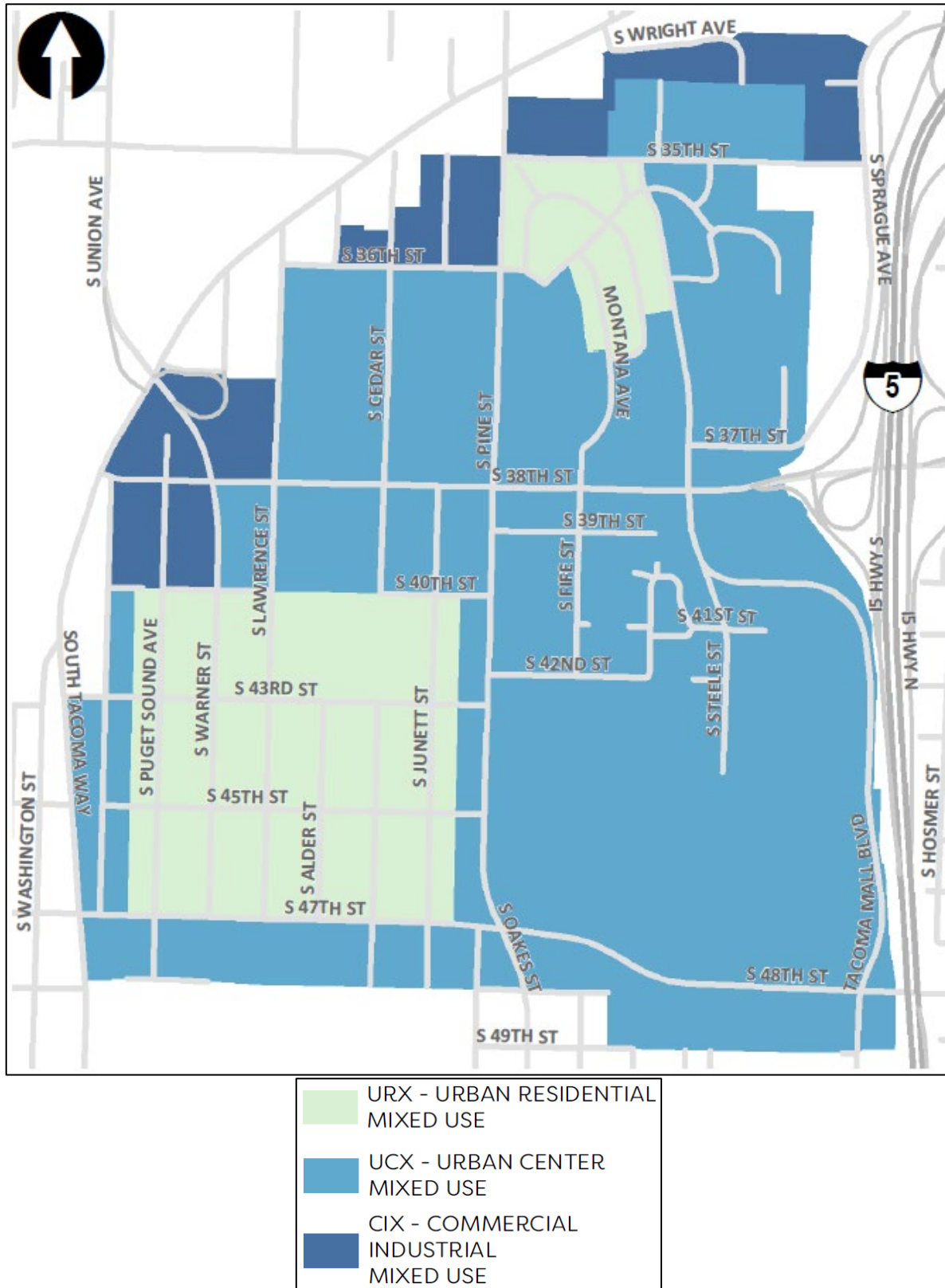
Required yard space is intended to provide access to fresh air, light, and green features and to be functional and attractive as an outdoor extension of the dwelling or a shared space for living, relaxation, and social interaction.	
1.	Single-Family, Duplexes and Triplexes. At least 200 square feet of yard space is required for each dwelling unit. Required yard space could include a combination of front porches, private or shared rear yards, balconies, or rooftop decks. Vehicular access areas and required walkways and buffers shall not count as yard space and front yard areas may not be counted towards this requirement, except for those yard areas set back beyond the minimum requirement.
2.	Townhouse Development. At least 200 square feet of yard space is required for each townhouse. Required yard space could include a combination of private front or rear yard space, porches, balconies, rooftop decks, or shared common yard space amongst groups of townhouses. Vehicular access areas and required walkways and buffers shall not count as yard space.
3.	Multi-Family and Mixed-Use Development. At least 50 square feet of yard space is required for each dwelling unit. Required setback and buffer areas, vehicular access areas and required walkways and buffers shall not count towards the yard space requirement. This required yard space can be provided through any combination of the following types of areas/features: <ol style="list-style-type: none"> <li>Common Yard space. This includes landscaped courtyards or decks, front porches, community gardens with pathways, children's play areas, or other multi-purpose recreational and/or green spaces. Requirements for common yard spaces include the following:               <ol style="list-style-type: none"> <li>No dimension shall be less than fifteen feet in width (except for front porches).</li> <li>Spaces shall be visible from multiple dwelling units and positioned near pedestrian activity.</li> <li>Spaces shall feature paths, landscaping, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.</li> <li>Individual entries shall be provided onto common yard space from adjacent ground floor residential units, where applicable.</li> <li>Space should be oriented to receive direct sunlight for part of the day, facing east, west, or (preferably) south, when possible.</li> <li>Common yard space shall be open to the sky, except for clear atrium roofs and shared porches.</li> <li>Shared porches qualify as common yard space provided no dimension is less than eight feet.</li> </ol> </li> <li>Private balconies, porches, decks, patios or yards. To qualify as yard space, such spaces shall be at least thirty five square feet, with no dimension less than four feet.</li> <li>Rooftop decks. To qualify, rooftop decks must meet the following standards:               <ol style="list-style-type: none"> <li>Must be accessible to all dwelling units.</li> <li>Must include amenities such as seating areas and landscaping.</li> <li>Must feature hard surfacing appropriate to encourage residential use.</li> <li>Must include lighting for residents' safety.</li> <li>No dimension shall be less than 15 feet in width.</li> </ol> </li> <li>Exceptions:               <ol style="list-style-type: none"> <li>Projects located within a quarter mile accessible walking distance of a public park or public school that includes attractive, and well-maintained outdoor recreational facilities which are regularly available to the public on a long-term basis.</li> <li>Projects with a minimum floor area ratio (FAR) of 3.</li> <li>Projects that meet the ground floor retail/restaurant height bonus requirements.</li> </ol> </li> </ol>

## J. Tacoma Mall Neighborhood Regional Growth Center.

1. Applicability.
2. Purpose.
3. Zoning Districts.

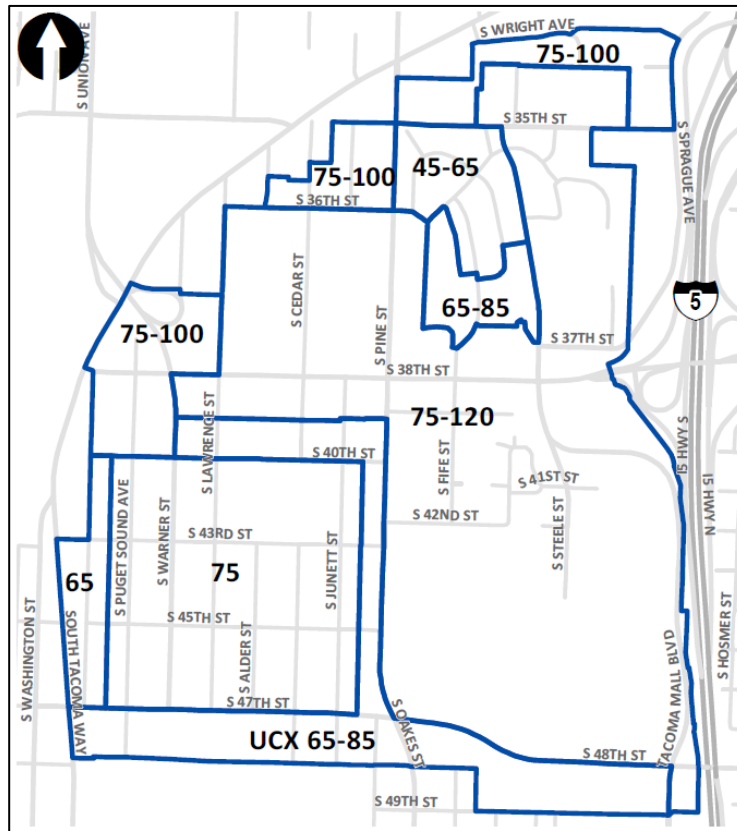
Zoning in the Tacoma Mall Neighborhood Regional Growth Center ("RGC") incorporates the Urban Center Mixed-Use, Urban Residential Mixed-Use and Commercial Industrial Mixed-Use Districts as indicated in Figure 1, below, with specifications indicated in Figures 2 through 5.

Figure 1: Tacoma Mall Neighborhood RGC Zoning Districts



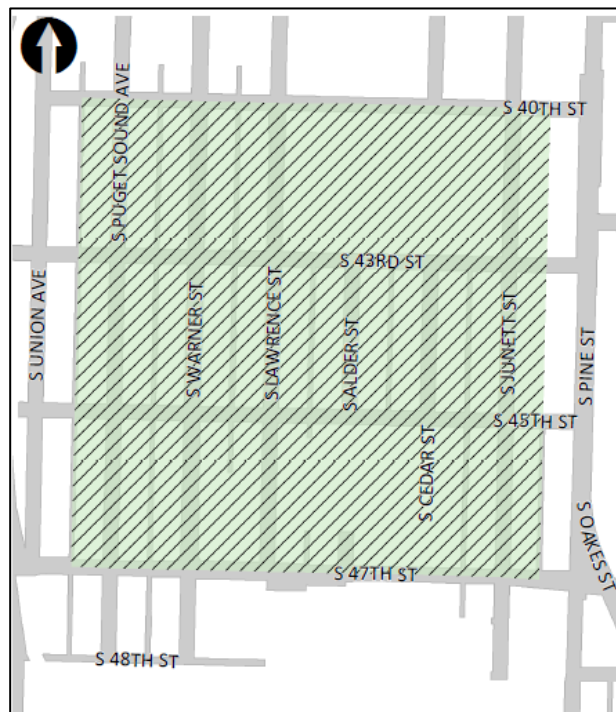
4. Height allowances by right and bonus maximum heights.

**Figure 2: Tacoma Mall Neighborhood RGC – by right and bonus maximum heights.**



5. Inclusionary Zoning Pilot Area.

**Figure 3: Tacoma Mall Neighborhood RGC – Inclusionary Zoning Pilot Area**



## Tacoma Municipal Code

6. Residential uses prohibited.

**Figure 4: Tacoma Mall Neighborhood RGC – No Residential Uses**

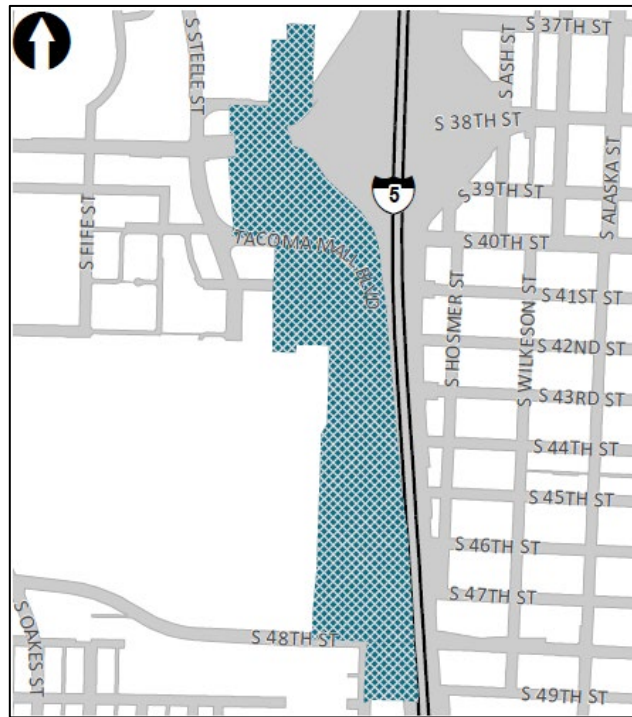
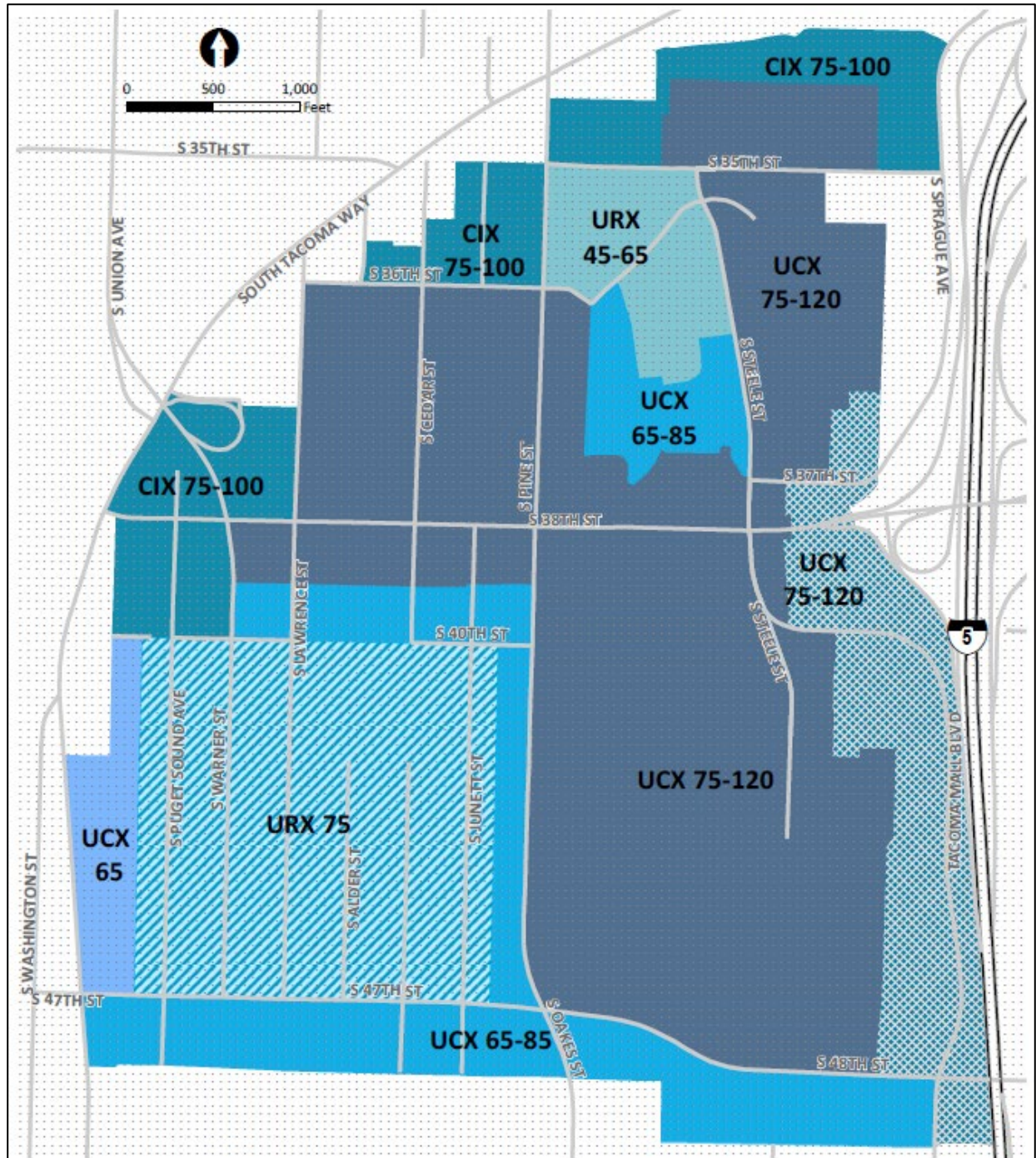




Figure 5: Tacoma Mall Neighborhood RGC – Zoning, heights and land use specifications



Zoning Overlays

STGPD: South Tacoma Groundwater Protection

Mixed Use Center

URX-Urban Residential Mixed Use 45-65

URX-Urban Residential Mixed Use 75 Inclusionary Zoning Pilot District

UCX-Urban Center Mixed Use 65

UCX-Urban Center Mixed Use 65-85

CIX-Commercial Industrial Mixed Use 75-100

UCX-Urban Residential Mixed Use 75-120

UCX-Urban Center Mixed Use No Residential 75-120

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### K. References to other common requirements.

13.01	Definitions.
13.05.010	Land use permits, including conditional use and variance criteria.
13.05.010.C	Site Approvals (applicable within the Tacoma Mall Neighborhood Regional Growth Center).
13.06.010	General provisions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area, as well as nonconforming uses/parcels/structures.)
13.06.070	Overlay districts (these districts may modify allowed uses and/or the development regulations of the underlying zoning district.)
13.06.080	For Home occupations and Short-term rentals.
13.06.090.B	Landscaping standards.
13.06.090.C	Off-street parking areas.
13.06.090.D	Loading spaces.
13.06.090.F	Pedestrian and bicycle support standards.
13.06.090.H	Transit support facilities.
13.06.090.I	Signs standards.
13.06.090.J	Residential transition standards.
13.06.090.M	Street level building transitions.
13.06.100	Building design standards.
13.12.580	Traffic Impact Assessments (applicable within Tacoma's Regional Growth Centers).
13.18	Affordable Housing Inclusionary Development Areas.

(Ord. 28906 Ex. C; passed Aug. 15, 2023: Ord. 28904 Ex. A; passed Aug. 15, 2023: Ord. 28821 Ex. H; passed Jun. 28, 2022: Ord. 28793 Ex. B; passed Dec. 7, 2021: Ord. 28786 Ex. A; passed Nov. 16, 2021: Ord. 28725 Exs. A and F; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.06.300 (Mixed-Use Center Districts(; relocated to 13.06.040 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28511 Ex. B; passed May 15, 2018: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28429 Ex. B; passed May 9; 2017: Ord. 28417 Ex. A; Mar. 7, 2017: Ord. 28376 Exs. D, E; passed Aug. 16, 2016: Ord. 28361 Ex. B; passed May. 24, 2016: Ord. 28336 Exs. B, C; passed Dec. 1, 2015: Ord. 28327 Ex. C; passed Nov. 3, 2015: Ord. 28281 Ex. A; passed Feb. 17, 2015: Ord. 28230 Ex. D; passed Jul. 22, 2014: Ord. 28222 Ex. A; passed May 13, 2014: Ord. 28182 Ex. A; passed Nov. 5, 2013: Ord. 28157 Ex. F; passed Jun. 25, 2013: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28088 Ex. A; passed Sept. 25, 2012: Ord. 28077 Ex. C; passed Jun. 12, 2012: Ord. 28050 Ex. C; passed Feb. 14, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27818 Ex. A; passed Jul. 28, 2009: Ord. 27772 § 3; passed Dec. 9, 2008: Ord. 27665 §§ 4, 6, 8, 12, 14, Ex. A; passed Dec. 4, 2007: Ord. 27644 Ex. A; passed Sept. 18, 2007: Ord. 27539 § 14; passed Oct. 31, 2006: Ord. 27407 § 2; passed Nov. 1, 2005: Ord. 27375 § 1; passed Jun. 28, 2005: Ord. 27364 § 2,3; passed Jun. 28, 2005: Ord. 27296 § 18; passed Nov. 16, 2004: Ord. 27245 § 10; passed Jun. 22, 2004: Ord. 27079 § 23; passed Apr. 29, 2003: Ord. 26947 § 51; Ord. 26966 § 10; passed Jul. 16, 2002: Ord. 26947 § 51; passed Apr. 23, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.050 Downtown.<sup>1</sup>****A. Applicability.<sup>2</sup>**

The provisions of Section shall apply to all uses and development in those areas in Downtown Tacoma classified in the districts described in Section 13.06.050 and shall modify the regulations and other provisions of Chapter 13.06 TMC; provided, that the regulations and provisions of Chapter 13.06 TMC shall apply when not specifically covered by this chapter; and further provided, that where Chapter 13.06 TMC and this chapter are found to be in conflict, the provisions of this chapter shall apply; and further provided, that the regulations set forth in Chapter 13.06 shall not apply if a Development Regulation Agreement, pursuant to the provisions of Section 13.05.050 TMC, has been approved for the site and is complied with.

**B. Purpose.<sup>3</sup>**

This section sets forth districts for Downtown Tacoma, along with allowable and prohibited uses, development standards, design standards, an optional design review process, and guidelines addressing public amenities. It also allows a Master Planned Development in order to offer flexibility in height limits.

These regulations are intended to:

1. Implement goals and policies of the City's Comprehensive Plan addressing downtown.
2. Implement the goals of the Growth Management Act and carry out county-wide and multicounty planning policies.
3. Create a downtown setting that is mixed-use and is pedestrian and transit oriented.
4. Guide the location and intensity of development.
5. Attract private investment in commercial and residential development.
6. Provide for predictability in the expectations for development projects.
7. Allow for creative designs in new and renovated buildings.
8. The South Downtown Subarea Plan contains specific guidelines for the University of Washington Tacoma campus. Management occurs on a campus-wide basis rather than by individual site or project-by-project. Campus-wide management ensures that there is no duplication of services that long-range planning objectives are reached, that flexibility in problem solving and resource planning objectives are achieved, that creative problem solving may occur, and that resources are allocated appropriately.

The Plan states that, to achieve these goals, landscaping, street trees, parking (including ADA parking), telecommunications, street design (including pedestrian streets), ground floor uses, streetscape design, light and glare, storm drainage, signage, etc., shall all be addressed on a campus-wide basis rather than a site-by-site basis. In addition, specific requirements such as modulation, leasing and acquisition restrictions, and ground floor uses shall be addressed in the context of the University rather than private development. The Plan defines institutional uses on the campus. Educational uses are permitted in all the downtown districts.

**C. Downtown Districts and uses.<sup>4</sup>**

1. Downtown Commercial Core District (DCC).

This district is intended to focus high rise office buildings and hotels, street level shops, theaters, and various public services into a compact, walkable area, with a high level of transit service.

2. Downtown Mixed-Use District (DMU).

This district is intended to contain a high concentration of educational, cultural, and governmental services, together with commercial services and uses.

3. Downtown Residential District (DR).

<sup>1</sup> Code Reviser's note: Previously codified as 13.06A (various sections); relocated to 13.06.050 per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06A.020 (Applicability); relocated per 13.06.050 Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27877 Ex. A; passed Mar. 2, 2010: Ord. 26889 § 6; passed Dec. 11, 2001: Ord. 26556 § 28; passed Dec. 14, 1999.

<sup>3</sup> Code Reviser's note: Previously codified as 13.06A.010 (Purpose); relocated 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28194 Ex. A; passed Dec. 17, 2013: Ord. 26556 § 28; passed Dec. 14, 1999.

<sup>4</sup> Code Reviser's note: Previously codified as 13.06A.040 (Downtown Districts and uses); relocated 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28194 Ex. A; passed Dec. 17, 2013: Ord. 28157 Ex. G; passed Jun. 25, 2013: Ord. 27995 Ex. G; passed Jun. 14, 2011: Ord. 26947 § 55; passed Apr. 23, 2002: Ord. 26733 § 5; passed Nov. 14, 2000: Ord. 26605 § 4; passed Mar. 28, 2000: Ord. 26556 § 5; passed Dec. 14, 1999.

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This district contains a predominance of mid-rise, higher density, urban residential development, together with places of employment and retail services.

### 4. Warehouse/Residential District (WR).

This district is intended to consist principally of a mixture of industrial activities and residential buildings in which occupants maintain a business involving industrial activities.

### D. Primary pedestrian streets designated.

1. Within the Downtown, the “primary pedestrian streets” designated in 13.06.010.D are considered key streets in the intended development and utilization of the area due to pedestrian use, traffic volumes, transit connections, and/or visibility. The streetscape and adjacent development on these streets should be designed to support pedestrian activity throughout the day. They are designated for use with certain provisions in the Downtown zoning regulations, including setbacks and design requirements.

### E. District use restrictions.<sup>1</sup>

#### 1. Downtown Commercial Core District (DCC).

- a. Preferred – retail, office, hotel, cultural, governmental.
- b. Allowable – residential, educational, light industrial located entirely within a building.
- c. Prohibited – industrial uses not located entirely within a building and automobile service stations/gasoline dispensing facilities other than those noted in Section 13.06.050.E.7.

#### 2. Downtown Mixed-Use District (DMU).

- a. Preferred – governmental, educational, office, residential, cultural.
- b. Allowable – retail, residential, light industrial located entirely within a building.
- c. Prohibited – light industrial uses not located entirely within a building, and automobile service stations/gasoline dispensing facilities, in addition to those noted in Section 13.06.050.E.7.

#### 3. Downtown Residential District (DR).

- a. Preferred – residential.
- b. Allowable – retail, office, educational.
- c. Prohibited - industrial, other than those noted in Section 13.06.050.E.7.

#### 4. Warehouse/Residential District (WR).

- a. Preferred – light industrial located entirely in a building, residential.
- b. Allowable – retail, educational, office, governmental.
- c. Prohibited uses can be found in Section 13.06.050.E.7.

5. University of Washington, Tacoma Campus: Management of landscaping, street trees, parking (including ADA parking), telecommunications, street design (including pedestrian streets), ground floor uses, streetscape design, light and glare, storm drainage, signage, etc., shall all be addressed on a campus-wide basis. Please refer to the Campus Master Plan.

#### 6. Use Categories.

- a. Preferred. Preferred uses are expected to be the predominant use in each district.
- b. Allowable. Named uses and any other uses, except those expressly prohibited, are allowed.
- c. Prohibited. Prohibited uses are disallowed uses (no administrative variances).
- d. Conditional. Conditional uses may be allowed if specific criteria can be met.

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<sup>1</sup> Code Reviser’s note: Previously codified as 13.06A.050 (Additional use regulations); relocated 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28361 Ex. B; passed May 24, 2016: Ord. 28327 Ex. C; passed Nov. 3, 2015; Ord. 28230 Ex. E; passed Jul. 22, 2014: Ord. 28182 Ex. A; passed Nov. 5, 2013: Ord. 28157 Ex. G; passed Jun. 25, 2013: Ord. 28088 Ex. B; passed Sept. 25, 2012: Ord. 27539 § 21; passed Oct. 31, 2006: Ord. 27245 § 23; passed Jun. 22, 2004: Ord. 26556 § 28; passed Dec. 14, 1999.



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

- a. Adult retail and entertainment.
- b. Heliports.
- c. Work release facilities.
- d. Correctional and detention facilities.
- e. Billboards.
- f. Drive-throughs not located entirely within a building.
- g. Heavy industrial uses.
- h. Mining and quarrying.

8. Special needs housing shall be allowed in all downtown districts in accordance with the provisions of Section 13.06.080.N.

9. Live/work and work/live uses shall be allowed in all downtown districts, subject to the requirements contained in Section 13.06.080.I.

10. 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 13.06.080.J. Marijuana producers, marijuana processors, and marijuana researchers shall be prohibited in all downtown districts.

#### F. District development standards.<sup>1</sup>

##### 1. Applicability.

Buildings lawfully in existence on January 10, 2000, or August 1, 2014, depending on the location within the Downtown Zoning District, do not need to conform to these standards; however, additions will need to conform. No addition can increase nonconformity to these standards or create new nonconformity. Please see Section 13.06.010.L Nonconforming Parcels/uses/structures for specific locations within the Downtown related to legal non-conforming status to these standards.

##### 2. Purpose.

##### 3. Development Standards Table.

District	Residential FAR			Non Residential FAR			Height Limits
	"As-of-right"	Maximum with Design Standards	Maximum with TDR	"As-of-right"	Maximum with Design Standards	Maximum with TDR	
DMU	3	5	7	2	4	6	100'
WR	4	5	7	3	4	6	100'
DR	2	4	6	1	2	4	90'
DCC	3	6	12	3	6	12	400'

##### 4. Floor Area Ratio – Additional Standards.

- a. The FAR for non-residential and residential uses within a given development are individually calculated and may be added together for a cumulative total, provided that the respective maximum FAR for each use is not exceeded. For example, in the DCC, an "as-of-right" development may have a total FAR of 6, with a FAR of 3 in non-residential use and a FAR of 3 in residential use in a single development.
- b. For the purposes of calculating maximum allowable FAR, hotels shall be considered a residential use.

<sup>1</sup> Code Reviser's note: Previously codified as 13.06A.060 (Development standards); relocated 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28194 Ex. A; passed Dec. 17, 2013; Ord. 28157 Ex. G; passed Jun. 25, 2013; Ord. 28051 Ex. C; passed Feb. 21, 2012; Ord. 27995 Ex. G; passed Jun. 14, 2011; Ord. 27825 Ex. A; passed Aug. 11, 2009; Ord. 27278 § 4; passed Oct. 26, 2004; Ord. 27245 § 24; passed Jun. 22, 2004; Ord. 27079 § 54; passed Apr. 29, 2003; Ord. 26899 § 9; passed Dec. 11, 2001; Ord. 26733 § 8; passed Nov. 14, 2000; Ord. 26605 § 5; passed Mar. 28, 2000; Ord. 26556 § 28; passed Dec. 14, 1999.

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- c. A minimum FAR of 1 shall be achieved for structures within the Downtown Commercial Core district. The gross floor area shall be used to calculate the minimum FAR.
- d. The maximum allowable Floor Area Ratio may be exceeded as provided for in this section.
- e. Floor area is determined pursuant to the definition provided in Section 13.01.060.F

### 5. Building Height – Additional Standards.

- a. Building Height will be measured consistent with the applicable Building Code, Height of Building and excludes parapets, mechanical penthouses, elevator overruns and machine rooms, and decorative architectural features (e.g., spires, towers, pergolas, pyramids, pitched roofs) not intended for residential, office or retail space.
- b. Maximum Building Height within 150' east of the centerline of the right-of-way of Yakima Avenue shall be 60 feet, in order to create a transition to lower-rise residential development to the west.

### 6. Design Standards for Increasing Allowable FAR.<sup>1</sup>

- a. For each of the following Design Standards that are incorporated into a development, the allowable FAR can be increased by 0.5, up to the Maximum with Design Standards.
- b. No variances shall be granted to the following:
  - (1) Enhanced pedestrian elements at the sidewalk level including decorative lighting (free-standing or building-mounted), seating or low sitting walls, planters, or unit paving in sidewalks.
  - (2) Exterior public space equivalent to at least 5 percent of the site area and including the following attributes:
    - (a) Seating in the amount of one sitting space for each 100 sf of area.
    - (b) Trees and other plantings, which could include vegetated LID BMPs.
    - (c) Solar exposure during the summer.
    - (d) Visibility from the nearest sidewalk.
    - (e) Within 3' of the level of the nearest sidewalk.
  - (3) Incorporation of works of art into the public spaces, exterior façade, or entrance lobby. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>2</sup>
  - (4) Landscaping covering at least 15 percent of the surface of the roof and/or the use of vegetated roofs. Access by building occupants is encouraged.
  - (5) Including a Public Benefit Use within the development.
  - (6) Within the Downtown Commercial Core, at least 60 percent of the linear frontage along those portions of Pacific Avenue, Broadway, and Commerce Street defined as a Primary Pedestrian Street shall be occupied by retail, restaurants, cultural or entertainment uses, hotel lobbies, or Public Benefit Uses.
  - (7) Retention and renovation of any designated or listed historic structure(s) located on the site.
- c. For each of the following Design Standards that are incorporated into a development, the allowable FAR can be increased by 2, up to the Maximum with Design Standards.
- d. No variances shall be granted to the following:
  - (1) Provide a "hill climb assist" in the form either of a landscaped public plaza or an interior public lobby with an escalator or elevator. Such space shall be open to the public during daylight hours or shall be open during the times detailed in a management plan approved by the City of Tacoma, Building and Land Use Services Department.
  - (2) Provide works of art or water features equivalent in value to at least 1 percent of construction costs within publicly accessible spaces on site or off site within the downtown zoning district where the development is

<sup>1</sup> Code Reviser's note: Previously codified as 13.06A.080 (Design standards for increasing allowable FAR); relocated 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Exs. B, C; passed Dec. 1, 2015: Ord. 28230 Ex. E; passed Jul. 22, 2014: Ord. 28194 Ex. A; passed Dec. 17, 2013: Ord. 27995 Ex. G; passed Jun. 14, 2011: Ord. 27278 § 4; passed Oct. 26, 2004: Ord. 27245 § 26; passed Jun. 22, 2004: Ord. 26556 § 28; passed Dec. 14, 1999.

<sup>2</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

located. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup>

(3) Provision of public rest rooms, open to the public at least 12 hours each weekday.

(4) Contribution to a cultural, arts organization or to the Municipal Art Fund for a specific development or renovation project located downtown, in an amount equal to at least 1 percent of the construction cost of the development. Coordination with the City's Arts Administrator is required to approve and verify the contribution.<sup>2</sup>

(5) Parking contained entirely within structures or structures on site.

(6) Incorporation of affordable housing units pursuant to the provisions of TMC 1.39. See TMC 1.39 for the requirements and process of this program.

7. Transfer of Development Rights for Increasing Allowable Floor Area Ratio.<sup>3</sup>

a. Development projects can incorporate Transfer of Development Rights, in compliance with Chapter 1.37 Transfer of Development Rights Administrative Code, to increase the as-of-right allowable FAR up to the "Maximum for TDR."

8. Maximum Setback in the DCC District.

The maximum square feet of setback area for new and substantially altered structures and additions fronting on a Primary Pedestrian Street shall be determined by multiplying 75 percent of the linear sidewalk level frontage by a factor of 10.

G. References to other common requirements.

13.01	Definitions.
13.05.010	For Land use permits, including conditional use and variance criteria.
13.06.010	General provisions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area, as well as nonconforming uses/parcels/structures.)
13.06.070	Overlay districts (these districts may modify allowed uses and/or the development regulations of the underlying zoning district.)
13.06.080	For Home occupations and Short-term rentals.
13.06.090.B	Landscaping standards.
13.06.090.C	Off-street parking areas.
13.06.090.D	Loading spaces.
13.06.090.F	Pedestrian and bicycle support standards.
13.06.090.H	Transit support facilities.
13.06.090.I	Signs standards.
13.06.100	Building design standards.

(Ord. 28786 Ex. A; passed Nov. 16, 2021: Ord. 28725 Ex. A; passed Dec. 8, 2020: Code Reviser's Note: Subsections were previously codified as Sections 13.06A.010 (Purpose), 13.06A.020 (Applicability), 13.06A.040 (Downtown Districts and uses), 13.06A.050 (Additional use regulations), 13.06A.060 (Development Standards), 13.06A.080 (Design standards for increasing allowable FAR), and 13.06A.090 (Transfer of Development Rights for Increasing Allowable Floor Area Rate); all were relocated to 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See additional notes and prior legislation in footnotes.)

<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>2</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>3</sup> Code Reviser's note: Previously codified as 13.06A.090 (Transfer of Development Rights for Increasing Allowable Floor Area Ratio); relocated to 13.06.050 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28230 Ex. E; passed Jul. 22, 2014: Ord. 28194 Ex. A; passed Dec. 17, 2013: Ord. 27278 § 4; passed Oct. 26, 2004: Ord. 27245 § 27; passed Jun. 22, 2004: Ord. 26556 § 28; passed Dec. 14, 1999.

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### 13.06.060 Industrial Districts.<sup>1</sup>

#### A. Applicability.

The following tables compose the land use regulations for all districts of Section 13.06.060. All portions of Section 13.06.060 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.

#### B. Purpose.

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.

#### C. 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 to provide areas for light manufacturing, warehousing, and a limited mix of commercial or civic uses that are complementary and not detrimental to either existing or proposed industrial uses, or neighboring commercial or residential districts. M-1 districts may be established in new areas of the City, and M-1 district is an appropriate zone to apply as a transition between the industrial operations therein and the existing activities and character of the community in which the district is located. This classification is only appropriate inside Comprehensive Plan areas designated Light Industrial.

##### 2. M-2 Heavy Industrial District.

This district is intended to allow heavy industrial and manufacturing uses that can reasonably be accommodated without adverse impacts on the public's health, welfare, or safety. 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 Heavy Industrial.

##### 3. PMI Port Maritime & Industrial District.

This district is intended to implement the use priorities of the Container Port Element of the Comprehensive Plan, specifically pertaining to the Core Maritime Industrial Area, and to protect the long-term function and viability of the area. These use priorities include: Cargo port terminal, port-related container and industrial activity, compatible manufacturing, industrial-related office, cargo yard, warehousing, transportation facilities and other similar uses.

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.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.400 (Industrial Districts); relocated to 13.06.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019.

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.

D. Pedestrian streets designated.

Figure 7 of the Comprehensive Plan Urban Form Chapter 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. Refer to 13.06.010.D for Pedestrian Street Designations.

E. District use restrictions.

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

Use classifications not listed in this section are prohibited, unless permitted via Section 13.05.080.

1. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.070.F, which shall prevail in the case of any conflict.
2. Within the South Tacoma Manufacturing and Industrial Center (M/IC), the land use and development standards of this section are modified as specified in TMC 13.06.070.B, which shall prevail in the case of any conflict.
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 13.05.010.A.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.080.P.
N	=	Prohibited use in this district.

4. District use table – Industrial Districts (13.06.060).

Uses		M-1	M-2	PMI	Additional Regulations (see table Footnote 1)
<b>Agriculture and Natural Resources</b>					
	Agricultural uses	N	N	N	
	Mining and quarrying	P*/N	P*/N	P*/N	* Surface mines, legally permitted at the time of adoption of this ordinance, are permitted, subject to standards in Section 13.06.080.O.
	Urban horticulture	P	P	P	
<b>Residential Uses</b>					
Dwelling Types					
	Dwelling, accessory (ADU)	P/N~	N	N	Subject to additional requirements contained in 13.06.080.A. ~Not permitted within the South Tacoma M/IC Overlay District or the Port of Tacoma M/IC.
	Dwelling, single-family detached	P/N*~	N*	N*	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.  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.
	Dwelling, two-family	P/N*~	N*	N*	
	Dwelling, three-family	P/N*~	N*	N*	
	Dwelling, multiple-family	P/ CU**/ N*~	N*	N*	

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Uses		M-1	M-2	PMI	Additional Regulations (see table Footnote 1)
	Dwelling, townhouse	P/ N*~	N*	N*	<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 or Port of Tacoma M/IC except for quarters for caretakers and watchpersons and temporary worker housing, as noted above, and except where allowed as a conditional use in the Port of Tacoma M/IC.</p> <p>**Conditional use in the Port of Tacoma M/IC.</p>
Other Residential					
	Adult family home	P/ CU**/ 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>**Conditional use in the Port of Tacoma M/IC.</p> <p>See Section 13.06.080.N.</p>
	Day care, family	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
	Foster home	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>
	Group housing	P/ CU**/ 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>**Conditional use in the Port of Tacoma M/IC.</p>
	Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.080.G
	Live/Work	P/CU*	N	N	<p>Projects incorporating live/work in new construction shall contain no more than 20 live/work units.</p> <p>*Conditional use in the Port of Tacoma M/IC.</p> <p>Subject to additional requirements contained in Section 13.06.080.I.</p>
	Mobile home/ trailer court	N	N	N	
	Short-term rental	N	N	N	

Uses		M-1	M-2	PMI	Additional Regulations (see table Footnote 1)
	Staffed residential home	P/ CU**/ 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. **Conditional use in the Port of Tacoma M/IC. See Section 13.06.080.N.
	Student housing	P/ CU**/ 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. **Conditional use in the Port of Tacoma M/IC.
	Retirement home	P/ CU**/ 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. **Conditional use in the Port of Tacoma M/IC. See Section 13.06.080.N.
<b>Medical and Health Services</b>					
	Continuing care retirement community	P/ CU**/ 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. **Conditional use in the Port of Tacoma M/IC. See Section 13.06.080.N.
	Detoxification center	CU	CU	N	
	Hospital	P/CU*	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District and Port of Tacoma M/IC. ~Not permitted within the South Tacoma M/IC Overlay District or Port of Tacoma M/IC.
	Intermediate care facility	P/ CU**/ 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. **Conditional use in the Port of Tacoma M/IC. See Section 13.06.080.N.

# Tacoma Municipal Code

Uses	M-1	M-2	PMI	Additional Regulations <small>(see table Footnote 1)</small>
Residential care facility for youth	P/ CU**/ 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. **Conditional use in the Port of Tacoma M/IC. See Section 13.06.080.N.
Residential chemical dependency treatment facility	P/ CU**/ N*	N	N	See Section 13.06.080.N. *Not permitted within the South Tacoma M/IC Overlay District. **Conditional use in the Port of Tacoma M/IC.
<b>Community and Civic Facilities</b>				
Assembly facility	P	P	N	
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 13.05.010.A
Confidential shelter	P/N*	N	N	See Section 13.06.080.N. *Not permitted within the South Tacoma M/IC Overlay District.
Correctional facility	P	P	P	
Cultural institution	P/CU*	P/CU*	N	*Conditional use within the South Tacoma M/IC Overlay District and Port of Tacoma M/IC, unless an accessory use.
Detention facility*	CU	N	N	Modifications or expansions to existing facilities that increase the inmate/detainee capacity shall be processed as a major modification (see Section 13.05.130). A pre-application community meeting is also required (see Section 13.05.010.A.16). This CU is only available in the M-1 zones in place as of January 1, 2018. The notification distance for a project within the M-1 zone will be 2,500 feet from the boundaries of that zone.
Juvenile community facility	P/ CU**/ N*	P/N*	N	See Section 13.06.080.H for resident limits and additional regulations. **Conditional use within the Port of Tacoma M/IC. *Not permitted within the South Tacoma M/IC Overlay District or in the M-2 District of the Port of Tacoma M/IC.
Parks, recreation and open space	P/CU*	P/CU*	P/N~	Subject to the requirements of Section 13.06.080.L. * High intensity/destination facilities are a conditional use in the Port of Tacoma M/IC. In the M-2 District, the use must be located indoors. ~ High intensity/destination facilities are prohibited in the Port of Tacoma M/IC.
Public service facilities	P	P	P	
Religious assembly	P	P	P	
School, public or private	P/ CU~/N*	P/N*	P/N*	~Conditional use permit in the Port of Tacoma M/IC. * General K through 12 education not permitted in the PMI and M-2 District of the Port of Tacoma M/IC or in the South Tacoma M/IC Overlay District.



Uses		M-1	M-2	PMI	Additional Regulations (see table Footnote 1)
Work release center		CU	CU/N*	N	Subject to development standards contained in Section 13.06.080.R. *Not permitted within the Port of Tacoma M/IC
<b>Commercial Uses</b>					
Craft Production		P	P	P	
Hotel/Motel		P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Office <sup>1</sup>		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. * Limited to 7,000 square feet of floor area, per business, in the JBLM Airport Compatibility Overlay District.
Work/Live		P	N	N	Projects incorporating live/work in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.080.I.
Eating and Drinking Establishments					
	Brewpub	P	P	P	
	Eating and drinking	P	P	P	
	Microbrewery/ winery	P	P	P	
Entertainment and Recreation					
	Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.080.B.
	Carnival	P/TU*	N	N	*Temporary use only within the South Tacoma M/IC Overlay District
	Commercial recreation and entertainment	P/CU*	P/ CU*~	N	*Within the South Tacoma M/IC Overlay District and 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. ~Within the Port of Tacoma M/IC, only indoor facilities are permitted in the M-2 District.
	Golf Courses	P/N*	P/N*	N	*Not permitted within the Port of Tacoma M/IC.
	Theater	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Retail		P~	P~/ CU*~	N	~ Size limitations: Limited to 7,000 square feet of floor area, per development site, in the JBLM Airport Compatibility Overlay District. Within the South Tacoma M/IC Overlay District and Port of Tacoma M/IC, 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 and Port of Tacoma M/IC, limited to 65,000 square feet per use, unless approved with a conditional use permit. *Conditional use within the Port of Tacoma M/IC.

<sup>1</sup> Code Reviser's Note: Text related to Office 'allowed uses' and 'additional regulations' was inadvertently deleted when this table was reorganized per Amended Ord. 28786 (passed Nov. 16, 2021). The scrivener's error was corrected by re-inserting the text in July 2022.

## Tacoma Municipal Code

Uses		M-1	M-2	PMI	Additional Regulations <small>(see table Footnote 1)</small>
	Marijuana retailer	P~	P~/C U*	N	~Within the South Tacoma M/IC Overlay District and Port of Tacoma M/IC, 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. *Conditional use within the Port of Tacoma M/IC. Size limitations apply as noted above. See additional requirements contained in Section 13.06.080.J.
	Nursery	P	P	N	
Services					
	Ambulance services	P	P	P	
	Animal sales and service	P	P	N	
	Building material and services	P	P	P	
	Business support services	P	P	P	
	Day care center	P	P	N	Subject to development standards contained in Section 13.06.080.E.
	Funeral home	P	P	N	
	Personal services	P	P	P	
	Repair services	P	P	P	
Storage Uses					
	Warehouse/ storage	P	P	P	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.
	Wholesale or distribution	P	P	P	
	Self-storage	P	P	P	See specific requirements in Section 13.06.090.J.
Vehicle Related Uses					
	Drivethrough with any permitted use	P	P	P	Subject to the requirements of TMC 13.06.090.A.
	Vehicle rental and sales	P	P	P	Subject to development standards contained in Section 13.06.080.S.
	Vehicle service and repair	P	P	P	Subject to development standards contained in Section 13.06.080.S.
	Vehicle storage	P	P	P	Subject to development standards contained in Section 13.06.080.S.
<b>Industrial</b>					
Industry, heavy		N	P	P	Animal slaughter, fat rendering, acid manufacture, and blast furnaces allowed in the PMI District only.
	Coal facility	N	N	N	
	Chemical manufacturing, processing and wholesale distribution	N	CU*/ N~	P/ CU*/ N~	*A conditional use permit is required for the manufacture, processing, and wholesaling of hazardous materials, subject to conditional use criteria in Section 13.05.010.A.23. ~Explosives, fertilizer, and petrochemical manufacturing prohibited in all districts.
	Cleaner Fuel Infrastructure	N	P*	P*	*Subject to special use standards in TMC 13.06.080.F.

Uses		M-1	M-2	PMI	Additional Regulations (see table Footnote 1)
	Petroleum Fuel Facility	N	P*/N	P*/N	*Facilities legally permitted at the time of adoption of this ordinance are permitted, subject to special use standards in Section 13.06.080.F. Otherwise prohibited.
	Port, terminal, and industrial; water-dependent or water-related (as defined in Title 19)	N	N	P*	*Preferred use.
	Smelting	N	N	N	
Industry, light		P	P	P	
	Vehicle service and repair, industrial	P	P	P	Subject to development standards contained in Section 13.06.080.S.
	Research and development industry	P	P	N	
	Marijuana processor, producer, and researcher	P	P	P	See additional requirements contained in Section 13.06.080.J
Utilities, Transportation and Communication Facilities					
Airport		N	N	N	
Communication facility		P	P	P	
Heliport		CU	CU	CU	
Passenger terminal		P	P	P	
Transportation/ freight terminal		P	P	P	
Utilities		P	P	P	
Wireless communication facility		P*/	P*/	P*/	*Wireless communication facilities are also subject to Section 13.06.080.Q.
		CU**	CU**	CU**	**Wireless communication facilities are also subject to Section 13.06.080.Q.
Accessory and Temporary Uses					
Seasonal sales		TU	TU	TU	Subject to development standards contained in Section 13.06.080.P.
Temporary uses		P	P	P	Subject to development standards contained in Section 13.06.080.P.
Unlisted Uses					
Uses not prohibited by City Charter and not prohibited herein		N	N	CU	
Footnotes:					
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.					

## F. District development standards.

	M-1	M-2	PMI
Minimum Lot Area	N/A	N/A	N/A
Minimum Lot Width	N/A	N/A	N/A
Maximum Lot Coverage	None	None	None

## Tacoma Municipal Code

	M-1	M-2	PMI
Minimum Front Setback	In all districts listed above, 0 feet, unless: <ul style="list-style-type: none"> <li>Created by requirements in Sections 13.06.090.B or 13.06.090.J; or</li> <li>Abutting a dwelling district, then equal to the dwelling district setback for the first 100 feet from that side.</li> </ul> The above setback requirements may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Minimum Side Setback	In all districts listed above, 0 feet, unless created by requirements in Sections 13.06.090.B or 13.06.090.J, which may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Minimum Rear Setback	In all districts listed above, 0 feet, unless created by requirements in Sections 13.06.090.B or 13.06.090.J, which may be waived if demonstration is made that a 20-foot vertical grade between the properties offers comparable protection.		
Maximum Height Limit	75 feet	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.	100 feet, unless such building or structure is set back on all sides one foot for each four feet such building or structure exceeds 100 feet in height.
Maximum Height Exceptions	Certain specified uses and structures are allowed to extend above height limits, per Sections 13.06.010.E and 13.06.080.Q.		

### G. Residential Development.

#### 1. Minimum Usable Yard Space.

Residential development shall provide usable yard space in accordance with the provisions of 13.06.020 based on the building type.

#### 2. Tree canopy coverage.

Residential uses shall meet the tree canopy coverage requirements in 13.06.020 in accordance with the R-4 District.

### H. References to other common requirements.

- 13.01 Definitions.
- 13.05.010 For Land use permits, including conditional use and variance criteria.
- 13.06.010 General provisions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area, as well as nonconforming uses/parcels/structures.)
- 13.06.070 Overlay districts (these districts may modify allowed uses and/or the development regulations of the underlying zoning district.)
- 13.06.090.B Landscaping standards.
- 13.06.090.C Off-street parking areas.
- 13.06.090.D Loading spaces.
- 13.06.090.I Signs standards.
- 13.06.100 Building design standards.

(Ord. 28821 Ex. H; passed Jun. 28, 2022: Ord. 28786 Ex. A; passed Nov. 16, 2021: Ord. 28725 Exs. A and F; passed Dec. 8, 2020: Code Reviser's note: Previously codified as 13.06.400 (Industrial Districts); relocated to 13.06.060 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019: Ord. 28604 Ex. A; passed Sept. 10, 2019: Ord. 28592 Ex. A; passed Jun. 25, 2019: Ord. 28518 Ex. 6; passed Jun. 26, 2018: Ord. 28491 Ex. A; passed Feb. 20, 2018: Ord. 28470 Exs. B, D; passed Nov. 21, 2017 [Code Reviser's note: Ord. 28470, as extended by various ordinances, expired and was replaced by Ord. 28786 Amended, passed Nov. 16: 2021]: Ord. 28429 Ex. B; passed May 9; 2017: Ord. 28417 Ex. A; Mar. 7, 2017: Ord. 28376 Exs. B, D; passed Aug. 16, 2016: Ord. 28361 Ex. B; passed May. 24, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28327 Ex. C; passed Nov. 3, 2015: Ord. 28281 Ex. A; passed Feb. 17, 2015: Ord. 28230 Ex. D; passed Jul. 22, 2014: Ord. 28182 Ex. A; passed Nov. 5, 2013: Ord. 28157 Ex. F; passed Jun. 25, 2013: Ord. 28050 Ex. C; passed Feb. 14, 2012: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27813 Ex. D; passed Jun. 30, 2009: Ord. 27772 §§ 2, 3, 5-18; passed Dec. 9, 2008: Ord. 27771 Ex. C; passed Dec. 9, 2008: Ord. 27680 § 2; passed May 13, 2008: Ord. 27665 §§ 11, 13; passed Dec. 4, 2007: Ord. 27644 Ex. A; passed Sept. 18,

## **Tacoma Municipal Code**

2007: Ord. 27574 §§ 2, 3; passed Mar. 20, 2007: Ord. 27539 § 15; passed Oct. 31, 2006: Ord. 27362 § 3; passed Jun. 7, 2005: Ord. 27245 § 11; passed Jun. 22, 2004: Ord. 27079 §§ 24-28; passed Apr. 29, 2003: Ord. 26933 § 1; passed Mar. 5, 2002)

## Tacoma Municipal Code

### 13.06.070 Overlay Districts.

#### A. View-Sensitive Overlay District.<sup>1</sup>

##### 1. Applicability.

a. The View Sensitive Overlay Districts (VS-20) and (VS-25) shall apply to all buildings, structures, or portions thereof, hereafter erected within the designated Overlay District.

The View Sensitive 20-Foot Overlay District – In areas with a predominant 20-foot development pattern which orient towards views of the Puget Sound and/or the Narrows Bridge. (VS-20).

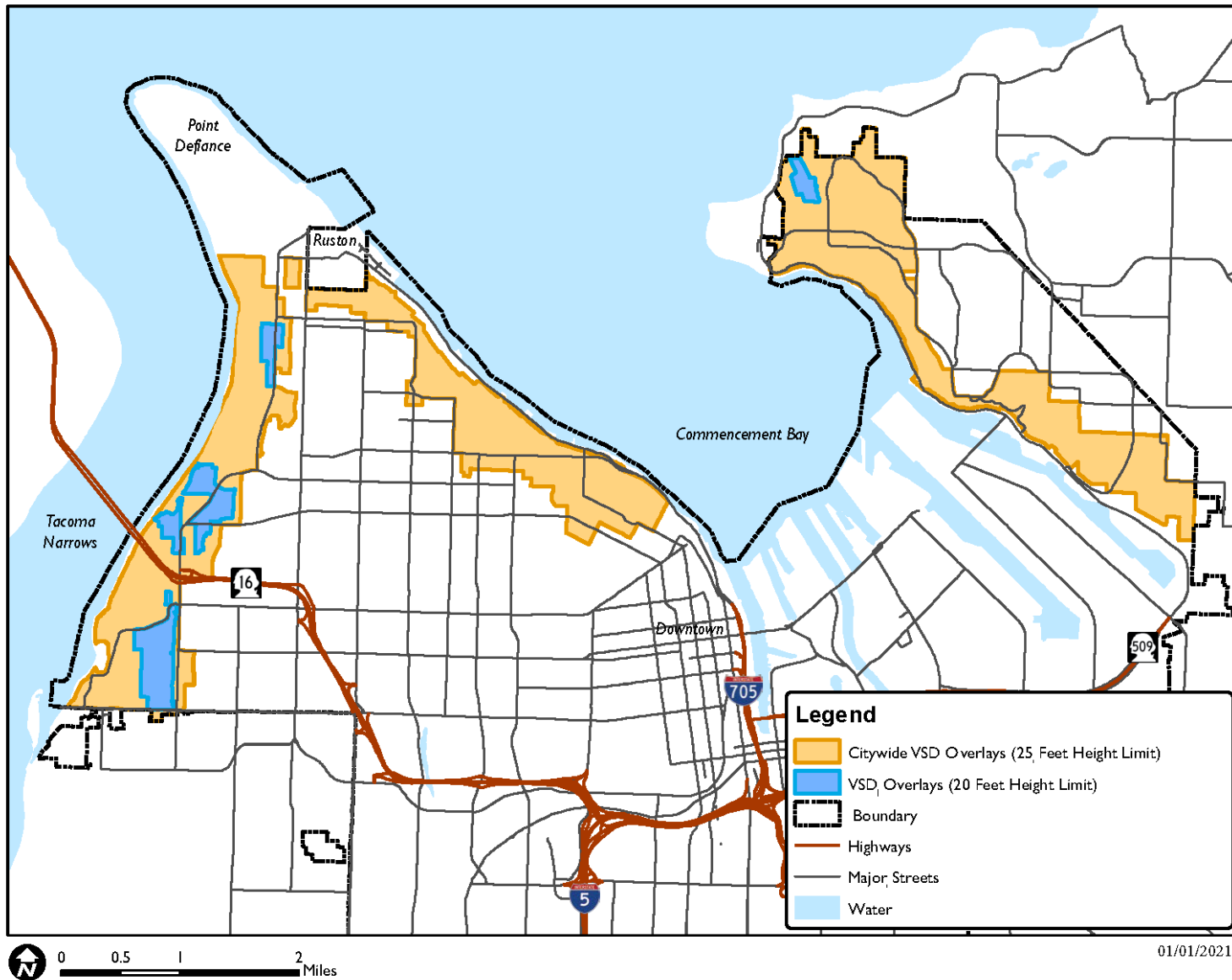
The View Sensitive 25-Foot Overlay District - In areas with a predominant 25-foot development pattern which orient towards views of the Puget Sound and/or the Narrows Bridge. (VS-25).

b. This section shall not apply to any building, structure, or portion thereof within any development or subdivision which is greater than 30 acres in size and which has an approved site plan or residential plat; provided, such site plans must have established the height or elevation of buildings, and such residential plats must have active architectural control committees, of which a resident or property owner of the plat shall be a member, and recorded covenants which give consideration to protection of views, and the architectural control committee must have reviewed and approved the plans of the building or structures before submittal to the City.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.555 (View-Sensitive Overlay District); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27562 § 10; passed Dec. 12, 2006; Ord. 27432 § 15; passed Nov. 15, 2005; Ord. 27245 § 20; passed Jun. 22, 2004; Ord. 26966 § 20; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

c. Map.

**Tacoma View Sensitive District Overlay - Citywide**

## Tacoma Municipal Code

### 2. Purpose.

The purpose of the View-Sensitive Overlay District is to maintain height compatibility between new development and existing development in areas with long standing residential development with views of the Puget Sound and the Narrows Bridge. The View Sensitive Overlay District was established to balance the interests of new development or remodel to existing development with the interests of the surrounding property owners who wish to preserve the character of the neighborhood including public and private views. The View Sensitive Overlay District has been established in areas with steep topography and an established pattern of larger lots.

### 3. District development standards.

- a. A building, structure, or portion thereof, hereafter erected, shall not exceed a height of 20 feet, or 25 feet per applicable Overlay District designation, except as provided in Sections 13.06.010.F, 13.05.010.A and 13.06.010.B.
- b. Parking lot lighting shall not exceed 20 feet in height.
- c. Parking quantity reductions. See 13.06.090.C.

## B. South Tacoma Manufacturing/Industrial Overlay District.

### 1. Applicability.

- a. 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.



b. Map.

City of Tacoma | Planning and Development Services  
**South Tacoma Manufacturing/Industrial Overlay District**



## Tacoma Municipal Code

### 2. Purpose.

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. 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.

### 3. Expansion.

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.

### 4. District use restrictions.

#### a. Prohibited uses.

- Adult family home
- Confidential shelter
- Continuing care retirement community
- Day care, family
- Dwellings, not permitted except quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts.
- Emergency and transitional housing
- Extended care facility
- Foster home
- Golf course
- Group Housing
- Hospital uses are prohibited in the M-2 District
- Hotel Motel
- Animal slaughter, fat rendering, smelters, and blast furnaces
- Intermediate care facility
- Juvenile community facility
- Residential care facility for youth
- Residential chemical dependency treatment facility
- Retirement home
- General K through 12 education facilities
- Staffed residential home
- Student housing
- Theater

#### b. Conditional uses.

- Commercial recreation and entertainment facilities over 10,000 square feet in the M-1 District and 15,000 square feet in the M-2 District.
- Cultural institution.
- Hospital uses in the M-1 District

#### c. Temporary uses.

- Carnival

### 5. District Development Standards

- Office: 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 of floor area per development site in the M-1 District.
- Marijuana retailer: limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet of floor area per development site in the M-1 District.
- Retail: 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 of floor area per development site in the M-1 District.

C. PRD Planned Residential Development District.<sup>1</sup>

1. Applicability.

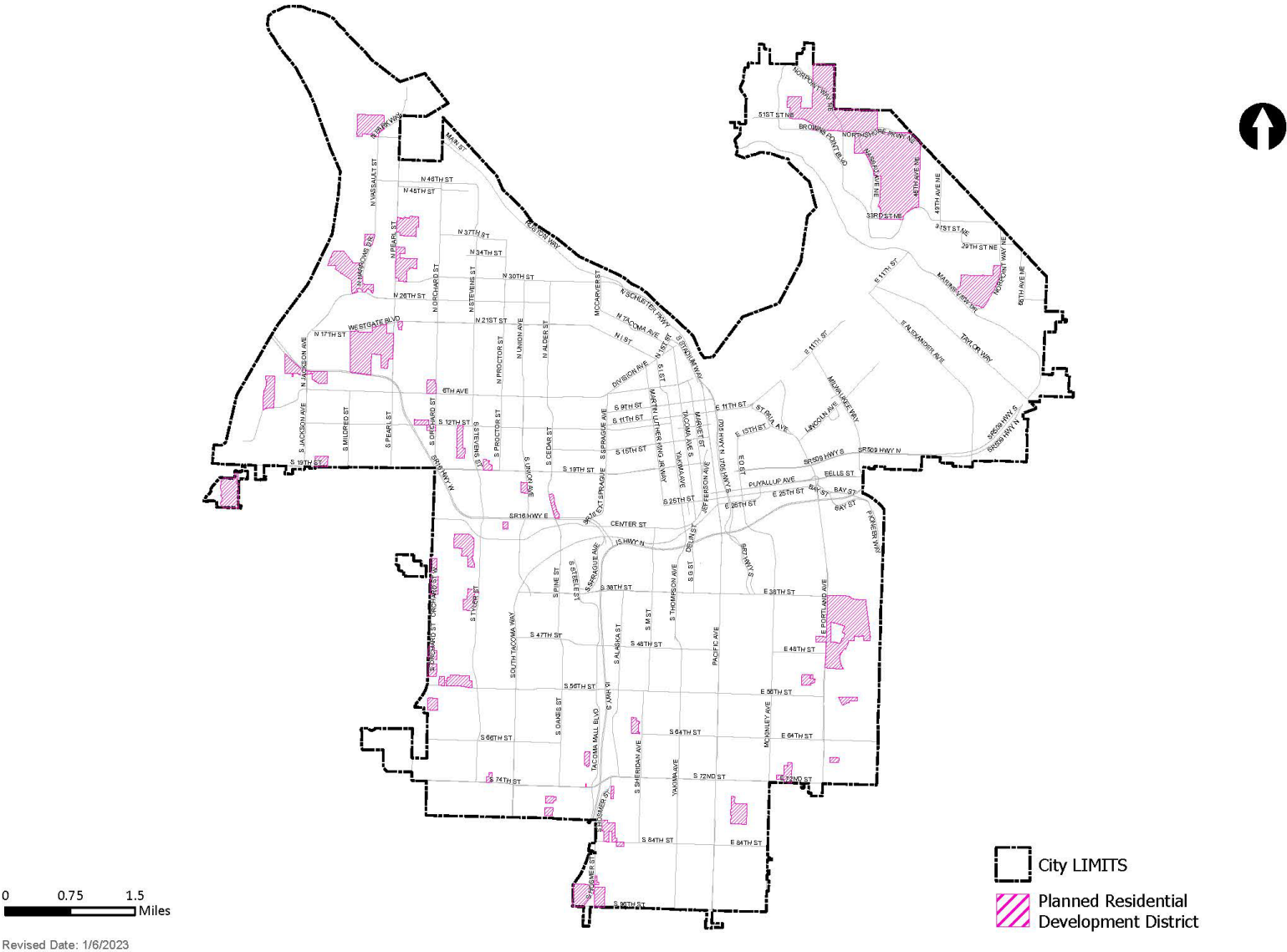
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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.140 (PRD Planned Residential Development District); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28336 Ex. B; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27631 Ex. B; passed Jul. 10, 2007; Ord. 27539 § 12; passed Oct. 31, 2006; Ord. 27471 § 2; passed Jul. 25, 2006; Ord. 27079 § 18; passed Apr. 29, 2003; Ord. 26966 § 8; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

Tacoma Municipal Code

a. Map

City of Tacoma | Planning and Development Services  
PRD Planned Residential Development District



## 2. Purpose.

The PRD Planned Residential Development District is intended to: provide for greater flexibility in large scale residential developments; promote a more desirable living environment than would be possible through the strict regulations of conventional zoning districts; encourage developers to use a more creative approach in land development and stormwater management; provide a means for reducing the improvements required in development through better design and land planning; conserve natural features and retain native vegetation; provide a high quality of urban design pursuant to creating a livable and attractive neighborhood and place-making; facilitate more desirable, aesthetic, and efficient use of open space; promote sustainable building and site design practices; and promote the voluntary incorporation of affordable housing through provision of voluntary density bonuses.

The PRD District is intended to be located in areas possessing the amenities and services generally associated with residential dwelling districts, and in locations which will not produce an adverse influence upon adjacent properties.

Land classified as a PRD District shall also be classified as one or more of the regular residential zoning districts and shall be designated by a combination of symbols (e.g., R-3-PRD planned residential development district).

## 3. District procedures.

Application for reclassification to a PRD District shall be made in accordance with the provisions of Chapter 13.05, with a public hearing being conducted by the Hearing Examiner, and final action being taken legislatively by the City Council. Applications for reclassification to a PRD District shall bear the written consent of the owners of all property within the proposed PRD. Applications for a major modification to an existing PRD District shall bear the written consent of the owners of the specific properties proposed to be modified.

An application for site approval shall accompany a request for reclassification to a PRD District. Applications filed subsequent to such a reclassification shall be considered by the Director. Where only a portion of the development is submitted for site approval, a preliminary plan for the remainder of the development shall also be submitted, indicating the intended layout for the remainder of the development.

The Hearing Examiner shall conduct a public hearing on all applications for site approval which accompany a reclassification request and shall have approval authority on such site approval conditioned on City Council approval of the reclassification. In acting upon a request for site approval, the Hearing Examiner or Director shall consider, but not be limited to, the following criteria:

- a. The site development plan shall be consistent with the goals and policies of the Comprehensive Plan.
- b. The plan shall be consistent with the intent and regulations of the PRD District and any other applicable statutes and ordinances.
- c. The proposed development plan for the PRD District is not inconsistent with the health, safety, convenience, or general welfare of persons residing or working in the community. The findings of the Hearing Examiner or Director shall be concerned with, but not limited to, the following:
  - (1) The generation of noise or other nuisances which may be injurious or to the detriment of a significant portion of the community.
  - (2) Availability and/or adequacy of public services which may be necessary or desirable for the support of the development. These may include, but shall not be limited to, availability of utilities; transportation systems, including vehicular, pedestrian, and public transportation systems; and education, police, and fire services, and social and health services.
  - (3) Adequacy of landscaping, recreation facilities, screening, yards, setbacks, open spaces, or other development characteristics necessary to provide a sound and healthful living environment and mitigate the impact of the development upon neighboring properties and the community.
  - (4) The compliance of the site development plan with any conditions to development stipulated by the City Council at the time of the establishment of the PRD District.
  - (5) The demonstration of urban design excellence in site and building design through establishing Basic Neighborhood Patterns, pedestrian-friendly design, de-emphasized parking, minimized scale contrasts and privacy impacts, usable outdoor spaces, sustainability features and connectivity as appropriate to the site, context and proposed development type and density.
- d. An application for site approval shall include a plan or plans at a scale of not less than one inch equals 200 feet for the proposed development showing:

## Tacoma Municipal Code

- (1) Proposed name of the development, north point, scale, date, legal description, and names and addresses of the developer, engineer, surveyor, land planner, and landscape architect.
- (2) The basic layout of the site or portion thereof, including lot design, if any, building locations, street layout, and roadway widths.
- (3) Horizontal alignment data for all streets and vehicular accessways.
- (4) Any areas proposed to be dedicated or reserved for public parks, schools, or playgrounds, or otherwise dedicated or reserved for public purposes.
- (5) Other undedicated open space set aside for the use of the residents of the development in common.
- (6) A general land use plan for the proposed district indicating the areas to be used for the various purposes.
- (7) Types of dwellings and site locations thereof.
- (8) Proposed locations of off-street parking areas with dimensions.
- (9) Pedestrian walks, malls, and other trails, both public and private.
- (10) A circulation plan indicating the proposed movement of vehicles, goods, and pedestrians within the district, and to and from adjacent public thoroughfares, routes and pathways. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation shall be shown.
- (11) The stages to be built in progression, if any.
- (12) Finished contours at a five-foot interval.
- (13) The location of adjacent utilities intended to serve the development and a layout of the utilities within the development.
- (14) Land within the tract not to be developed as a part of the PRD District, with indication of existing and/or intended use or uses.
- (15) Necessary building setback lines, including those required for sight distance purposes.
- (16) Existing zoning boundaries.
- (17) The intended time schedule for development.
- (18) Tables showing the density and lot coverage of the overall development and of each zoning district within the development.
- (19) A narrative and supporting exhibits demonstrating how the project will be consistent with the PRD intent and the provisions of this section.

### 4. General requirements.

- a. This Section was substantially updated on December 1, 2015. PRD Districts approved prior to that date are subject to the provisions of their approvals, including the amount and designation of required open space. PRD applications submitted after that date shall meet the following standards and requirements.
- b. PRDs are permitted as an overlay in all residential districts, with the exception that PRDs are not permitted in the HMR-SRD District or within designated Historic Districts.
- c. The site approval shall be binding upon the development and substantial variations from the plan shall be subject to approval by the Director.
- d. No building permit shall be issued without a site approval.
- e. The site approval shall expire as provided in Chapter 13.05.
- f. In granting site approval, the Hearing Examiner and/or the Director may attach conditions as authorized in Chapter 1.23, or, in the case of approval by the Director, Chapter 13.05, and unless other arrangements are agreed to by the City, the owner and/or developers shall be responsible for paying the cost of construction and/or installation of all required on- and off-site improvements. This responsibility shall be the subject of a contractual agreement between the owner and/or developer and the City. Such contract shall require that, in lieu of the actual construction of the required improvements, the owner and/or developer shall deposit a performance bond or cash deposit with Planning and Development Services, in an amount not less than the estimate of the City Engineer for the required improvements, and provide security satisfactory to the Department of Public Utilities, guaranteeing that the required

improvements shall be completed in accordance with the requirements of the City of Tacoma and within the time specified in the contractual agreement. Also, such contract and recorded covenants, governing all land within the PRD District, shall provide for compliance with the regulations and provisions of the district and the site plan as approved.

g. PRDs are subject to the provisions of the underlying zoning district and other pertinent sections of the TMC, unless specifically addressed in this section or through the conditions of the PRD decision or site approval.

h. The development of the property in the manner proposed will not be detrimental to the public welfare, will be in keeping with the general intent and spirit of the zoning regulations and Comprehensive Plan of the City of Tacoma, and will not impose an abnormal burden upon the public for improvements occasioned by the proposed development.

i. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities which are compatible with the properties adjacent to the proposed development.

j. The PRD District shall be located on property which has an acceptable relationship to major transportation facilities, and those facilities within the vicinity of the PRD District shall be adequate to carry the additional bicycle, pedestrian and vehicular traffic generated by the development.

k. A PRD District shall make provisions for existing and future streets, pathways and undeveloped areas adjacent to the development to allow for the proper and logical development of such areas.

l. Fire hydrants and facilities shall be provided in accordance with the standards of the National Board of Fire Underwriters.

m. All utilities, including storm drainage, within the PRD District shall be provided as set forth by the City of Tacoma.

n. Due consideration shall be given by the developer or subdivider to the allocation of suitable areas for schools, parks, playgrounds, and other necessary facilities to be dedicated for public use or purposes.

o. The initial stage of development shall be of sufficient size and dimension to produce the intended environment of a PRD District, and shall provide an equitable amount of open space, off-street parking, and other amenities commensurate with the zoning and density of said initial stage. The requirements of any subsequent stage may be determined in conjunction with the approved standards of all previous stages in order to determine its conformance to the overall requirements of this district.

p. All nonconforming uses within a PRD District shall be removed or provisions made for their removal prior to the issuance of a building permit.

q. There shall be adequate provisions to insure the perpetual maintenance of all non-dedicated accessways and all other areas used, or available for use, in common by the occupants of the PRD District.

**5. Urban design, sustainability and connectivity. The PRD site design shall demonstrate the following:**

a. Establishment of high quality and context-responsive Basic Neighborhood Patterns, including the following:

- (1) Street frontage characteristics.
- (2) Rhythm of development along the street.
- (3) Building orientation on the site and in relation to the street.
- (4) Front setback patterns.
- (5) Landscaping and trees.
- (6) Backyard patterns and topography.
- (7) Architectural features.

b. Pedestrian-friendly design. The proposal must provide direct and convenient pedestrian access from each dwelling to abutting sidewalks and public pathways, and must emphasize pedestrian connectivity and the high quality of the pedestrian experience within the site and in the abutting public right-of-way. Transportation infrastructure within PRD Districts shall implement complete streets principles including emphasizing the pedestrian environment and providing for safe and comfortable bicycle travel.

c. De-emphasize parking. The proposal must meet the parking requirements of TMC 13.06.090.C in a manner that de-emphasizes parking in terms of its prominence on the site and its visibility from the public right-of-way.

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- d. Minimize scale contrasts and privacy impacts. The proposal must demonstrate that it will limit scale contrasts and privacy impacts on existing adjacent parcels and buildings to a reasonable extent.
- e. Create usable outdoor (or yard) spaces. The proposal must provide usable and functional outdoor or yard space that will be an amenity to its residents. These outdoor spaces shall be provided per the open space requirements of this section.
- f. Sustainable features. The proposal must provide documentation of the incorporation of both green building and site features as follows:
  - (1) Built Green 4 Stars or LEED Gold Certified rating for Building Design and Construction; and,
  - (2) Greenroads Bronze, or equivalent best available or practicable certification, if full new roadway sections are constructed.
- g. Connectivity. Proposed PRD Districts shall connect with and continue the abutting street network, to provide for a continuous connection with the neighborhood pedestrian, bicycle and vehicular pathways, to the maximum extent feasible.
- h. The Historic Preservation Officer shall be consulted to assess potential adverse impacts to historically designated properties or properties eligible for historic designation. To mitigate or avoid adverse impacts, conditions recommended by the Historic Preservation Officer may include:
  - (1) Designation of the historically significant property to the Tacoma Register of Historic Places.
  - (2) Avoidance of the historically significant property or minimizing exterior changes to the property.
  - (3) Documentation and architectural salvage of the historically significant property, if demolition cannot be avoided.
- i. Not more than one-third of the gross area of the site shall have a finished grade exceeding 20 percent, consist of bodies of water, or consist of tidelands, unless otherwise permitted by the decision.

### 6. Internal circulation and accessways.

- a. The internal circulation system within the PRD District shall be designed and constructed to insure the safety and convenience of pedestrian, bicycle and vehicular traffic by providing proper horizontal and vertical alignments, widths, physical improvements, parking provisions (on- and/or off-street), pedestrian facilities, sight distances, necessary traffic control regulations and signs, and necessary directional and identification signs.
- b. Placement and maintenance of traffic, directional, and identification signs for private vehicular accessways shall be the responsibility of the developer.
- c. Preliminary plats within PRD Districts shall connect with and continue the abutting street network, to provide for a continuous connection with the neighborhood pedestrian, bicycle and vehicular pathways, unless specifically exempted by the City Engineer.
- d. Transportation infrastructure within PRD Districts shall be designed to complete streets principles including emphasizing the pedestrian environment and providing for safe and comfortable bicycle travel.
- e. The grades and alignments and other construction details for all vehicular accessways and utilities, both public and private, shall be established and approval granted by the City of Tacoma prior to commencement of any construction within the area for which site approval was granted.
- f. Subject to width variations, all vehicular accessways within the PRD District, both public and private, shall be constructed and improved to meet or exceed minimum City of Tacoma standards; except that all public and private vehicular accessways shall be paved with a hard surface with necessary base preparations, in accordance with City of Tacoma standards.
- g. The developer shall guarantee, to the satisfaction of the Building Official, the improvement of all streets and accessways, both public and private, to minimum City of Tacoma standards prior to the occupancy of any dwelling units served by such streets and accessways.
- h. The internal circulation within the PRD District shall permit vehicular access to each building for fire protection and such other purposes as may be necessary.

### 7. District use restrictions.



A building, structure, or land, and a building or structure hereafter built, altered, or enlarged, shall be used for only the following permitted uses:

- a. The uses of property permitted in the regular zoning district with which the PRD District is combined.
- b. Townhouses in all PRD Districts.
- c. Multi-family dwellings in R-3-PRD Districts.
- d. Indoor and outdoor recreational facilities and structures for the use of the residents of the PRD District.
- e. Day care centers with an enrollment of 50 or fewer children or adults.
- f. Special needs housing, in accordance with the provisions of Section 13.06.080.N.
- g. Limited non-residential uses in R-3-PRD and denser Districts. Such uses shall be small in size, internally oriented within the PRD District, serve the immediate neighborhood and are prohibited from producing noise, traffic, or signage impacts incompatible with the surrounding area. Such uses shall otherwise meet the pertinent requirements of the TMC with the exception that parking requirements may be reduced or eliminated to reflect the intent of serving the immediate neighborhood. Potential examples include small cafes, live-work spaces, artist lofts, and small offices.

8. Height regulations.

The height of buildings, structures, or portions thereof, shall be the same as the residential district with which the PRD District is combined.

9. District development standards.

a. Setback regulations.

- (1) A minimum 20-foot building setback shall be maintained from the district property line on the perimeter of the PRD District. Setbacks from dedicated arterial streets within the PRD District shall be maintained in accordance with the requirements of the residential district with which it is combined.
- (2) The distance separating buildings, exclusive of accessory buildings, shall be adequate to provide for fire safety, emergency access, maintenance and, where appropriate, pedestrian passage, except that a building on a platted lot may be attached to any building or buildings on any adjoining platted lot or lots. Accessory buildings shall not be permitted within required setback areas.
- (3) Building setbacks from the PRD District boundary, from dedicated streets adjacent to and within the PRD District, and from other buildings shall be increased by one-half foot for each one foot the height of such a building or structure exceeds 35 feet.

b. Site area. The minimum gross site area for a PRD District shall be one acre of net site area, not including abutting public rights-of-way.

c. Density.

- (1) PRD Base Density. The permitted density of dwelling units within a PRD District shall be approximately 1.25 times the densities permitted in the base district, as described below. Retirement home guest rooms and/or guest suites shall be construed as dwelling units for purposes of computing density:
- (2) Density bonuses
  - (a) An additional 0.50 times the underlying district density is permitted through the provision of affordable housing units pursuant to TMC 1.39.
  - (b) Once the density available for the provision of affordable housing units has been utilized, an additional 0.25 times the underlying district density is permitted through the provision of both of the following features:
    - Built Green Emerald Star or Living Building Challenge 3 Petals; and,
    - Greenroads Gold if new full roadway sections are constructed.
  - (c) The following table summarizes the number of dwelling units permitted in the underlying zoning districts, and the three tiers of density available through the provisions of the PRD section, provided in gross density (dwelling units per acre) of the site:

	<b>Underlying Zoning Density</b>	<b>Tier 1: PRD Base Density</b>	<b>Tier 2: PRD Affordable Housing</b>	<b>Tier 3: PRD Sustainability features</b>
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<b>R-1</b>	5.8	7	10	12
<b>R-2</b>	8.7	11	15	17.5
<b>R2-SRD</b>	8.7	11	15	17.5
<b>R-3</b>	14.5	18	25	29
<b>R-4-L</b>	29.0	36	51	58
<b>R-4</b>	43.6	55	76	87
<b>R-5</b>	58.1	73	102	116

These dwelling units may be any combination of residential land uses permitted in the PRD District.

d. Minimum dimensions. The minimum average width and depth of any PRD District shall not be less than 120 feet, except that the minimum average width and depth of an R-5-PRD District shall not be less than 200 feet.

e. Site coverage. Buildings and structures shall not occupy more than one-half of the area of the PRD District.

### 10. Common Open Space.

a. A minimum of fifteen percent of the site area of the PRD District shall be provided as common open space. For the purpose of this section, common open space shall be defined as land which is provided or maintained for the general enjoyment of the residents of the PRD District or the general public and not used for buildings, dedicated public rights-of-way, private access/road easements, driveways, traffic circulation and roads, private yards, required sidewalks, utility areas, storm water facilities (unless also developed as a recreational area), parking areas, or any kind of storage. Common open space includes, but is not limited to woodlands, open fields, streams, wetlands, other water bodies, habitat areas, steep slope areas, landscaped areas, parks, beaches, community gardens, courtyards, or recreation areas.

b. A minimum of one-half of this required common open space shall be devoted to recreation area for use by the residents of the PRD District or the general public. For the purpose of this section, recreation area includes, but is not limited to trails, athletic fields and courts, playgrounds, swimming pools, picnic areas or similar facilities. Such recreation area(s) shall be located in a central area of the district or spread throughout the district to provide convenient access to all residents. The recreation area(s) shall be of a size, topography and configuration so as to accommodate a variety of recreational functions for residents, with the overall intent of consolidating amenity areas to avoid fragmented areas of marginal utility. Said recreation areas shall not entirely consist of concrete or other hardscape.

c. Common open space areas shall be located and configured to protect mature trees, native vegetation and critical areas, provide for recreational opportunities, and create open space corridors, green belts and connections between existing or planned parks, trails or open space.

d. Such common open space shall be available for use or enjoyment by all of the residents of the PRD District or the general public. The common open space shall be dedicated, reserved or otherwise held in common by a proportional ownership interest shared among all of the property owners within the PRD, or alternatively, and only if acceptable to the receiving public agency, dedicated to the public.

e. Permanent provisions for the maintenance and management of open space, private trails, private parks and recreation areas, and other common areas shall also be provided. These provisions shall run with the land and be recorded.

### 11. Parking regulations.

a. Off-street parking space shall be provided in accordance with Section 13.06.090.C. Required off-street parking for dwellings shall not be located more than 100 feet from the dwelling or dwellings it is intended to serve unless otherwise permitted by the Hearing Examiner or the Director.

b. Required parking spaces shall be surfaced with a hard surface.

### 12. Modifications.

Modifications to existing PRDs shall be subject to further review and approval, in accordance with the criteria and standards contained in Section 13.05.130, including the additional provisions in subsection 13.05.130.F., and the expanded notice provisions in Sections 13.05.070.C.2 and 13.05.070.D.2.

**D. South Tacoma Groundwater Protection District (STGPD).<sup>1</sup>**

**1. Applicability.<sup>2</sup>**

- a. The mandates of this chapter shall apply to new and existing developments and facilities as defined herein.
- b. All property within the South Tacoma Groundwater Protection District, as defined in Section 13.01.090, shall comply with the requirements of this chapter, the zoning requirements of the South Tacoma Groundwater Protection District, and any additional requirements of the zoning district where the property is presently located or may be located in the future. In the event of conflict with other regulations, the provisions of this chapter shall control.

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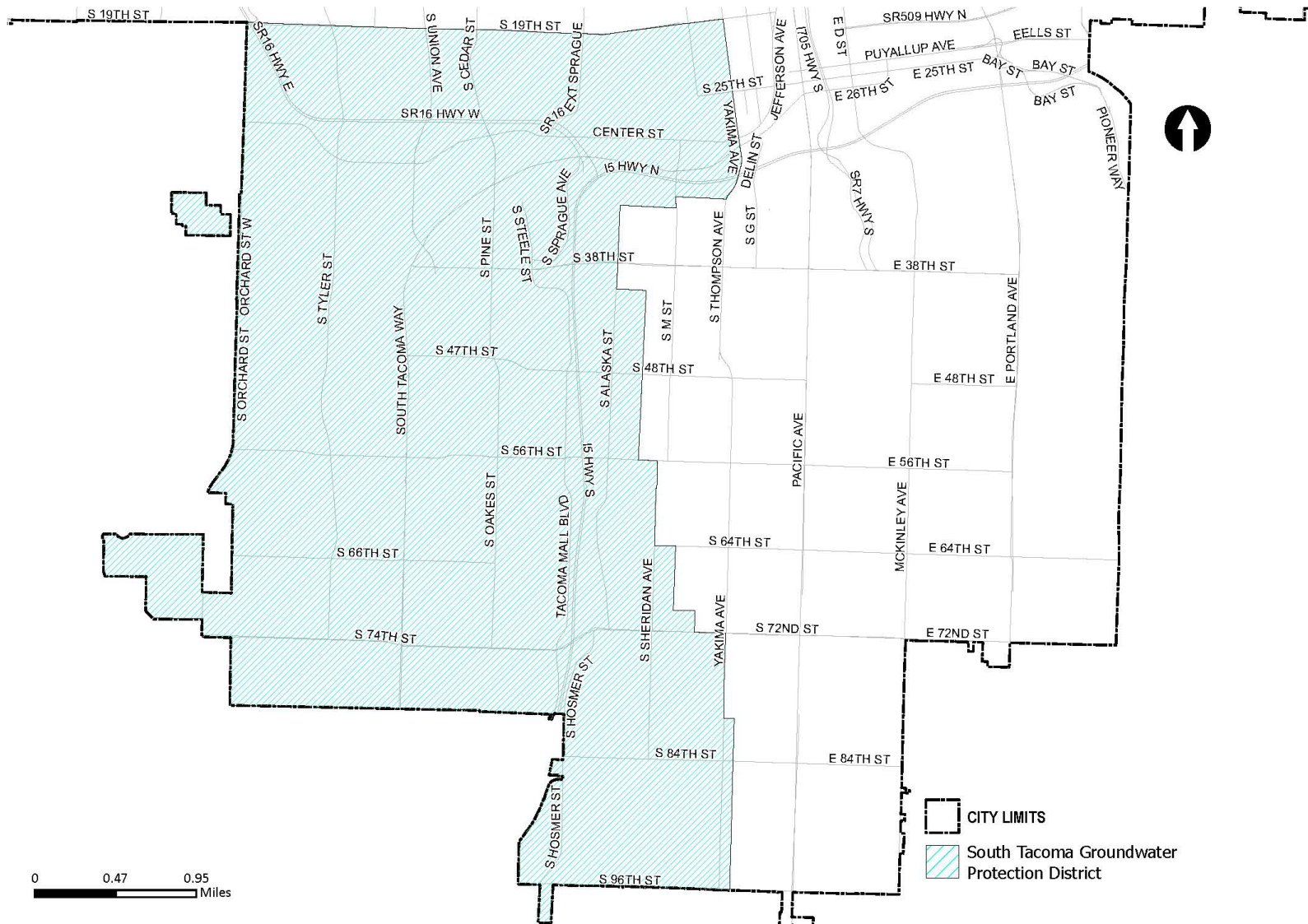
<sup>1</sup> Code Reviser's note: Previously codified as 13.09 (various Sections); relocated to 13.06.070 per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Previously codified as 13.09.030 (Scope and applicability); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

c. Map.

City of Tacoma | Planning and Development Services

**South Tacoma Groundwater Protection District (STGPD)**



Revised Date: 1/6/2023

## 2. Background, purpose, and intent.<sup>1</sup>

The South Tacoma groundwater aquifer system serves as a significant source of drinking water for the City of Tacoma. It may supply as much as 40 percent of the City's total water demand during periods of peak summer usage. For future growth, supplemental supply, and emergency response, this resource will continue to be extremely important to the City of Tacoma.

It has been found and determined that a major cause of historical groundwater contamination in the South Tacoma aquifer system is from accidental or improper release of hazardous substances from spillage, leaks, or discharges from local industry. Due to the large number of potential sources of toxic and hazardous substances within the area which recharges the aquifer system and the possibility of further contamination, the City of Tacoma found that it was necessary and in the public interest to establish the South Tacoma Groundwater Protection District in 1988.

The South Tacoma Groundwater Protection District is an overlay zoning and land use control district specifically designed to prevent the degradation of groundwater in the South Tacoma aquifer system by controlling the handling, storage and disposal of hazardous substances by businesses. The overlay zoning district imposes additional restrictions on high impact land use development in order to protect public health and safety by preserving and maintaining the existing groundwater supply for current and potential users and to protect the City of Tacoma from costs which might be incurred if unsuitable high impact land uses were to reduce either the quality or quantity of this important public water supply source.

It is the intent of this chapter to establish orderly procedures that reduce the risks to public health and safety and to the existing groundwater supply. These procedures shall ensure that within the South Tacoma Groundwater Protection District, properties that have stormwater infiltration facilities and properties that store hazardous substances meet appropriate performance standards, and those properties are properly maintained, inspected, and tested when necessary.

## 3. Declaration of policy.<sup>2</sup>

In order for the City of Tacoma to maintain its groundwater resources within the South Tacoma Groundwater Protection District as near as reasonably possible to their natural condition of purity, it is the policy of the City of Tacoma to establish strict performance standards which will reduce or eliminate threats to this resource from improper handling, storage, and disposal of hazardous substances by businesses. The City of Tacoma shall require use of all practical methods and procedures for protecting groundwater, while encouraging appropriate commercial and industrial uses to locate and conduct business within the South Tacoma Groundwater Protection District. The Tacoma-Pierce County Health Department ("TPCHD") will be responsible for implementing the South Tacoma Groundwater Protection District regulations established in TMC 13.06.070. The Tacoma-Pierce County Board of Health may adopt regulations consistent with this section. It is recommended that the TPCHD work cooperatively through education with owners and operators of regulated facilities to voluntarily reach compliance before initiating penalties or other enforcement action.

## 4. General provisions.<sup>3</sup>

### a. District Designated (Location).

For the purposes of this chapter and to carry out these regulations, the boundaries of the South Tacoma Groundwater Protection District are delineated on a map, and accompanying legal description as now or hereafter updated and supplemented, which are made part hereof by this reference. Planning and Development Services shall maintain this map. Note: Copies of the map are available from Planning and Development Services. The boundaries of the South Tacoma Groundwater Protection District will be reviewed by the Department and the City of Tacoma not less frequently than every ten years to account for best available science, development, and zoning changes. The physical boundaries of the South Tacoma Groundwater Protection District are more particularly described in the General Guidance and Performance Standards.

### b. District Designated (Environmentally Sensitive Area).

Pursuant to Ecology's Chapter 197-11-908 WAC and TMC Section 13.12.908 of this title as may be amended from time to time, the area described above is hereby designated as an environmentally (geohydrologically) sensitive area.

<sup>1</sup> Code Reviser's note: Previously codified as 13.09.010 (Background, purpose, and intent); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

<sup>2</sup> Code Reviser's note: Previously codified as 13.09.020 (Declaration of policy); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

<sup>3</sup> Code Reviser's note: Previously codified as 13.09.050 (General provisions); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27568 § 2 and Ex. A; passed Dec. 19, 2006; Ord. 25473 § 1; passed Apr. 12, 1994; Ord. 25425 § 4; passed Jan. 11, 1994; Ord. 25298; passed May 4, 1993; Ord. 25225 § 4; passed Dec. 15, 1992; Ord. 25024 § 4; passed Dec. 10, 1991; Ord. 24807 § 4; passed Dec. 18, 1990; Ord. 24083 § 1; passed May 10, 1988.

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### c. Development and Adoption of Technical Standards.

The TPCHD shall hereafter maintain a document entitled “General Guidance and Performance Standards for the South Tacoma Groundwater Protection District” (hereinafter referred to as the “General Guidance and Performance Standards”). These standards shall prescribe the minimum acceptable best management practices and design solutions which are consistent with the requirements of this chapter. This document, to the extent that it assists in meeting the purposes and intent of this chapter and the Critical Areas Preservation Ordinance, is incorporated herein as though fully set forth. This document is available from the TPCHD. Periodically, the TPCHD shall review these standards to assure that improvements in technology are considered and that the standards are consistent with this chapter.

### d. Permits.

Applications for permits shall be filed with the TPCHD. Application forms shall contain information prescribed by the TPCHD.

### e. Fees.

At the time of filing such application, the applicant shall pay a fee in an amount sufficient to pay the costs of issuing the permits and conducting an initial and one follow-up inspection under this chapter. Fees for permits, permit renewals, and other services rendered under this program shall be included in the Department’s fee schedule, as approved annually by the Tacoma-Pierce County Board of Health. The approved fee schedule is available from the Department.

### f. Cost Recovery.

In the event that violations of this chapter require the Director to spend more time (including but not limited to repeat inspections, spill response, remedial action plan review, or other enforcement actions) at a regulated facility than anticipated in the permit fee, permit renewal fee, or other properly established fee, the TPCHD may bill such additional time to the regulated facility at an hourly rate approved annually by the Tacoma-Pierce County Board of Health. Such a bill shall be accompanied by a detailed description of the time and activities for which the regulated facility is being billed. Failure to pay cost-recovery bills shall be considered a violation of this chapter.

## 5. Prohibited uses.<sup>1</sup>

a. The following “high-impact” uses of land shall hereafter be prohibited from locating within the boundaries of the South Tacoma Groundwater Protection District. Exceptions will be considered by Planning and Development Services, in consultation with the TPCHD, only upon conclusive demonstration that the high-impact use will result in no greater threat to the groundwater resource than that posed by a compliant nonprohibited use.

- (1) Chemical manufacture and reprocessing.
- (2) Creosote/asphalt manufacture or treatment.
- (3) Electroplating activities.
- (4) Manufacture of Class 1A or 1B flammable liquids as defined in the Fire Code.
- (5) Petroleum and petroleum products refinery, including reprocessing.
- (6) Wood products preserving.
- (7) Hazardous waste treatment, storage, or disposal facilities. (“Designated Facility” per Ecology’s Chapter 173-303 WAC et seq.).

b. The Director of Planning and Development Services, or designee, shall consult the North American Industry Classification System (“NAICS”) Manual for assistance in reviewing and making use interpretations pursuant to this subsection.

c. The above high impact uses should be periodically revised, updated, and amended, as appropriate, by Planning and Development Services or its successor agency in consultation with the TPCHD in order to take into account other potential high impact uses or improvements in technology, pollution control, and management.

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<sup>1</sup> Code Reviser’s note: Previously codified as 13.09.060 (Prohibited uses); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. A; passed May 15, 2018; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 26934 § 17; passed Mar 5, 2002; Ord. 24083 § 1; passed May 10, 1988.

d. Permanent or temporary storage of hazardous substances on sites with pervious surfaces, the disposal of hazardous substances, and the disposal of solid waste is prohibited, unless such discharge or disposal is specifically in accordance with a valid discharge permit, is approved for discharge into the City's municipal wastewater system pursuant to Chapter 12.08 of the Tacoma Municipal Code as may be amended from time to time or is conducted in compliance with the requirements of a solid waste handling permit issued by the TPCHD.

6. Stormwater infiltration.<sup>1</sup>

a. Stormwater from pollution-generating surfaces may be allowed to infiltrate under specific circumstances and may be subject to additional treatment and monitoring requirements as described in City Policy ESD17-1, "South Tacoma Groundwater Protection District Infiltration Policy," dated January 9, 2017, or as hereafter amended from time to time. If a property owner proposes to infiltrate and in the opinion of the City of Tacoma Environmental Services, or its successor agency, infiltration would be an appropriate and reasonable stormwater management technique for the site, then Environmental Services, with concurrence of the TPCHD, may approve the stormwater management system subject to construction permit review and approval of a design by a licensed professional engineer.

b. If approved, additional and/or more restrictive design criteria, treatment, monitoring, and permitting requirements may be imposed upon the facilities. A Covenant and Easement Agreement to allow for periodic inspection and/or sampling of a regulated facility will be required for private facilities. Sampling may be performed by Environmental Services, Tacoma Public Utilities, or the TPCHD. The Covenant and Easement Agreement shall be recorded to the property title.

c. Facilities with onsite stormwater infiltration facilities will be regulated facilities within the South Tacoma Groundwater Protection District. Such regulated facilities will be permitted and receive inspections by the TPCHD, Environmental Services, or Tacoma Public Utilities to verify maintenance of the facility, business practices, or other requirements outlined in the General Guidance and Performance Standards.

d. Existing stormwater infiltration facilities installed before December 31, 2006, shall be exempt from the requirements of this section, except that a change of use or change of ownership shall trigger review and additional requirements, as appropriate.

e. If ownership or site operations change at a facility with a stormwater infiltration facility, the new operations shall be reviewed by Environmental Services and the TPCHD, or their successor agencies, to ensure continued use of the stormwater infiltration facility does not present a risk to groundwater quality. If continued use of the stormwater infiltration facility is not acceptable under the new operations, a new private stormwater management system and/or public storm system extension and connection may be required to be designed and constructed pursuant to the City of Tacoma Stormwater Management Manual to permit new operations on the site.

7. Permits – Construction, modification, operation, change in use.<sup>2</sup>

a. It is a violation of this chapter for any person to construct, install, substantially modify, or change the use of a facility or regulated facility as defined herein, or part thereof, without a valid permit or authorization issued by or acceptable to the TPCHD. A permit issued for a facility will include appropriate conditions and limitations as may be deemed necessary to implement the requirements of this chapter.

b. It is a violation of this chapter for any person to use, cause to be used, maintain, fill, or cause to be filled any facility with a hazardous substance without having registered the facility on forms provided by the TPCHD and without having obtained or maintaining a valid permit issued by the TPCHD to operate such facility or part thereof.

c. No permit or authorization to operate a regulated facility as required herein shall be issued by the TPCHD or shall be satisfactory to the TPCHD unless and until the prospective permittee, at a minimum:

(1) Provides a listing to the TPCHD of all of the hazardous substances and amounts to be stored, used, or handled at the facility; and

(2) Demonstrates that the facility complies with all the provisions of this chapter and the standards set forth in the General Guidance and Performance Standards.

<sup>1</sup> Code Reviser's note: Previously codified as 13.09.070 (Stormwater Infiltration); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

<sup>2</sup> Code Reviser's note: Previously codified as 13.09.080 (Permits - Construction, modification, operation, change in use); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

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d. It is a violation of this chapter for any person in possession of or acting pursuant to a permit or authorization issued to allow or cause another person to act, in any matter contrary to any provision of said permit or authorization.

### 8. Exemptions.<sup>1</sup>

The following facilities shall be exempt from all provisions of this chapter:

- a. Any handling, storing, disposing, or generating of 220 pounds (100 kilograms) or less of a hazardous substance per month or batch unless specifically ruled otherwise by the TPCHD on a case-by-case basis.
- b. Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for non-commercial purposes.
- c. Existing on-site tanks of 1,100 gallons or less capacity which store heating oil, motor diesel, or new (non-waste) lubricating oils, subject to documentation that the tank meets the integrity standards contained in the General Guidance and Performance Standards or established by Underwriters Laboratories or another nationally-recognized independent testing organization.
- d. Gasoline or diesel tanks attached to private or commercial motor vehicles and used directly in the propulsion of that vehicle, including tank trucks in transit.
- e. All petroleum underground or aboveground storage tanks and/or other containers of 660 gallons or less capacity per tank, or 1,100 gallons total, which are privately stored and intended for personal use.
- f. A pipeline facility (including gathering lines) regulated under: (1) the Natural Gas Pipeline Safety Act of 1968 reauthorized in 1996 as the Accountable Pipeline Safety and Partnership Act as may be amended from time to time, or (2) the Hazardous Liquid Pipeline Safety Act of 1979 as may be amended from time to time; or which is an interstate pipeline facility regulated under State laws comparable to the provisions of law referred to in (1) and (2) above.
- g. The City's municipal sewer system, in accordance with Chapter 12.08 of Tacoma Municipal Code as may be amended from time to time.
- h. Any municipal solid waste landfill or other regulated solid waste handling activities, when permitted and operated in compliance with Chapter 173- 351 WAC et seq. or 173-350 WAC et seq. as adopted locally by the Tacoma-Pierce County Health Department Board of Health, and as may be amended from time to time.
- i. The application of fertilizer, plant growth retardants and pesticides in accordance with label directions and requirements of the Washington State Department of Agriculture.
- j. A retail business use, as defined in Section 13.01.090.R, unless otherwise included as a regulated facility.
- k. Any small quantity of hazardous substance intended solely for personal use, unless specifically ruled otherwise by the TPCHD on a case-by-case basis, in accordance with the General Guidance and Performance Standards.

### 9. Hazardous substance storage and management.<sup>2</sup>

Owners and operators of regulated facilities shall as applicable:

- a. Store hazardous substances in a container that is in good condition.
- b. Label containers in a manner that adequately identifies the major risk(s) associated with the contents of the containers. Labels shall not be obscured, removed, or otherwise unreadable.
- c. Remove or destroy labels from empty containers that will no longer be used for hazardous substance storage and label containers as "Empty" or otherwise provide clear indication acceptable to the TPCHD that the containers are not useable.
- d. Use a container made of, or lined with, materials that will not react with, and are otherwise compatible with, the hazardous substance being stored.
- e. Always have containers closed except when it is necessary to add or remove hazardous substances.

<sup>1</sup> Code Reviser's note: Previously codified as 13.09.090 (Exemptions); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

<sup>2</sup> Code Reviser's note: Previously codified as 13.09.100 (Hazardous substance storage and management); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.



- f. Maintain a minimum 30-inch separation between rows of containers holding hazardous substances and ensure that a row of drums is no more than two drums deep.
- g. Provide and maintain containment systems for container storage areas that are capable of collecting and holding spills and leaks with sufficient capacity to contain 10 percent of the volume of all containers, or 100 percent of the volume of the largest container, whichever is greater.
- h. Store all hazardous substance containers in a covered area where they will not be degraded by the weather or exposed to stormwater.
- i. At closure of the facility, all hazardous substances and residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with hazardous substances or residues must be decontaminated or removed to the satisfaction of the TPCHD.
- j. Ensure that business practices and stormwater infiltration facility maintenance minimizes potential releases of hazardous substances to the environment.
- k. The TPCHD may require additional storage and management requirements on a case-by-case basis as deemed necessary to reduce risks to public health and safety and to the existing groundwater supply.

10. Underground storage tanks.<sup>1</sup>

a. New Underground Storage Tanks.

- (1) All new underground storage tanks used, or to be used, for the underground storage of hazardous substances shall be designed and constructed so as to:
  - (a) Prevent releases due to corrosion or structural failure for the operational life of the tank;
  - (b) Be cathodically protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed in a manner to prevent the release, or threatened release, of any stored substance; and
  - (c) Use material in the construction or lining of the tank which is compatible with the substance to be stored.
- (2) Design, construction, installation, repair, monitoring, release detection, corrosion, and compatibility standards for new underground storage tanks, including piping, shall be in accordance with the requirements and standards set forth in the General Guidance and Performance Standards and the rules of the Department of Ecology's 173-360 WAC as may be amended from time to time, whichever is more stringent; and shall further comply with all applicable permit requirements of the Tacoma Fire Department.
- (3) All new underground storage tanks must use release detection method(s) specified in the General Guidance and Performance Standards.

b. Existing Underground Storage Tanks.

All existing underground storage tanks must comply with the release detection requirements, including the compliance schedule, in the General Guidance and Performance Standards.

c. Underground Storage Tank Closures.

- (1) No person shall abandon or close an underground storage tank, temporarily or otherwise, except as provided in this subsection and in compliance with the General Guidance and Performance Standards and the TPCHD's UST regulation (BOH Resolution 88-1056, as may be amended from time to time).
- (2) An underground storage tank that is temporarily closed, but that the operator intends to return to use within one year, shall continue to be subject to all the permit, corrosion protection, and release detection requirements of this chapter and those established pursuant to the General Guidance and Performance Standards. If the underground storage tank is out of service for more than one year TPCHD, in consultation with the regulated facility owner or operator, will determine whether to implement final closure of the tank or grant an additional one-year period of temporary closure. The TPCHD will not allow an underground storage tank at a regulated facility to exist in a temporary closure state for a period greater than two years.
- (3) No person shall close an underground storage tank unless the person undertakes all of the following actions:

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<sup>1</sup> Code Reviser's note: Previously codified as 13.09.110 (Underground storage tanks); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

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- (a) Notifies the TPCHD and other appropriate agencies at least 60 days in advance of any closing and obtains the proper authorization or permit according to the Board of Health Resolution 88-1056, as may be amended from time to time.
- (b) Demonstrates to the TPCHD that all residual amounts of the hazardous substance which were stored in the tank prior to its closure have been removed and properly disposed.
- (c) Permanently removes the tank unless the tank is located under a permanent building and cannot be removed without removing the building.

### 11. Aboveground storage tanks.<sup>1</sup>

#### a. New Aboveground Storage Tanks.

- (1) All new aboveground storage tanks shall be fabricated, constructed, installed, used, and maintained to prevent the release of a hazardous substance to the ground, groundwaters, and surface waters of the South Tacoma Groundwater Protection District.
- (2) All new aboveground storage tanks shall be installed, used, and maintained with an impervious containment area enclosing or underlying the tank or part thereof, conforming to the requirements set forth in the General Guidance and Performance Standards.

#### b. Existing Aboveground Storage Tanks.

- (1) It shall be a violation of this chapter to substantially modify or cause the substantial modification of any existing aboveground storage facility or part thereof without obtaining a permit or authorization from the TPCHD and the Fire Department and without complying with the provisions of this section and the General Guidance and Performance Standards.
- (2) Inspections, release detection, and corrective action requirements for aboveground storage tanks shall be followed as set forth in this chapter and the General Guidance and Performance Standards.

#### c. Aboveground Storage Tank Closures.

- (1) No person shall abandon or close an aboveground storage tank, temporarily or otherwise, except as provided in this section and in compliance with the General Guidance and Performance Standards.
- (2) No person shall close an aboveground storage tank unless the person demonstrates to the TPCHD that all residual amounts of the hazardous substance that were stored in the tank prior to its closure have been removed and properly disposed.

### 12. Inspections and testing.<sup>2</sup>

a. Any owner or operator of a regulated facility shall, upon request of any representative of the TPCHD, the Environmental Services Department, or the Tax and License Division of the Finance Department, or their successor agencies whose duties entail enforcing the provisions of this chapter, furnish information relating to the regulated facility, conduct monitoring or testing, and permit such representative to have access to and to copy all records relating to the hazardous substances or stormwater infiltration facility at all reasonable times. For the purpose of implementing this chapter including determining whether a facility is a regulated facility, representatives of the above-referenced departments are hereby authorized to:

- (1) Enter at reasonable times any property, regulated facility, establishment or other place where tank(s) or hazardous substances in regulated quantities, or stormwater infiltration facilities are located;
- (2) Inspect and obtain samples of any known or suspected hazardous substances at the facility; and
- (3) Conduct monitoring or testing of the tanks and/or hazardous substances containers, associated equipment, contents, or surrounding soils, air, surface water, stormwater or groundwater.

b. During inspections the TPCHD will, to the degree practical, provide education and technical assistance and work cooperatively to help the regulated facility's owner or operator achieve voluntary compliance before initiating enforcement action, imposing penalties, or seeking other remedies.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.09.120 (Aboveground storage tanks); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

<sup>2</sup> Code Reviser's note: Previously codified as 13.09.130 (Inspections and testing); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

c. Each inspection shall be commenced and completed with reasonable promptness. If the above-referenced department representative obtains any samples prior to leaving the premises, they shall give to the owner or operator a receipt describing the sample(s) obtained and, if requested, a portion of each sample equal in volume or weight to the portion retained. If any analysis is made of the sample(s), a copy of the results of the analysis shall be furnished promptly to the owner or operator. Copies of TPCHD inspection forms and reports will be provided to the regulated facility owner or operator upon request.

d. In addition to, or instead of, the inspections specified in subsection a. above, the TPCHD may require the owner or operator of an underground storage tank or aboveground storage tank to employ, periodically, a service provider certified by the International Code Council to conduct an audit or assessment of the tank(s) to determine whether the facility complies with the design and construction standards of subsection 13.06.070.D.10 (Underground Storage Tanks) and 13.06.070.D.11 (Aboveground Storage Tanks), whether the owner or operator has monitored and tested the tank required by his permit, and whether the tank is in a safe operating condition. The inspector shall prepare an inspection report with recommendations concerning the safe storage of hazardous substances at the regulated facility. The report shall contain recommendations consistent with the provisions of this chapter where appropriate. A copy of the report shall be filed with the TPCHD at the same time the inspector submits the report to the owner or operator of the regulated facility. The owner or operator shall file with the TPCHD a plan to implement all recommendations contained in the report, along with any additional requirements imposed by the TPCHD within 30 days after receiving the report or within 30 days of receiving additional requirements imposed by the TPCHD, whichever is later. Alternatively, the owner or operator may demonstrate within the same period, to the satisfaction of the TPCHD, why one or more of these recommendations should not be implemented.

### 13. Spill prevention and management.<sup>1</sup>

#### a. General guidance and performance standards.

Owners and operators of regulated facilities including businesses, wholesale distributors, processors, and manufacturers must adopt and comply with appropriate spill or leak prevention and management practices in accordance with the General Guidance and Performance Standards. Regulated facilities will be evaluated by the TPCHD during initial and subsequent inspections (not less frequently than biennially) in response to spills or releases to the environment, or as a result of substantial modification or changes in operation to determine if additional requirements are necessary to comply with appropriate spill prevention and management standards.

#### b. Spill Prevention Requirements.

Owners and operators of regulated facilities must prepare and follow a schedule for the following activities as set forth in the General Guidance and Performance Standards:

##### (1) Facility Inspection

- (a) Loading, unloading, and transfer areas
- (b) Container storage, handling, and integrity
- (c) Container labeling
- (d) Secondary containment
- (e) Bulk storage

##### (2) Employee training

##### (3) Recordkeeping and hazardous substances inventory

#### c. Spill Management Requirements.

Before obtaining a South Tacoma Groundwater Protection District permit, owners and operators of regulated facilities must prepare and submit a written spill management plan, which explains the procedures that will be followed in response to an unexpected release of hazardous substances. The spill management plan must contain facility and site specific information, an inventory or description of spill response equipment, and response procedures, all in accordance with the General Guidance and Performance Standards.

<sup>1</sup> Code Reviser's note: Previously codified as 13.09.140 (Spill prevention and management); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

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### 14. Release reporting, investigation, corrective actions.<sup>1</sup>

#### a. Release Reporting.

The owners and operators of a regulated facility shall report within 24 hours, unless otherwise indicated:

(1) All belowground releases of a hazardous substance in any quantity, including:

- (a) Testing, sampling, or monitoring results from a release detection method that indicates a release may have occurred.
- (b) Unusual operating conditions, such as the erratic behavior of product-dispensing equipment, the sudden loss of product from the underground storage tank, an unexplained presence of water in the tank, or the physical presence of the hazardous substance or an unusual level of vapors on the site that are of unknown origin.
- (c) Impacts in the surrounding area, such as evidence of hazardous substances or resulting vapors in soils, basements, sewer and utility lines, and nearby surface water.
- (d) Other conditions as may be established by the TPCHD and incorporated into the General Guidance and Performance Standards.

The TPCHD, in administering and enforcing this section, may, if appropriate, take into account types, classes, and ages of underground storage tank(s). In making such distinctions, the TPCHD may take into consideration factors including, but not limited to: location of the tank(s), soil conditions, use of the tank(s), history of maintenance, age of the tank(s), current industry-recommended practices, hydrogeology, water table, size of the tank(s), quantity of hazardous substance periodically deposited in or dispensed from the regulated facility, the technical capability of the owners and operators, the compatibility of the hazardous substance, and the materials of which the tank(s) is fabricated.

- (2) All above-ground releases of petroleum to land in excess of 25 gallons, or less than 25 gallons if the release reaches a pervious surface or drain or the owners and operators are unable to contain or clean up the release within 24 hours.
- (3) All above-ground releases which result in a sheen on the surface water or stormwater.
- (4) All above-ground releases to land or surface waters of hazardous substances other than petroleum in excess of the reportable quantity established under 40 CFR 302 as may be amended from time to time for the released substance shall be reported immediately.
- (5) Any known or suspected discharge of hazardous substance to a stormwater infiltration facility.
- (6) The owners or operators shall provide, within 30 days, any additional information on corrective action as may be required by the TPCHD and referenced in the General Guidance and Performance Standards.

#### b. Investigation and Confirmation.

Unless corrective action is initiated by the owner or operator or is otherwise directed by the TPCHD, all suspected releases requiring reporting, as set forth above, must be immediately investigated by the owner or operator using an appropriate procedure as set forth by the TPCHD in accordance with the General Guidance and Performance Standards. Such procedures may include, but shall not be limited to, the following:

- (1) A site-specific investigation of surrounding soils, groundwater, wastewater, sewer and other utility lines and structures, and nearby surface water.
- (2) An investigation of the secondary containment area, if applicable.
- (3) Testing of the tank(s) and piping for tightness or structural soundness.

Confirmation of a release by one of these methods will require the owner and operator to comply with the requirements for corrective action as set forth below.

#### c. Corrective Action.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.09.150 (Release reporting, investigation, corrective action); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

All owners or operators of a regulated facility shall, in response to a suspected or confirmed release, comply with the directives and requirements of the TPCHD in accordance with the General Guidance and Performance Standards.

d. A report to the TPCHD shall not be deemed compliance with any reporting requirements of any federal or state law.

15. Recordkeeping.<sup>1</sup>

a. A regulated facility must maintain written records of the following:

(1) Hazardous Waste Disposal Records. Hazardous waste disposal records documenting proper disposal must be retained for at least five years from the date the waste was accepted by the transporter. Records may include but are not limited to manifests, bills of lading, and receipts. (Note: The TPCHD encourages businesses to retain hazardous waste disposal or recycling records indefinitely.)

(2) Release Detection Method Records. Records documenting the equipment manufacturer or installer's leak detection devices performance must be retained for a period of no less than five years. All monitoring or sampling results must be maintained for at least one year. Tank tightness test results must be kept until the tank is tested again.

(3) Corrosion Protection System Records. Reporting periods for corrosion protection systems must be retained for a minimum of one year or as proposed by the Environmental Protection Agency pursuant to 40 CFR 280 as may be amended from time to time.

(4) Tank Repair Records. Records demonstrating that the tank was properly repaired and passed ultrasonic and vacuum tests must be retained until closure.

(5) Facility and Underground Storage Tank Closure Records. Records showing samples collected during the closure process must be kept for one year in the case of a temporary closure and three years in the case of a permanent closure.

(6) Stormwater Infiltration Facility Records. Operation and maintenance inspections by owner or stormwater management professionals.

b. Any other recordkeeping requirement that may be required by a permit issued pursuant to this chapter or as established in the General Guidance and Performance Standards.

(1) All records required by this subsection must be maintained:

(a) On-site and be immediately available for inspection; or

(b) At a readily available alternative site and be provided for inspection by the TPCHD within 24 hours; and

(c) Retained for no less than five years, unless otherwise specified.

c. All records and information are subject to public disclosure unless protected from disclosure by RCW 42.17.310 as may be amended from time to time, RCW 19.108 et seq., or other state or federal law.

d. Excavation operations within the boundaries of this district shall be subject to the permit requirements and standards contained in Section 3.06.040 or 2.02.480 of the City Code as considered appropriate.

16. Waivers.<sup>2</sup>

Any person may apply to the TPCHD for a waiver of any requirement imposed by this chapter or any regulation, standard, or ruling generated hereunder; provided, that the waiver request does not conflict with any other local, State, or Federal requirement. In determining whether a waiver is appropriate, the TPCHD shall require an applicant to demonstrate by clear and convincing evidence that, because of special circumstances, not generally applicable to other property or facilities, including size, shape, design, topography, location, or surroundings, the application of the standards of this chapter would be unnecessary to adequately protect the soil and groundwaters of the South Tacoma Groundwater Protection District from an unauthorized release, or that strict application would create practical difficulties not generally applicable to other facilities or properties, and that the proposed alternative method or process will still adequately protect the soil and groundwaters of the South Tacoma Groundwater Protection District.

<sup>1</sup> Code Reviser's note: Previously codified as 13.09.160 (Recordkeeping); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

<sup>2</sup> Code Reviser's note: Previously codified as 13.09.170 (Waivers); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

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### 17. Deferral.<sup>1</sup>

The TPCHD may, at its discretion, elect to defer enforcement of specific South Tacoma Groundwater Protection District requirements if other state, local, or federal regulations or permits provide an equivalent or superior level of environmental protection. Such deferrals shall be subject to periodic review by the TPCHD and may be revoked or modified upon a finding that an equivalent or superior level of environmental protection is no longer provided.

### 18. Enforcement Responsibility.<sup>2</sup>

a. It shall be the duty of the TPCHD Director to enforce and administer the provisions of this chapter, except that:

(1) It shall be the duty of the Director of the Environmental Services Department, or designee, to enforce the specific provisions of Section 13.06.070.D.6 of this chapter.

(2) It shall be the duty of the Tax and License Division of the Finance Department of the City or any successor department to suspend or revoke a business license when deemed necessary by the TPCHD and the Tax and License Division pursuant to Section 13.06.070.D.25.(b) of this chapter.

(3) It shall be the duty of the Legal Department of the City or any successor department to enforce the criminal penalties as set forth in Section 13.06.070.D.24 of this chapter.

### 19. Enforcement Process.<sup>3</sup>

a. Each violation requires a review of all relevant facts in order to determine the appropriate enforcement response. When enforcing the provisions of this Chapter the Director shall, as practical, seek to resolve violations without resorting to formal enforcement measures. When formal enforcement measures are necessary, the Director shall seek to resolve violations administratively prior to imposing civil penalties or seeking other remedies. The Director shall generally seek to gain compliance via civil penalties prior to pursuing criminal penalties. The Director will consider a variety of factors when determining the appropriate enforcement response, including but not limited to:

(1) severity, duration, and impact of the violation(s);

(2) compliance history, including any similar violations at the same facility or caused by the same operator;

(3) economic benefit gained by the violation(s);

(4) intent or negligence demonstrated by the person(s) responsible for the violation(s);

(5) responsiveness in correcting the violation(s); and,

(6) other circumstances, including any mitigating factors.

#### b. Voluntary Compliance.

The Director may pursue a reasonable attempt to secure voluntary compliance by contacting the owner or other person responsible for the violation, explaining the violation and requesting compliance. This contact may be in person or in writing or both.

#### c. Notice of Violation.

When the Director determines that a violation has occurred or is occurring the Director may issue a Notice of Violation to the person(s) responsible for the violation. A Notice of Violation may be issued without having attempted to secure Voluntary Compliance based upon an assessment of the factors listed in section 13.06.070.D.19.a above.

##### (1) Documentation of Violations.

A Notice of Violation shall: include a description of the regulated facility; document the nature of the violation(s); cite the particular section(s) or provision(s) of this Chapter or of the General Guidance and Performance Standards which has been violated; describe the required corrective action(s); specify a date or time

<sup>1</sup> Code Reviser's note: Previously codified as 13.09.180 (Deferral); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. A; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

<sup>2</sup> Code Reviser's note: Previously codified as 13.09.190 (Enforcement Responsibility); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

<sup>3</sup> Code Reviser's note: Previously codified as 13.09.200 (Enforcement Process); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27568 Ex. A; passed Dec. 19, 2006; Ord. 24083 § 1; passed May 10, 1988.

by which the violation(s) must be corrected; describe penalties and other remedies available pursuant to this chapter; and, describe applicable administrative review or appeal processes.

(2) Service of Notice of Violation.

(a) Whenever service is required or permitted to be made upon a person responsible for the violation represented by an attorney, the service shall be made upon the attorney unless otherwise ordered by the court. Service upon the attorney or upon a person responsible for the violation shall be made by delivering a copy to him or by mailing it to them at their last known address or, if no address is known, filing with the clerk of the court an affidavit of attempt to serve. Delivery of a copy within this Chapter means: handing it to the attorney or to the person responsible for the violation; or leaving it at their office with their clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein.

(b) If service is made by mail, the papers shall be deposited in the post office addressed to the person on whom they are being served, with the postage prepaid. The service shall be deemed complete upon the third day following the day upon which they are placed in the mail, unless the third day falls upon a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday or legal holiday, following the third day.

(c) Proof of service of all papers permitted to be mailed may be by written acknowledgement of service, by affidavit of the person who mailed the papers, or by certificate of an attorney. If by personal service or by posting, proof of service may be by written declaration, under penalty of perjury, executed by the person affecting the service, declaring the time and date of service and the manner in which the service was made. If by posting the written declaration shall include the facts showing that due diligence was used in attempting to serve the person(s) responsible for the violation personally or by mail.

20. Administrative Review.<sup>1</sup>

a. Any person to whom a Notice of Violation or civil penalty has been issued may request an administrative review of the Notice of Violation or civil penalty.

b. A request for an Administrative Review shall be filed with the TPCHD no later than 14 days following the date of the Notice of Violation or the first assessed civil penalty. The request shall be in writing and shall state the reasons the Director should review the Notice of Violation or issuance of the civil penalty. Failure to state a basis for the review shall be cause for dismissal of the review.

c. Following review of the information provided the Director shall determine whether a violation occurred. The Director may affirm, vacate, suspend, or modify the Notice of Violation or the amount of any monetary penalty assessed. The Director's written decision shall be delivered to the appellant by first-class mail and by certified mail, return-receipt requested.

21. Appeals.<sup>2</sup>

a. Procedures for appeals to the Tacoma-Pierce County Board of Health's Hearing Examiner from any ruling or decision of the TPCHD pursuant to this Chapter shall be taken in accordance with Tacoma-Pierce County Board of Health Resolution No. 2002-3411 as may be amended from time to time.

b. Procedures for appeals to the City of Tacoma Hearing Examiner from any ruling or decision by the Director of Planning and Development Services or the Tax and License Division shall be taken in accordance with Chapter 1.23 TMC as may be amended from time to time.

c. Criminal appeals may be taken in accordance with the law.

22. Penalties.<sup>3</sup>

Any person responsible for a violation shall be subject to civil and/or criminal (misdemeanor) penalties or additional enforcement procedures on each offense. Each day that a violation continues, or that a person responsible for a violation fails to comply with any of the provisions of this Chapter or refuses or neglects to obey any of the orders, rules or regulations issued by the TPCHD or the Tacoma-Pierce County Health Department Board of Health may be considered a

<sup>1</sup> Code Reviser's note: Previously codified as 13.09.210 (Administrative Review); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006.

<sup>2</sup> Code Reviser's note: Previously codified as 13.09.220 (Appeals); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27568 Ex. A; passed Dec. 19, 2006.

<sup>3</sup> Code Reviser's note: Previously codified as 13.09.230 (Penalties); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006.

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separate violation. Imposition of penalties or other enforcement action under this Chapter does not preclude other violations or penalties of law that may be available pursuant to various Federal and State statutes or other laws.

### 23. Civil Penalty.<sup>1</sup>

- a. Any person responsible for a violation may be assessed one or more civil penalties.
- b. Determination of civil penalty.

The person(s) responsible for a violation shall incur a monetary penalty for each violation as follows:

- (1) First day of each violation: \$250.00
- (2) Second day of each violation: \$500.00
- (3) Each additional day of each violation beyond two days: \$500 per day

- c. Collection of monetary penalties.

- (1) The monetary penalty constitutes a personal obligation of the person to whom a Notice of Violation is directed. Any monetary penalty assessed must be paid within 10 calendar days from the date of notice from the TPCHD that penalties are due.
- (2) The Director or designee is authorized to take appropriate action to collect the monetary penalty.

- d. Continued Duty to Correct.

Payment of a monetary penalty pursuant to this Chapter does not relieve the person(s) responsible for the violation of the duty to correct the violation(s).

### 24. Criminal Penalty – Misdemeanor.<sup>2</sup>

In addition to or as an alternative to the civil penalty provided herein or by law any person responsible for a violation may be guilty of a misdemeanor. Each violation may be prosecuted by the authorities of the city in the name of the people of the state of Washington or the city of Tacoma. The maximum misdemeanor penalty, upon conviction thereof, shall be punished by a fine in any sum not exceeding \$1,000.00, or by imprisonment in the Pierce County Jail for a term not exceeding 90 days, or by both such fine and imprisonment.

### 25. Other Remedies.<sup>3</sup>

The TPCHD reserves the right to pursue other remedies in order to reduce or eliminate threats to the groundwater resource from improper handling, storage, and disposal of hazardous substances by regulated businesses. Pursuit of other remedies shall generally be reserved for instances in which civil penalties have not been or are deemed unlikely to be effective. Other remedies include, but are not limited to:

- a. Utility Holds.

Pursuant to Chapter 12.10 TMC, the Director may request that water service to a regulated facility be discontinued.

- b. Revocation or suspension of City-issued licenses.

The Director may request suspension or revocation of City-issued licenses, including but not limited to the Business License issued by the Tax and License Division of the Finance Department or its successor department.

- c. Petition for revocation of permits or licenses issued by state or federal agencies.

The Director may petition state or federal permitting agencies to suspend or revoke permits or licenses held by persons responsible for violations or issued to regulated facilities.

## E. Historic Special Review Overlay District.<sup>4</sup>

### 1. Applicability.

<sup>1</sup> Code Reviser's note: Previously codified as 13.09.240 (Civil Penalty); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006.

<sup>2</sup> Code Reviser's note: Previously codified as 13.09.250 (Criminal Penalty - Misdemeanor); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27568 Ex. A; passed Dec. 19, 2006.

<sup>3</sup> Code Reviser's note: Previously codified as 13.09.260 (Other Remedies); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 27568 Ex. A; passed Dec. 19, 2006.

<sup>4</sup> Code Reviser's note: Previously codified as 13.07.020 (Landmarks and Historic Districts - Declaration of purpose and declaration of policy); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27772 § 4; passed Dec. 9, 2008; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005.





## Tacoma Municipal Code

### 2. Purpose.

The purpose of this subsection is to:

- a. Preserve and protect historic resources, including both designated City landmarks and historic resources which are eligible for state, local, or national listing;
- b. Establish and maintain an open and public process for the designation and maintenance of City landmarks and other historic resources which represent the history of architecture and culture of the City and the nation, and to apply historic preservation standards and guidelines to individual projects fairly and equitably;
- c. Promote economic development in the City through the adaptive reuse of historic buildings, structures, and districts;
- d. Conserve and enhance the physical and natural beauty of Tacoma through the development of policies that protect historically compatible settings for such buildings, places, and districts;
- e. Comply with the state Environmental Policy Act by preserving important historic, cultural, and natural aspects of our national heritage; and
- f. To promote preservation compatible practices related to cultural, economic and environmental sustainability, including: conservation of resources through retention and enhancement of existing building stock, reduction of impacts to the waste stream resulting from construction activities, promotion of energy conservation, stimulation of job growth in rehabilitation industries, and promotion of Heritage Tourism;
- g. To contribute to a healthy population by encouraging human scale development and preservation activities, including walkable neighborhoods; and
- h. Integrate the historic preservation goals of the state Growth Management Act and the goals and objectives set forth in the City's Comprehensive Plan and regulatory language.

### 3. District development standards.

- a. Refer to Tacoma Municipal Code Chapter 13.07 for standards and procedures.

## F. Joint Base Lewis McChord Airport Compatibility Overlay District (ACD).<sup>1</sup>

### 1. Applicability.

- a. The Overlay District applies to an approximately 200-acre area located in South Tacoma corresponding with the JBLM APZ II.
- b. Proposed zoning changes and Conditional Use Permit ("CUP") applications, or major modifications to previously approved rezones and CUPs, shall demonstrate consistency with the intent of the Joint Base Lewis McChord Airport Compatibility Overlay District (ACD). If approved, such applications shall be conditioned to record Notice on Title acknowledging the presence and restrictions of the Overlay District.
- c. For parcels located partially within the Overlay District, only that portion within the Overlay District shall be subject to these provisions.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.585 (Joint Base Lewis McChord Airport Compatibility Overlay District); relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28592 Ex. A; passed Jun. 25, 2019.

d. Map.

City of Tacoma | Planning and Development Services

**Joint Base Lewis McChord Airport Compatibility Overlay District (ACD)**



## Tacoma Municipal Code

### 2. Purpose.

The purpose of the Joint Base Lewis McChord (“JBLM”) Airport Compatibility Overlay District (“Overlay District”) is to increase safety within the JBLM Accident Potential Zone II (“APZ II”), specifically as follows:

- a. Prevent development conditions that could interfere with aircraft operations or increase the likelihood of an accident.
- b. Reduce risk to life and property in the incidence of a crash, through the following strategies.
  - (1) Limit increases in densities and congregations of people which are incompatible with the APZ II designation, which includes the density threshold goal of 50 people per acre maximum and strict limitation on any expansion of occupancy capacity of public assembly, including, but not limited to, assembly facilities, schools, religious assembly, theaters, carnivals, and cultural institutions.
  - (2) Prevent development that presents a higher risk in the incidence of a crash due to explosive or flammable characteristics.
- c. Implement the City’s policies calling for collaboration and compatibility with JBLM Airfield.
- d. Increase knowledge of aircraft accident risks in order to inform public and private decision-making.
- e. Recognize existing uses and avoid undue impacts to residents, property owners, businesses, and institutions.

### 3. District use restrictions.

- a. The land use standards of the underlying zoning districts apply within the Overlay District, except that the following land uses are prohibited.

PROHIBITED LAND USES WITHIN THE JBLM AIRPORT COMPATIBILITY OVERLAY DISTRICT
(1) Residential uses: The following residential uses are prohibited: <ul style="list-style-type: none"><li>• Special Needs Housing with more than six residents.</li><li>• Two-family, three-family, townhouse, group housing, multifamily, mobile home, student housing, mixed-use, or other development incorporating more than one dwelling unit.</li></ul>
(2) Non-residential uses: The following non-residential uses are prohibited: <ul style="list-style-type: none"><li>• Airports;</li><li>• Assembly facilities;</li><li>• Brewpubs;</li><li>• Carnivals;</li><li>• Commercial recreation and entertainment;</li><li>• Correctional facilities;</li><li>• Cultural institutions;</li><li>• Day care centers with more than 12 children;</li><li>• Detention facilities;</li><li>• Heliports;</li><li>• Hospitals;</li><li>• Hotels/motels;</li><li>• Industry, heavy;</li><li>• Parks, recreation and open space uses identified in TMC 13.06.080.L as requiring a Conditional Use Permit;</li></ul>

- Public assembly;
- Religious assembly;
- Schools; and
- (18) Theaters.

b. Existing residential uses.

Lawfully existing residential uses (at the time of Overlay District adoption) which do not meet the provisions of the Overlay District are permitted, and may be modified or expanded, provided there is no increase in the number of dwellings.

c. Existing non-residential uses.

(1) Non-residential lawfully existing uses (at the time of Overlay District adoption) which are prohibited under the Overlay District are Non-conforming, and subject to the following limitations:

(2) Minor modifications under TMC 13.05.130 are allowed to existing discretionary land uses; however, major modifications must come into compliance with the Overlay District for approval.

4. District development standards.

a. The following characteristics, when proposed as part of any development, are not allowed in the Overlay District:

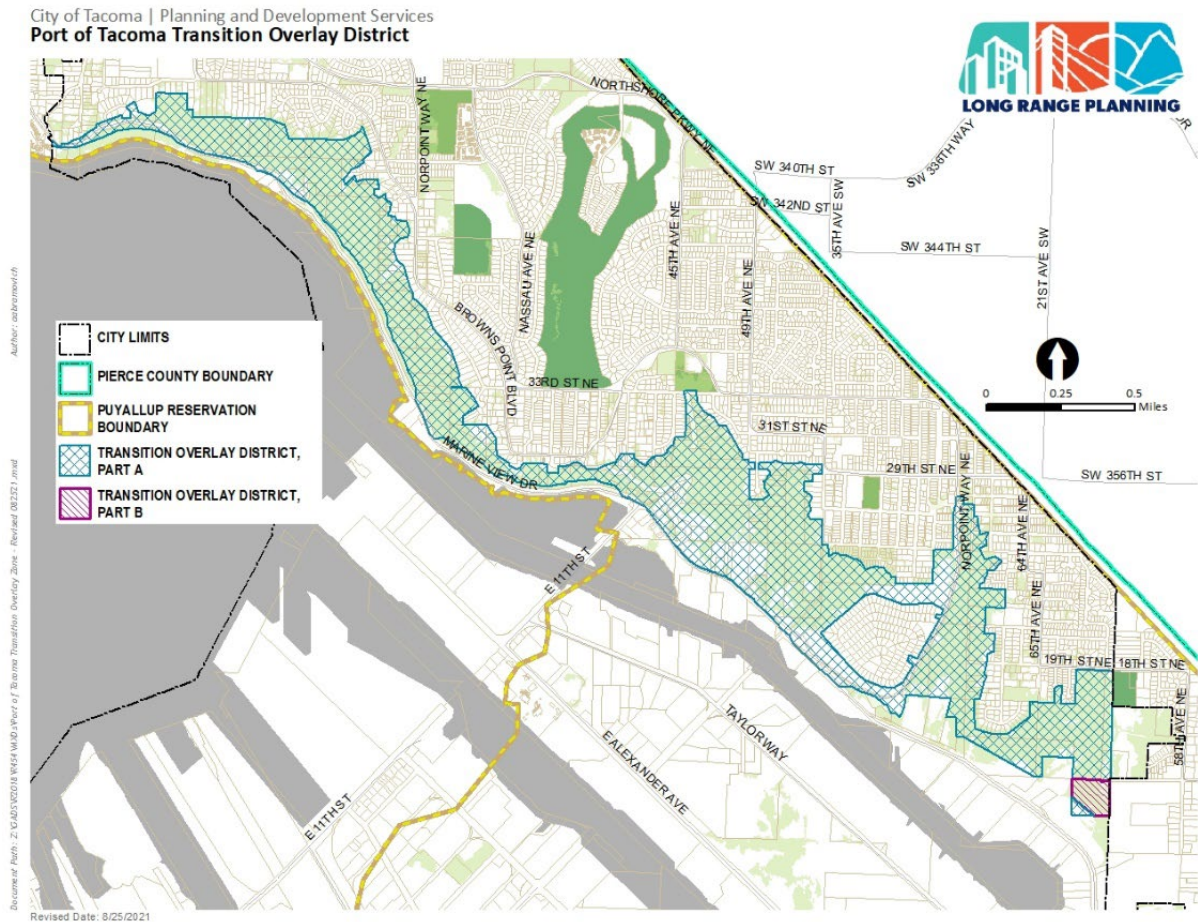
- (1) Generation of air pollution, electronic interference, or glare that could negatively affect pilots or aircraft.
- (2) Structures taller than permitted outright in the base zoning districts (i.e., no height variances).
- (3) Manufacturing or processing of apparel, chemicals, petroleum, rubber, or plastic.

G. Port of Tacoma Transition Overlay District (PTD).

1. Applicability.

a. The Port of Tacoma Transition Overlay District applies to all residential platting, subdivision, and land uses within the district boundaries established herein:

## Tacoma Municipal Code



b. Standards established through the overlay district 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. Unless specifically noted otherwise, all of the standards herein apply within both Parts A (PTD-A) and B (PTD-B) of the overlay district, as identified on the map above.

### 2. Purpose.

The purpose of the Port of Tacoma Transition Overlay District is to maintain an appropriate separation between port/industrial activity in the Port of Tacoma Manufacturing and Industrial Center and residential neighborhoods, to avoid and minimize off-site impacts on residential areas, and to minimize disruption to port operations and associated industrial activity resulting from residential encroachment, consistent with the Container Port Element of the One Tacoma Plan and the Growth Management Act.

### 3. District Development Standards.

#### a. Prohibited uses.

Multifamily dwelling units, including duplex, triplex, cottage housing, and fourplex, are prohibited as stand-alone primary uses or as part of a mixed-use development.

#### b. Maximum density.

Subdivision of existing lots shall average at least one acre per lot. This maximum density shall not apply within Part B of the Port of Tacoma Transition Overlay District, as shown on the map above.

#### c. Use and Maximum Density Exception:

A Planned Residential Development (PRD) for a lot that abuts the northern edge of the overlay district and has access from the top of the slope may utilize the dwelling type allowances and density bonuses provided in TMC 13.06.070.C. In this Overlay District the base density used for PRD density bonus calculations will be one unit per acre.

**d. Location.**

Residential development shall be located the greatest distance from the boundaries of the Port of Tacoma Manufacturing and Industrial Center as is feasible.

**e. Site Development Standards.**

Residential development shall be designed to minimize disruptions to Port/industrial operations, including minimizing clearing and grading, driveways, and vegetation/tree canopy removal.

**f. Building Design Standards.**

Residential buildings shall incorporate design elements to reduce, to the greatest extent practicable, impacts on occupants from noise and light impacts from nearby port/industrial activity.

**g. Accessory uses and structures.**

Uses and structures accessory to a single dwelling unit are permitted in the Overlay district consistent with established development standards for accessory uses in the underlying zone.

**h. Notice on Title.**

As a condition of subdivision approval or residential building permit issuance for properties within the Overlay District, the Applicant shall record a notice on title which attests that (1) the property is located within the Port of Tacoma Manufacturing and Industrial Center Overlay District, (2) Port of Tacoma industrial activities, including container terminal facilities, are operating and will continue to operate and may expand in the future. The Notice on Title shall include the specific distance of the property from the closest boundary of the Port of Tacoma Manufacturing and Industrial Center.

(Ord. 28906 Ex. C; passed Aug. 15, 2023; Ord. 28821 Ex. H; passed Jun. 28, 2022; Ord. 28786 Ex. A; passed Nov. 16, 2021; Ord. 28725 Exs. A and F; passed Dec. 8, 2020; Ord. 28724 Exs. A and B; passed Dec. 8, 2020; Code Reviser's Note: Subsections were previously codified as Sections 13.06.140 (PRD Planned Residential Development District), 13.06.555 (View-Sensitive Overlay District), 13.06.585 (Joint Base Lewis McChord Airport Compatibility Overlay District), 13.07.020 (Landmarks and Historic Districts – Declaration of purpose and declaration of policy), and Chapter 13.09 (South Tacoma Groundwater Protection District); all were relocated to 13.06.070 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See additional notes and prior legislation in footnotes.)



## Tacoma Municipal Code

### 13.06.080 Special Use Standards

#### A. Accessory dwelling units.<sup>1</sup>

##### 1. Applicability.

The following standards apply to accessory dwelling units within Residential Zoning Districts in 13.02.020.

##### 2. Purpose.

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

- a. Provide homeowners with a means of providing for companionship and security.
- b. Add small footprint, lower cost units to the existing housing supply.
- c. Make housing units within the City available to low and moderate income people.
- d. Provide an increased choice of housing that responds to changing needs, lifestyles (e.g., young families, retired), environmental sustainability, and modern development technology.
- e. Contribute to neighborhood stability and protect property values by creating avenues for additional income, aging in place, and the meeting of personal and property needs.
- f. Maintain residential appearance by ensuring that ADUs are of sound quality and generally consistent with neighborhood patterns.
- g. Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.

##### 3. Procedures.

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

##### a. Application.

Prior to installation of an ADU, the property owner shall apply for a building permit with Planning and Development Services. A complete application shall include a properly completed application form, floor and structural plans for modification, and applicable fees.

##### b. Inspection.

The City shall inspect the property to confirm that minimum and maximum size limits, required parking and design standards, and all applicable building, health, safety, energy, and electrical code standards are met.

##### 4. Use standards, not be subject to variance.

##### a. Number.

One ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing residential development in the City of Tacoma. All dwellings shall be in single ownership.

##### b. Occupancy.

Maximum occupancy shall be limited by the Minimum Building and Structures Code in Title 2.

##### c. Composition.

The ADU shall include facilities for cooking, living, sanitation, and sleeping.

##### d. Parking.

No off-street parking is required for the ADU. However, it is not permitted to remove existing required off-street parking spaces unless the required parking is replaced elsewhere on the property per City standards. If additional

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.150 (Accessory dwelling units); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28576 Ex. A; passed Mar. 19, 2019; Ord. 28376 Exs. D, E; passed Aug. 16, 2016; Ord. 28336 Ex. B; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28077 Ex. C; passed Jun. 12, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27912 Ex. A; passed Aug. 10, 2010; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27245 § 8; passed Jun. 22, 2004; Ord. 26933 § 1; passed Mar. 5, 2002.



ADU parking is provided, such parking shall be located in the rear portion of the lot and shall not be accessed from the front if there is a developable alley.

e. Addressing.

All ADUs must have clear addressing visible from the street. If the ADU is not visible from the street, an address and some form of directional notation must be along a walkway, on a fence, on the main house, or some location that differentiates the main house address from the ADU address and is visible from the main access point to the property.

f. Home occupations.

Home occupations shall be allowed, subject to existing regulations. However, if both the main building and the ADU contain home occupations, only one of the two is permitted to receive customers on the premises. Adult family homes and daycares are only permitted in one unit per site.

g. Short-term rental.

The use of an ADU as a short-term rental shall be allowed, subject to compliance with Sections 13.06.080.A and 13.06.080.M. The property owner is required to occupy one of the dwellings for approval of a short-term rental of either the main dwelling or the ADU.

h. Density calculations.

ADUs shall be exempt from density calculations.

5. Use Standards, subject to variance:

a. Minimum Lot Size.

Attached and Detached ADUs are permitted on any legally established lot, irrespective of lot size or width, provided that applicable size, location, setback, open space, and other standards are met.

b. ADU Size.

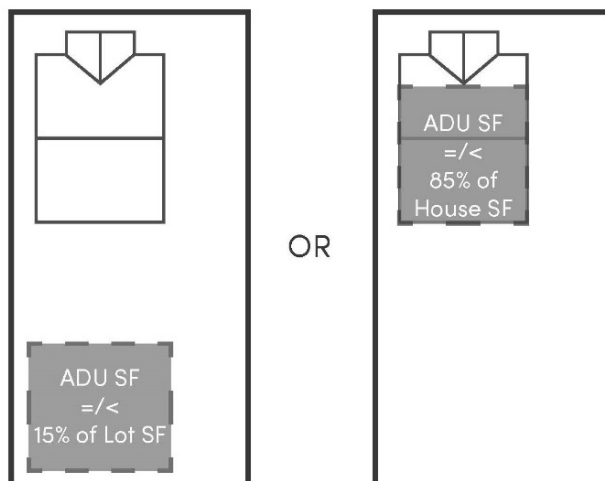
(1) The habitable area of ADUs, excluding any garage area and other non-living areas, shall be limited to the most restrictive of the following standards:

- No more than 85 percent of the habitable area of the main building or main dwelling.
- No more than 1,000 square feet for standard lots and no more than 750 square feet for small lots.

(2) If the ADU is completely located on a single floor of an existing building, the size of that ADU may be increased in order to efficiently use the entire floor area, so long as all other standards set forth in this section are met.

(3) In addition, detached ADUs are considered accessory buildings and thus are also subject to the standards set forth in TMC 13.06.020.G Accessory building standards.

Size of Accessory Dwelling Unit:



c. Height.

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(1) Attached ADUs are subject to the height limitations applicable to the main house.

(2) Height shall be limited to the most restrictive of the following:

- The maximum height for detached ADUs shall be 18 feet, measured per the Building Code, or up to 20 feet with incorporation of either parking below or above the DADU structure (not next to), or with certification of the DADU under Built Green criteria with 4 stars, or equivalent environmental certification.
- The conversion of an existing accessory structure taller than 18 feet may be authorized through issuance of a Conditional Use Permit.
- In View Sensitive Districts, the maximum height shall be 15 feet, measured per TMC 13.01.060 (refer to the definition for “Building, height of”), and allowance of additional height is subject to TMC 13.05.010.B Variances.

### d. Location.

The ADU shall be permitted as a second dwelling unit added to or created within the main building or as a detached structure located in the rear yard.

### e. Setbacks.

Attached ADUs are considered part of the primary structure and thus are subject to the same setback standards applicable to the primary structure. Detached ADUs shall be setback a minimum of 5 feet from the side and rear property lines, excepting that no setback from the alley shall be required. Existing buildings being converted to Detached ADUs are not required to meet setbacks, but shall comply with all applicable City of Tacoma Building Codes adopted at the time of permit application.

### f. Open Space.

While no additional yard space is required for sites with an ADU, the proposal must maintain or provide usable and functional outdoor or yard space consistent with TMC 13.06.020.F.7 Minimum Usable Yard Space.

### g. Walkways.

For ADUs with a separate exterior entrance, a pedestrian walkway shall be provided between the ADU and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right-of-way. The walkway shall be composed of materials that are distinct from any adjacent vehicle driving or parking surfaces. The walkway may function as a shared pedestrian/vehicle space provided that it is constructed of distinct materials and is located along an exterior edge of a driving surface.

## B. Adult uses.<sup>1</sup>

### 1. Applicability.

### 2. Purpose.

### 3. Use standards.

a. Any new adult use may not locate or be conducted closer than the distance noted below to any of the following, whether in or out of the City:

- (1) Within 2,000 feet of any residential zone;
- (2) Within 1,000 feet of any single-family or multi-family residential use;
- (3) Within 1,000 feet of any park;
- (4) Within 1,000 feet of any library;
- (5) Within 1,000 feet of any day care center for children, nursery, or preschool;
- (6) Within 1,000 feet of any church or other facility or institution used primarily for religious purposes;
- (7) Within 1,000 feet of any public or private elementary or secondary school;

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<sup>1</sup> Code Reviser’s note: Previously codified as 13.06.525 (Adult uses); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27432 § 11; passed Nov. 15, 2005; Ord. 27245 § 17; passed Jun. 22, 2004; Ord. 26933 § 1; passed Mar. 5, 2002.

(8) Within 2,500 feet of any other adult uses; provided, adult retail uses may locate within 1,000 feet of each other;

b. Exterior portions or window displays of any adult use shall not consist of any display of graphic adult merchandise or sexually explicit materials, as defined in subsection 13.01.060.A.

c. The separation required between an adult use and any sensitive use described above in section 3 shall be measured from the nearest edge or corner of the property of each sensitive uses or zone. The separation required between adult uses shall be measured from the point of public access among the buildings housing such uses. The portions of any parcels or buildings not included within the above-referenced buffer areas may be used for adult uses.

d. No variance shall be permitted for any of the above distance or separation requirements.

**C. Cottage Housing.<sup>1</sup>**

**1. Applicability.**

Cottage housing developments may be proposed in all residential districts except HMR-SRD.

**2. Purpose.**

a. Add affordable units to the existing housing supply.

b. Provide an increased choice of housing that responds to changing needs and lifestyles (e.g., young families, retired people).

c. Protect neighborhood stability, property values, and the single-family residential appearance by ensuring that cottage housing developments are designed in a compatible manner.

d. Increase density in order to better utilize existing infrastructure and community resources and to support public transit and neighborhood retail and commercial services.

**3. Procedures.**

a. Cottage housing developments require the following applications:

(1) A complete Conditional Use Permit application, pursuant to TMC 13.05.010.A.

(2) Submittal requirements under the provisions of the Residential Infill Pilot Program, pursuant to TMC 13.05.060.

(3) A completed Preliminary Plat application, if applicable.

(4) A completed environmental checklist, if applicable.

(5) A completed application for a site plan approval.

(6) Documentation of the proposed ownership and property management approach, such as condominium or homeowners association.

b. Application.

Proponents shall submit all required complete applications, including applicable fees. However, project proponents may choose to stage their applications by initially applying for the Conditional Use Permit for approval under the Residential Infill Pilot Program.

**4. Use standards.**

a. Residential Infill Pilot Program.

Cottage housing developments shall comply with the sustainability and connectivity requirements, as well as any other design requirements identified through review under the Residential Infill Pilot Program as described in TMC 13.05.060.

b. Minimum site size.

Cottage housing developments require a minimum net site size of 7,000 square feet.

c. Number of units.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.160 (Cottage Housing); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Ex. B; passed Dec. 1, 2015.

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Cottage housing developments may contain from four to twenty-four cottage dwellings, with a maximum of twelve cottages per cluster.

### d. Cottage housing types:

- (1) Cottage – A detached, single-family dwelling unit containing no more than 1,200 square feet of gross floor area with no more than 800 ground floor square feet.
- (2) Carriage – A single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure in a cottage housing development.
- (3) Two/Three-dwelling Buildings – A structure containing two or three dwelling units, not to exceed 1,000 square feet per unit on average, designed to look like a detached single-family house. Two/three-dwelling cottage buildings are not permitted in the R-1 or R-2 Districts.

### e. Maximum density.

Cottage housing developments are permitted two times the maximum number of dwelling units in the applicable zoning district. For example, in the R-2 District a 20,000 square foot site is permitted four 5,000 square foot lots, or eight cottage housing units.

### f. Parking.

Parking may be contained in detached garages adjacent to dwelling units no larger than 250 square feet in floor area; in shared garages no larger than 1,200 square feet maximum floor area; or, in clustered parking areas with no more than four spaces per cluster.

### g. Vehicular access.

Vehicular access shall be from the rear of the site whenever suitable access is available or feasibly can be developed. If such access is not feasible, then driveway or private roads shall be minimized to the maximum extent feasible. Driveways to individual units shall consist of paved runner strips or pervious surfacing.

### h. Setbacks.

The external setbacks of the underlying zoning district shall apply, except cottage housing shall be allowed in the rear yard when lot is located on an alley.

### i. Separation between units.

All buildings must meet separation requirements as identified in applicable building codes.

### j. Common open space.

A minimum of 400 square feet of common open space shall be required per unit. Each area of common open space shall be in one contiguous and central location with no dimension less than 20 feet. Common open space shall be located in a central area, that is easily accessible and visible to all dwellings within the cottage cluster. No sight-obscuring fences are permitted within common open spaces. The common open space shall be surrounded by cottage or common buildings on at least three sides, unless topography precludes this. Common open space shall be attractively landscaped and improved with gathering space, gardening, walkways or recreational features.

### k. Private open space/yard.

A minimum of 300 square feet of private open space shall be required per unit.

### l. Maximum height for dwellings:

Dwellings maximum height is 18 feet, or up to 25 feet with a minimum of 6:12 sloped roof.

### m. Community buildings.

Community buildings in common ownership are permitted within cottage housing developments, and shall be incidental in use and size to the cottage dwellings.

### n. Connectivity.

All dwelling units shall be directly connected to the public sidewalk.

### o. Landscaping.

Street trees are required per the provisions of 13.06.090.B. Parking areas shall be softened or screened with landscaping. Internal landscaping shall be determined through the Residential Infill Pilot Program review process.

p. Accessory Dwelling Units.

Not permitted.

q. Floor Area Ratio.

A maximum of 0.5 FAR is required for the overall site.

#### D. Craft Production.<sup>1</sup>

##### 1. Applicability.

Establishments engaged in the craft production of alcoholic beverages including craft wineries, craft breweries, and craft distilleries not exceeding 5,000 gallons of product per year.

##### 2. Purpose.

##### 3. Use standards.

a. An occupancy that is below an “H” Hazard as defined by the current version of the adopted International Building Code (IBC) shall be maintained and not exceeded. Accessory “H” uses may be allowed provided the accessory use does not exceed 10 percent of the site’s floor area.

b. Retail sale and onsite tasting of beverages and/or the ability for producers to act as wholesaler of its own production for off-site consumption are subject to the appropriate state and local licenses.

c. Individual tenant spaces or units within a building may constitute the site.

#### E. Day care centers.<sup>2</sup>

##### 1. Applicability.

##### 2. Purpose.

It is found and declared that day care centers are facilities which perform a needed community service. The City of Tacoma recognizes the need for locating day care centers within areas which they service and ensuring, to the extent possible, that day care centers in residential districts will be compatible with the surrounding neighborhood and will not adversely affect adjacent properties.

##### 3. Use standards.

The following development standards are hereby established for the location, design, and operation of day care centers in addition to any other requirements of law:

a. In residential zoning districts, the lot size and setbacks for day care centers shall conform to the requirements for single-family homes in the underlying zoning district. In addition, day care centers with an enrollment of more than 50 children or adults shall provide minimum side yard setbacks of 20 feet in all residential zoning districts, except that on corner lots the side yard facing the street shall provide the same setback as that required for a single-family dwelling.

b. Day care centers located in R-1, R-2, R-2SRD, HMR-SRD, and R-3 Districts shall be limited to one building face sign with a maximum area of six square feet. Sign regulations for day care centers located in PRD and multiple-family districts shall be the same as those specified in the R-4 Multiple-Family Residential District.

c. No structured area for active play shall be located in a front yard. Play structures shall maintain a minimum ten-foot setback from any side or rear lot line.

d. In R-1, R-2, R-2SRD, HMR-SRD, and R-3 Districts, the site shall be landscaped in a manner consistent with adjacent residences. In all zoning districts, day care centers shall be landscaped in a manner approved by the Director prior to the operation of the day care center.

e. Day care centers in existing structures which are located in residential districts shall maintain a residential appearance. Any new building, building addition, or building exterior which is remodeled shall be designed to be

<sup>1</sup> Code Reviser’s note: Relocated from 13.06.700.C., Craft Production, per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser’s note: Previously codified as 13.06.155 (Day care centers); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27995 Ex. D.; passed Jun. 14, 2011: Ord. 27432 § 6; passed Nov. 15, 2005: Ord. 27296 § 10; passed Nov. 16, 2004: Ord. 27079 § 20; passed Apr. 29, 2003: Ord. 26933 § 1; passed Mar. 5, 2002.

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compatible with the residential character of the surrounding neighborhood. Elevations of the proposed structure shall be approved by the Director prior to the issuance of any building permits for the day care center.

### 4. Waiver.

The Director may waive any of the aforementioned development standards where a finding is made that such waiver(s) does not violate the spirit or intent of such development standards or the Comprehensive Plan. Applications for waivers shall be processed in accordance with the provisions of Chapter 13.05.

## F. Fuel Facilities.

### 1. Applicability:

The following standards apply to all “Petroleum Fuel Facilities” and “Cleaner Fuel Infrastructure.”

### 2. Purpose:

The purpose of these standards is to minimize the risk of spill or discharge of fuels into the Puyallup River or marine waters; to support a reduction in greenhouse gas emissions and a transition to cleaner fuel and energy production consistent with Federal, state and local targets; to avoid and minimize any impacts to adjacent communities from fire, explosion, or increased air emissions resulting from facility expansion; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

### 3. Baseline established.

a. The baseline for refining, storage, transportation, and transshipment facilities is established by the following information available as of November 16, 2021 (the adoption date of this ordinance.)

(1) Crude oil refining baseline capacity shall be established by the U.S. Energy Information Administration Refinery Capacity Report as measured in atmospheric crude distillation barrels per day

(<https://www.eia.gov/petroleum/refinerycapacity/>) or comparable. The baseline for other product refining, including liquefied natural gas, shall be based on the documented refining capacity in the most recent local permits issued for the facility.

(2) Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans.

(3) Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently.

(4) If an existing facility does not have an established refining or storage baseline from a past industrial section permit or spill prevention plan, the baseline must be established as part of a permit application.

4. New facilities or expansion of existing facilities beyond the established baseline shall meet the following special use standards:

a. Mitigation for local greenhouse gas impacts calculated consistent with the definition of facility emissions in TMC 13.01.060:

(1) Assessment: Greenhouse gas emissions impacts shall be assessed using current valid modeling techniques.

(2) Mitigation: Greenhouse gas emissions that create specific adverse environmental impacts may be offset through mitigation projects that provide real and quantifiable greenhouse gas mitigation.

(3) Location: Greenhouse gas emissions offsets for local impacts shall be located in the following order of preference:

- Within the City of Tacoma;
- Within the Puyallup River Watershed;
- Within Pierce County;
- Within the Central Puget Sound region, including Pierce County, Kitsap County, Snohomish County, and King County.

b. The applicant shall provide annual reporting of the following:

- The number of vessel transfers of fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
- The number of rail cars transporting fuels, both to and from the site, including a description of the product, volume, and destination.
- The number of trucks transporting fuel, both to and from the site, including a description of the product, volume, and destination.
- A description of on-site storage capacity including the number of tanks, tank volumes, and products.
- A description of all facility emissions for previous five years and a three year forecast.

c. An applicant must provide proof of financial assurance (such as trust funds, letters of credit, insurance, self-insurance, financial tests, corporate guarantees, payment bonds or performance bonds) sufficient to comply with the financial responsibility requirements set forth in any State and federal law applicable to their proposed project. If the applicant relies on an insurance policy for compliance with a State or federal financial assurance requirement, the applicant must add the City of Tacoma as an additional insured as a condition of permit issuance.

#### 5. Petroleum Fuel Facilities.

a. New “Petroleum Fuel Facilities” are prohibited.

b. Existing facilities, legally permitted at the time of adoption of this ordinance, shall be considered permitted uses, subject to the following limitations:

- (1) Existing facilities shall not exceed the established baseline as of November 16, 2021 (the adoption date of this ordinance) except where specifically authorized in this section.
- (2) Except as specifically authorized under 13.06.080.F.5.b.(3), (4), and (5), the following new improvements are prohibited:
  - New driveways, private rail sidings, docks, piers, wharves and floats.
  - Site or facility improvements that would increase the capacity of a driveway, private rail siding, dock, pier, wharf or float.
  - New storage tanks, refining or processing facilities.
- (3) Expansion of or addition to existing petroleum fuel facilities is allowed through the normal permitting process when the particular expansion would create the maximum proposed capacity of a facility that was the subject of an Environmental Impact Statement prepared and published by the City under RCW 43.21C and TMC Chapter 13.12 as of November 16, 2021 (the adoption date of this ordinance) and for which the City has accepted on or before November 16, 2021 (the adoption date of this ordinance) all funds that fully mitigate the adverse environmental impacts of the facility’s maximum capacity pursuant to a Mitigation Agreement between the City and the facility proponent. Provided that any proposed expansion which is eligible under this section remains subject to the full permit review process, including environmental review, as applicable, and this section does not guarantee the issuance of a permit.
- (4) Expansion of production, storage, transportation and transshipment of petroleum fuels when requested in writing by the Department of Defense supporting Joint Base Lewis McChord, Naval Region Northwest Installations or other national defense needs shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director.
- (5) Replacement of and improvements to existing petroleum infrastructure shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director, for maintenance, for improvement of the safety or security of the infrastructure, decrease air or water emissions, or to allow the infrastructure to meet new regulatory requirements.
- (6) Where a “Petroleum Fuel Facility” provides direct-to-vessel fueling, new infrastructure that is necessary to support vessel fueling may be allowed so long as overall facility storage and refining does not exceed the established baseline.
- (7) Improvements are limited to property owned or occupied by the use as of the adoption of this ordinance.

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(8) Baseline monitoring. On an annual basis, Planning and Development Services will evaluate information from the U.S. Energy Information Administration, WA Department of Ecology, Puget Sound Clean Air Agency, as well as from local permits, to ensure compliance with the requirements herein.

### 6. Cleaner Fuel Infrastructure.

a. New and Expanded Cleaner Fuel Infrastructure as defined in this chapter shall be allowed through the standard permitting process with the City of Tacoma acting as SEPA lead agency, subject to an enhanced SEPA checklist to be implemented and updated from time to time by the Director, and subject to the following requirements:

(1) New Cleaner Fuel Infrastructure permitted through this chapter shall not be used for production, storage, transportation and transshipment of petroleum. Total or partial conversion of permitted New Cleaner Fuel Infrastructure for the purposes of production, storage, transportation, and transshipment of petroleum shall constitute grounds for permit revocation and civil enforcement.

(2) Any Expanded Cleaner Fuel Infrastructure permitted through this chapter shall not exceed a cumulative total increase of fifteen percent (15%) more storage over the applicant's total petroleum storage as of November 16, 2021 (the adoption date of this ordinance). Total or partial conversion of permitted Expanded Cleaner Fuel Infrastructure for the purposes of production, storage, transportation, and transshipment of petroleum fuels shall constitute grounds for permit revocation and civil enforcement. The limitation on cumulative petroleum storage does not apply to expansions allowed under TMC 13.06.080.F.5.b (3), (4), and (5) above.

### G. Home Occupation.<sup>1</sup>

#### 1. Applicability.

Home occupations are permitted within all zoning districts provided such uses meet the following use standards.

#### 2. Purpose.

The purpose of this section is to support entrepreneurship by providing residents with an opportunity to use their homes to engage in small-scale business activities; reduce traffic congestion by providing opportunities for residents to work in their homes and reduce work-related commute trips; and to protect neighborhood character by establishing criteria and standards to ensure that home occupations are conducted in a manner that is clearly secondary and incidental to the primary use of the property as residential and do not significantly alter the exterior of the property or affect the residential character of the neighborhood.

#### 3. Use standards.

- a. The occupation must be clearly incidental and subordinate to the use of the dwelling as a residence.
- b. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence that the residence is being operated as a home occupation.
- d. A home occupation use shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- e. Limited on-premises sales of products or stock-in-trade may be permitted in conjunction with a home occupation; provided, that the product is accessory to a service offered through the home occupation and that the applicant can clearly demonstrate that such on-premises sales will not be inconsistent with the criteria set forth above. For example, a home occupation engaged in hair salon services may sell hair care products or accessories.
- f. No person other than members of the family residing on the premises shall be engaged in the home occupation at the dwelling. Non-related employees are allowed to be engaged in a home occupation provided they work at a jobsite other than the dwelling during the workday.
- g. The Director may attach additional conditions to a home occupation license to ensure that the criteria set forth above are met.
- h. One non-illuminated nameplate not exceeding one and one-half square feet in area placed flat against the building shall be allowed for each dwelling containing a home occupation.

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<sup>1</sup> Code Reviser's note: Relocated from 13.06.100.E., Home Occupation Standards, per Ord. 28613 Ex. G.



H. Juvenile community facilities.<sup>1</sup>

## 1. Applicability.

## 2. Purpose.

It is found and declared that juvenile community facilities are essential public facilities which provide a needed community service. However, the public interest dictates that they shall be subject to special regulations. The intent of these regulations is to reduce incompatible uses within established neighborhoods, to encourage equitable regional and statewide distribution of such essential public facilities, and to promote the public health, safety, and general welfare.

## 3. Use restrictions.

A conditional use permit shall be required for juvenile community facilities in the following instances: a juvenile community facility for no more than eight residents in the R-1, R-2, R-2SRD, HMR-SRD, NRX, R-3, R-4-L, and C-1 Districts. A juvenile community facility for greater than eight residents, but no more than 16 residents, in the R-4, R-5, URX and RCX Districts. The Director, in reviewing a request for a conditional use permit for juvenile community facilities, shall use the criteria found in subsection 4 below, as well as the conditional use permit criteria found in Section 13.05.010.A.

## 4. Use standards.

a. Maximum number of residents. No juvenile community facility shall house more than eight residents in the R-1, R-2, R-2SRD, HMR-SRD, NRX, R-3, R-4-L, and C-1 Districts. No juvenile community facility shall house more than 16 residents in the R-4, R-5, URX, RCX, NCX, CCX, UCX, CIX, C-2, M-1, M-2, and PMI Districts.

## b. Location requirements.

(1) The lot line of any new or expanding juvenile community facility shall be located one-half mile or more from any other juvenile community facility.

(2) The Director shall determine whether the proposed facility meets the dispersion criteria from maps which shall note the location of current juvenile community facilities. Any person who disputes the accuracy of the maps may furnish the Director with the information and, if determined by the Director to be accurate, this information shall be used in processing the application.

c. In addition to compliance with local siting and development requirements, the Department of Social and Health Services ("DSHS"), or a private or public entity under contract with DSHS, shall comply with the siting process found in RCW 72.05.400 and RCW 72.62.220, as incorporated below:

(1) DSHS shall conduct public meetings in the local communities affected, as well as provide for written and oral comments in the following manner:

(a) If there are more than three sites initially selected as potential locations and the selection process by DSHS, or the service provider reduces the number of possible sites for a community facility to not fewer than three, DSHS, or the chief operating officer of the service provider, shall notify the public of the possible siting and hold at least two public hearing in each community where a community facility may be sited.

(b) When DSHS, or the service provider, has determined the location of the community facility, DSHS, or the chief operating officer of the service provider, shall hold at least one additional public hearing in the community where the community facility will be sited.

(c) When DSHS has entered negotiations with a service provider and only one site is under consideration, then at least two public hearings shall be held.

(d) To provide adequate notice of, and opportunity for interested persons to comment on, a proposed location, DSHS, or the chief operating officer of the service provider shall provide, at least 14 days advance notice of the meeting to all newspapers of general circulation in the community, all radio stations, television stations, and cable networks available to persons in the community, any school district in which the community facility would be sited or whose boundary is within two miles of a proposed community facility, any private schools or kindergartens whose boundary is within two miles of a proposed community facility, any library district in which the community facility would be sited, local business or fraternal organizations,

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.530 (Juvenile community facilities); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27818 Ex. A; passed Jul. 28, 2009: Ord. 27432 § 12; passed Nov. 15, 2005: Ord. 27296 § 24; passed Nov. 16, 2004: Ord. 27079 § 41; passed Apr. 29, 2003: Ord. 26933 § 1; passed Mar. 5, 2002.

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local chamber of commerce or local economic development agencies that request notification from the secretary or agency, and any government offices, person, or property owner within a one-half mile radius of the proposed community facility. Before initiating this process, the department shall contact local government planning agencies in the community containing the proposed community facility. The department shall coordinate with local government agencies to ensure that opportunities are provided for effective citizen input to reduce the duplication of notice and meetings.

(2) Compliance with the siting process must be completed before local permits are issued. The applicant shall provide verifiable proof of compliance with the above siting requirements.

d. Persons convicted of serious violent offenses, as defined in RCW 9.94A.030(31), and/or sexually violent offenses, as defined in RCW 71.09.020(6), are not permitted in juvenile community facilities within the City.

### 5. Discontinuance of Use.

Any authorized conditional use, which has been discontinued, shall not be reestablished or recommence, except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

- a. A permit to change the use of the property has been issued and the new use has been established; or
- b. The property has not been devoted to the authorized conditional use for more than 12 consecutive months.

6. Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use.

## I. Live/Work and Work/Live.<sup>1</sup>

### 1. Applicability.

a. Live/work and work/live units shall be permitted in accordance with the district use tables in TMC 13.06, provided that the work component of the unit is a permitted use in the underlying zoning district and subject to other limitations and standards applicable to that use. Uses that are permitted conditionally in the associated underlying zoning district may be allowed in live/work units, provided that a Conditional Use Permit is authorized.

b. Exemptions from development standards.

(1) No additional parking shall be required for live/work or work/live units within buildings lawfully in existence prior to December 5, 1989.

(2) For historic buildings, up to 10 % of new floor area may be added in which external additions and alterations are exempt from all prescriptive design standards contained within TMC 13.06.050, 13.06.080, 13.06.090, and 13.06.100, but external additions and alterations shall be in conformance with the character of the existing building and shall not negatively impact or remove important character-defining features as determined by the Historic Preservation Officer. For the purposes of this section, a historic building is defined as follows: Any building or structure that is listed in the State or National Register of Historic Places; or designated as a City Landmark under Chapter 13.07 of the Tacoma Municipal Code; or certified as a contributing resource within a National Register or Tacoma Register historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer, or with an opinion from the Tacoma Historic Preservation Officer that the property appears to meet the criteria for designation as a local landmark listed in Chapter 13.07 of the Tacoma Municipal Code. However, such review by the Historic Preservation Officer shall in no case replace the review by the Landmarks Preservation Commission when otherwise required.

### 2. Purpose.

Live/work and work/live units are types of mixed-use development that can eliminate the need to commute to work, provide affordable work and housing space, and support the creation of new businesses by expanding entrepreneurial opportunities. The purpose of this section is to recognize live/work and work/live as uses that promote these community goals by facilitating economic activity in conjunction with residential uses, which is particularly appropriate within Downtown Tacoma and the City's other Mixed-Use Centers. Furthermore, this section provides certain flexibilities to development standards in order to incentivize the development of these mixed-use units in the context of adaptive reuse

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.570 (Live/Work and Work/Live); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28327 Ex. C; passed Nov. 3, 2015.

of older, economically distressed, or historically significant buildings. These provisions are intended to operate in conjunction with companion flexibilities provided in the Building Code with the overall goal of promoting live/work and work/live development as a means to conserve and reuse older, smaller, and historically significant buildings to their highest and best use.

**3. Live/Work use standards.**

- a. The commercial or manufacturing activity taking place is subject to a valid business license associated with the premises;
- b. The residential portion of the unit shall be inhabited by the business owner of the commercial or manufacturing activities performed in the unit. The work space shall not be leased separately from the living space; conversely, the living space shall not be leased separately from the work space;
- c. The residential portion of the unit shall be limited in occupancy to one family;
- d. The Director may attach additional conditions to permits that are required for live/work units to ensure that the intent and standards are met as outlined above.
- e. The live/work use shall be subject to any additional requirements within the Building Code.

**4. Work/Live use standards.**

- a. The commercial or manufacturing activity taking place is subject to a valid business license associated with the premises;
- b. The residential portion of the unit shall be inhabited by the business owner of the commercial or manufacturing activities performed in the unit. The work space shall not be leased separately from the living space; conversely, the living space shall not be leased separately from the work space;
- c. The residential portion of the unit shall be limited in occupancy to one family.
- d. The Director may attach additional conditions to permits that are required for work/live units to ensure that the intent and standards are met as outlined above.
- e. The work/live use shall be subject to any additional requirements within the Building Code.

**J. Marijuana Uses.<sup>1</sup>**

**1. Applicability.**

- a. The provisions of this Section shall apply city-wide. The specific development standards provided in this Section shall be in addition to the zoning and development standards generally applicable to the proposed use and the relevant zoning district. All licensed marijuana uses are required to fully comply with the provisions of this Section.
- b. No Marijuana use as regulated herein and in WAC 314-55, that existed prior to the enactment of Ordinance No. 28182 on November 5, 2013, shall be deemed to have been a legally established use or entitled to claim legal non-conforming status.
- c. As of July 1, 2016, in accordance with state law, collective gardens are prohibited.

**2. Purpose.**

In November 2012, Washington voters passed Initiative 502, which establishes precedent for the production, processing and retail sale of marijuana for recreational purposes. In April 2015, the state Legislature enacted two laws, 2SSB 5052 and 2E2SHB 2136. The new laws establish regulations for the formerly unregulated aspects of the marijuana system, establish a “medical marijuana endorsement” that allows licensed marijuana retailers to sell medicinal marijuana to qualifying patients and designated providers, and attempt to align these changes with the existing recreational system.

Pursuant to RCW 69.50, the State has adopted rules establishing a state-wide regulatory and licensing program for marijuana uses (WAC 314-55). It is therefore necessary for the City to establish local regulations to address such uses.

It is the intent of these regulations to ensure that such state-licensed uses are located and developed in a manner that is consistent with the desired character and standards of this community and its neighborhoods, minimizes potential incompatibilities and impacts, and protects the public health, safety and general welfare of the citizens of Tacoma.

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<sup>1</sup> Code Reviser’s note: Previously codified as 13.06.565 (Marijuana Uses); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28462 Ex. A; passed Nov. 7, 2017: Ord. 28361 Ex. B; passed May. 24, 2016: Ord. 28281 Ex. A; passed Feb. 17, 2015: Ord. 28182 Ex. A; passed Nov. 5, 2013.

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Recognizing the voter-approved right to establish certain types of marijuana businesses, it is also the intent of these regulations to provide reasonable access to mitigate the illicit marijuana market and the legal and personal risks and community impacts associated with it.

### 3. Use standards.

- a. Marijuana uses (marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer) shall only be permitted as allowed under RCW 69.50 and WAC 314-55.
- b. Marijuana uses shall only be allowed within the City of Tacoma if licensed by the State of Washington and the City of Tacoma, and operated consistent with the requirements of the State and all applicable City ordinances, rules, requirements and standards.
- c. Marijuana uses shall only be allowed in those zoning districts where it is specifically identified as an allowed use (see the zoning district use tables in TMC 13.06).
- d. Marijuana uses shall be designed to include controls and features to prevent odors from travelling off-site and being detected from a public place, the public right-of-way, or properties owned or leased by another person or entity.
- e. Marijuana retail uses shall not include drive-throughs, exterior, or off-site sales.
- f. In accordance with WAC 314-55-147, marijuana retail uses shall not be open to the public between the hours of 12 a.m. and 8 a.m.
- g. Signage and advertising shall be allowed only in accordance with the standards set forth in TMC Sections 13.06.090.I, the additional standards set forth in WAC 314-55, and any other applicable standards or requirements.
- h. Displays against or adjacent to exterior windows shall not include marijuana or marijuana paraphernalia.
- i. Marijuana cooperatives, as defined in RCW 69.51A.250 and WAC 314-55-410, are allowed in accordance with State law requirements and the following additional standards:
  - (1) Marijuana cooperatives must be conducted in a manner that is clearly secondary and incidental to the primary use of the property as a residence and do not significantly alter the exterior of the property or affect the residential character of the neighborhood.
  - (2) No outdoor display or storage of marijuana growing, processing or producing materials, goods, supplies, or equipment is allowed.
  - (3) No change in the outside appearance of the building or premises, or other visible evidence that the residence is being used for a cooperative is permitted.
  - (4) The cooperative shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
- j. All marijuana retail uses must have a State license and medical endorsement in accordance with RCW 69.50 and WAC 314-55 in order to obtain a City business license.

### 4. Location requirements.

- a. As provided in RCW 69.50.331 and WAC 314-55-050, marijuana uses shall not be allowed to locate within 1,000 feet of elementary schools, secondary schools, or playgrounds. For purposes of this standard these uses are as defined in WAC 314-55.
- b. Marijuana retail uses shall not be allowed to locate within 500 feet of public parks, recreation centers or facilities, libraries, child care centers, and game arcades within all downtown districts; shall not be allowed to locate within 1,000 feet of public parks, recreation centers or facilities, libraries, child care centers, and game arcades outside of downtown districts; and shall not be allowed to locate within 100 feet of public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.
- c. Marijuana retail uses shall not be allowed to locate within 500 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers within all downtown districts; and shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers outside of downtown districts.

- d. Marijuana producer, processor and researcher uses shall not be allowed to locate within 1,000 feet of public parks, recreation centers or facilities, libraries, child care centers, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.
- e. Marijuana cooperatives shall not be allowed to locate within one mile of a marijuana retailer; and shall not be allowed to locate within 1,000 feet of primary and secondary schools, playgrounds, public parks, recreation centers or facilities, libraries, child care centers, game arcades, and public transit centers. For purposes of this standard, these uses are as defined in WAC 314-55.
- f. Marijuana cooperatives shall not be allowed to locate within 1,000 feet of correctional facilities, court houses, drug rehabilitation facilities, substance abuse facilities, and detoxification centers.
- g. The methodology for measuring the distances outlined above in subsections 11.a through f shall be the shortest straight line from the closest parcel line in which the state licensed marijuana retailer, processor, producer, researcher or cooperative is located to the closest parcel line of any of the uses in these subsections.
- h. It shall be the responsibility of the owner or operator of the proposed state-licensed marijuana use or cooperative to demonstrate and ensure that a proposed location is not within one of the buffers outlined above in subsections 11.a through f.
- i. An existing nonconforming use located within a zoning district that would otherwise not permit marijuana uses, such as an old convenience store in a residential district, shall not be allowed to convert to a marijuana use.
- j. A maximum of sixteen (16) retail marijuana stores are allowed to operate in the City of Tacoma.

**K. Mineral resource lands.<sup>1</sup>**

**1. Classification.**

Mineral resource lands shall be classified based on geologic, environmental, and economic factors. The City shall use maps and information on location and extent of mineral deposits provided by the Washington State Department of Natural Resources. Sand, gravel, and valuable metallic substances must be classified.

**2. Purpose.**

**3. Use standards.**

- a. An applicant who builds, alters, enlarges, or moves any buildings or structure on a lot in a residential zoning district adjacent to or within 400 feet of a mineral resource lands area shall provide a notice on title to alert all future owners of the proximity of a mineral resource lands area.
- b. An applicant who plats or short plats any property adjacent to or within 400 feet of a mineral resource lands area shall provide a notice on such plat or short plat and notice on title on all the lots of the plat or short plat to alert all future owners of the proximity of a mineral resource lands area. Such notice shall explain that the mineral resource lands area is a legally existing use which may continue in the future. Such notice shall be recorded prior to the issuance of any necessary building permits.

**L. Parks, recreation and open space.<sup>2</sup>**

**1. Applicability.**

The standards contained in this section are specific to parks, recreation and open space uses, and are meant to be applied along with other applicable regulations.

The following standards apply to both permitted and conditional parks, recreation and open space uses, whether or not a permit or authorization is required. Additional requirements may be imposed through the Conditional Use Permit process, when required per Section 13.06.560.C.

**2. Purpose.**

**3. Use standards.**

- a. Identification signage.

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.603 (Mineral resource lands); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 26933 § 1; passed Mar. 5, 2002.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06.560 (Parks, recreation, and open space); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 27995 Ex. D; passed Jun. 14, 2011.

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Every park or recreation use (excluding passive open space) must be furnished with at least one sign, legible from an abutting public right-of-way, indicating the name of the site, the parties responsible for its management, and sufficient information for members of the public to contact those parties. The City of Tacoma and Metro Parks Tacoma's name constitutes adequate contact information. The required identification sign shall meet the requirements of Section 13.06.090.I and does not constitute an additional sign allowance.

### b. Ancillary sales and service features.

Within residential zoning districts, commercial activities clearly ancillary to the recreational function may be located within parks, recreation or open space sites provided the following:

- (1) Only food sales, park or recreation-oriented concessions, or rental of recreational equipment are permitted;
- (2) The feature must be a minimum of 100 feet from adjacent residentially zoned properties;
- (3) Hours of operation are limited to the hours the park is open to the public;
- (4) The footprint may not exceed 500 square feet;
- (5) No signage visible from public rights-of-way is permitted;
- (6) More substantial sales and service features may be considered through the Conditional Use Permit process, as part of a destination facility or high-intensity recreation facility as defined in Section 13.06.560.C.

### c. The following setbacks apply to parks, recreation and open space uses:

- (1) Parking lots, designated areas for active play, play structures, picnic tables and areas, and structured gathering or seating areas shall provide a minimum 10-foot setback from abutting residentially zoned properties;
- (2) Buildings and structures shall meet the setbacks for the zoning district, and shall provide a minimum 20-foot side yard setback in residential zoning districts;
- (3) Garbage and recycling collection areas shall provide a minimum 20-foot setback from abutting properties. Trash receptacles for pedestrian use are exempt; and
- (4) Outdoor sports courts, sports fields, swimming pools, or other sports facilities, and any lighted outdoor recreation facilities, shall provide a minimum 50-foot setback from abutting residentially zoned properties and a minimum 25-foot setback from abutting properties in all other zones (with the exception of industrial zones).

### d. References to other common requirements:

Chapter 8.27	Parks Code
13.01	Definitions.
13.05.010	For Land use permits, including conditional use and variance criteria.
13.06.010	General provisions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area, as well as nonconforming uses/parcels/structures.)
13.06.070	Overlay districts (these districts may modify allowed uses and/or the development regulations of the underlying zoning district.)
13.06.090.B	Landscaping standards.
13.06.090.C	Off-street parking areas.
13.06.090.D	Loading spaces.
13.06.090.F	Pedestrian and bicycle support standards.
13.06.090.H	Transit support facilities.
13.06.090.J	Signs standards.
13.06.100	Building design standards.

## M. Short-term rental.<sup>1</sup>

1. Applicability.
2. Purpose.

The purpose of this section is to support entrepreneurship by providing residents with an opportunity to use their homes to engage in small-scale business activities; to support tourism; to make efficient use of structures; to provide safe

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.575 (Short-term rental); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28376 Ex. D; passed Aug. 16, 2016.

alternative forms of lodging; and to protect neighborhood character. This is accomplished by establishing standards to ensure that short-term rentals are operated in a safe manner, and do not significantly affect the residential character of the neighborhood.

3. Use standards.

a. Owner occupancy.

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

b. Safety sign.

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

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

d. Occupancy.

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

N. Special needs housing.<sup>1</sup>

1. Applicability.

2. Purpose.

It is found and declared that special needs housing facilities are essential public facilities which provide a needed community service. It is also recognized that these types of facilities often need to be located in residential neighborhoods. Thus, in order to protect the established character of existing residential neighborhoods, the public interest dictates that these facilities be subject to certain restrictions. The intent of these regulations is to minimize concentrations of certain types of facilities, mitigate incompatibilities between dissimilar uses, preserve the intended character and intensity of the City's residential neighborhoods, and to promote the public health, safety, and general welfare.

3. Use Standards.

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

<b>Special Needs Housing – Use Table</b> (P = Permitted Outright, CU = Conditional Use Permit Required, N = Not Permitted) *Note: See Subsection 4, below, for additional siting restrictions **Note: The residency limitations indicated in this use table apply to the number of residents housed at a facility, exclusive of any support or care staff. Where specific residency limitations are provided in the definition of the use, the size information herein is provided for reference only.						
	Size (number of residents)	R-1, R-2, R-2SRD, HMR-SRD, NRX	R-3	R-4-L, R-4, R-5, PRD, URX, RCX, NCX, T, C-1, HM, HMX, PDB	UCX, CCX, CIX, C-2, M-1, DCC, DMU, DR, WR	M-2, PMI
Emergency and Transitional Housing	Limit 6	N	N	CU	P	N
Emergency and Transitional Housing	7-15	N	N	CU	P	N
Emergency and Transitional Housing	16 or more	N	N	CU	P	N
Confidential Shelter, Adult Family Home, Staffed Residential Home	Limit 6	P	P	P	P	N

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.535 (Special needs housing); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28592 Ex. A; passed Jun. 25, 2019; Ord. 28518 Ex. 6; passed Jun. 26, 2018; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27644 Ex. A; passed Sept. 18, 2007; Ord. 27539 § 17; passed Oct. 31, 2006; Ord. 27432 § 13; passed Nov. 15, 2005; Ord. 27296 § 25; passed Nov. 16, 2004; Ord. 26966 § 16; passed Jul. 16, 2002.

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Confidential Shelter, Extended Care Facility, Intermediate Care Facility, Continuing Care Retirement Community, Retirement Home, Residential Care Facility for Youth	7-15	N	P	P	P	N
Confidential Shelter, Residential Chemical Dependency Treatment Facility, Extended Care Facility, Intermediate Care Facility, Continuing Care Retirement Community, Retirement Home, Residential Care Facility for Youth	16 or more	N	N	P	P	N

b. Within the JBLM Airport Compatibility Overlay District, maximum occupancy shall be limited to six residents.

### 4. Dispersion requirement.

a. Facilities lawfully in existence on the adoption date of this section, are exempt from the dispersion requirement. Such facility shall be permitted to expand from the site it lawfully occupied at the time of the passage of this section only onto contiguous property owned by or under lease to the use at the time of the adoption of this section.

b. This requirement shall apply only to development in the PRD, R-4-L, R-4, R-5, URX and RCX districts.

c. The lot line of any emergency and transitional housing shall be located 600 feet or more from the lot line of any other emergency and transitional housing. Where existing proximity to a limited access highway or freeway affords comparable protection, the 600 foot distance requirement may be waived.

d. The City shall determine whether a proposed facility meets the dispersion requirement criteria from maps which shall note the location of emergency and transitional housing. Such maps shall be generated and maintained by the City as a reference document. Any person who disputes the accuracy of the maps may furnish the staff with the information and, if determined by the staff to be accurate, this information shall be used in processing the application.

5. Should the state adopt siting requirements in excess of those required by this section, this section shall be considered amended to be in compliance with state law.

## O. Surface mining.<sup>1</sup>

### 1. Applicability.

### 2. Purpose.

The Growth Management Act (“GMA”), under RCW 36.70A.170, requires the designation of mineral resource lands. Mineral resources of Tacoma consist of rock and gravel deposits. The legislature has found that the extraction of these minerals by surface mining is an essential activity making an important contribution to the economic well-being of the state and nation. This section allows for surface mining, in accordance with Section 13.01.060, where the applicant can show that such uses are:

- Located in an area sufficiently removed from existing residential or commercial developments;
- That a safe and reasonable re-use of the property shall be possible upon expiration of the operation;
- That adjoining properties and residences shall be safeguarded against undue, hazardous, or prolonged nuisances occasioned either by noise, odor, smoke, dust, debris, or other unsightly or obnoxious conditions. Special requirements for construction in residential districts within 400 feet of a mineral resource lands area can be found in Section 13.06.080.K.

### 3. Use Standards.

- The planned, finished slope of the material in such a surface mining operation shall not exceed a slope steeper than one and one-half horizontal feet to one vertical foot, unless the applicant submits a written statement from a civil engineer, licensed by the state of Washington, and experienced in erosion control, to the effect that the planned, finished slope of the material in such an surface mining shall be equal to the angle of repose of said material. The

<sup>1</sup> Code Reviser’s note: Previously codified as 13.06.540 (Surface mining); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27245 § 18; passed Jun. 22, 2004: Ord. 27079 § 42; passed Apr. 29, 2003: Ord. 26966 § 17; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002.



angle of repose for a face of a surface mining operation that is composed of more than one type of soil, each of which has its own individual angle of repose, shall be equal to the angle of repose of the material that required the flattest angle. The planned, finished slope shall also provide permanent, safe, and stable lateral support to all surrounding lands. Where the angle of repose and the slope necessary for permanent, safe, and stable lateral support differ, the flatter slope will be considered as the required maximum slope.

In no case, however, shall the planned, finished slope of the material in such a surface mining operation exceed a slope steeper than one horizontal foot to one vertical foot.

b. The streets which are adjacent to such surface mining shall be kept free from sand, gravel, and debris occasioned by the surface mining operation.

c. All open surface mining which results in impounding water, issued a permit under provisions of this section, shall have a substantial, properly maintained fence at least six feet in height, with suitable gates, completely enclosing that portion of the property in which the surface mining is located, and such fences shall be located at all points at safe distance from the face of the surface mining walls on ground under which lateral support is not to be disturbed; provided, however, this shall not include excavation necessary for the construction of a structure for which a building permit has been duly issued. Said fence, or any portion thereof, shall be sight obscuring where deemed necessary to promote the purpose and intent of this section.

d. A rock crusher, cement plant, or other crushing, grinding, polishing, or cutting machinery, or other physical or chemical processes for treating the product, may be permitted in surface mining operations where it is determined that no undue, hazardous, or prolonged nuisances, including noise, dust, smoke, odors, or other obnoxious or unsightly influences will be made on surrounding land inconsistent with the purpose and intent of the zoning district in which the area is located.

#### 4. Cash deposit or surety bond.

The applicant shall file or deposit with the Planning and Development Services Department a bond or cash amount equal to the cost, plus 10 percent, of restoring the premises to the condition required by the Director, prior to commencement of work. The amount of the bond or cash deposit shall be fixed by the Director at the time the conditional use permit is authorized to be issued, and the Director shall, upon advisement, determine the amount necessary to restore the premises to a healthy, safe, and lawful condition, as required by the Tacoma Municipal Code. The sureties on the bond filed shall be approved by the Director of Finance, and the form of the bond shall be approved by the City Attorney.

#### 5. Review of bond or cash amount.

The Planning and Development Services Department, or permittee, may initiate a review of the amount of the bond or cash deposit where the conditional use permit is for a period in excess of 12 months. Review shall not be made within the first year of the permit, and review shall not be made more than once every six months after the first year; provided, where the permittee is in violation of the conditions of the permit or the provisions of this chapter, this limitation shall not apply. The Director may increase or decrease the amount of the bond or cash deposit where a change in circumstances justifying such action is warranted, and a statement of the change of circumstances upon which action is taken shall be set forth in a written order of the Director.

#### 6. Release of sureties – payment on bond.

The cash deposit shall not be returned, or the surety released, upon his bond until the Director, or designee, has inspected and found that the conditions of the conditional use permit and the provisions of this chapter have been satisfied. In the event the Director, or designee, finds that the conditions of the permit or the provisions of this chapter have not been satisfied, then a notice and order, by certified or registered mail, shall be sent to the permittee and his surety, if any, stating that the conditions of the permit or the provisions of this chapter that have not been satisfied and specifying a reasonable time within which such conditions must be satisfied. The notice and order shall be sent to the address shown on the application for the conditional use permit; provided, the permittee or surety may change the address of receiving notice by giving written notification to Planning and Development Services and the Director.

In the event the permittee or surety fails to comply with the conditions of the permit or the provisions of this chapter within the time specified by the Director, or appeal therefrom, as hereinafter provided, the surety shall pay to Planning and Development Services the face amount of the bond. The funds obtained from the surety, or the cash deposit of the permittee, shall be used to satisfy the conditions of the permit or the provisions of this chapter and the remainder, if any, after deduction of 10 percent of the amount expended for costs of supervision by the Director, shall be returned to the party furnishing said funds. The Director may, in addition, revoke the conditional use permit where the permittee has failed to comply with the conditions of the permit or the provisions of this chapter, after notification as hereinabove provided.

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### 7. Inspection.

Planning and Development Services may inspect the premises, or any part thereof, at all reasonable times.

### P. Temporary use.<sup>1</sup>

#### 1. Applicability.

#### 2. Purpose.

The purpose of this section is to allow listed temporary uses which:

- a. Are not contrary to the various purposes of this chapter;
- b. Will not impede the orderly development of the immediate surrounding area, as provided for in the Comprehensive Plan and the zoning district in which the area is located; and
- c. Will not endanger the health, safety, or general welfare of adjacent residences or the general public.

#### 3. Use Standards.

A temporary use shall be subject to the standards of development specified in this section.

- a. Duration and/or frequency. Where permitted as a temporary use, the following uses may be authorized for the time specified in Table 1.

<b>Table #1: TEMPORARY USES ALLOWED – NUMBER OF DAYS ALLOWED</b>	
<b>Temporary Use Type</b>	<b>Days Allowed Per Year</b>
Seasonal sales	45
Carnival	14
Temporary housing	See subsection 4, below
Temporary office space	See subsection 4, below
Temporary storage	See subsection 4, below
Temporary shelters	See subsection 4, below

- b. The duration of the temporary use shall include the days the use is being set up and established, when the event actually takes place, and when the use is being removed.

- c. A parcel may be used for no more than three temporary uses within a calendar year; provided, the time periods specified in Table 1 are not exceeded. Multiple temporary uses may occur on a parcel concurrently; provided, the time periods in Table 1 are not exceeded.

#### 4. Temporary structure standards.

##### a. Temporary housing.

- (1) Such use shall be placed on a lot, tract, or parcel of land upon which a main building is being in fact constructed. The applicant shall have a valid building permit approved by Planning and Development Services;
- (2) Such uses are of a temporary nature not involving permanent installations, including structures and utilities;
- (3) That such a house trailer or mobile home shall be located at least 25 feet away from any existing residences;
- (4) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said house trailer or mobile home shall be observed.
- (5) The temporary housing shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

##### b. Temporary office space.

- (1) Such use shall be in accordance with the use regulations of the zoning district within which the temporary office is located.

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.635 (Temporary use); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28636 Ex. A; passed Dec. 3, 2019; Ord. 28498 Ex. A; passed Apr. 10, 2018; Ord. 28460 Ex. A; passed Oct. 17, 2017; Ord. 28216 Ex. C; passed Apr. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27079 § 48; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002.

- (2) Such use is appropriate due to the construction or reconstruction of a main building or the temporary nature of the use.
- (3) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.
- (4) Such a temporary building shall be located at least 25 feet away from any existing structure or structures under construction unless it can be demonstrated that a lesser distance will be adequate to safeguard adjacent properties and provide a safe distance from any construction occurring on the site.
- (5) Such temporary building shall not be required to comply with the design standards found in Section 13.06.100.
- (6) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said temporary building shall be observed.
- (7) The temporary office shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

**c. Carnival.**

- (1) Such uses are of a temporary nature not involving permanent installations, including both structures and utility services, except those already existing on the premises.
- (2) Proper regard shall be given to the controlling of traffic generated by the use with respect to ingress and egress to the given site and the off-street parking of automobiles attracted by the use.
- (3) That any structures, buildings, tents, or incidental equipment shall be located at least 200 feet from existing residences;
- (4) That off-street parking for the primary use on the site shall not be reduced below the required parking for that use.

**d. Temporary storage.**

Temporary storage units are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis. Temporary storage can also include storage of food (including the growth of food items). Temporary storage units, where allowed, shall be subject to the following standards:

- (1) Temporary storage units shall be allowed in the following instances:
  - (a) as part of an active construction project or active moving process; or
  - (b) In conjunction with a conditional use, to support the conditional use; or
  - (c) To support agricultural uses, such as growing food. Food shall not be sold from the site.
- (2) In residential zoning districts, the maximum duration of temporary storage shall be 180-days in any two-year period, with up to one 60-day extension allowed at the discretion of Planning and Development Services.
- (3) In commercial, mixed-use, or industrial zoning districts, temporary storage units shall be:
  - (a) removed within 30 days after final inspection of the project; or
  - (b) if being used in conjunction with a conditional use, a maximum of 180 days in a two-year period, with up to one 60-day extension allowed at the discretion of Planning and Development Services.
- (4) Temporary storage units shall be placed in the least conspicuous location available to minimize disturbance to any adjoining properties and shall be located in accordance with all applicable building, health and fire safety ordinances and regulations. Units shall provide a minimum 5-foot setback from all exterior property lines and shall not be located within required buffer areas. Units shall not block, impair, or otherwise unduly inconvenience pedestrian or vehicular traffic patterns, emergency access, access points to the site, parking lots, or adjacent uses.
- (5) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans

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for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.

(6) Such temporary building shall not be required to comply with the standard locational, bulk and area requirements or the design, landscaping, parking and other standards found in Sections 13.06.090 - .100.

(7) Planning and Development Services shall have full discretion to stipulate additional limitations or conditions on such temporary use to ensure that it does not unduly affect the health, safety, or general welfare of adjacent properties or residences or the general public.

### 5. Temporary Shelters.

#### a. Purpose.

In recognition of the need for temporary housing for homeless persons, it is the purpose of this section to allow sponsoring religious, non-profit, and governmental organizations to use property owned or controlled by them for temporary homeless shelters, while preventing harmful effects associated with such uses, including the use of open flames, the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws.

#### b. Application.

In order to allow sponsoring religious, non-profit, and governmental organizations to establish a temporary shelter on qualifying property, a permit must be obtained from Planning and Development Services in accordance with TMC 13.05, Land Use Permits and Procedures, and the following:

(1) The Director of Planning and Development Services is authorized to issue permits for temporary shelters only upon demonstration that all public health and safety considerations have been adequately addressed, and may administratively adjust standards upon providing findings and conclusions that justify the requirements. A permit allowing a temporary shelter site may be terminated if the City determines the site is unfit for human habitation based on safety, sanitary conditions or health related concerns or activities have become disorderly or disorganized so as to impact the safety, health, and welfare of the neighborhood adjacent to the site.

(2) An application for a temporary shelter shall include the following:

(a) The dates of the start and termination of the temporary shelter;

(b) The maximum number of residents proposed;

(c) The location, including parcel number(s) and address(es);

(d) The names of the managing agency, proposed self-management plan (the self-management plan would require consultation with the sponsor and oversight by City staff and meetings with neighboring property owners, businesses, Safe Streets organizations, Neighborhood Councils, and/or similar organizations), or manager and sponsor;

(e) A site plan showing the following shall be prepared and reviewed by staff, which will make recommendations for best practices, including Crime Prevention through Environmental Design ("CPTED") principles:

i. Property lines;

ii. Property dimensions;

iii. Location and type of fencing/screening (must be a minimum of ten feet from property lines);

iv. Location of all support structures (administrative, security, kitchen, and dining areas) or planned space to be used inside an on-site structure;

v. Method of providing and location of potable water;

vi. Method of providing and location of waste receptacles;

vii. Location of required sanitary stations (latrines, showers, hygiene, hand washing stations);

viii. Location of vehicular access and parking;

- ix. Location of dwellings for each person (must meet Tacoma-Pierce County Health Department requirements);
- x. Entry/exit control points;
- xi. Internal pathways, and access routes for emergency services.

(f) A statement from the sponsoring religious, non-profit, or governmental organization regarding its commitment to maintain liability insurance in types and amounts sufficient to cover the liability exposures inherent in the permitted activity during the existence of any sponsored temporary shelter;

(g) a signed trespass order filed with the Tacoma Police Department;

(h) a mandatory preapplication meeting to be attended by city representatives, such as agents from Planning and Development Services and Neighborhood and Community Services, as deemed appropriate;

(i) transition plan for assisting residents in moving to another location.

**c. Safety and health requirements.**

A temporary shelter shall be established in accordance with the following standards:

- (1) No more than 100 residents shall be allowed per shelter location. The City may further limit the number of residents as site conditions dictate.
- (2) A minimum of 150 square feet of site area per resident shall be required for any given shelter, provided that the site meets all safety, health, logistical, operational, and site plan requirements for temporary shelters, as set forth in this section. Such minimum site area may be proportionally reduced if adjacent existing buildings are used for sleeping or support facilities such as kitchen, dining hall, showers, and latrines.
- (3) The maximum duration of a temporary shelter shall be 185 consecutive days, except as provided below:
  - (a) The Director may extend the permit once for up to 40 days if unforeseen problems arise regarding shelter relocation. An extension must be requested before the last 30 days of the temporary permit and will not be granted if any violation of the temporary shelter permit has occurred. Notice of such an extension shall be provided to the same notification list required for the original permit application, as well as any other individuals who commented on the original request.
  - (b) The Director may extend the permit once when inclement weather, natural disaster, or other emergency necessitates the continued use of the shelter location. The Director may extend the permit until the event necessitating the extension has ended but no longer than 90 days. An extension must be requested prior to the event or when reasonable given the circumstances of the event. Notice of such an extension shall be provided to the same notification list required for the original permit application, as well as any other individuals who commented on the original request.
  - (c) The Director may extend the temporary permit for a longer period, up to 180 days, if the shelter has demonstrated continuing need and demonstrated compliance with this chapter. An extension must be requested before the last 60 days of the existing temporary permit. As indicated in Section 13.05.070.H, the maximum duration for this type of temporary permit is one year, however, successive permits for one shelter facility can also be approved under this section. If an extension is approved, the decision shall address any appropriate modifications to conditions of approval. This type of long-term extension, or successive long-term permits, shall be processed in the same manner required for the original Temporary Shelters Permit (as outlined in Section 13.05), including the same level of community notification, community meeting, and comment period. The Director's decision regarding this type of extension shall require periodic monitoring not less than every 45 days. An extension shall not be granted if any violation of the existing temporary shelter permit has occurred. In considering whether to grant this type of long-term extension, the Director shall consider factors such as:
    - i. The number of code compliance cases.
    - ii. The number of calls placed to police due to disruptions on-site by residents.
    - iii. The number of community engagements, which may include meetings or volunteer opportunities.
    - iv. A report documenting the status of resident jobs, skills, or behavioral trainings.

v. A report documenting efforts, up to and including, transitioning of residents into other temporary, long-term, or more stable housing.

(4) A temporary shelter may only return to the same site after six-months has lapsed since the end date of the previous temporary shelter.

(5) In no event shall there be located in any one Police Sector shelter sites serving more than a cumulative total of 150 residents at any given time, and a minimum of one mile must separate each temporary shelter site, except where the Director determines adjusting proximity will not result in over-concentration or an adverse impact to the surrounding community. Prior to approving shelter sites, the total capacity of temporary shelter sites in a given sector will be evaluated. As part of the process for approving additional locations within a sector, the City shall determine whether there are adequate services to support additional locations in a sector.

(6) Outdoor shelters shall be enclosed on all sides with a minimum six-foot tall, sight-obscuring fence. No fence will be required if the site is out of view of adjacent properties.

(7) Permanent structures are prohibited from being constructed within the temporary shelter site. Existing permanent structures may be used for sheltering or service provision.

(8) Temporary shelters are prohibited in Shoreline Districts, critical areas, and their buffers.

(9) The sponsoring religious, non-profit, or governmental organization shall work with Neighborhood and Community Services and other agencies to find more permanent housing solutions for the inhabitants of the shelter during its operation.

(10) One security/office/operations structure shall be provided for the site manager. The manager must be on site at all times. Persons who are acting as the on-site manager must be awake while on shift to monitor the security of the shelter and be ready and able to alert police and/or other emergency responders if the need arises.

(11) The minimum age for unaccompanied shelter residents is 18 years of age. Individuals under the age of 18 will only be allowed if accompanied by a guardian.

(12) Each resident shall be pre-screened for warrants and a background check shall be completed by the sponsor religious, non-profit, or governmental organization. No sex offenders will be permitted as shelter residents.

(13) The temporary shelter must be located within one-half mile of a transit stop that is in service seven days per week.

(14) The following facilities and provisions must be made available on-site and approved for adequacy and location by the Tacoma-Pierce County Health Department prior to occupancy:

(a) Potable water as approved or provided by local utilities. Estimated usage is four to five gallons per day, per resident.

(b) Provide sanitary toilets as provided in the following table:

Number of residents	1-20	21-40	41-60	61-80	81-100
Number of toilets required	1	2	3	4	5

(c) Provide hand washing stations with warm water, soap, paper towels and covered garbage cans and recycling containers at the following locations:

i. Hand washing stations next to toilets provided in the following manner:

Number of residents	1-15	16-30	31-45	46-60	61-75	76-90	91-100
Number of stations required	1	2	3	4	5	6	7

(d) Showering facilities are required as provided in the following table:

Number of residents	1-33	34-66	67-100
Number of showers required	1	2	3

(e) At least one food preparation area with refrigeration, sinks, and cooking equipment. If food is prepared on-site, adequate dishwashing facilities must be available.

(f) Food preparation, storage, and serving. No children under the age of ten shall be allowed in food preparation or storage areas.

- (g) An adequate water source must be made available to the site.
- (h) Indoor sleeping facilities must meet the following standards:
- (i) Must comply with all life safety and building code requirements.
- (j) Outdoor sleeping facilities must meet the following standards:
  - i. Appropriate spacing is required between all temporary, semi-permanent, and permanent sleeping structures of all types, materials, and sizes. Appropriate spacing will be specified during application intake and review.
- (k) Waste water disposal, which drains to sanitary sewer.
- (l) Solid waste: Garbage and recycling removal by local utilities. Adequate scheduled dumping to prevent overflow. Infectious waste/sharps disposal shall be made available.
- (m) Premises must be maintained to control insects, rodents, and other pests.
- (15) Premises must be maintained as approved by the Tacoma Fire Department (“TFD”), including:
  - (a) Approval letter from the TFD, should the shelter site contain structures in excess of 200 square feet or canopies in excess of 400 square feet.
  - (b) Provide fire extinguishers in quantity and locations as specified by TFD.
  - (c) Adequate access for fire and emergency services, with a minimum of two access points, shall be maintained.
  - (d) No smoking or open flames shall be allowed in sleeping or food prep structures. Smoking within the shelter site will be within designated smoking areas only.
  - (e) Electrical inspections, in coordination with a Planning and Development Services electrical inspector, shall occur to ensure safe installation of power, if provided, including to support facilities (administration, security, kitchen, dining, shower, hygiene, and latrine facilities) and any sleeping structures.
  - (f) Security Plan. The security plan shall:
    - i. List the contact name and phone number of the on-site manager;
    - ii. Contain an evacuation plan for the temporary shelter;
    - iii. Contain a controlled access plan for residents; and
    - iv. Contain a fire suppression and emergency access plan.
- (16) Parking standards.
  - (a) Parking spaces, layouts, and configuration shall be designed in accordance with TMC 13.06.090.C.
  - (b) A minimum of two off-street parking spaces per 25 residents are required for all temporary shelters.
  - (c) Any required parking for the principal/existing use on-site shall not be displaced as a result of the temporary shelter.
- (17) Refuse and recycling containers shall be provided on-site, with service provided by Solid Waste Management and paid for by the applicant.

Q. Wireless communication facilities.<sup>1</sup>

1. Applicability.

a. Blank.

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

- (1) Antennas and related equipment no more than three feet in height.

<sup>1</sup> Code Reviser’s note: Previously codified as 13.06.545 (Wireless communications facilities); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 6; passed Jun. 26, 2018; Ord. 28376 Ex. C; passed Aug. 16, 2016; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27432 § 14; passed Nov. 15, 2005; Ord. 27296 § 26; passed Nov. 16, 2004; Ord. 27245 § 19; passed Jun. 22, 2004; Ord. 27079 § 43; passed Apr. 29, 2003; Ord. 26966 § 18; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

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- (2) Wireless radio utilized for temporary emergency communications in the event of a disaster.
- (3) Licensed amateur (ham) radio stations not exceeding the permitted height requirements of the underlying zone. Amateur radio towers or antenna support structures exceeding the height limit shall be allowed only with approval of a Conditional Use Permit, in accordance with the provisions of Section 13.05.010.A. Modification or use of such towers for commercial use shall require full compliance with this section.
- (4) Satellite dish antennas less than seven feet in diameter, including direct to home satellite services, when used as an accessory use of the property.
- (5) Routine maintenance or repair of a wireless communication facility and related equipment (excluding structural work or changes in height or dimensions of antenna, tower, or buildings), provided that compliance with the standards of this regulation are maintained.
- (6) A COW or other temporary wireless communication facility shall be permitted for a maximum of 90 days during the construction of a permitted, permanent facility or during an emergency.
- (7) Residential television antennas as an accessory installation on a residential dwelling unit.

### 2. Purpose.

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

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

### 3. Permits required.

- a. Where a transmission tower or antenna support structure is located in a zoning district, which allows such use as a permitted use activity, administrative review, and a building permit shall be required, subject to the project's consistency with the development standards set forth in Section 13.06.080.Q.9. In instances where the antenna height exceeds the height limit of the zoning district or is not allowed as a permitted use activity, a conditional use permit and building permit shall be required in addition to a demonstration of consistency with all required development standards. The table in Section 13.06.0 specifies the permits required for the various types of wireless service facilities that meet the standards of this ordinance.

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

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

- a. Level 1: Modification of an existing wireless tower.

This may include the complete replacement of an existing wireless communication tower or antenna support structure to its existing height or modifications to accommodate collocation or the installation of a concealed antenna. Such modifications are limited to a cumulative increase in height and/or width from the originally permitted facility, as specified in the criteria pertaining to substantial changes as set forth in subsection 13.06.080.Q.9.h. Level 1 also includes an antenna attached to the sides of a building, an existing tower, water tank, or a similar structure. This level is limited to the following types of antenna(s): an omni-directional or whip antenna no more than seven inches in diameter and extending no more than 16 feet above the structure to which it is attached; a panel antenna no more than 16 square feet in total area per panel and extending above the structure to which it is attached by no more than 16 feet; or a parabolic dish no greater than three feet in diameter per dish and extending no more than 16 feet above the structure to which it is attached.

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



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

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

5. Use restrictions.

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

**Symbols:**  
A - Allowed with administrative review  
C - Allowed only with approval of a Conditional Use Permit

**Footnotes:**  
1 - Permitted on public facility sites, subject to administrative review and building permit.  
2 - Allowed 16 feet above underlying zoning district height limit, except in the C-1, C-2, and NCX Districts.  
3 - New wireless communication towers and antennas prohibited in R-1, R-2, R-2SRD, and R-3 Districts, except on public or quasi-public property developed with existing public or quasi-public facilities and properties developed with existing wireless communication facilities.

6. Priority for siting and type of facility.

The order of priority for the siting of new wireless communication towers and facilities is intended as guidance to applicants for the development of sites with wireless communication towers, antennas, and associated facilities. The priority for the type of facility shall be subject to the provisions set forth in Section 13.06.080.Q.8.

- a. Place antennas on appropriate rights-of-ways and existing public and private structures, such as buildings, towers, water towers, and smokestacks.
- b. Place antennas and any necessary support structures, on public property developed with existing public facilities and properties developed with existing telecommunication facilities and, if practical, on non-residentially-zoned sites.
- c. Place antennas and any necessary support structures, in M-2 and PMI Industrial Districts.
- d. Place antennas and any necessary support structures in M-1 and CIX Mixed-Use Center Districts.
- e. Place antennas and any necessary support structures in other non-residentially-zoned property.
- f. Place antennas and any necessary support structures on public property developed with existing public facilities and, if practical, on multiple-family structures in residentially-zoned sites.
- g. Place antennas and any necessary support structures in R-4-L, R-4, R-5, NCX, URX, RCX, CCX, T, and HMX Districts. Such placement shall be subject to the following criteria:
  - (1) An applicant that proposes to locate a new antenna support structure in a residential, mixed commercial, or transitional zone shall demonstrate that a diligent effort has been made to locate the proposed wireless communications facility on a public facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic, or technological feasibility, no appropriate location is available.
  - (2) Applicants are required to demonstrate:
    - (a) That in the R-4-L, R-4, R-5, NCX, URX, RCX, CCX, T, and HMX Districts, they have contacted the owners of structures that are at least the height of the proposed facility within a one-quarter mile radius of the site proposed and which, from a location and height standpoint, could provide part of a network for transmission of signals; and

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

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

- (a) a map of the area served by the tower or antenna;
- (b) its relationship to other cell sites in the applicant's network; and
- (c) an evaluation of existing buildings as addressed by Section 13.06.545.F.1.g(2)(a) within one-quarter mile of the proposed tower or antenna, which, from a location and height standpoint, could provide part of a network to provide transmission of signals.

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

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

### 7. Siting priority on public property.

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

- a. City of Tacoma, General Government and Public Utilities; and
- b. Other governmental agencies.

### 8. Priority for type of facilities.

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

- a. Collocation of facilities and the installation of concealed and/or flush mounted antennae;
- b. Concealed/camouflaged free-standing facilities, which extend no more than 16 feet above adjacent existing vegetation or structures, only when subsection (a) cannot be reasonably accomplished;
- c. Concealed/camouflaged free-standing facilities, which extend more than 16 feet above adjacent existing vegetation or structures, only when subsections (a) and (b) cannot be reasonably accomplished; or
- d. New building/structure-mounted facilities that are not concealed within a new or existing building feature or are not flush-mounted to the side of the building/structure; or
- e. If the applicant chooses to construct new free-standing facilities, the burden of proof shall be on the applicant to show a facility of a higher order of preference cannot reasonably be accommodated on the same or other properties. The City reserves the right to retain a qualified consultant, at the applicant's expense, to review the supporting documentation for accuracy.

### 9. Use standards.

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

#### a. Visual impacts.

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

(2) Site location and development shall preserve the pre-existing character of the surrounding buildings, land use, and the zoning district to the extent possible, while maintaining the function of the communications equipment. Wireless communication facilities shall be integrated through location, siting, and design to blend in

with the existing characteristics of the site through application of as many of the following measures as possible (examples are also provided below):

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

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

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

(4) Wireless communication facilities and related equipment facilities shall be of neutral colors such as white, gray, blue, black, or green, or other appropriate color designed to disguise, conceal, or camouflage the facility or equipment, or similar in building color in the case of facilities incorporated as part of the features of a building, unless specifically required to be painted another color by a federal or state authority. Other screening methods,

such as the use of siding which is architecturally compatible with adjacent buildings, or site-obscuring fencing materials may also be utilized. For such screening, including the screening for structure-mounted facilities, the applicant should use recognized durable, low maintenance materials that are similar to those used on the adjacent buildings or on the structure on which the facilities are being mounted. Wooden poles are not required to be painted.

**b. Setbacks.**

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

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

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

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

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

**c. Tower separation.**

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

**d. Security fencing.**

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

**e. Signage.**

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

**f. Lights and signals.**

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

**g. Noise.**

No equipment shall be operated so as to produce noise in violation of Section 13.06.080.Q.9.a(3) and the maximum noise levels set forth in WAC 173-60.

**h. Minor modifications.**

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

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

- (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
  - i. Change in height. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on building rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;
- (2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
  - i. It entails any excavation or deployment outside the current site;
  - ii. It would defeat the concealment elements of the eligible support structure; or
  - iii. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified above.

### 10. Non-Use/Abandonment.

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

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

### 11. Enforcement.

Enforcement of the provisions set forth in this section shall be in accordance with the provisions set forth in Section 13.05.150.

## R. Work release centers.<sup>1</sup>

### 1. Applicability.

### 2. Purpose.

It is found and declared that work release centers are essential public facilities which provide a needed community service. However, the public interest dictates that work release centers shall be subject to special regulations. The intent of

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.550 (Work release centers); relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27079 § 44; passed Apr. 29, 2003; Ord. 26991 § 1; passed Oct. 8, 2002; Ord. 26966 § 19; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

these regulations is to reduce incompatible uses within established neighborhoods, to encourage equitable regional and statewide distribution of such essential public facilities, and to promote the public health, safety, and general welfare.

3. Use restrictions.

a. Maximum number of residents.

No work release center shall house more than 30 persons, excluding resident staff, in the UCX District; no more than 25 persons, excluding resident staff, in the CIX District; 25 persons, excluding resident staff, in the M-1, and M-2 Districts; and 75 persons, excluding resident staff, in the PMI District.

b. Buffers.

The lot line of any new or expanding work release center shall be located 600 feet or more from any residential zone, RCX zone, the lot line of a day care center or church with a day care center, the lot line of any state-licensed family day care, the lot line of any crisis care facility, the lot line of any special needs housing, the lot line of any public or private school, or any lot line of a public park.

The City shall determine whether a proposed facility meets the buffer requirement from maps which shall note the location of existing day care centers, churches with day care centers, state-licensed family day care, crisis care facilities, special needs housing, public or private schools, or any public park. Such maps shall be generated and maintained by the City as a reference document.

c. Dispersion.

The lot line of any new or expanding work release center shall be located at least one-half mile from any other work release facility in the UCX, CIX, M-1, and M-2 Districts. No dispersion shall be required for work release centers located in the M-3 District. The City shall determine whether a proposed facility meets the dispersion requirement from maps which shall note the location of existing work release centers. Such maps shall be generated and maintained by the City as a reference document.

d. Siting.

In addition to compliance with local siting and development requirements, the Department of Corrections ("DOC"), or a private or public entity under contract with the DOC, shall comply with a facility siting process found in RCW 72.65.220, or as later amended. Compliance with the siting process found in RCW 72.65.220 must be completed before local permits are issued. The applicant shall provide verifiable proof of compliance with the siting requirements found in RCW 72.65.220.

e. Discontinuance of use.

Any authorized conditional use which has been discontinued shall not be reestablished or recommence except pursuant to a new conditional use permit. The following shall constitute conclusive evidence that the conditional use has been discontinued:

- (1) A permit to change the use of the property has been issued and the new use has been established; or
- (2) The property has not been devoted to the authorized conditional use for more than 12 consecutive months.
- (3) Property which is vacant, except for dead storage of materials or equipment of the conditional use, shall not be considered as being devoted to the authorized conditional use. The expiration of licenses necessary for the conditional use shall be evidence that the property is not being devoted to the conditional use.

S. Vehicle service and repair; and vehicle service and repair, industrial.<sup>1</sup>

1. Applicability.

The following regulations apply in all zoning districts, with exceptions only as noted.

2. Purpose.

The purpose of this section is to require minimum standards for all vehicle repair uses in order to protect adjoining property, minimize nuisances and off-site impacts, and support pedestrian-oriented design, particularly in mixed-use districts and along pedestrian streets.

3. Development standards.

<sup>1</sup> Code Reviser's note: Relocated from 13.06.510.E. (Vehicle service and repair; and vehicle service and repair, industrial), per Ord. 28613 Ex. G.

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- a. Vehicles awaiting repair must be fully screened from public view. At a minimum, these areas shall be screened by a six-foot tall wall or opaque screening fence.
- b. Customer vehicles awaiting repair or pickup must be parked on business property and not on City right-of-way.
- c. All repairs must be conducted entirely within an enclosed building.
- d. No windows or openings are allowed if facing a residential district.
- e. Required landscaping, per 13.06.090.B, shall be located between the screening wall or fence and the abutting properties and rights-of-way. For required landscape buffer areas, a means shall be provided to ensure maintenance access to the buffer.

#### 4. Outdoor storage of inoperable vehicles, auto parts, and tires.

- a. In Mixed-use and C-1 Districts: Inoperable vehicles, auto parts, and tires must be stored inside an enclosed building.

- b. In C-2 General Commercial Districts: Outdoor storage of inoperable vehicles, auto parts, and tires is permitted when the following standards are met:

- (1) Outdoor storage is fully screened from public view. Screening shall be accomplished by locating the storage behind a minimum six foot tall wall or opaque fence that will screen the items from a non-elevated view from neighboring properties or adjacent public rights-of-way

- (2) Outdoor storage shall not occupy more than 100 continuous lineal feet of any street frontage.

- (3) On Pedestrian Streets, see 13.06.010.D, storage areas shall not be located between a building and the pedestrian street and shall not comprise more than 50% of the pedestrian street frontage.

- c. In M-1 and M-2 Industrial Districts: Outdoor storage of inoperable vehicles, auto parts, and tires is permitted when the following standards are met:

- (1) Outdoor storage is fully screened from abutting Residential Zoning Districts and Pedestrian Streets as depicted in Figure 7 of the Comprehensive Plan Urban Form Chapter. Screening shall be accomplished by locating the storage area behind a minimum six foot tall wall or opaque fence.

- (2) Site perimeter landscaping, consistent with the dimensional and planting requirements in TMC 13.06.090.B, shall be provided along designated Pedestrian Streets and shall be located between the right-of-way and any required screening wall or fence.

- d. In PMI District: Outdoor storage of inoperable vehicles, auto parts, and tires is permitted.

(Ord. 28903 Ex. A; passed Aug. 15, 2023; Ord. 28821 Ex. H; passed Jun. 28, 2022; Ord. 28793 Ex. B; passed Dec. 7, 2021; Ord. 28786 Ex. A; passed Nov. 16, 2021; Ord. 28725 Exs. A and F; passed Dec. 8, 2020; Ord 28695 Ex. B; passed Oct. 20, 2020.)

Code Reviser's Note: Subsections were previously codified as Sections 13.06.150 (Accessory dwelling units); 13.06.155 (Day care centers); 13.06.160 (Cottage Housing); 13.06.525 (Adult uses); 13.06.530 (Juvenile community facilities); 13.06.535 (Special needs housing); 13.06.540 (Surface mining); 13.06.545 (Wireless communication facilities); 13.06.550 (Work release centers); 13.06.560 (Parks, recreation and open space); 13.06.565 (Marijuana Uses); 13.06.570 (Live/Work and Work/Live); 13.06.575 (Short-term rental); 13.06.580 (Interim Industrial Use Restrictions) per Ord. 28470 Ex. D, which expired and was replaced in 2021 by Ord. 28786; 13.06.603 (Mineral resource lands); and 13.06.635 (Temporary use). All were relocated to 13.06.080 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See additional notes and prior legislation in footnotes.



**13.06.090 Site Development Standards.****A. Drive-throughs.<sup>1</sup>****1. Applicability.**

The regulations of this section apply only to the portions of the site development that comprise the drive-through facility. The regulations apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-throughs are not permitted in some zoning districts—see the permitted uses tables for the applicable zone. Where they are permitted, drive-through facilities are still not always feasible; the size or dimensions of the site, or the size and location of existing structures may make it impossible to meet the regulations of this section.

**2. Purpose.**

To allow for drive-through facilities while mitigating potential negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, aesthetics, and queued traffic interfering with on-site and offsite traffic and pedestrian flow. The specific purposes of this section are to:

- Reduce noise and visual impacts on abutting uses, particularly residential uses;
- Promote safer and more efficient on-site vehicular and pedestrian circulation;
- Promote a pedestrian-oriented environment;
- Reduce conflicts between queued vehicles and traffic on adjacent streets.

**3. Development Standards.**

A drive-through facility is composed of two parts - the stacking lanes and the service area. The stacking lanes are the space occupied by vehicles queuing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs.

**a. Pedestrian streets (includes all TMC pedestrian street designations in X-Districts and Downtown Districts) and transit stops.**

- (1) Driveways that directly connect to any drive-through shall not be allowed along a pedestrian street, light rail or streetcar street.
- (2) Driveways that directly connect to any drive-through must be located at least 150 feet from any transit stop, as measured along the curb line between the driveway and the stop. Exceptions to this requirement shall be processed in accordance with TMC 10.14.030.B.7.
- (3) Exterior drive-through windows shall not face a designated pedestrian, light rail or streetcar street, and stacking areas shall not lie between a building and such a street.

**b. Setbacks and Landscaping.**

- (1) Exterior service areas and stacking lanes, except for vehicle access crossings, must be set back a minimum of 5 feet from street frontages. In some cases, a greater setback may be necessary to meet other standards such as Landscaping.
- (2) Exterior stacking lanes and service areas shall provide a minimum 3 foot landscaped buffer along sides which do not abut the building. The buffer must be landscaped with decorative landscaping to include flowering or colored-foliage shrubs which will cover at least 50 percent of the landscaped area within three years; the remainder shall be fully landscaped with additional trees, shrubs and/or groundcover. Alternatively, on sides that do not front on streets, the buffer width may be reduced to 1 foot and improved with a vegetated wall at least 6 feet in height to reach maturity with full screening within three years. The required buffer may be interrupted by structures or for vehicle or pedestrian access crossings.
- (3) Where perimeter strips or buffers are otherwise required, they may also satisfy these requirements. The greater of the buffer, setback or perimeter areas shall apply.

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.513 (Drive-throughs); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28157 Ex. F; passed Jun. 25, 2013.

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(4) All required landscaping must be maintained consistent with the provision of TMC 13.06.090.B.

### c. Vehicular and pedestrian circulation.

(1) Adequate stacking lane capacity must be provided to serve the proposed development on-site. Stacking spaces shall be a minimum ten (10) feet in width and eighteen (18) feet in length. The City Engineer, or designee, shall make a determination regarding the number of stacking spaces required. In pedestrian oriented areas including Downtown and X Districts, this determination shall reflect the overall goals of promoting pedestrian activity over vehicle orientation.

(2) Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation. Stacking lanes must be separated from traffic aisles, other stacking lanes, and parking areas.

(3) Pedestrian paths that cross a drive-through aisle shall use a raised platform and be marked with symbols, signage, separate material, and/or special painting.

(4) The drive-through shall not impede pedestrian or vehicular movement within the right-of-way. Drive-through driveways shall be designed to ensure adequate pedestrian visibility as vehicles cross sidewalks.

(5) Driveways are also subject to applicable standards of TMC 10.14 and TMC 13.06.090.F.

### d. Noise and trash receptacles.

(1) Noise from amplified speakers shall be minimized through means such as orientation, volume control, and sound buffers or barriers. In addition, amplified speakers shall not be audible from abutting residential uses.

(2) A trash receptacle shall be provided adjacent to the drive-through aisle in order to reduce the potential for littering.

### e. Bicyclists.

(1) Drive-throughs shall be required to serve bicyclists, both motorized and non-motorized.

## 4. The following additional standard apply in the Downtown Districts:

### a. Drive-throughs and associated stacking lanes shall be located entirely within buildings.



*Example of a drive-through within a structure*

## 5. The following additional standards apply in X Districts where drive-throughs are permitted:

a. All exterior vehicle use areas associated with a drive-through shall be located at the side or rear of the building.

b. Drive-through stacking lanes and service windows shall be fully screened from the view of adjacent properties and the public right-of-way with landscaping and/or structures.

c. Within NCX Districts, exterior drive-through stacking lanes may be no closer than 25 feet to the property frontage of a designated pedestrian, light rail or streetcar street.

d. Within UCX Districts, drive-through stacking lanes and service windows shall either be located entirely within buildings, or fully screened from the view of adjacent properties and the public right-of-way with a partially enclosed vegetative wall, decorative grilles, architectural features, artworks, or similar visually attractive features. Review of

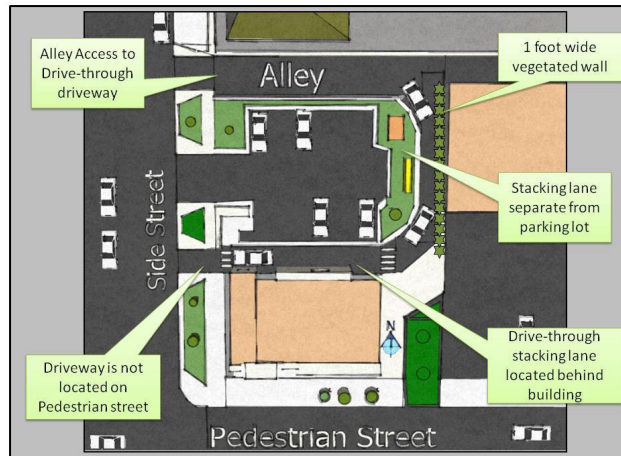
any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup>



*Example of partially enclosed vegetative wall*

#### 6. Drive-throughs accessory to existing use.

Drive-through eating and drinking establishments (such as coffee stands) located in the C-2, CCX, M-1, M-2, and PMI Districts and that are accessory to an existing use, utilize existing driveways, and do not include a permanent foundation or similar permanent improvements, are not required to provide landscaping or separation along the stacking lane(s) as would be required by subsections 3.b.(2) and 3.c.(2), above.



*Example drive-through layout*

### B. Landscaping standards.<sup>2</sup>

#### 1. Applicability.

a. Unless specifically exempted, landscaping shall be provided consistent with this section for all new development, including structures and/or parking lots, as well as alterations to existing development, and street improvements, as outlined below. Vegetated Low Impact Development Best Management Practices (LID BMPs) designed in accordance with the City of Tacoma Stormwater Management Manual may be counted as landscaping. Trees and

<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06.502 (Landscaping and buffering standards); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28518 Exs. 2, 6; passed Jun. 26, 2018; Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28376 Exs. B, E; passed Aug. 16, 2016; Ord. 28336 Ex. C; passed Dec. 1, 2015; Repealed and reenacted by Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28180 Ex. D; passed Oct. 15, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. d; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27296 § 21; passed Nov. 16, 2004; Ord. 27278 § 2; passed Oct. 26, 2004; Ord. 27079 § 33; passed Apr. 29, 2003; Ord. 26947 § 52; passed Apr. 23, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

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landscaping provided as required under this section, may also be counted towards compliance with tree canopy and usable yard space standards.

### b. Alterations.

Three thresholds are used to gauge the extent of landscaping standard compliance on alterations to existing development:

(1) Level I alterations to a site include all remodels and/or additions within a two-year period whose cumulative value is less than 50% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, for an expanded parking area, landscaping would be required for the new parking area, but the applicant would not be required to bring an existing parking area into conformance with these landscaping standards.

(2) Level II alterations to a site include all remodels and/or additions within a two-year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II.

(3) Level III alterations to a site include all remodels and/or additions within a two-year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the Building Code, excluding purchase costs of the property and/or structure. Such developments shall be brought into conformance with ALL of the applicable landscaping standards.

### c. Remodels.

The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.

### d. Alterations.

No alteration shall increase the level of nonconformity or create new nonconformities to these standards. Existing landscaping that is above and beyond the current requirements may be removed, provided that the quantity is not reduced below the current requirements for the use on the site. All required landscaping shall be preserved in a healthy and thriving condition or replaced as necessary to maintain conformance with the applicable code requirements herein.

### e. Street trees.

Street trees are required per the thresholds identified above, unless exempted. In addition, street trees are required with:

(1) Construction of new permanent roadways, excluding residential Local Improvement Districts; alterations to the width of existing permanent roadways; construction of new sidewalk; and replacement of more than 50% of an existing sidewalk along a site's frontage (when 50 linear feet or more is being constructed). In the case of sidewalk replacement, street trees shall be required proportionate to the linear footage of sidewalks replaced.

(2) If street trees are required in the applicable zone, then existing street trees shall be preserved in healthy, thriving, and safe condition per the tree installation, maintenance, and preservation requirements of this section and the technical specifications of the UFM. If required street trees are improperly pruned, damaged, or removed, they shall be replaced per the provisions of this section.

## 2. Purpose.

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

## 3. General Landscaping Requirements.

### a. Applicability.

The following general standards are applicable to all required landscaping.

## b. Landscape Plans and Landscape Management Plans.

(1) Landscape Plans and Landscape Management Plans demonstrating compliance with the installation, plant material, area and location, and maintenance requirements of this Section shall be submitted for all development proposals with landscaping requirements.

(2) Landscape Plans and Landscape Management Plans, when required, shall be prepared by a Registered Landscape Architect, Certified Landscape Technician, or Certified Professional Horticulturalist, unless otherwise approved by the City, and shall be submitted in a form specified by the City.

(3) Landscape Plans must be drawn to scale and show all of the following:

- Plant species names (common and scientific);
- Plant stock sizes, condition, and quantity;
- Installation location of plant materials;
- Existing and proposed utilities;
- Existing and proposed bus stops (as applicable);
- Existing trees planned to be retained;
- Finished grade; and,
- Required irrigation systems (if applicable).

(4) Landscape Management Plans shall address the following:

- Entity responsible for maintenance of the landscape during the establishment period (3 years following planting);
- A schedule of maintenance activities, including, but not limited to, pruning, watering, fertilization, and inspection and replacement of dead and/or damaged plant materials.

(5) Developments with less than 500 square feet of landscaped area are exempt from submitting a Landscape Management Plan, and may submit a Landscape Plan prepared by a non-professional. New permanent roadways involving fewer than 10 street trees are exempt from submitting a Landscape Management Plan.

(6) The Urban Forest Manual (UFM) provides best management practices for plant selection, design, installation, care, and other specifications. Required landscaping shall be selected, installed and maintained consistent with the technical guidance of the UFM.

(7) The Director will consider adopted neighborhood, area-specific or streetscape design specifications and/or plans for landscaping selection and location, and may modify the standard requirements of this section if such plans meet the intent of this section.

(8) Modifications to landscaping installed under this section shall be in conformance with the intent of these requirements and the technical guidance of the UFM. Regular maintenance and pruning; replacement of plant material in kind; and revisions to planting plans that are consistent with all requirements and any conditions of approved permits, are authorized without further review. Significant changes to the configuration or location of required landscaped areas require the approval of the Director.

(9) When an amount or number of trees or plants is specified, that shall be the minimum number required. Any requirement resulting in a fraction of 0.3 or greater, when applied, shall be rounded up to the nearest whole number. Any requirement resulting in a fraction of less than 0.3 shall be rounded down to the nearest whole number. In cases where the minimum is expressed as a ratio of a number of trees or shrubs per a specified amount of area or length of site frontage or buffer, the number of required trees or shrubs shall be calculated by applying the ratio to the square footage of the area or length. For example, street tree requirements of 4 Small, 3 Medium or 2 Large trees per 100 feet of street frontage can be viewed as 1 Small per 25 feet, 1 Medium per 33.33 feet, or 1 Large tree per 50 feet. Small, Medium and Large Trees may be used in combination, according to the applicable ratios.

EXAMPLE: A site with 50 feet of street frontage would require 2 Small ( $50 \times 4/100 = 2$ ), 2 Medium ( $50 \times 3/100 = 1.5$ , which rounds up to 2), or 1 Large ( $50 \times 2/100 = 1$ ).

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EXAMPLE: A site with 60 feet of street frontage would require 3 Small ( $60 \times 4/100 = 2.4$  which rounds up to 3), 2 Medium ( $60 \times 3/100 = 1.8$ , which rounds up to 2), or 1 Large ( $60 \times 2/100 = 1.2$ , which rounds down to 1).

(10) Landscaping provided to meet one requirement may in some cases count toward another applicable requirement if the intent of both requirements are being fully met. When two or more landscaping requirements apply to the same portion of a site, the most stringent of the requirements shall apply.

(11) All landscaping required by this section must be planted prior to the issuance of a certificate of occupancy. If the applicant files financial security with the City, which ensures that the vegetation will be installed, the vegetation may be deferred during the summer months to the next planting season, but for no more than 6 months, unless otherwise approved by the Director.

(12) Existing trees, shrubs, and groundcover which comply with the requirements of this Section may count towards the required landscape plantings.

### c. Plant Material Selection.

#### (1) Climate adapted.

All required landscaping shall be climate-adapted. The retention and use of natives is encouraged and permitted for any and all landscaping. Invasive species, as identified in the UFM, shall not count toward meeting required plantings. Noxious weeds are prohibited from being planted in required landscaped areas.

#### (2) Native species.

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

#### (3) Best Management Practices (BMPs).

Required landscaping areas are encouraged to incorporate vegetated LID BMPs, as defined in the City of Tacoma Stormwater Management Manual. A vegetated LID BMP may be used to meet landscaping requirements. Limited flexibility shall be granted to specific landscaping standards as applicable to accommodate LID BMPs.

#### (4) Visibility and safety.

Except in cases where required landscaping is intended to provide dense visual buffers or to enhance natural conditions, trees and shrubs shall be selected and maintained to maximize visibility at eye level for safety. To meet this requirement, shrubs shall be chosen that will readily remain under 3 feet in height. Trees shall be selected and pruned (once tall enough) to maximize views below 7 feet in height.

#### (5) Shrubs and Groundcover.

- i. Turf lawn and mulch are not considered groundcover for the purposes of complying with this section.
- ii. Vegetated LID BMPs that incorporate trees, shrubs and/or groundcover may count as meeting tree, shrub and groundcover requirements.
- iii. If there are more than 25 required shrubs, no more than 20 percent of them can be of one species.
- iv. Groundcover and shrub plants must be planted at a density that will cover the entire area within three years.
- v. Unless specified otherwise, shrubs provided to meet these requirements shall be from a minimum 2-gallon container.

### d. Trees.

(1) Tree Species Selection – Small, Medium and Large species. Trees are categorized as small, medium or large based on their height and crown spread at maturity and on their growth rate. Trees size categories are determined according to the Canopy Factor, which is calculated using the following formula: (mature height in feet) x (mature crown spread in feet) x (growth rate number) x 0.01 = Canopy Factor. The growth rate number is 1 for slow growing trees, 2 for moderately growing trees, and 3 for fast growing trees. Large Trees have a Canopy Factor greater than 90; Medium Trees have a Canopy Factor from 40 to 90; Small Trees have a Canopy Factor less than 40.

## (a) Tree size categories.

Small, Medium and Large Tree lists are included in the UFM. To determine the size category of a tree not listed in the UFM, the applicant must provide an authoritative source of information about the tree's mature height, crown spread and growth rate. Objective information must come from published sources or from the nursery providing the tree growth information, often called "cut sheets".

## (2) Species selection.

Species shall be selected to avoid or minimize potential conflicts with infrastructure and utilities. Trees under power lines shall have a maximum mature height (at 25 years of age) not greater than 25 feet. New tree plantings shall be a minimum of 2 feet from pavement (curb, sidewalk, alley, street), 5 feet from a structure, 5 feet from underground utilities, and 10 feet from light standards. Distances may be reduced, with staff approval, upon a demonstration that the species selected will not cause infrastructure conflicts. The UFM contains additional guidelines on this subject.

## (3) Tree variety.

For projects that involve the planting of between four and ten trees, at least two different kinds (Genera) of trees shall be included. For projects involving the planting of more than ten trees, at least three different kinds (Genera) of trees, and a mixture of tree types (evergreen and deciduous) shall be included. For projects that involve planting more than twenty-five trees, no more than 25 percent shall be from one Genera and a minimum of 20 percent must be evergreen.

## (4) Tree size at planting.

Trees provided to meet the landscaping requirements shall be consistent with the following size requirements at the time of planting: For deciduous trees, at least 50 percent of the trees provided shall be a minimum 2-inch caliper at the time of planting, with the remaining deciduous trees a minimum 1½-inch caliper. For evergreen trees, at least 50 percent of the trees provided shall be a minimum of 6 feet tall, with the remaining evergreen trees a minimum of 5 feet tall at the time of planting. Evergreen trees provided to meet these requirements shall also be species with the ability to develop a minimum branching width of 8 feet within 5 years.

## e. Installation and Maintenance.

(1) Landscaping shall be installed and maintained in a healthy, thriving, and safe condition, and replaced as necessary, during the plant establishment period and for the life of the project, consistent with the requirements, standards and specifications of this Section and the UFM.

(2) Conditions shall be provided to promote tree longevity, thus reducing the need for replacement. Considerations shall include planting species in locations and with conditions favorable to their health, and providing appropriate protection from potential damage from adjacent uses, development or activities.

(3) Minimum tree trunk setbacks, unpaved planting area per tree, soil volumes and spacing requirements shall be provided for healthy tree growth, as follows:

	Small Trees	Medium Trees	Large Trees
Minimum unpaved planting area (sq. ft.):	24	40	60
Minimum tree pit width (ft.):	4	5	6
Minimum tree pit length (ft.):	6	8	10
Minimum soil volume (cu. ft.):	72	120	180
Minimum spacing (ft.) between trees:	10	25	40

Exceptions to these minimums may be approved with staff review, upon demonstration that healthy tree growth will be achieved and infrastructure and other conflicts will be avoided.

(4) All required landscaping must be planted in the ground, where feasible. In cases where this is not feasible, the use of planters or other approaches may be authorized as long as minimum soil depth and unpaved planting area dimensions are maintained. Soil composition and volume shall be provided as appropriate to promote the health of the plants, per the specifications of the UFM. Any vegetated LID BMP shall be designed in accordance with the City of Tacoma Stormwater Management Manual.

(5) An irrigation system, which in some cases shall include hand watering, shall be provided for all required landscaping per the guidance of the UFM, to ensure survival through the plant establishment period.

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(6) Pruning of required trees or shrubs shall be for the purpose of maintaining the tree or shrub in a healthy and thriving condition and/or to enhance its natural growing form. Trees and shrubs shall not be excessively pruned such that it adversely affects the healthy living condition of the plant, significantly damages the natural growing form of the plant, or eliminates or significantly reduces the purpose for the planting. Topping, an extreme form of pruning, of trees required by this Section is prohibited. This prohibition does not apply to pruning performed to remove a safety hazard, to remove dead or diseased material, or to avoid overhead power lines.

(7) Violations of the provisions of this section are subject to Code Enforcement, per TMC 13.05.150.

### f. Credits and Flexibility.

The following credits may be utilized separately or in combination.

#### (1) Tree retention.

The following tree planting credits are available for existing trees, provided a Certified Arborist's Report determines that the tree(s) is healthy and can be saved through construction activities. If retained trees are damaged during or after construction, replacement shall be based upon the same ratios. A Certified Arborist's Report and Tree Protection Plan consistent with the requirements outlined in the UFM showing existing trees, existing and proposed grading, new development on the site (such as buildings, utilities, etc.), measures taken to protect existing trees and any new trees that will be planted on the site shall be submitted if trees are being retained for credit. To be eligible for this credit, trees must be healthy and have minimal serious defects or defects that cannot be mitigated by proper pruning as indicated on the Arborist Report and Tree Protection Plan. Trees shall count according to their species as Small, Medium and Large Trees.

- i. One required tree for every retained tree of at least equal size;
- ii. Two required trees for every retained tree that is 8 inches to 20 inches in DBH;
- iii. Three required trees, for every retained tree 20 inches to 32 inches in DBH;
- iv. Four required trees, for every retained tree over 32 inches in DBH.
- v. In order to facilitate and provide an incentive for the retention of substantial numbers of mature trees, additional flexibility is available on Parking Lot Distribution requirements.

#### (2) Evergreen trees.

Evergreen trees, above and beyond those otherwise required, shall count as 1.1 trees toward total number required. If greater than two-thirds of required trees are Evergreens, additional flexibility is available on Parking Lot Distribution requirements.

#### (3) Low Impact Development.

Vegetated LID BMPs may be used to meet all or a portion of the landscaping requirements. For sites utilizing LID BMPs as defined in the City of Tacoma Stormwater Management Manual as their primary stormwater management approach, additional flexibility is available on Parking Lot Distribution requirements.

#### (4) Urban Forestry Fund.

In limited instances when specific site characteristics do not support the preservation or planting of trees, funds may instead be paid into the City Urban Forestry Fund. Applicants must demonstrate to the satisfaction of the Director that specific site characteristics make the installation of landscaping on the site problematic to its reasonable use. Landscaping buffer requirements may not be modified through this provision. Landscaping must still be installed to the maximum extent practicable. Funds collected will be used by the City Urban Forestry Program to plant trees on other public or private property within the City. The required amount will be equal to 1.5 times the cost to purchase and plant the required landscaping and maintain it through establishment, as specified in the UFM.

#### (5) Self-managed Agencies.

An optional process for additional flexibility is available for public agencies with urban forestry programs and plans. This option is intended to encourage public agencies to take a leadership role in implementing urban forestry goals and policies. This flexibility can facilitate more intensive development of a particular development site, while meeting the urban forestry policies of the Comprehensive Plan and the intent of the landscaping code by planting the required landscaping at another site within the City of Tacoma in the agency's permanent control.



i. To initiate this optional process, public agencies must submit a request to PDS to be designated as a self-managed agency, including the agency's urban forestry plan, an overview of its urban forestry program, and an analysis demonstrating general consistency with the Comprehensive Plan and landscaping code. The general landscaping requirements of this section apply. Plantings already required by a separate regulatory authority may not count toward meeting the requirements of this section. Upon review, the Director will issue a Determination regarding the consistency of the request with the Comprehensive Plan and code intent. If approved, the Determination shall grant self-managed agency status for up to ten years, subject to reevaluation. The Director reserves the right to withdraw the self-managed agency status should the intent not be met.

ii. Self-managed agencies may choose to plant landscaping required as part of a particular development proposal in another location per their urban forestry plan. This flexibility can be utilized at the agency's discretion on subsequent site-specific development proposals. Each request to utilize this process as part of a development proposal review shall make reference to the approved Determination, be supported by running totals of landscaping planted in this manner, and include status updates on ongoing health of such landscaping.

iii. Landscaping Buffers, when required, must be provided on the development site and cannot be shifted to another site. In addition, to the extent feasible, some portion of required street trees and parking lot landscaping shall be planted at the development site, or if shifted from the development site shall be planted in proximity to impervious surfaces, in order to achieve commensurate stormwater benefits.

#### 4. District landscaping requirements.<sup>1</sup>

##### a. Applicability.

(1) The landscaping standards of this table apply to new development and substantial alterations, as stipulated above. LID BMPs may be used to fulfill all or a portion of landscaping requirements, where the vegetation within the LID BMP is compatible to the requirements.

(2) Exemptions:

(a) Single, two and three-family and townhouse developments are exempt from all landscaping requirements, with the exceptions that street trees are required in X Districts, and in all districts in association with a full plat or short plat with 5-9 lots, and per Small Lot standards of Section 13.06.020.J.

(b) Passive open space areas are exempt from all landscaping requirements (however development activities on such sites may trigger landscaping requirements).

(c) Park and recreation uses are exempt from the Overall Site, Site Perimeter and Buffer requirements of this section.

##### b. Purpose.

The standards of this section are intended to implement the goals of the Comprehensive Plan and the intent of this section.

c. The following standards contain both numerical and distribution requirements for trees. In each case, whichever requirement would generate the larger number shall control and be the required number of trees.

##### d. Overall Site Landscaping.

(1) Purpose.

Overall Site Landscaping is intended to ensure that a minimum amount of landscaping is provided with development.

(2) Overall Site Landscaping Minimums.

This requirement may be provided anywhere on the site. The amount is determined as a percentage of the site which is not covered with structures. It may be satisfied by landscaping provided to meet other requirements.

- Residential Districts: 5 percent
- Commercial Districts: 10 percent

<sup>1</sup> Code Reviser's note: Relocated from Table TMC 13.06.502.E., "Landscaping requirement applicable to Residential, Commercial, Industrial, and Mixed-Use Districts", per Ord. 28613 Ex. G.

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- Industrial Districts: 5 percent of parking areas over 20,000 sf
- X Districts: 15 percent (for single-purpose residential projects)

### (3) Planting requirements.

When Required, Overall Site Landscaping shall consist of a mixture of trees, shrubs and groundcover plants, as follows:

- At least one Small Tree per 200 square feet; one Medium Tree per 300 sf; or one Large Tree per 400 sf of required overall site landscaped area.
- Shrubs and groundcover to completely cover the remaining area within 3 years.

### (4) X Districts Exceptions.

Requirements for developments with structured parking are relaxed based on the percentage of structured parking to the total number of on-site parking spaces. For example, if all parking is structured, there is no overall site landscaping requirement. If 50 percent of the parking is structured, then the amount of required overall site landscaping is reduced by 50 percent.

- Green roofs and roof gardens may be used to meet up to one-third of the landscaped area requirements.
- Planting strips within street rights-of-way shall not be counted toward this requirement.

## e. Site Perimeter Landscaping:

### (1) Purpose.

Site Perimeter Landscaping is intended to ensure that areas abutting property lines, and not developed with structures, be attractive, and provide the environmental benefits of vegetation.

### (2) Exceptions.

Site Perimeter Landscaping is not required in Industrial or X Districts.

### (3) General Standards.

- (a) When applicable, a Site Perimeter is required around the entire perimeter of the site. Perimeter strips may be broken for primary structures, vehicle and pedestrian access crossings, and to allow limited access to and use of utility services located in alleys, but not by accessory structures, paved areas, outdoor storage or other development.
- (b) A minimum 7-foot wide site perimeter strip shall be provided on sides without abutting street trees. The required perimeter strip shall be reduced to 5 feet for parcels of 150 feet or less in depth.
- (c) A minimum 5-foot wide site perimeter strip shall be provided on sides with abutting street trees.

### (4) Planting Requirements.

The perimeter strip shall be covered with a mixture of trees, shrubs, and groundcover plants, as follows:

- (a) At least one Small Tree per 200 sf; one Medium Tree per 300 sf; or one Large Tree per 400 sf of required landscaped area.
- (b) Trees planted shall be generally evenly distributed over the site.
- (c) Place trees to create a canopy in desired locations without obstructing necessary view corridors.
- (d) Shrubs and groundcover to completely cover the remaining area within 3 years.

## f. Street trees:

### (1) Purpose.

Street trees are intended to provide multiple benefits including aesthetics, traffic calming, environmental, shading, visual buffering and noise separation from streets.

### (2) Exceptions.

In the PMI District, street trees are required with new development, alterations, and street improvements as specified in Section B., above, for development on the following gateway corridors: Marine View Drive, E. 11th Street west of Portland Avenue, Portland Avenue (south of E. 11th Street), and Port of Tacoma Road (south of E. 11th Street). In other locations within the PMI District, street trees are only required for street and sidewalk improvements as specified in Section 1.e, above.

**(3) Planting Requirements.**

- (a) Four Small Trees; three Medium Trees; or, Two Large Trees per 100 linear feet of site frontage.
- (b) Street trees should generally be evenly spaced to create or maintain a rhythmic pattern, but can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, traffic signs, or other streetscape features, or if such variations are demonstrated to better achieve the intent.
- (c) Street trees shall, when possible, be planted within the right-of-way adjacent to the curb and between the pedestrian lane/sidewalk and curb. When this is not possible or a different location would better achieve the intent, street trees may be located elsewhere within the right-of-way, including behind the sidewalk, in street medians, parking strips or bulbouts. If neither of these preferred locations is possible, such as when existing infrastructure prevents trees from being planted within the right-of-way, trees located within 10 feet of the right-of-way may be counted as street trees.

**(4) Street Trees in Downtown Districts.<sup>1</sup>**

- (a) Four Small Trees, Three Medium Trees, or Two Large Trees shall be provided per each 100 linear feet of frontage, with tree grates or alternative pervious surface materials covering the pits. This standard, in its entirety, shall apply to all new construction, additions, substantial alterations, and when 50 percent or more of the existing sidewalk is replaced. Street trees shall be provided, consistent with the requirements of this standard, proportionate with the linear length of existing sidewalk that is replaced. Existing street trees shall be counted toward meeting this standard. Trees and grates should generally conform to the Tacoma Downtown Streetscape Study and Design Concepts.
- (b) The required street trees should generally be evenly spaced to create or maintain a rhythmic pattern, but can be provided with variations in spacing and/or grouped to accommodate driveways, building entrances, etc.
- (c) Tree pits shall be covered by tree grates, or alternative pervious surface materials, to accommodate pedestrians in the planting area. The use of tree grates or alternative pervious surface materials will be determined by the presence of existing grates or surface materials in the district, and the width and function of the sidewalk.
- (d) Residential development may substitute plantings for grates or alternative tree pit pervious surface materials.
- (e) Where existing areaways, vaults or insufficient sidewalk widths prevent this form of planting, trees may be planted in planters that are generally in conformance with the Tacoma Downtown Streetscape Study and Design Concepts and the technical guidance of the Urban Forest Manual.

**g. Parking Lot Landscaping.**

**(1) Purpose.**

Parking lot landscaping is intended to provide visual relief, to enhance the aesthetic appearance, screening from adjacent sites and public areas, to reduce environmental impacts of parking and other paved areas, and to provide shade and shelter for pedestrians.

**(2) Exceptions.**

- (a) Parking Lot Perimeter Landscaping is not required in M-2 or PMI Districts.
- (b) Parking lots of 15 stalls or less are not required to meet Interior Planting requirements.
- (c) Parking lots of 15 stalls or less, located behind buildings and accessed by alleys, are exempt from the Site Perimeter requirement.

**(3) Parking Area tree minimum – overall.**

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<sup>1</sup> Code Reviser's note: Relocated from 13.06A.070.C.3 per Ord. 28613 Ex. G.

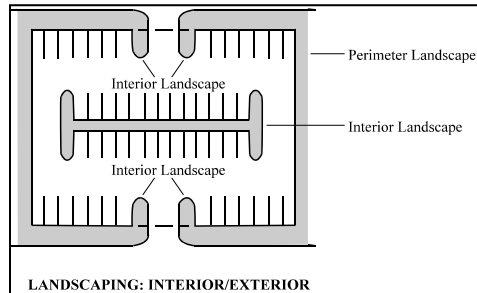
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One Small Tree per 700 square feet; one Medium Tree per 1,000 square feet; or, one Large Tree per 1,400 square feet of parking lot area.

### (4) Parking Lot – Interior Planting Requirements.

A mixture of trees, shrubs and groundcover meeting the following requirements:

- (a) At least one Small Tree per 200 sf, one Medium Tree per 300 sf; or one Large Tree per 400 sf of landscaped area.
- (b) Trees planted shall be generally evenly distributed over the site. Shrubs and groundcover plants as required above.
- (c) Trees placed to create a canopy in desired locations without obstructing necessary view corridors.
- (d) Parking lot landscaping areas example:



### (5) Distribution.

- (a) No stall shall be more than 50 feet from a tree trunk.
- (b) Long rows of parking shall be broken by islands or peninsulas with trees, such that there are no more than eight parking stalls in a row without a tree.
- (c) Planting areas with trees are required at all parking aisle ends.
- (d) Trees shall be provided along walkways per 13.06.090.F.

### (6) Distribution Flexibility Bonuses.

For each of the following bonuses provided, Parking Lot Distribution requirements may be modified as follows: The maximum distance from each stall may increase by 10 feet; and, maximum parking row length may increase by 1 stall.

- Tree retention: Retention of trees at least 20 inches in diameter constitutes at least 50 percent of the number of required trees.
- Evergreen trees: Evergreen trees constitute greater than two-thirds of required trees.
- Low Impact Development: Sites utilizing Low Impact Development (LID) techniques as defined in the City of Tacoma Stormwater Management Manual as their primary stormwater management approach.

### (7) Parking lot - Perimeter landscaping Planting Requirements.

- (a) Parking Lots with more than 20 stalls are required to provide a 10-foot wide planting strip per the planting requirements below.
- (b) Where the subject property is 150 feet or less in depth, the perimeter strip can be reduced to 5 feet in width.
- (c) When applicable, a Parking Lot Perimeter is required around the shortest circumferential line defining the exterior boundary of a parking, loading or similar paved area, excluding primary structures, driveways or walkways providing access to the facility.
- (d) Parking Lot Perimeters shall be planted with a mixture of trees, shrubs and groundcover meeting the following requirements:

- At least one Small Tree per 200 sf, one Medium Tree per 300 sf; or one Large Tree per 400 sf of landscaped area.
- Trees planted shall be generally evenly distributed over the site.
- Shrubs and groundcover plants as required above.
- Trees placed to create a canopy in desired locations without obstructing necessary view corridors.

(8) Downtown Districts.

(a) All new surface parking lots, additions to parking lots, parking lots associated with buildings undergoing substantial alteration, parking lots increased in size by 50 percent, and parking lots altered on 50 percent of its surface shall provide a perimeter landscaping strip abutting adjacent sidewalks containing a combination of trees, shrubs and groundcover per the General Landscaping requirements and the Parking Lot Perimeter requirements of TMC 13.06.090.B.<sup>1</sup>

- In no case shall fewer than three trees per 100 linear feet of frontage be provided.
- Masonry walls no lower than 15” and no higher than 30” may be substituted for shrubs.
- For lots greater than 20 stalls, at least 15 percent of the interior area shall be planted with trees, shrubs and groundcover.
- Pedestrian walkways from adjacent sidewalks shall be provided except where topographic constraints make this requirement infeasible.

(b) Where trees are provided, they shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards. However, limited flexibility in the placement of trees shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard.<sup>2</sup>

h. X District Front Yard and Foundation Landscaping:

(1) Purpose. Trees, shrubs and groundcover plantings intended to soften the visual appearance of exposed foundations and building frontages in highly pedestrian areas.

(2) In areas where buildings are not located adjacent to the sidewalk, the area between the public sidewalk and buildings shall incorporate expanded sidewalk space, outdoor seating, plazas and/or landscaping with a combination of trees, shrubs, and/or ground cover plants.

(3) All street-facing elevations must have landscaping along any exposed foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building façade that provide access for pedestrians or vehicles to the building.

(4) The foundation landscaping must meet the following standards:

- (a) The landscaped area must be at least three feet wide.
- (b) There must be at least one shrub for every three lineal feet of foundation.
- (c) Groundcover plants must fully cover the remainder of the landscaped area.

C. Off-street parking areas.<sup>3</sup>

1. Applicability.

<sup>1</sup> Code Reviser’s note: Relocated from 13.06A.065.D.3 per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser’s note: Relocated from 13.06A.070.C.8 per Ord. 28613 Ex. G.

<sup>3</sup> Code Reviser’s note: Previously codified as 13.06.510 (Off-street parking and storage areas); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28518 Exs. 1, 6; passed Jun. 26, 2018; Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28376 Ex. B; passed Aug. 16, 2016; Ord. 28336 Exs. B, C; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28088 Ex. A; passed Sept. 25, 2012; Ord. 28077 Ex. C; passed Jun. 12, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27771 Ex. C; passed Dec. 9, 2008; Ord. 27644 Ex. A; passed Sept. 18, 2007; Ord. 27539 § 16; passed Oct. 31, 2006; Ord. 27432 § 9; passed Nov. 15, 2005; Ord. 27296 § 22; passed Nov. 16, 2004; Ord. 27245 § 12; passed Jun. 22, 2004; Ord. 27079 § 35; passed Apr. 29, 2003; Ord. 26966 § 14; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

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Buildings, structures, or uses hereafter established, built, enlarged, increased in capacity, or changed in principal use in all districts shall provide the following off-street parking areas.

### 2. Purpose.

To ensure the safe and adequate flow of traffic in public right-of-way, it is deemed in the interest of the public health, safety, and general welfare that off-street parking areas be required as a necessary part of the development and use of land, and to ensure that required parking areas are designed to perform in a safe and efficient manner. Additionally, to minimize impacts to adjacent uses from areas used for storage of vehicles and other materials, specific design and development standards for such areas are provided in Subsection D.

Minimum parking requirements are particularly important in order to ensure resident, visitor, customer, and employee parking within reasonable distance to the uses served, reduce congestion on adjacent streets; and to minimize, to the extent possible, spillover parking into adjacent residential areas. The requirements herein set forth are also established to discourage under-used parking facilities and to minimize the amount of land dedicated to parking, consistent with the Comprehensive Plan, that encourages economic development, transit use, carpooling, energy conservation, and air quality improvement by providing for: only the minimum number of stalls necessary, compact stalls, shared parking between uses, transportation demand management, and incentives for reducing the size of parking areas.

### 3. Off-street parking spaces - quantity.

The quantity of off-street parking shall be provided in accordance with the standards of the tables below.

#### a. Fractions.

Fractions resulting from required parking calculations will be rounded up or down to the nearest whole number.

#### b. Multiple uses.

Where an establishment on a lot contains multiple types of uses, the required parking spaces shall be equal to the total spaces determined by computing each use type separately, except where specifically stated otherwise herein.

#### c. Use not listed.

In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the City Traffic Engineer. Such determination shall be based upon the requirements for the use specified in this section that is most nearly comparable to the unspecified use and traffic engineering principles and studies.

#### d. Historic buildings and sites.

Structures and sites that are individually listed on the Tacoma Register of Historic Places shall be exempt from all parking quantity requirements. This provision does not apply to Historic Special Review District overlay zones.

e. For buildings in existence prior to the adoption of the Tacoma Municipal Code on May 18, 1953, no additional parking shall be required for changes in use. Existing parking that is above and beyond the current requirements may be removed, provided that the quantity of parking is not reduced below the current requirements for the use on the site. New development, including additions, shall provide parking as required.

f. In Commercial Districts (T, C-1, C-2, HM, and PDB), no additional parking shall be required for a change of use in a structure that existed prior to September 25, 2012. Existing parking that is above and beyond the current requirements may be removed, provided that the quantity of parking is not reduced below the current requirements for the use on the site. New development, including additions, shall provide parking as required.

g. If a new use would have required more parking before October 8, 2012, the accessible parking requirements shall be based on the standards in place before October 8, 2012, except in cases where, after consulting with the City's ADA coordinator, the Building Official approves an alternative to providing on-site accessible parking upon a determination that the alternative is reasonable in light of circumstances associated with the specifics of an individual site and the needs of people with disabilities.

h. The following parking quantity standards apply to the Zoning Districts established in 13.06.020 Residential Districts, 13.06.030 Commercial Districts, and 13.06.060 Industrial Districts.

**TABLE 1 – Required Off-Street Parking Spaces<sup>9, 14</sup>** (All footnotes are in Table 2, below.)

Use	Unit	Required parking spaces
		<b>Min.</b>
<b>Residential</b>		
Single-family detached dwelling, Adult family home, Staffed residential home <sup>1, 2, 12</sup>	Dwelling.	2.00
Two-family dwelling in all districts <sup>1, 2, 12</sup>	Dwelling.	2.00
Townhouse dwelling in all districts <sup>1, 2, 12</sup>	Dwelling.	1.00
Three-family dwelling in all districts <sup>1, 2, 12</sup>	Dwelling.	2.00
Two- or Three-family dwelling via Conditional Use Permit	Dwelling.	1.00
Group housing – up to 6 residents		2.00
Group housing – 7 or more residents <sup>1, 16</sup>	Room, suite or dwelling.	1.00
Small Lots, Cottage Housing and lots not conforming to area/width <sup>3</sup>	Dwelling.	1.00
Mobile home park <sup>1, 2, 12</sup>		
Senior housing	Guest room, suite or dwelling unit.	0.75
Multiple-family dwelling <sup>1, 2, 12, 16</sup>		
Located in R-3, R-4-L, T, HMR-SRD, and PRD Districts <sup>12</sup>	Dwelling.	1.50
Located in R-4, C-1, C-2, PDB, and M-1 Districts <sup>12</sup>	Dwelling.	1.25
Located in R-5 District <sup>12</sup>	Dwelling.	1.00
Mixed-Use Center District	See TABLE 2 (next table).	
Retirement homes, apartment hotels, residential hotels, residential clubs, fraternities, sororities, and group living quarters of a university or private club <sup>1</sup>	Guest room, suite, or dwelling.	Same as for multiple-family.
Residential in DR, DCC, DMU, and WR Districts	See Section 13.06.050 Downtown.	
<b>Retail<sup>10</sup></b>		
Retail commercial establishments, except as otherwise herein, less than 15,000 square feet of floor area	1,000 square feet of floor area.	2.50
Shopping Center	1,000 square feet of floor area.	4.00
Retail commercial establishments, except as otherwise herein	1,000 square feet of floor area.	4.00
Eating and drinking establishments <sup>11</sup>	1,000 square feet of floor area.	6.00
<b>Office</b>		
Business and professional offices	1,000 square feet of floor area.	3.00
Medical and dental clinics	1,000 square feet of floor area.	3.00
<b>Lodging</b>		
Hotel or Motel <sup>1</sup>	Guestroom or suite.	0.50
<b>Institutional</b>		
Libraries, museums, art galleries	1,000 square feet of floor area.	2.50
Hospitals	Bed.	1.75
Special needs housing, as listed in 13.06.080.N, and not otherwise listed in this table	Bed.	0.10 plus one per employee
Extended care facilities	Bed.	0.33
Religious assembly	Seat. <sup>4</sup>	0.20
Elementary, middle, and junior high schools	Classroom.	1.20

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TABLE 1 – Required Off-Street Parking Spaces <sup>9, 14</sup> (All footnotes are in Table 2, below.)		
Use	Unit	Required parking spaces
High school	Student.	0.40
College and university	Student.	0.75
Work release or juvenile rehabilitation	Employee.	1.00 <sup>5</sup>
Recreational		
Auditoriums, stadiums, and theaters	Seat. <sup>4</sup>	0.25
Miniature golf course	1,000 square feet of lot area, excluding parking.	2.50
Skating rink	1,000 square feet of floor area.	6.00
Bowling establishment	Lanes.	5.00
Public dance halls and private clubs	1,000 square feet of floor area.	7.50
Marina	Moorage space.	0.50
Boat launch	Ramp.	25.00 <sup>6</sup>
Recreational uses not listed elsewhere	Same as retail, based on size.	
Warehouse/Industrial <sup>13</sup>		
Self-service storage	Storage unit.	See note 7.
Warehousing	2,000 square feet of floor area.	1.00
Industrial/manufacturing	1,000 square feet of floor area.	1.00
Services		
Laundromat	Washing and dry-cleaning machine.	0.50
Car wash	Wash stall or 25 feet of wash lane.	4.00 <sup>8</sup>
Day-care centers	Each 10 children in care.	2.00



**TABLE 2 – Exceptions to quantity requirements.**

1. Guest rooms, dwellings or suites in group housing, retirement homes, apartment hotels, residential hotels, and residential clubs shall be construed to be dwelling units for purposes of determining the number of off-street parking stalls required.
2. For purposes of this regulation, a mobile home shall be construed to be a single-family dwelling. Tandem parking is permitted for single-family, two-family, and three-family dwellings.
3. Includes lots approved through the provisions of the Small Lot standards of TMC 13.06.020.J, Cottage Housing Dwellings approved per TMC 13.06.080.C, including 13.05.060, and lots which were a single unified parcel of land as indicated by the records of the Pierce County Auditor as of May 18, 1953 or a lot which was configured legally to conform to the applicable requirements but which became nonconforming as a result of subsequent changes to this chapter or other official action by the City, and which has been maintained in that configuration since, having an average width, frontage, or area that is smaller than the applicable minimum requirements.
4. Seat, 18 inches of bench or 25 square feet of floor space.
5. There shall be 2 visitor-parking stalls provided for each 10 required employee stalls.
6. Parking spaces shall be minimum 10 feet wide and 40 feet long.
7. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 20 feet wide when storage facilities open onto one side of the lane only and at least 25 feet wide when storage facilities open onto both sides of the lane. Driving lanes shall be designed to accommodate single unit vehicles. Two parking spaces shall be provided adjacent to the manager's quarters. One parking space for every 200 storage spaces or fraction thereof shall be located adjacent to, or within 100 feet of, the office. A minimum of two such spaces shall be provided. Required parking spaces may not be rented as, or used for, long-term vehicular storage.
8. The required stalls may include waiting and finishing or drying space.
9. The number and size of required handicapped accessible parking spaces shall be consistent with the applicable Building Code.
10. In commercial districts combined with a View-Sensitive Overlay District and adjacent to a shoreline district (i.e., Old Town), 0 stalls are required for the first 3,000 square feet of retail space.
11. In commercial districts combined with a View-Sensitive Overlay District and adjacent to a shoreline district (i.e., Old Town), 0 stalls are required for the first 750 square feet of eating and drinking establishments.
12. Additional off-street parking for existing residential uses, including those nonconforming as to off-street parking, in all "R" Residential Dwelling Districts shall only be required if the number of dwelling units is increased.
13. Storage warehousing, distribution warehousing, and industrial uses.
  - a. The off-street parking requirements, set forth in Table 1 of this section, shall not include space devoted to office or other non-industrial related use. Where a warehousing or industrial facility contains office or other non-industrial related use, off-street parking for such spaces shall be computed utilizing the requirements set forth in Table 1.
  - b. In determining whether to apply the parking standard based on floor area or the standard based on the number of employees, the City shall consider the following:
    - (1) The extent to which automation is utilized in the operation of the facility;
    - (2) The long-term versus the short-term nature of the use;
    - (3) The means of product delivery and distribution;
    - (4) The need for storage of company vehicles on-site;
    - (5) The availability of accurate employee counts;
    - (6) Future expansion plans;
    - (7) The amount of available area which could be converted to additional off-street parking should the need arise; for example, due to an increase in the work force or change in use.

If, after reviewing the project in light of the above factors, the City finds that the off-street parking standard based on number of employees more accurately reflects the parking needs of the facility while still protecting the general health, safety, and welfare of the community, such standards shall be applied.
14. In instances where the parking requirement is based on number of employees and the employees work in shifts, the number of regular employees in the largest shift shall be used for the purpose of determining the required number of parking stalls.
15. For purposes of calculating parking quantity requirements, "floor area," when used, shall not include space devoted to parking.

16. Parking requirements may be reduced through provision of one or more of the Parking Quantity Reduction options offered in Mixed-Use Center Districts (TMC 13.06.090.C.4, below), up to a minimum of 1 stall per 2 rooms, suites or dwellings. Each parking reduction option provided shall receive 50 percent of the credit available in Mixed-Use Center Districts. This reduction may not be utilized in combination with the bonus offered through Footnote 1 of this table.

i. Required off-street parking for Downtown Districts.<sup>1</sup>

(1) Applicability.

The following standards apply within the Downtown Zoning Districts in 13.06.050.

(2) Purpose.

The following off-street parking standards are intended to achieve Comprehensive Plan policies that strive to minimize and effectively manage the amount of land in downtown that is currently dedicated to parking, as large parking areas are often unattractive, inefficient uses of land which disrupt cohesive urban form and pedestrian environment.

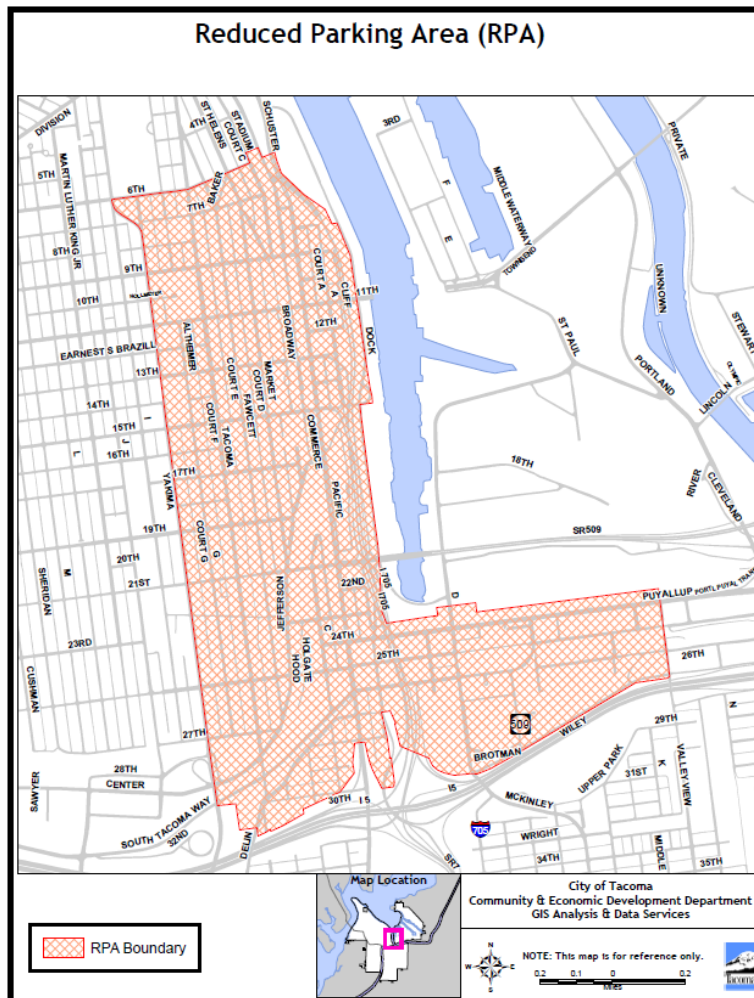
(3) Quantity requirements in the Reduced Parking Area (RPA).

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06A.065 (Parking Standards); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. F; passed Sept. 24, 2019; Ord. 28518 Ex. 6; passed Jun. 26, 2018; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28247 Ex. A; passed Oct. 14, 2014; Ord. 28230 Ex. E; passed Jul. 22, 2014; Ord. 28194 Ex. A; passed Dec. 17, 2013; Ord. 28157 Ex. G; passed Jun. 25, 2013; Ord. 28051 Ex. C; passed Feb. 21, 2012.

Minimum off-street parking stall quantity requirements do not apply within the Reduced Parking Area (RPA), which is generally bounded by Yakima Avenue, 6th Avenue, Dock Street, Puyallup Avenue, East 'L' Street, and Interstate 5 (the specific boundary of the area is shown in Figure 2, below).

**Figure 2: Reduced Parking Area (RPA)**



	<b>Residential Parking</b> (stalls/ unit)		<b>Non-Residential Parking</b> (stalls/ floor area sf)	
	Minimum	Maximum	Minimum	Maximum
RPA	Not Applicable	Not Applicable	Not Applicable	Not Applicable

(4) Parking Quantity Standards Outside of the RPA.

	<b>Residential Parking</b> (stalls/unit)		<b>Non-Residential Parking</b> (stalls/floor area sf)	
	Minimum	Maximum	Minimum	Maximum
DMU	1	Not Applicable	2/1000	3/1000
DR	1	Not Applicable	1/1000	3/1000
WR	1	Not Applicable	1/1000	3/1000

(a) Minimum parking ratios for non-residential development located east of Jefferson Avenue from South 23rd to South 28th Street shall be reduced by 50 percent in recognition of the availability of transit.

(b) The first 3,000 square feet of each street level establishment is exempt from parking requirements.

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(c) Special needs housing, including, but not limited to, seniors, assisted living, congregate care, licensed care, or group care homes may provide less than one stall per residence upon a showing that a lesser parking requirement will reasonably provide adequate parking for residents, staff, and visitors, subject to the approval of the City Engineer.

(d) Required parking for hotels shall be .5 stalls per room inclusive of all accessory uses.

(e) Telecommunications exchange facilities may provide less than the required parking stalls upon a showing that a lesser parking requirement will reasonably provide adequate parking for operational, vendor, and transient service staff, subject to the approval of the City Engineer.

(f) Group housing; student housing; and, efficiency multi-family dwellings (250-450 sf in size) are exempt from vehicular parking requirements (with the exception of required accessible parking), provided the following:

- Within a single building, no more than 20 dwelling units may utilize this bonus. For buildings that are greater than 40 dwelling units, 50% of the total dwelling units may utilize this bonus.

(5) No parking is required for structures lawfully in existence on January 10, 2000, the time of reclassification to the above districts; however, new development and additions shall provide parking as required. No addition to a building or parking area can increase nonconformity to these standards or create new nonconformity.

(6) Maximum parking ratios may be exceeded for providing parking available to the public and which is not dedicated to individual owners, tenants and lessees of any building. Ample signage at the facility must be provided to inform users that the excess parking stalls are available for public use at no charge or by fee.

(7) For buildings that contain multiple types of uses, the required number of parking spaces shall be equal to the total number of spaces determined by computing each use type separately, except where specifically stated otherwise herein.

(8) Structures and sites that are individually listed on the Tacoma Register of Historic Places shall be exempt from all parking quantity requirements. This provision does not apply to Historic Special Review District overlay zones.

(9) Variances to the required standards may be authorized pursuant to Section 13.05.010.B Variances.

### j. Mixed-Use Centers – Required Off-Street Parking Spaces.

(1) Applicability.	<p>(a) The following off-street parking requirements apply to mixed-use zoning districts as established in 13.06.040 Mixed-use Center Districts.</p> <p>(b) Accessible parking shall be provided for people with physical disabilities as part of all new buildings and additions to existing buildings in accordance with the standards set forth in Chapter 2.02 Building Code, based on the parking provided. However, after consulting with the City's ADA Coordinator, the Building Official may approve an alternate to providing, or a reduction of, on-site accessible parking when it is determined that the alternate is reasonable in light of circumstances associated with the specifics of an individual site and the needs of people with disabilities.</p>
(2) Quantity.	<p>Residential Uses. Minimum 1.0 stall per unit.</p> <p>Commercial or Office Uses. Minimum 2.5 stalls per 1000 square feet of floor area.</p> <p>Other Uses. For uses not specifically listed above, the parking requirement in the Mixed-Use Center Districts shall be 70% of the parking requirement for that use identified in Table 1.</p> <p>See Section 13.06.090.C for use of compact stalls.</p> <p>For purposes of calculating parking quantity requirements, "floor area," when used, shall not include space devoted to parking.</p> <p>In the Tacoma Mall Center, the following parking quantities are required:</p> <p>(1) Residential uses. Minimum 0.5 stalls per unit.</p> <p>(2) Non-residential uses. Exempt from vehicular parking requirements, except for loading spaces pursuant to TMC 13.06.090.C, and accessible spaces pursuant to the provisions of 13.06A.090.C.5.i.</p>

(3) Exemptions.	<p>(a) No parking is required for any structure in existence upon the date the Mixed Use Center was created within which it exists (see Section 13.17.020). New development shall provide parking as required.</p> <p>(b) In NCX and CCX Districts, no parking is required for buildings located within 10 feet of the right-of-way of the designated pedestrian streets (see Section 13.06.040).</p> <p>(c) In NCX, CCX, and UCX Districts, no parking is required for the first 3,000 square feet of each ground-level retail or eating and drinking establishment.</p> <p>(d) Small, affordable housing types: Group housing; student housing; and, efficiency multi-family dwellings (250-450 sf in size) are exempt from vehicular parking requirements (with the exception of required accessible parking), provided that within a single building, no more than 20 dwelling units, or 50 percent of the total dwelling units (whichever is greater), may utilize this exemption.</p> <p>(e) Affordable housing units required through the Tacoma Mall Center Inclusionary Zoning provisions or certified as affordable through the Multifamily Tax Exemption Program, 12-year option, are exempt from providing vehicular parking.</p>
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#### 4. Parking Quantity Reductions.

##### a. Mixed-use Centers and Downtown.

The parking requirements for mixed-use, multi-family, group housing, commercial, institutional and industrial developments within Mixed-use Center Districts as established in TMC 13.06.040 and Downtown Districts as established in 13.06.050 may be reduced as follows:

(1) Transit Access	<p>Parking requirement shall be reduced by 25% for sites located within 500 feet accessible walking distance of a transit stop and 50% for sites located within 500 feet accessible walking distance of a transit stop at which a minimum of 20-minute peak hour service is provided (routes which serve stops at least every 20 minutes during peak hours). Applicants requesting this reduction must provide a map identifying the site and transit service schedules for all transit routes within 500 feet of the site.</p>
(2) Trip Reduction Plan	<p>Parking requirement shall be reduced by 25% for developments that create and implement a site-specific Trip Reduction plan and program that includes features such as employer-provided transit passes, telecommuting, ridesharing, carpooling, car-sharing, bicycling, flexible work schedules, etc. The trip reduction plan shall be reviewed and approved by the City's CTR Coordinator and yearly reports shall be provided to evaluate the effectiveness of the program and ensure its continued maintenance and operation.</p>
(3) Car-Sharing Stalls	<p>Parking requirements shall be reduced by one stall for each stall that is dedicated and designated for use by a locally-operating car sharing program, such as "Zipcar."</p>
(4) Mixed-Use/Shared Parking Credit	<p>No parking shall be required for the residential units in a mixed-use project where at least 50 percent of the floor area is designed for commercial or institutional use.</p>
(5) On-Street Parking Credit	<p>Parking requirements shall be reduced ½ stall per each new public, on-street parking stall provided as part of the project (through the installation of angled or perpendicular spaces with bulb-outs and curbs or other methods). Any modifications to the right-of-way are subject to the acceptance and approval of the Public Works Department. This one-time credit applies at the time of the development and shall not be affected by any future changes to the right-of-way configuration, design or alignment.</p>
(6) Bicycle Parking Credit	<p>For every five non-required bicycle parking spaces provided on the site (beyond the standard requirements, as found in Section 13.06.090.F), the automobile parking requirement shall be reduced by one space. This credit is limited to a maximum of 5 automobile spaces, or 15% of the standard parking requirement for the development, whichever is less. Vehicle parking for residential uses shall be replaced by long-term bicycle parking. For all other uses, a combination of long- and short-term bicycle parking shall be used for each vehicle space replaced.</p>

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

b. 13.06.020 Residential Districts, 13.06.030 Commercial Districts, and 13.06.060 Industrial Districts.

(1) Guest rooms, dwellings or suites in group housing, retirement homes, apartment hotels, residential hotels, and residential clubs shall be construed to be dwelling units for purposes of determining the number of off-street parking stalls required. The parking requirements may be reduced to one parking space every three dwelling units; provided, the following conditions exist:

- The use will provide residency for retirement age persons with an estimated average persons-per-dwelling unit factor of 1.5 or less, low-income individuals or households, or a combination thereof;
- Yard space is available on the same lot the use is to be located upon or an adjoining lot, where off-street parking at a future time could be provided should the use be converted to an apartment or for other reasons additional parking is needed to serve the premises.
- If these conditions do not exist, a variance of the number of parking spaces to be provided is required.

(2) Parking requirements may be reduced through provision of one or more of the Parking Quantity Reduction options, up to a minimum of 1 stall per 2 rooms, suites or dwellings. Each parking reduction option provided shall receive 50 percent of the credit available in Mixed-Use Center Districts. This reduction may not be utilized in combination with the bonus offered through (1), above.

5. Accessible parking quantities.

a. Accessible parking shall be provided for people with physical disabilities as part of all new buildings and additions to existing buildings in accordance with the standards set forth in the building code as adopted by the City of Tacoma in TMC Chapter 2.02, based on the parking provided. The minimum number of accessible parking stalls to be provided shall be based on the following criteria:

- For non-residential development, accessible parking shall be calculated as if one general parking space were provided for each 1,000 square-feet of gross floor area of the development, minus the first 3000 square-feet of each street level establishment.
- For hotels, accessible parking shall be calculated as if one-half (0.5) a general parking space was provided for each guest room, inclusive of all accessory uses.
- For residential development, accessible parking shall be calculated as if one general parking space was provided for each dwelling unit.

b. After consulting with the City's ADA Coordinator, the Building Official may approve an alternate to providing on-site accessible parking, as outlined above, when it is determined that the alternate is reasonable in light of circumstances associated with the specifics of an individual site and the needs of people with disabilities.

6. Development standards – Downtown Districts.

a. Applicability.

Unless otherwise specified herein, the off-street parking area development standards contained in TMC 13.06.090.C, which include minimum stall size and height, aisle width, paving and access requirements, but not including minimum quantity requirements, shall apply to all new off-street parking provided.

b. Tandem parking.

Tandem parking is permitted only for residential development subject to approval of the City Engineer.

c. Lighting.

Where pedestrian light standards or parking lot light standards are provided, they shall be placed a minimum of 10 feet from trees. However, limited flexibility in the placement of light standards shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard.

d. Surface parking lots on Primary Pedestrian Streets within the RPA boundary.

- (1) The following regulations are intended to promote a walkable, dense, urban environment on Primary Pedestrian Streets which is both aesthetically pleasing and commercially vibrant. The use of landscaping and publicly accessible amenities should be used to create harmony between vehicle and pedestrian areas.
- (2) Construction of a new surface parking lot to serve as commercial parking facility is prohibited.
- (3) Dedicated surface parking areas shall be located on the same site as the principle use.
- (4) The location of on-site surface parking areas is limited to the area behind the front wall line of the structure, within, or under the structure; and for corner sites surface parking shall not be located at the corner.
- (5) The maximum width of on-site surface parking areas along the frontage of Primary Pedestrian Streets, including driveways, is limited to 60 feet. Portions of surface parking that are more than 40 feet back from the property line along a Primary Pedestrian Street can exceed this width limitation. If the remaining area between the Primary Pedestrian Street and the surface parking area is vacant, it shall be required to comply with 13.06.090.C.6.d(7).
- (6) The expansion of an existing surface parking area located along the frontage of a Primary Pedestrian Street is prohibited. However, surface parking areas can be expanded as long as any such expansion is located at least 40 feet back from the property line along the Primary Pedestrian Street. If this remaining setback area between the Primary Pedestrian Street and the surface parking area is vacant, it shall be required to comply with 13.06.090.C.6.d(7) below.
- (7) A minimum of 15 percent of the setback area shall be landscaped with a combination of trees, shrubs, and ground cover and the setback area shall also include at least two amenities from the following: decorative lighting and pavers; seating, benches, or low sitting walls that could include weather protection or tables; planters; vegetated Low Impact Development Best Management Practices (LID BMPs), public art as coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator<sup>1</sup>; water feature or drinking fountain; public plaza; bike racks or bike boxes; or other public amenities as approved by the City.
  - (a) The setback area shall be clearly identified with signage placed at a visible location with lettering visible to passersby indicating the nature of the setback area and, if appropriate, its availability to the general public.
  - (b) The maintenance of the setback area shall be the responsibility of the property owner for the life of the associated building or the parking area, or until such time as the setback area is developed with a structure that is in conformance with this chapter.
  - (c) If intended to be publicly accessible, the area shall be clearly and directly connected from the adjacent sidewalk meeting Accessibility Standards.

7. Development Standards – X-Districts and Multi-family Residential.

a. Applicability.

The following standards apply to all X-Districts and multi-family residential development, except where otherwise noted.

b. Purpose.

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

c. Off-street Parking Location:

(1) NCX, RCX, NRX, and URX Districts

- (a) Parking shall be located to the rear, side, within, or under a structure, or on a separate lot.

<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

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(b) Surface parking located to the side of a structure shall not exceed a maximum of 60 feet in width for paved vehicular area along designated pedestrian street frontages.

### (2) CCX, UCX, HMX and CIX Districts

(a) Parking may be located on any side provided maximum setback requirements are met.

### (3) Multi-Family Development Parking

(a) In multi-family residential developments with multiple buildings, off-street surface parking and circulation areas shall, to the extent practicable, be located on the sides and rear portions of the development site. In X-Districts, areas between buildings and along street frontages shall be used to fulfill yard space requirements.

(b) Non-X-Districts: In multi-family residential developments, including multi-family residential development with a commercial component, all on-site parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard or not practicably limited only to the rear and sides (such as for institutional and other large uses), subject to determination by the City Engineer, then vehicular access to the front may be developed. However, in all cases such access and parking shall be limited to the minimum necessary and in no case shall driveway and/or parking areas exceed the following:

- Surface parking and access thereto shall not occupy more than 50% of the front yard and corner street side yard street frontages and more than 80 feet in continuous street level frontage.
- Surface parking located to the side of a structure meeting the maximum setback shall not exceed a maximum of 60 feet in width for paved vehicular area.
- Surface parking shall not be located between a structure meeting the “build-to area” maximum setbacks and the pedestrian street right-of-way.

#### d. Loading Spaces.

In NCX and RCX Districts, off-street loading spaces for retail sales and service uses shall only be required in shopping centers.

## 8. Development Standards – Compact Stalls.

### a. Compact Stalls.

A maximum 30 percent of the parking spaces provided may be composed of compact stalls, except that for any parking provided in excess of the minimum quantity requirements, up to 50% of those excess stalls may be composed of compact stalls.

## 9. Development Standards – Driveways.

### a. Applicability.

### b. Purpose.

Driveways shall be located and developed in a manner that recognizes the overall goals for promoting pedestrian activity over vehicle orientation. They shall be limited in size and number and located in the preference order described below:

### c. General Standards.

(1) New driveways in Mixed-Use Center Districts are subject to review and approval by the City Engineer pursuant to Chapter 10.14, taking into account safe traffic flow, existing and planned transit operations, the objectives and requirements of this chapter, and the efficient functioning of the development.

(2) In addition to these standards, the driveway standards contained in Chapter 10.14 shall apply. When portions of Chapter 10.14 or this chapter are in conflict, the more restrictive shall apply.

d. Exceptions may be allowed by the City Traffic Engineer for public safety or if strict application of these standards would prohibit vehicular access to a development, pursuant to Chapter 10.14.

e. Any proposed exception to the standards and/or requirements for driveways in Chapter 10.14 or this chapter shall be forwarded to Pierce Transit for review and comment.



f. Location and frequency standards.

(1) Driveways shall meet the location requirements of TMC 10.14.050.

(2) Pedestrian streets.

(a) Driveways shall be no closer than 150 feet to another driveway as measured from centerlines on designated pedestrian streets.

(b) The centerline of a driveway shall be no closer than 50 feet to a designated pedestrian street corner.

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

g. Drive way width.

(1) Except as otherwise provided by TMC 10.14.050, the width of any driveway shall not exceed 30 feet and shall not be less than 10 feet.

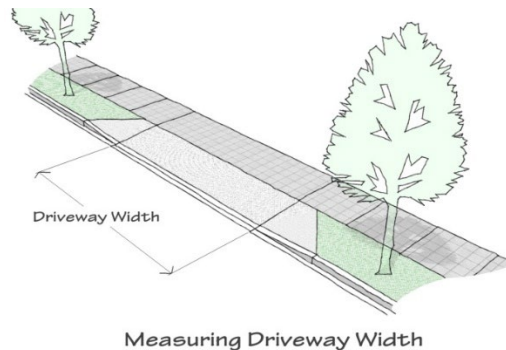
(2) For two and three-family and townhouse dwellings, driveway approach widths on streets are limited to 14 feet when serving one unit and 20 feet in width when serving multiple units.

(3) All driveways for other than single-family residences and duplexes shall be a minimum of 20 feet in width.

(4) The maximum driveway approach width shall be 25 feet on designated pedestrian streets and 30 feet on all other streets.

(5) The radius of all driveway returns shall be a minimum of 10 feet, except on non-arterial streets for single-family residences or duplexes, which shall have a minimum radius of five feet.

(6) In all cases, the driveway approach width limitations indicated are exclusive of the radii of the returns (see graphic below). The measurement of the driveway approach width shall be made parallel to the center line of the street.



h. Downtown Districts.<sup>1</sup>

(1) Maximum driveway width on a street having light rail or streetcar lines or on a defined Primary Pedestrian Street is 25 feet.

(2) All driveways on a street having light rail or streetcar lines or on a defined Primary Pedestrian Street shall be no closer than 150 feet as measured to their respective centerlines, provided that there will be allowed at least one driveway from each development to each abutting street.

(3) All driveways on a street having light rail or streetcar lines shall be equipped with a sign to warn exiting vehicles about approaching trains.

(4) All driveways located on a Primary Pedestrian Street shall be equipped with audible warning signals to announce exiting vehicles.

<sup>1</sup> Code Reviser's note: Relocated from 13.06A.070.C.7 per Ord. 28613 Ex. G.

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(5) Variances to the required standards may be authorized pursuant to Section 13.05.010.B.

### 10. Development Standards – Parking Garage.

The following standards apply to parking garages. They are intended to limit parking garage impacts on the pedestrian environment and reduce opportunities for crime in parking garages.

#### a. Core Pedestrian Streets.

(1) Parking garages are prohibited at street level along the frontage of designated core pedestrian streets. These areas are intended to include uses and portions of uses that encourage pedestrian activity and interaction between adjacent uses and the streetscape.

(2) To support pedestrian activity and urban vibrancy along these key streets, parking garage space shall not occupy more than 60% of a building elevation facing a designated core pedestrian street.

#### b. Pedestrian Streets.

(1) Parking garages shall not occupy more than 50% of the length of a building's street-level frontage along a designated pedestrian street. The remaining portions are intended to include uses and portions of uses that encourage pedestrian activity and interaction between adjacent uses and the streetscape.

(2) To support pedestrian activity and urban vibrancy along these key streets, parking garage space shall not occupy more than 60% of a building elevation facing a designated core pedestrian street.

#### c. Parking Garage Design Standards.

These standards apply to parking garages for five or more vehicles.

(1) Parking garage openings, including vehicular access openings, shall not exceed 50% of the total ground floor façade adjacent to a public street or sidewalk.

(2) Parking garage openings at the level of and facing a street, alley, courtyard, plaza, or open parking area shall incorporate decorative grilles, architectural elements, planters, and/or artworks that effectively reduce the visibility of vehicles within the garage while still allowing for limited visibility into and out of the garage. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup> Any portion of the screening that is between 3 and 7 feet above the adjacent grade shall be at least 20% transparent but not more than 80% transparent. Vehicular access openings shall be exempt from this standard.

(3) For structured parking located within upper floors along designated pedestrian and core pedestrian streets, openings shall be designed to follow the rhythm and scale of the prevailing window pattern for the occupied spaces along the same elevation.

(4) Sloped parking decks and ramps should not be located along designated pedestrian or core pedestrian street elevations or, where such design is infeasible, shall be concealed from public view.

#### d. Downtown standards.

The ground-level façades of new or substantially altered parking garages and additions shall be designed to obscure the view of parked cars. Where commercial or residential space is not provided to accomplish this, features such as planters, decorative grilles, architectural elements, or works of art shall be used. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>2</sup> Parking garage openings at the level of and facing a street, alley, courtyard, plaza, or open parking area shall incorporate such elements in a manner that effectively reduces the visibility of vehicles within the garage while still allowing for limited visibility into and out of the garage. Any portion of the screening that is between 3 and 7 feet above the adjacent grade shall be at least 20 percent transparent but not more than 80 percent transparent. Vehicular access openings shall be exempt from this standard. This standard also shall apply when 50 percent or more of the sidewalk level façade is altered.

### 11. Development Standards – Off-site parking.

a. Parking areas for all uses shall be located on the same parcel with such uses; however, it is recognized that more efficient use of land, business, or organization growth, safety, or similar considerations may make off-site parking

<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>2</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

desirable. Therefore, an exception is provided that off-street parking areas may be constructed on a parcel separate from the main building or buildings occupied by such uses, under the following circumstances:

(1) Where allowed.

The parking area shall be considered an extension of the use it serves. The parking area shall be permitted, prohibited, or subject to conditional use permit in the same manner as the associated land use.

(2) Proximity to use.

The parcel(s) for such off-site parking area shall be located within 500 feet of the parcel(s) to be served. The distance shall be measured between the nearest points of pedestrian access between the two parcels.

(3) Availability confirmation.

Required parking spaces within such an off-site parking area are owned or under legal contract by the owner(s) or lease holder(s) of the property intended to be served.

(4) Sign.

A sign with a maximum area of 1.5 square feet shall be posted on the principal site providing notice of the availability and location of the additional parking. Said sign area will not be subtracted from any sign allowance in Section 13.06.090.J.

(5) Pedestrians.

Upon review, the Traffic Engineer, or designee, may require sidewalk or pedestrian crossing improvements or fence openings to enhance pedestrian safety and mobility from the off-site parking to the use it serves when conditions warrant such improvements.

**12. Development Standards – Shared parking.**

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

(1) Off-site.

The shared parking site shall comply with the provisions of off-site parking (subsection 2 above).

(2) Performance.

The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.

(3) Availability confirmation.

Required parking spaces within such a shared parking area are owned or under legal contract by the owner(s) or lease holder(s) of the property intended to be served.

(4) Total spaces.

When two or more uses share common parking facilities, the total number of parking spaces required shall be the sum of spaces required for those uses individually.

(a) General exception.

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

(b) Religious assembly and school exception.

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

(c) Daytime uses established.

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

(d) Nighttime uses established.

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

(e) Weekday/weekend uses.

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

(5) Pedestrians.

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

### 13. Other limitations on parking areas.

- a. Where the principal use is changed and additional parking space is required as a result, it is unlawful and a violation of this chapter to begin or maintain such altered use until such time as the required off-street parking provisions of this chapter are complied with.
- b. Where the minimum number of required off-street parking spaces has been provided to serve a use, such parking area shall not be subsequently reduced in the number of parking spaces provided.
- c. Where off-street parking areas are developed and operated as a business and where a parking fee is charged, the parking area shall be located only in a commercial or industrial district.

### 14. Vehicle access and parking for all single, two and three dwelling residential uses and townhouses, and all non-residential development in R-Districts.

- a. All on-site parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed.
- b. If access is not practicably available to the rear yard or not practicably limited only to the rear and sides (such as for institutional and other large uses), subject to determination by the City Engineer, then vehicular access to the front may be developed.
- c. However, in all cases such access and parking shall be limited to the minimum necessary and in no case shall driveway and/or parking areas exceed a total of 50 percent of the front yard or 50 percent of a corner street side yard.
- d. In the case of Small Lots, see the additional provisions of Section 13.06.020.J.

### 15. Off-street parking area development standards.

a. Intent.

In order to assure proper and uniform development of safe parking areas, protect adjoining property from undue invasion of privacy and peace, provide for pedestrian circulation, minimize nuisance factors, and maintain in appropriate locations a landscaped setting in keeping with accepted, sound standards of residential landscaping practice, every parcel of land hereafter used as an off-street parking area, as defined in this chapter, shall be developed in accordance with the following minimum standards.

b. Minimum standards.

A parking area for five or more motorized vehicles, trailers, or a combination thereof, shall be developed in accordance with the following requirements:

(1) Entrances and exit.

The location and design of all entrances and exits shall be subject to the review and approval of the City Engineer, taking into consideration factors including, but not limited to, emergency vehicle mobility, safe turn movements, right-of-way width, speed limits, proximity to street intersections and/or other entrances or exits,

street classification for motorists and/or bicyclists, pedestrian mobility, transit mobility, and retention of landscaping. Such entrances or exits shall not be designed to require vehicles to back into, or otherwise utilize a designated arterial street right-of-way as an aisleway for a parking area.

**(2) Parking aisles.**

Any aisle serving two-way traffic or providing one-way access to spaces at right angles to the aisle shall have a minimum width of 20 feet. Aisles providing one-way access to spaces at an angle of 60 degrees to the aisle shall have a minimum width of 18 feet. Aisles providing one-way access to spaces at an angle of 45 degrees to the aisle shall have a minimum width of 14 feet. On dead end aisles, aisles shall extend five feet beyond the last stall to provide adequate turnaround.

**(3) Border barricades.**

A bumper curb of a height and strength sufficient to retain all vehicles and trailers completely within the given parking area shall be provided, except at access points. Bumper curbs shall be designed and located in such a manner as to prevent vehicles parked within a parking area from protruding beyond the parking area property line and into public right-of-way and/or adjacent private property.

**(4) Surfacing of parking areas.**

Off-street parking areas shall be surfaced with a minimum all-weather surface, consisting of a crushed rock base with an asphalt concrete or cement concrete surface, or permeable pavers designed for traffic use. Such surface shall have a standard thickness of two inches, unless otherwise specified by the City Engineer. Permeable pavers and pavements are allowed and encouraged where feasible. Such a parking area shall provide a drainage system in accordance with the City of Tacoma Stormwater Management Manual and to the approval of the City Engineer. Alternatives to the all-weather surface may be provided, subject to the approval of the City Engineer. The alternative must provide results equivalent to paving. All surfacing must provide for the following minimum standards of approval:

- (a) Dust is controlled;
- (b) Stormwater is managed in accordance with the City of Tacoma Stormwater Management Manual; and
- (c) Rock and other debris is not tracked off-site.

The applicant shall be required to prove that the alternative surfacing provides results equivalent to paving. If, after construction, the City determines that the alternative is not providing the results equivalent to paving or is not complying with the standards of approval, paving shall be required.

**(5) Grades of access driveways.**

The grade of access driveways for off-street parking areas shall be subject to the approval of the City Engineer, as outlined in the driveway regulations contained in Chapter 10.14.

**(6) Parking space standards.**

- (a) Standard parking spaces shall have a minimum width of eight and one-half feet, a minimum length of 16.5 feet. The minimum clearance above the parking space shall be consistent with the applicable Building Code.
- (b) Compact parking spaces shall have a minimum width of seven and one-half feet and a minimum length of 15 feet. The minimum clearance above the parking space shall be consistent with the applicable Building Code. A maximum 30 percent of the total parking spaces provided may be composed of compact stalls. The parking area shall be arranged such that a row of compact stalls has an exclusive aisleway or shares an aisleway with full size stalls. In no case shall two rows of compact stalls share the same aisleway. Aisleway widths shall conform to the requirements of full size parking. All compact stalls shall be clearly marked "COMPACT."

**(7) Landscaping.**

Provide landscaping consistent with Section 13.06.090.B.

**(8) Walkways.**

See Section 13.06.090.F for minimum requirements. The exact location of walkways shall be subject to the approval of the City Engineer.

**(9) Parking garage openings.**

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Parking garage openings at the level of and facing a street, alley, courtyard, plaza, or open parking area shall incorporate decorative grilles, architectural elements, planters, and/or artworks that effectively reduce the visibility of vehicles within the garage while still allowing for limited visibility into and out of the garage. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup> Any portion of the screening that is between 3 and 7 feet above the adjacent grade shall be at least 20% transparent but not more than 80% transparent. Vehicular access openings shall be exempt from this standard.

### D. Loading spaces.<sup>2</sup>

#### 1. Applicability.

The regulations shall apply in all zoning districts with exceptions only as noted. The Traffic Engineer may otherwise specify off-street loading requirements where necessary to protect the public interest. The Traffic Engineer may also administratively lower the number of required loading spaces upon request of an applicant and making a finding that the characteristics of a proposed development do not necessitate the stated minimum.

#### 2. Purpose.

To require all future commercial, business, or industrial development to provide off-street loading facilities, in order to guarantee full utilization of existing rights-of-way to accommodate present and future traffic demands. Off-street loading facilities are intended to provide adequate space to accommodate outside deliveries from large vehicles which cannot be functionally served by normal parking stalls. Off-street loading facilities must be located in such a manner that service vehicles do not block or intrude into public rights-of-way or block driveways or parking area circulation.

#### 3. Quantity standards.

Loading Space Required Quantity Table. <sup>1</sup>		
Use	Unit	Required Space
Offices	Floor area 0-10,000 square feet	1 stall, an adjacent parking lot may be used for loading in off-peak hours to satisfy the requirement
	10,001-25,000 square feet	1 stall
	25,001-100,000 square feet	2 stalls
	Over 100,000 square feet	1 stall for each additional 100,000 square feet or fraction thereof over 100,000 square feet
Retail and wholesale sales warehouses and industrial	Floor area 0-10,000 square feet	1 stall
	10,001-25,000 square feet	2 stalls
	Over 25,000 square feet	2 stalls plus 1 stall for each additional 25,000 square feet thereof over 25,000 square feet
Hospitals	Floor area 0-5,000 square feet	1 stall
	5,000-20,000 square feet	2 stalls
	Over 20,000 square feet	2 stalls plus 1 stall for each additional 20,000 square feet or fraction thereof over 20,000 square feet
Restaurants		An adjacent parking lot which can be used during off-peak business hours for loading stall purposes
Self-service storage facilities, multi-storied facilities		3 loading stalls per 200 storage units
<b>Footnotes:</b>		
1. For purposes of calculating loading space quantity requirements, "floor area," when used, shall not include space devoted to parking.		

#### 4. Development Standards.

##### a. Dimensions.

<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>2</sup> Code Reviser's note: Relocated from 13.06.510.C per Ord. 28613 Ex. G.

The off-street loading spaces herein required shall each have minimum dimensions of ten feet in width, 25 feet in length, with a clear space above approved by the Traffic Engineer, and shall be accessible to an alley, court, or street with said access subject to approval by the Traffic Engineer.

b. Screening.

Where off-street loading is located adjacent to a public street right-of-way or residential zone, the off-street loading area shall be screened by landscaping or vegetative screen.

E. Storage areas and vehicle storage areas.<sup>1</sup>

1. Applicability.

The following regulations apply in all zoning districts, with exceptions only as noted.

2. Purpose.

To require minimum standards for all storage areas and vehicle storage areas in order to protect adjoining property, minimize nuisances, and maintain a landscaped setting along street frontages. Storage areas and vehicle storage areas are places where minimal movement of equipment and vehicles occur. These areas are not to be construed as parking lots or areas with high traffic movement.

3. Development standards.

a. Screening.

Where storage areas and vehicle storage areas are located adjacent to a public street right-of-way or residential zones, the area shall be screened by a six-foot tall, opaque screening fence. Storage areas in the PMI District shall be exempt from this screening requirement.

b. Surfacing of storage areas.

Surfacing of storage areas and vehicle storage areas must provide for the following minimum standards of approval:

- (1) Dust is controlled;
- (2) Stormwater is treated to City standard; and
- (3) Rock and other debris is not tracked off-site.

If, after construction, the City determines that the surfacing is not providing the standards listed above, paving shall be required.

c. Entrances and exits shall be provided in accordance with Section 13.06.090.C.

d. If provided, lighting shall meet requirements of Section 13.06.090.C.

e. Application. The foregoing regulations shall apply in all zoning districts with exceptions only as noted.

F. Pedestrian and bicycle support standards.<sup>2</sup>

1. General Applicability.

a. The pedestrian and bicycle support standards fully apply to all new development and alterations that, within a two-year period, exceed 50 percent of the value of existing development or structures, as determined by the Building Code, unless specifically exempted herein.

b. Through-block connections are required with 60,000 square feet of new construction.

c. Alterations that, within a two year period, exceed 15 percent of the value of existing development or structures, as determined by the Building Code, shall comply with the following requirements of this section:

- (1) 13.06.090.G Connection between streets and entrances;
- (2) 13.06.090.G Minimum Connection Frequency;

<sup>1</sup> Code Reviser's note: Relocated from 13.06.510.D per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Previously codified as 13.06.512 (Pedestrian and bicycle support standards); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018: Ord. 28376 Ex. B; passed Aug. 16, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28230 Ex. D; passed Jul. 22, 2014: Ord. 27995 Ex. D; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27818 Ex. A; passed Jul. 28, 2009: Ord. 27245 § 13; passed Jun. 22, 2004: Ord. 27079 § 37; passed Apr. 29, 2003: Ord. 26933 § 1; passed Mar. 5, 2002.

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(3) 13.06.090.G Route Directness;

(4) 13.06.090.G Facility Design, as applicable.

d. The standards do not apply to remodels that do not change the exterior form of the building or involve construction of paved areas. However, if a project involves both exterior and interior improvements, with exterior improvements amounting to 50 percent or more of the project valuation, then the project valuation shall include both exterior and interior improvements.

e. No alteration shall increase the level of nonconformity or create new nonconformities to these standards.

f. Any requirement resulting in a fraction when applied shall be rounded up or down to the nearest whole number.

g. In areas with steep topography, limited access points, or other barriers are present, the Director or designee may consider alternate approaches that meet the intent of this section.

h. Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

### 2. Exceptions.

a. Super regional malls.

Additions to super regional malls which add less than 10,000 square feet of floor area shall be exempt from these standards. Additions larger than 10,000 square feet shall meet the requirements of this section applicable within the vicinity of the addition. Additions of an anchor tenant or 140,000 or more square feet shall require full provision of these requirements for the entire mall site. Larger additions and construction may be subject to the requirements of TMC 13.05.010.C, Site Approval.

b. Temporary.

Temporary structures are exempt from the standards of this section.

c. Residential or Mixed-Use.

Residential structures of four dwelling units or fewer only need to comply with the standards of Section 4, below. Mixed-use structures shall comply with all of the standards.

d. Historic.

In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the Commission shall prevail.

### 3. Purpose.

The design standards of this section are required to implement the transportation, urban design, livability and public health goals of the Comprehensive Plan of the City of Tacoma.



## 4. Bicycle and Pedestrian Connections.

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

## a. Interior Access Roads.

Interior access roads in multi-building developments shall be designed to provide safe, comfortable, and attractive multi-modal travel and shall include features such as planting strips and street trees, sidewalks on one or both sides, and perpendicular or parallel parking on one or both sides.

## b. Connection between streets and entrances.

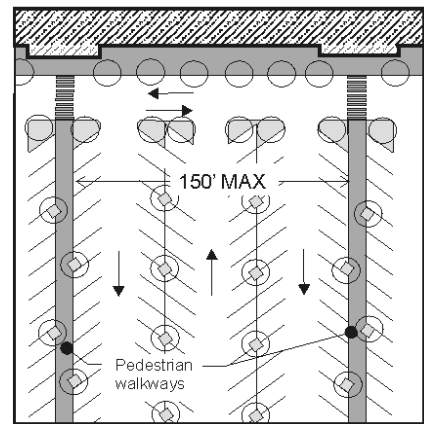
There must be a connection between one main entrance of each building on the site and the adjacent street. The route may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Where there is more than one street frontage, an additional connection, which does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

## c. Minimum connection frequency.

(1) Commercial, Office, Mixed-Use and Multifamily uses. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 150 feet of street frontage or every three parking aisles, whichever is less.

(2) Industrial uses and uses which require controlled site access for essential operational or public safety reasons. Additional walkways are required when needed to provide at least one connection to the public sidewalk for each 300 feet of street frontage or every six parking aisles, whichever is less.

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



## d. Route directness.

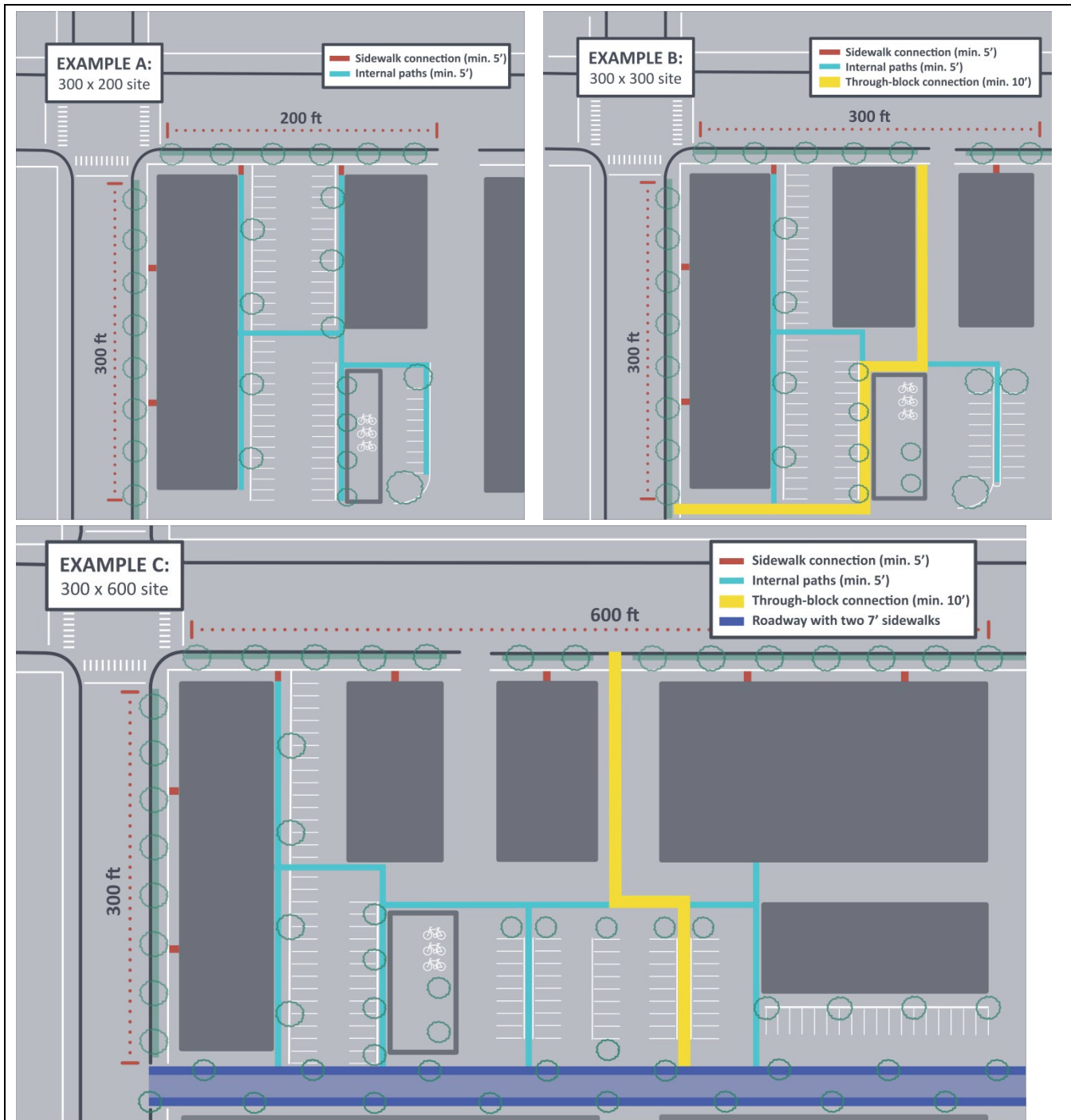
Connections to streets shall be designed and located to facilitate direct travel to all abutting public sidewalks, bus stops, transit stations/centers, schools, public bicycle facilities, trails, or shared-use paths in proximity of the development site. Walkways shall be located to provide the shortest practical route from the public sidewalk or walkway network to customer and/or public building entrances.

## e. Internal pedestrian system.

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

(2) On sites with two or more street frontages 300 feet or more in length, and with multiple buildings or uses, a through-block connection is required providing a continuous pedestrian pathway between the abutting street frontages.

(3) On sites requiring three or more pedestrian connections, and with multiple buildings or uses, the most centrally located connection shall be an enhanced through-block connection that provides a continuous pedestrian pathway between the abutting street frontages.



f. Facility Design.

(1) Lighting and landscaping. For walkways that are longer than 25 feet, trees shall be provided adjacent to the walkways at a rate equivalent to the linear requirements for street trees in 13.06.090.B, and pedestrian-scaled lighting shall be provided at a ratio of 2 per 100 feet. Trees shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards.

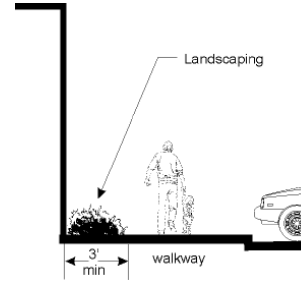
(2) Size and materials.

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

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

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

(d) Internal pathways in multi-building residential developments shall be separated from structures at least three feet by landscaping, except where adjacent to usable yard spaces or other design treatments are included on or adjacent to the wall that add visual interest at the pedestrian scale. Examples include the use of a trellis with vine plants, sculptural, mosaic, bas-relief artwork, or other decorative wall treatments. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup>



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

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

(4) Through-block connections.

(a) Through-block connections shall be a minimum of ten feet in width.

(b) Enhanced through-block connections, required for larger sites as described above, shall meet one of the following design options:

i. Minimum seven-foot wide sidewalks on both sides of a private roadway designed to provide safe, comfortable and attractive multi-modal travel with features such as planting strips, street trees and perpendicular or parallel parking on one or both sides.

ii. A pedestrian pathway a minimum of ten feet in width.

(c) Through-block connection design. Through-block connections shall meet the lighting and landscaping, size and materials standards above, and provide street furniture, per the design specifications below, at a frequency of one seating area every 250 feet. Enhanced through-connections shall provide street furniture at a frequency of one seating area every 150 feet.

## 5. Street Furniture.

a. Purpose.

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

<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

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### b. Minimum.

A minimum of one fixed bench or equivalent seating area for every 250 feet of street frontage. This requirement determines quantity and not distribution, and is not required if the site has less than 250 feet of street frontage. Projects in the PMI District are exempt from this requirement. Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings fronting on a street.

### c. Minimum on designated pedestrian streets in Mixed-Use Center Districts.

A minimum of one fixed bench or equivalent seating area for every 150 feet of street frontage. This requirement determines quantity and not distribution, and is not required if the site has less than 150 feet of street frontage. Parks, recreation and open space uses are only required to provide street furniture adjacent to buildings fronting on a street.

d. Design. Furniture shall be consistent with any applicable adopted business area improvement plans and shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. See examples below.



### e. Credit.

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

## G. Short and Long Term Bicycle Parking.<sup>1</sup>

### 1. Applicability.

The following standards apply to all new development and alterations that, within a two-year period, exceed 50 percent of the value of existing development or structures, as determined by the Building Code, unless specifically exempted herein.

### 2. Purpose.

To promote bicycling as an important and integral mode of transportation, which enables healthy lifestyles, is affordable, and reduces greenhouse gas emissions, and to provide the necessary bicycle parking facilities for a bicycle friendly community. The following requirements and standards are intended to provide for safe and efficient bicycle parking at the trip origin and destination and to serve the needs of specific uses that generate bicycle traffic by residents, customers, guests and employees.

### 3. Bicycle parking shall be provided as follows:

- a. The minimum number of off-street parking spaces for bicycles required for specified uses is set forth in Table 13.06.090.G. In the case of a use not shown on Table 13.06.090.G, there is no minimum bicycle parking requirement.
- b. After the first fifty cumulative (50) spaces for bicycles are provided, additional spaces are required at one half (1/2) the ratio shown in Table 13.06.090.G, except for rail transit facilities; passenger terminals; and park and ride lots. Spaces within dwelling units or on balconies do not count toward the bicycle parking requirement.
- c. Vehicle parking spaces, other than spaces required for electric vehicles and accessible parking, shall be permitted to be used for the installation of required long-term bicycle parking spaces.

<sup>1</sup> Code Reviser's note: Relocated from 13.06.512.D per Ord. 28613 Ex. G.

d. Table 13.06.090.G: Minimum Quantity Requirements for Short and Long-Term Bicycle Parking.<sup>1</sup>

<b>Minimum Quantity Requirements for Short and Long-Term Bicycle Parking</b>			
Bicycle parking shall be provided at the following rates.			
For uses identified with an * (asterisk), bicycle parking quantity requirements shall be applied at one-half the rate identified below when the use is located outside of designated Mixed-Use Centers and Downtown.			
Minimum Requirements: Identified uses shall provide no less than 1 long-term and 2 short-term bicycle parking space, except that no long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building area and where indicated below. Where the calculation results in a fraction, the fraction shall be rounded to the nearest whole number.			
<b>Use</b>		<b>Long-term</b>	<b>Short-term</b>
<b>Commercial Uses</b>			
1.	Business and professional offices*	1 per 4,000 sq. ft.	1 per 40,000 sq. ft.
2.	Medical and dental clinics*	1 per 12,000 sq. ft.	1 per 40,000 sq. ft.
3.	Lodging*	1 per 20 rentable rooms	2 per business
4.	Shopping Center*	1 per 12,000 sq. ft.	1 per 8,000 sq. ft.
5.	Eating and Drinking establishments*	1 per 12,000 sq. ft.	1 per 4,000 sq. ft.
6.	Retail*	1 per 12,000 sq. ft.	1 per 4,000 sq. ft.
<b>Residential Uses</b>			
7.	Multi-family dwellings with 5 or more units	1 per unit	1 per 20 units
8.	Retirement homes, apartment hotels, residential hotels, residential clubs, fraternities, sororities, and group living quarters of a university or private club	1 per 20 residents	2
<b>Institutional Uses</b>			
9.	Libraries, museums, art galleries	1 per 4,000 sq. ft.	1 per 2,000 sq. ft.
10.	Religious Assembly*	1 per 12,000 sq. ft.	1 per 40 seats or 1 per 1,000 sq. ft. of non-seat area
11.	Elementary schools	1 per classroom	2
12.	Secondary (middle, junior and high) schools	2 per classroom	2
13.	College and university	A number of spaces equal to ten (10) percent of the maximum students present at peak hour plus five (5) percent of employees	1 per 40,000 sq. ft.
14.	Hospitals*	1 per 12,000 sq. ft.	1 per 40,000 sq. ft.
<b>Warehouse/Industrial</b>			
15.	Warehousing*	1 per 40,000 sq. ft.	None
16.	Industrial/Manufacturing*	1 per 15,000 sq. ft.	None
<b>Recreational</b>			
17.	Auditoriums, stadiums, theaters	1 per 12,000 sq. ft.	10, or 1 per 40 seats
18.	Miniature golf course*	1 per 12,000 sq. ft.	1 per 4,000 sq. ft.
19.	Skating rink and bowling alley*	1 per 12,000 sq. ft.	1 per 4,000 sq. ft.
20.	Public dance halls and private clubs*	1 per 12,000 sq. ft.	1 per 4,000 sq. ft.
21.	Marina	1 per 40 slips	At least 2
22.	Open Space/Habitat Areas with Trailhead or Passive Recreation	None	1 per 10 acres, but not less than 2
23.	Active Parks Community gardens	None	2

<sup>1</sup> Code Reviser's note: Relocated from Table 13.06.512.D.7 per Ord. 28613 Ex. G.

Minimum Quantity Requirements for Short and Long-Term Bicycle Parking			
	Neighborhood Park	None	2
	Community/Urban Park	None	1 per 40,000 sq. ft. of maintained area, plus 2 per outdoor recreation facility provided at the park
	Regional Park	None	1 per 40,000 sq. ft. of maintained area
24.	Community center	1 per 12,000 sq. ft.	1 per 4,000 sq. ft.
25.	Other recreation facilities not listed	None	2
Transportation Facilities			
26.	Rail transit station and passenger terminals	At least 10	At least 10
27.	Principal use parking and park and ride lots	1 per 40 auto spaces	1 per 40 auto spaces
Services			
28.	Day-care centers*	1 per 10,000 sq. ft.	At least 2

#### 4. Development Standards – Short-Term Bicycle Parking Facilities.

##### a. Location standards.

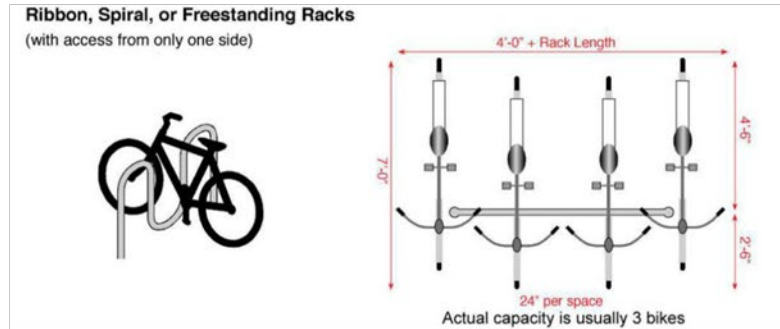
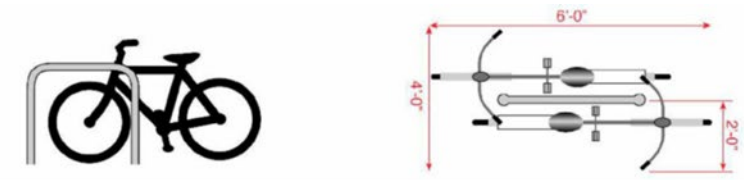
- (1) Short-term bicycle parking shall be located within 50 feet of, and visible from, the primary building entrance for individual sites.
- (2) Short-term bicycle parking may be shared at a common location on the same block and same side of the street, provided the quantity meets the total requirement and is no more than 100 feet from any site served.
- (3) Where directional signage is provided at the main building entrances, short-term bicycle parking shall be permitted to be provided at locations not visible from the main entrance.
- (4) Short-term bicycle parking may be grouped near an owner designated primary entrance in shopping centers.
- (5) Short-term bicycle parking shall not block pedestrian use of a walkway and shall be located where there is sufficient space to allow bicycle maneuvering and allow access to the rack without moving another bicycle.
- (6) Short-term bicycle parking shall be located at the same grade as the sidewalk or at a location reachable by ramp or accessible route.
- (7) Short-term bicycle parking serving parks and open space/natural areas may be located and distributed throughout the park to serve multiple access points and outdoor recreation facilities.

##### b. Design of short-term bicycle parking facilities:

- (1) Bicycle parking facilities shall be consistent with any applicable, adopted business area improvement plan, streetscape design plan, or other applicable design guidelines.
- (2) If the location is not currently lighted, it shall be provided with illumination of not less than 1 footcandle at the parking surface. Lighting is not required for park and open space/natural areas where the use is limited to daylight hours.
- (3) It shall have an area of not less than 24 inches by 60 inches for each bicycle.
- (4) It shall be provided with a rack or other facility for locking or securing each bicycle in an upright position and to allow for the frame and at least one wheel to be secured with a standard U-lock.
- (5) To increase visibility to pedestrians, racks should have a minimum height of 33 inches or be indicated or cordoned off by visible markers.



(6) Examples of short-term bicycle parking (from the Pedestrian and Bicycle Design Guidelines):



*Post and ring rack*



*Coat hanger rack*



*Inverted U rack*



*Wheel well with support arm*

## 5. Development Standards – Long-Term Bicycle Parking Facilities.

### a. Location standards.

- (1) Long-term bicycle parking facilities for residential uses shall be located on site and within 100 feet of the building they serve.
- (2) Non-residential long-term bicycle parking shall be located on-site or within a shared bicycle parking facility within three-hundred (300) feet of the lot, except as provided in subsection (5) below.
- (3) Long-term bicycle parking shall be in a secure location where access to the bicycles is limited and is not available to the general public.
- (4) If garage racks are accessible to the general public they must be directly adjacent to an attendant booth that is occupied 24-hours a day.
- (5) Bicycle parking for non-residential uses may be located in a facility within three hundred (300) feet of the lot that is not a shared bicycle parking facility, if the Director determines that safe, accessible and convenient bicycle parking accessory to a nonresidential use cannot be provided on-site or in a shared bicycle parking facility within three-hundred (300) feet of the lot without extraordinary physical or financial difficulty.

### b. Facility Type.

Bicycle parking facilities may include, but are not limited to, the following:

- (1) Designated indoor bike room with locking system;
- (2) Bike cage with locking system in a parking garage;
- (3) Uncaged bike parking in a garage or area with 24-hour secured access (protect bike parking areas not in a cage from autos with bollards, curbs, or other means);
- (4) Individual bicycle lockers with locking system, provided the lockers are partially transparent or include a view hole to discourage improper use;
- (5) Designated bike space with racks inside an office area which can be locked when it is not occupied.

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(6) Limited access areas and areas monitored by a security camera, with weather protection.

### c. Design Standards.

(1) The following rack types are acceptable for long-term bicycle parking:

- Post and Ring
- Inverted U (single or fastened in series)
- Wall-Mounted Racks with fixed attachment points
- Wheel well - Secured, with arm or feature that supports frame
- Modified Coat hanger
- Two-Tier or Double-Decker

(2) Long-term bicycle shall be provided with a permanent cover including, but not limited to, parking structure, roof overhang or awning.

(3) A minimum 3 feet parallel spacing between conventional ground-level bicycle racks (e.g. inverted-U racks) to allow access to bicycles parked adjacent to each other.

(4) A minimum 5 feet perpendicular access aisle between rows of bicycle parking to allow users to safely move and park their bicycles.

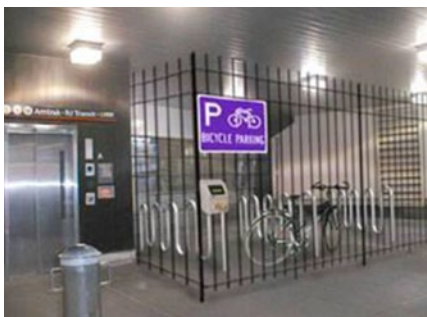
(5) A minimum 2 feet 6 inches perpendicular spacing between a row of conventional ground-level bicycle racks (e.g. inverted-U racks) and walls or obstructions to allow the bike to be placed correctly on the rack.

(6) Allow 24" minimum clearance for user access between a wall or other obstruction and the side of the nearest parked bicycle (may use 18" minimum for some rack types such as wall-mount).

(7) Provide at least 25% ground-level bicycle parking spaces, to allow for use by those unable to lift their bicycles to higher racks and those with bicycle types that may not fit in upper-level or wallhanging racks (e.g. recumbents, folding bicycles, cargo bicycles, or those with trailers).

(8) For in-building bicycle parking facilities and where more than five (5) long-term bicycle parking spaces are required, lockable clothing/gear storage lockers must also be provided. However, facilities that already provide personal lockers are not required to provide additional locker space for bicycle clothing/gear.

(9) Examples of long-term bicycle parking facilities:



*Bike cage in Penn Station*



*Bike Station*



*Bike lockers at a transit station*

### 6. Changing and shower facilities.

At a minimum, a single changing and shower facility shall be provided when a new use is required to provide at least ten (10) long-term bicycle parking spaces. Additional shower and changing facility shall be provided for each additional twenty (20) required long-term bicycle parking spaces, according to Table 13.06.090.G.6. Where more than one changing and shower facility is required, separate facilities shall be provided for each sex. Multifamily residential and transportation facilities are exempt from this requirement.

**Table 13.06.090.G.6: Quantity Requirements for Changing and Shower Facilities**

Number of Long Term Bicycle Parking Spaces	Number of Changing and Shower Facilities Required
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**Table 13.06.090.G.6: Quantity Requirements for Changing and Shower Facilities**

0-9	N/A
10-20	1
21-40	2
41-60	3
61-80	4
81 +	No additional facilities required

H. Transit support facilities.<sup>1</sup>

## 1. Applicability.

a. These provisions apply Citywide to all new development and alterations that, within a two-year period, exceed 50 percent of the value of existing development or structures, as determined by the Building Code, on streets where regularly scheduled transit service is provided. The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements. No alteration shall increase the level of nonconformity or create new nonconformities to these standards.

b. Projects required to provide transit support facilities. Any single-family or multiple-family residential, commercial, industrial, or park or recreation project that will be located on, or within 500 feet of, a street where regularly scheduled transit service is provided, and meets the project size thresholds in Table 13.06.090.H.3 below, shall be required to provide a concrete pad(s) for the required transit support facilities and pay to Pierce Transit the costs of providing and installing such facilities, unless mutually agreeable alternative arrangements for providing support facilities that conform to Pierce Transit's standards are agreed to between the project applicant and Pierce Transit. In addition, for parks, recreation and open space uses required to obtain a Conditional Use Permit, the Director shall determine the appropriate transit support facilities based on the methodology outlined below. For projects subject to the transit support facilities standard, evidence of compliance with this requirement shall be provided to Planning and Development Services prior to issuance of a certificate of occupancy.

c. Exemptions. Projects shall be exempt from these requirements when the required transit support facility(ies) (a bench or shelter) already exist(s) at the nearest bus stop pair (the closest stops on both sides of the street) or when Pierce Transit determines that the required facilities would not enhance the capacity or function of the transit system, such as when there are accessibility issues or pending route changes.

## 2. Purpose.

It is found and declared that new development and redevelopment in the City of Tacoma creates a need for transit support facilities, namely benches and shelters, and that such development should provide for such facilities based on existing or potential transit ridership and Pierce Transit standards. Such seating and weather protection, where warranted, are needed for those who depend on transit for daily transportation; these facilities also help encourage use of the transit system, which is consistent with the Comprehensive Plan.

## 3. Facility standards.

Two benches and foundation pads are to be provided at a bus stop within 500 feet of the proposed project where at least five transit riders are expected to board buses on an average weekday. Two foundation pads and shelters are to be provided at a bus stop within 500 feet of the proposed project where at least ten transit riders are expected to board buses on an average weekday. Where there are multiple transit stops within 500 feet of the project site, Pierce Transit shall be consulted as to the need for an appropriate location for the transit support facilities.

<b>TABLE 13.06.090.H.3</b>	<b>2 Benches and Foundation Pads (for future transit provided shelters)</b>	<b>2 Foundation Pads and Shelters</b>
Office	16,000–32,000 square feet of floor area	Over 32,000 square feet

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.511 (Transit Support Facilities); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27562 Ex. A; passed Dec. 12, 2006; Ord. 27079 § 36; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002.

<b>TABLE 13.06.090.H.3</b>	<b>2 Benches and Foundation Pads (for future transit provided shelters)</b>	<b>2 Foundation Pads and Shelters</b>
Retail and service	5,000–10,000 square feet of floor area	Over 10,000 square feet
Shopping center	4,000–8,000 square feet of floor area	Over 8,000 square feet
Convenience market	2,000–4,000 square feet of floor area	Over 4,000 square feet
Fast-food restaurant	1,000–2,000 square feet of floor area	Over 2,000 square feet
Manufacturing	45,000–90,000 square feet of floor area	Over 90,000 square feet
Single-Family Housing	60–120 dwelling units	More than 120 dwelling units
Duplexes, Triplexes and Multi-family Housing	30–60 dwelling units	More than 60 dwelling units
Parks and recreation (as defined in Section 13.06.560.C)	High-intensity recreation facilities	Destination facilities

Note: These project thresholds are generally based on trip generation rates published in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition, and Pierce Transit data showing 3% of weekday vehicular trips are on transit.

## I. Sign Standards.<sup>1</sup>

### 1. Applicability.

- a. The provisions and requirements of this section shall apply to signs in all zones as set forth in this chapter. Applicable sign regulations shall be determined by reference to the regulations for the zone in which the sign is to be erected.
- b. The regulations of this section shall regulate and control the type, size, location, and number of signs. No sign shall hereafter be erected or used for any purpose or in any manner, except as permitted by the regulations of this section.
- c. The provisions of this code are specifically not for the purpose of regulating the following: traffic and directional signs installed by a governmental entity; signs not readable from a public right-of-way or adjacent property; merchandise displays; point of purchase advertising displays, such as product dispensers; national flags, flags of a political subdivision, and symbolic flags of an institution or business; legal notices required by law; historic site plaques; gravestones; structures intended for a separate use, such as Goodwill containers and phone booths; scoreboards located on athletic fields; lettering painted on or magnetically flush-mounted onto a motor vehicle operating in the normal course of business; and barber poles.
- d. Regulations pertaining to signs in Shoreline Districts are found in Title 19<sup>2</sup>.

### 2. Purpose.

The purpose of this section is to establish sign regulations that support and complement land use objectives set forth in the Comprehensive Plan, including those established by the Highway Advertising Control Act (Scenic Vistas Act). Signs perform important communicative functions. The reasonable display of signs is necessary as a public service and to the proper conduct of competitive commerce and industry. The sign standards contained herein recognize the need to protect the safety and welfare of the public and the need to maintain an attractive appearance in the community. This code regulates and authorizes the use of signs visible from public rights-of-way, with the following objectives:

- a. To establish uniform and balanced requirements for new signs;
- b. To ensure compatibility with the character of the surrounding area;
- c. To promote optimum conditions for meeting sign users' needs while, at the same time, improving the visual appearance of an area which will assist in creating a more attractive environment;
- d. To achieve quality design, construction, and maintenance of signs so as to prevent them from becoming a potential nuisance or hazard to pedestrian and vehicular traffic.

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.520 (Signs); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27245 § 14; passed Jun. 22, 2004; Ord. 27079 § 38; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002.

<sup>2</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

3. General sign regulations.<sup>1</sup>

a. Administration.

- (1) Director. The Director shall interpret, administer, and enforce the sign code in accordance with Chapter 13.05.
- (2) Building Official. The Building Official shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the Tacoma Municipal Code (see Chapter 2.05). In addition, all signs, where appropriate, shall conform to the current Washington State Energy Code (see Chapter 2.10), National Electrical Code, and the National Electrical Safety Code. Exceptions to these regulations may be contained in the Tacoma Landmarks Special Review District regulations, Chapters 1.42 and 13.07.
- (3) Applicability. All new permanent signs, painted wall signs, and temporary off-premises advertising signs require permits. Permits require full conformance with all City codes, particularly Titles 2 and 13. Signs not visible from a public right-of-way or adjacent property are not regulated herein, but may require permits pursuant to the provision of Title 2.
- (4) In addition to and notwithstanding the provisions of this section, all signs shall comply with all other applicable regulations and authorities, including, but not limited to, Chapter 47.42 RCW – Highway Advertising Control Act – Scenic Vistas Act and Chapter 468-66 WAC – Highway Advertising Control Act.
- (5) Substitution Clause. Any sign allowed under this Code may contain, in lieu of any other message or copy, any lawful noncommercial message or copy.

b. Exempt signs.

The following signs shall be exempt from all requirements of this section and shall not require permits; however, this subsection is not to be construed as relieving the user of such signage from responsibility for its erection and maintenance, pursuant to Title 2 or any other law or ordinance relating to the same.

- (1) Changing of the advertising copy or message on a sign specifically designed for the use of replaceable copy.
- (2) Repainting, maintenance, and repair of existing signs or sign structures; provided, work is done on-site and no structural change is made.
- (3) Signs not visible from the public right-of-way and beyond the boundaries of the lot or parcel.
- (4) Incidental and warning signs.
- (5) Sculptures, fountains, mosaics, murals, and other works of art that do not incorporate business identification or commercial messages.
- (6) Signs installed and maintained on bus benches and/or shelters within City right-of-way, pursuant to a franchise authorized by the City Council.
- (7) Seasonal decorations for display on private property.
- (8) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
- (9) Signs of public service companies indicating danger and aid to service or safety.
- (10) Non-electric bulletin boards not exceeding 12 square feet in area for each public, charitable, or religious institution, when the same are located on the premises of said institutions.
- (11) Construction signs denoting a building which is under construction, structural alterations, or repair, which announce the character of the building enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, and others; provided, the area of such sign shall not exceed 32 square feet.
- (12) Window sign.

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.521 (General sign regulations); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28476 Ex. A; passed Dec. 12, 2017; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28077 Ex. C; passed Jun. 12, 2012; Ord. 28009 Ex. A; passed Aug. 9, 2011; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27912 Ex. A; passed Aug. 10, 2010; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27562 Ex. A; passed Dec. 12, 2006; Ord. 27245 § 15; passed Jun. 22, 2004; Ord. 27079 § 39; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002.

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- (13) Temporary on-premise or off-premise signs, subject to the regulations in TMC 13.06.090.I.3.k:
- (14) Professional name plates two square feet or less.
- (15) Changing plex-style faces in existing cabinets; provided, work is done on-site without removing sign.
- (16) Temporary public event signs not exceeding 12 square feet, and temporary event banners, placed on publicly owned land or adjacent public right-of-way. Signs or banners shall be securely attached to the ground or a structure and must be removed after the event.
- (17) Home address signage: one per street face, per unit, including ADUs, located entirely on private property.

### c. Prohibited signs.

The following commercial signs are prohibited, except as may be otherwise provided by this chapter:

- (1) Signs or sign structures which, by coloring, wording, lighting, location, or design, resemble or conflict with a traffic control sign or device, or which make use of words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse persons traveling on the right-of-way or which, in any way, create a traffic hazard as determined by the City Engineer or designee.
- (2) Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicular traffic, or which obstruct a clear view of official signs or signals as determined by the City Engineer or designee.
- (3) Signs, temporary or otherwise, which are affixed to a tree, rock, fence, lamppost, or bench; however, construction, directional, and incidental signs may be affixed to a fence or lamppost.
- (4) Any sign attached to a utility pole, excluding official signs as determined by Tacoma Public Utilities.
- (5) Signs on public property, except when authorized by the appropriate public agency.
- (6) Signs attached to or placed on any stationary vehicle or trailer so as to be visible from a public right-of-way for the purpose of providing advertisement of services or products or for the purpose of directing people to a business. This provision shall not apply to the identification of a firm or its principal products on operable vehicles operating in the normal course of business. Public transit buses and licensed taxis are exempt from this restriction.
- (7) Roof signs, except where incorporated into a building to provide an overall finished appearance.
- (8) All portable signs not securely attached to the ground or a building, including readerboards and A-frames on trailers, except those allowed by the regulations of the appropriate zoning district.
- (9) Abandoned or dilapidated signs.
- (10) Portable readerboard signs.
- (11) Inflatable signs and blimps.
- (12) Digital Billboards.
- (13) Off-premises signs, except pursuant where specifically authorized in 13.06.090.I.3.l.

### d. Special regulations by type of sign.

In addition to the general requirements for all signs contained in this section, and the specific requirements for signs in each zone, there are special requirements for the following types of signs: Wall signs; Projecting signs; Freestanding signs; Electronic changing message center signs; Under-Canopy and Blade Signs; Canopy and awning signs; Temporary signs; Off-premises direction signs; and Billboards.

The special requirements for these signs are contained in subsections e. through m. of this section.

### e. Wall Signs.<sup>1</sup>

Special regulations governing wall signs are as follows:

- (1) A wall-mounted sign shall not extend above the wall to which attached or above the roofline.
- (2) A wall sign shall not extend more than 18 inches from the wall to which it is attached.

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<sup>1</sup> Wall billboards are a category of wall signs and thus are subject to special regulations applicable to wall signs.

- (3) Wall signs may not cover, obscure or cause removal of any significant architectural features on the building, except as permitted by applicable law.
- (4) Where a wall sign extends over a public or private walkway, a vertical clearance of eight feet shall be maintained above such walkway.
- (5) For the purposes of this subsection, any building with an actual or false mansard roof may use such walls or roof for wall sign installation.
- (6) An architectural blade designed primarily for the placement of signs may be erected on top of a wall, parapet, roof, or building face and shall comply with all applicable height limitations. All supporting structure for such signs shall be completely enclosed.

f. Projecting signs.

Special regulations governing projecting signs are as follows (Note, for the purposes of this section, Blade Signs and Under Canopy Signs are not considered projecting signs).

- (1) No projecting sign shall extend nearer than two feet to the face of the nearest curb line, measured horizontally.
- (2) The maximum projection permitted for any one sign shall be six and one-half feet or two-thirds of the width of the sidewalk below the location of the projecting sign, whichever is less.
- (3) A projecting sign shall not rise above the roofline or the wall to which it is attached.
- (4) Minimum clearance. All projecting signs over the public right-of-way shall have a minimum clearance to the ground as follows:
  - (a) Over alleys and driveways, 14-1/2 feet; provided, said projection is no more than 12 inches;
  - (b) Over automobile parking lots and other similar areas where vehicles are moved or stored, 14-1/2 feet;
  - (c) Over footpaths, sidewalks, and other spaces accessible to pedestrians, eight feet;
  - (d) All parts of electric reflector lamps or other illuminating devices extending over the sidewalk space shall be at least ten feet above the sidewalk, and the projection horizontally over the sidewalk space may not be more than six and one-half feet, but no closer than two feet from the curb line.
- (5) No projecting sign shall be erected in such a position as to completely block visibility of another projecting sign already in place on either side.
- (6) All projecting signs shall be installed in such a manner that the support structure above a roof, building face, or wall shall be minimally visible.
- (7) Supporting framework for a projecting sign may rise 12 inches above a parapet; however, where there is a space between the edge of the sign and the building face, such framework must be enclosed.

g. Freestanding signs.<sup>1</sup>

Special regulations governing freestanding signs are as follows:

- (1) No freestanding sign shall be located within 15 feet of a residentially-zoned district, and where the side of a commercially zoned property abuts the side of a residentially-zoned property the first 100 feet of the commercial frontage shall have a sign setback requirement of 15 feet.
- (2) Minimum clearance. All freestanding signs shall have a minimum clearance to the ground as follows:
  - (a) Over parking lots and other similar areas where vehicles are moved or stored, 14-1/2 feet;
  - (b) Over footpaths, sidewalks, and other spaces accessible to pedestrians, eight feet.
- (3) Signs shall be located upon the frontage for which the sign area is calculated.
- (4) No freestanding sign shall project over a public right-of-way, unless an adjacent structure or sign is built out to or over the property line that blocks visibility to a freestanding sign on the adjoining property; then, such

<sup>1</sup> Freestanding billboards are not subject to the special regulations of this Subsection "G" and are instead subject to the special regulations of Subsection "M".

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freestanding sign may be located so that the sign structure is on private property and the sign cabinet may project over the right-of-way, subject to all the provisions regulating projecting signs which project over rights-of-way.

(5) Signs placed on public property and/or right-of-way, abutting the business for which they identify, will require a Right-of-Way Occupancy Permit. Sign regulations shall be determined by the zoning district of the abutting property.

### h. Electronic changing message center signs.

Electronic changing message center signs may either be attached to buildings or freestanding signs, and in addition to all other applicable sign regulations the following are special regulations governing electronic changing message center signs. When a conflict exists between these regulations and other regulations outlined throughout the sign code, the more restrictive shall apply:

(1) Freestanding electronic changing message center signs cannot exceed 15 feet in height. Such signs located on sites defined as a Regional Public Convention & Entertainment Facility and super regional mall sites are exempt from this limitation.

(2) One Digital Changing Message Center sign is allowed per site. The maximum allowed sign area for any electronic changing message center sign shall be limited to 75% of the area that would be allowed outright in the zoning district it is located in, or 30 square feet, whichever is less. Such signs located on sites defined as a regional public convention & entertainment facility and super regional mall sites are exempt from this limitation.

(3) Electronic changing message center signs shall never flash, flicker, scroll, animate, depict movement or provide video. The frequency of picture/message change for an electronic changing message center sign shall not be less than 12 seconds per message.

(4) The brightness of an electronic changing message center sign shall not exceed .3 foot candles over ambient light levels at any given time. Such signs shall be equipped with a sensor and automatic dimmer/light adjuster to ensure compliance with this requirement. When brightness is deemed a traffic safety hazard or is deemed a nuisance, the brightness of such sign shall be reduced to a level determined by the Director.

(5) Electronic Changing Message Center signs shall not operate between 10 PM and 6 AM. Businesses located outside of a residential district that are open beyond these hours may have such signs on between 10 PM and 6 AM, but in no instance may such sign be on when the business is closed. Such signs shall be equipped with an automatic timer or sensor that turns the sign off and on to ensure compliance with this requirement. Such signs located on sites defined as a regional public convention & entertainment facility and super regional mall sites are exempt from this limitation.

(6) Electronic changing message center signs shall only provide advertising for goods and services that are available on-site. Advertising for other businesses and services that are off-site shall be prohibited.

### i. Under-canopy and blade signs.

(1) Under-canopy signs shall be considered “blade signs” for the purposes of sign area calculation.

(2) Each business is allowed one individual blade sign or under canopy sign as-of-right, up to eight square feet in area. Such signs shall not be counted against the business’ allowed sign area.

(3) An under-canopy sign may project the full width of such feature. Such a sign shall not exceed eight square feet in area unless otherwise allowed in the district.

(4) A blade sign may project a maximum of 3 ½ feet from the building face.

(5) Both blade and under-canopy signs are limited to a maximum sign thickness of 12 inches.

(6) Both blade and under-canopy signs must meet all minimum clearance requirements for projecting signs.

(7) Such signs shall be illuminated only by indirect lighting.

### j. Canopy and awning signs.

Special regulations governing canopy and awning signs are as follows:

(1) Signs are permitted along the faces and edges of canopies and awnings; provided, they are printed, marked, stamped, or otherwise impressed upon the awning in a professional manner.

- (2) Signs designed as an integral part of a canopy or awning and located along the face or edge may be illuminated. Sign area calculation shall include all illuminated areas, except that area providing illumination to the sidewalk below.
- (3) Signs located on canopies and awnings shall designate only the name of the business and/or the place and kind of business. A decorative design and/or the emblem or initials of the business occupying the premises may be placed flat on the main portions of the canopy or awning.
- (4) Awnings and canopies may extend over public property, but no portion of any awning or canopy shall extend nearer than two feet to the face of the nearest curb line, measured horizontally. Awnings shall project a minimum of three feet and not more than seven feet, when over public property, from the face of the supporting building. Canopies shall not extend more than 11 feet, when over public property, from the face of the supporting building.
- (5) Awnings and canopies shall maintain a minimum clearance of eight feet and shall not extend above 15 feet in overall height from grade to top of awning or canopy. Awnings and canopies shall not rise above the wall, roofline, or parapet to which it is attached.
- (6) Awnings and canopies which have support systems attached to public property, right-of-way or sidewalk will require a Right-of-Way Occupancy Permit.

**k. Temporary signs.**

Special regulations governing temporary signs are as follows:

- (1) Unless otherwise regulated in TMC 13.06.090.I.4, a property owner, or another party with approval of the property owner, may place up to two signs per issue or event on private property or on the right-of-way adjacent to said private property. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. If either condition is not met, the abutting property owner or the City may remove the sign.
- (2) Signs shall not be fastened to any utility pole, street light, traffic control device, public structure, fence, tree, shrub, or regulatory municipal sign.
- (3) All temporary signs shall be securely fastened and positioned in place so as not to constitute a hazard to pedestrians or motorists.
- (4) All temporary signs shall meet vehicular sight distance requirements established by the Traffic Engineer.
- (5) No temporary sign shall project over or into a public right-of-way or property except properly authorized banners over streets (see Title 9).
- (6) Temporary signs are prohibited in a medium, traffic circle, or the roadway itself.
- (7) No flashing temporary signs of any type shall be permitted.
- (8) Unless otherwise regulated in TMC 13.06.090.I.4, signage shall not exceed 4 square feet in area per side (eight square feet total) and three feet in height.
- (9) The duration of display of a temporary sign shall not exceed six months in any 12-month period OR the temporary sign must be removed within 14 days of the event for which it is intended, whichever is less.
- (10) See TMC 13.06.090.I.3.c for additional prohibitions related to temporary signs.

**l. Off-premises directional signs.**

Special regulations governing off-premises directional signs are as follows:

- (1) Off-premises directional signs shall be limited to a maximum of 15 square feet in area and 6 feet in height.
- (2) Off-premises directional signs shall contain only the name of the principal use and directions to the use in permanent lettering.
- (3) Off-premises directional signs shall be placed on or over private property, except that business district identification signs may be located and comply with the applicable requirements of Title 9.
- (4) Off-premises directional signs are permitted when on-premises signs are inadequate to identify the location of a business. If applicable, only one such sign shall be allowed.

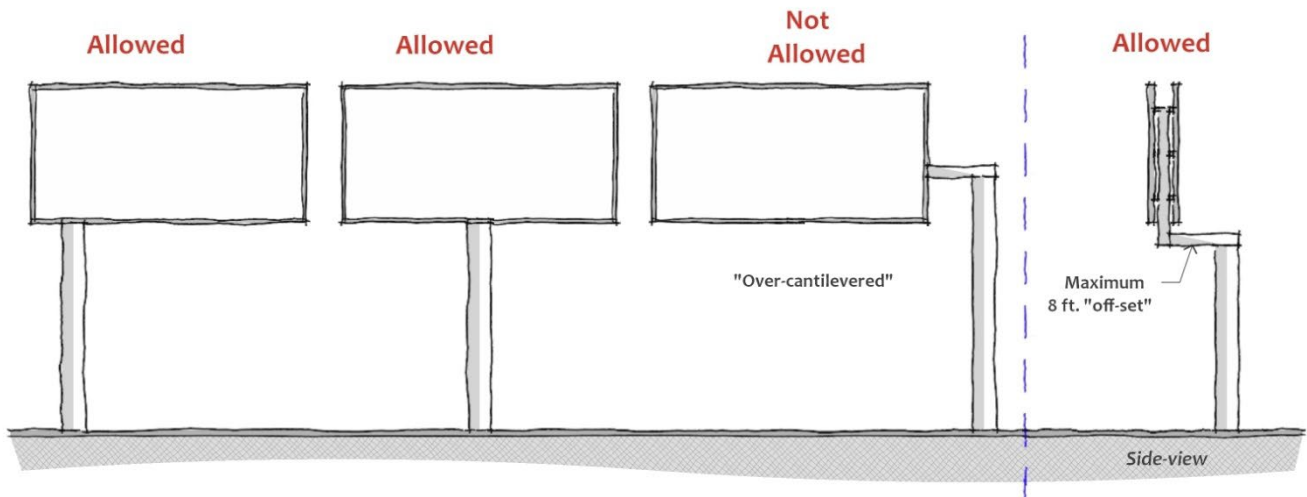
**m. Billboards.**

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Special regulations governing billboards are as follows:

- (1) New billboard faces. Any new billboard face must be located or installed upon, or mounted to, a sign structure in compliance with this chapter and shall require a permit. For purposes of this chapter, “new billboard face” shall mean and refer to a billboard face that is located or installed upon or attached to a sign structure on a date on or after the 25th day of December, 2017. “New billboard face” does not mean or include, (i) replacement of an existing billboard face located or installed upon, or mounted to, a sign structure; provided that, the sign structure remains in the same location and there is no increase in square footage or height of the billboard face(s) being replaced, or (ii) where two posters are located side-by-side on the same sign structure, the replacement of the two posters with one bulletin billboard; provided that, the sign structure remains at the same location and there is no increase in height of the billboard face.
- (2) Demolition Permit Required. Any sign permit application, and multiple sign permit applications concurrently filed with the City, to install one or more new billboard face(s) must be accompanied by an application(s) for a demolition permit for demolition of a billboard(s) and total billboard face square footage that is equal to or greater than the total new billboard face square footage requested in the permit or concurrently filed permits. Except as provided in Subsection (3) below, billboards and billboard faces removed pursuant to a demolition permit issued prior to the date set forth in Subsection (1) above shall not be included in the calculation of the allowable number of billboards or billboard face square footage allowed pursuant to this Subsection (2).
- (3) Banked Demolition Permits. An applicant for a permit(s) to install a billboard(s) may include with the application(s) those billboard demolition permits issued by the City to the applicant, or applicant’s predecessor in interest, for billboards that were removed between August 9, 2011 and the date set forth in Subsection (1) above. The total billboard face square footage of the billboard faces removed under such demolition permits may be included in the aggregate total of billboard face square footage for purposes of calculation of the number of new billboard face square footage allowed pursuant to Subsection (2) above.
- (4) Replacement Only Restrictions. Where the District Sign Table (TMC 13.06.090.I.4) notes “replacement only”, this means that a billboard demolition permit for the same zoning district must be submitted to the City per Subsection (2) above.
- (5) Demolition. Permanent removal of all billboard faces from a billboard sign structure shall require the issuance of a demolition permit for the sign structure itself, except for wall mounted billboards.
- (6) Scheduling of Removal. Removal of billboard faces (and their associated sign structures, if necessary) shall be completed prior to the installation or mounting of new or relocated billboard faces. Freestanding Sign structures removed shall be removed to grade and the grade restored at the site. Building-mounted sign structures shall be removed and the building wall restored.
- (7) Maintenance. All billboards, including paint and structural members, shall be maintained in good repair and in compliance with all applicable building code requirements. Billboards shall be kept clean and free of debris. The exposed area of backs of billboards must be covered to present an attractive and finished appearance. Failure to maintain the billboard or its structure, including exterior painting, shall constitute a violation of this section and be subject to strict enforcement under the Land Use Code Enforcement procedures and penalties (Section 13.05.150), which may include removal by the City at the expense of the property owner, sign owner, or permittee.
- (8) Design standards. The following design standards apply to all billboards.
  - (a) Each sign structure must, at all times, include a facing of proper dimensions to conceal back bracing and framework of structural members and/or any electrical equipment. During periods of repair, alteration, or copy change, such facing may be removed for a maximum period of 48 consecutive hours.
  - (b) No more than two billboard faces shall be located on a single structure.
  - (c) Billboard faces shall not be off-set forward or backward more than 8 feet in direction from center. Freestanding signs are prohibited from being cantilevered where the vertical support column extends beyond the width boundaries of the billboard face.





- (d) No billboard can be located in such a way that locates any portion of the sign face or structure over a building.
  - (e) A freestanding billboard may be constructed on a site where there is a freestanding sign provided the minimum separation distance for freestanding signs can be met, or provided the signs share the same structure.
  - (f) Building-mounted billboards may not cover more than 50% of the building wall area to which they are mounted.
- (9) Landscaping. The following standards apply to all billboards installed after August 1, 2011.
- (a) No code-required landscaping may be diminished for the installation of a billboard, but may be replaced or relocated to allow for installation of a billboard.
  - (b) Installation of a billboard shall not be considered an alteration for the purposes of the landscaping code (TMC 13.06.090.B).
  - (c) Any alteration to any street tree (removal or pruning) is subject to City review and approval.
- (10) Dispersal. The distance between billboards shall be measured in linear feet from the middle of the billboard face.
- (a) Bulletin Billboards not located on the same structure shall be a minimum of 500 feet apart on the same street, including any bulletin billboards which may be located outside the City limits.
  - (b) Poster Billboards shall be a minimum 300 apart on the same street.
  - (c) Bulletin billboards and poster billboards shall be a minimum of 500 feet apart on the same street.
  - (d) Building-mounted billboards not on the same structure must be a minimum of 200 feet apart when located on the same street, unless both are not visible from the same view corridor, i.e. signs on opposite sides of adjoining buildings that cannot be seen directly and read from one view point location.
  - (e) There shall be a minimum distance of one hundred and fifty radial feet (150') between freestanding billboards and between billboard faces not located on the same sign structure, unless both are not visible from the same view corridor, i.e. signs on opposite sides of adjoining buildings that cannot be seen directly and read from one view point location.
- (11) Lighting.
- (a) No internally illuminated billboards are allowed.
  - (b) All lighting must be shielded to maintain light on the subject property.
  - (c) Lighting shall be directed toward the billboard and utilize cutoff shields or other means to prevent glare and spillover onto adjacent properties or skyward.
  - (d) No flashing billboards shall be permitted.

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(e) Signs shall not imitate or resemble traffic control devices.

(f) All lighting for billboards must be turned off between the hours of midnight and 5:00 a.m.

(12) Buffering – Sensitive uses/areas. Except as provided in subsection (14) below, billboards shall maintain the following minimum buffers from sensitive uses and no billboard zones as measured by the distance to the middle of the billboard face.

(a) The buffer from residential districts (including URX and NRX):

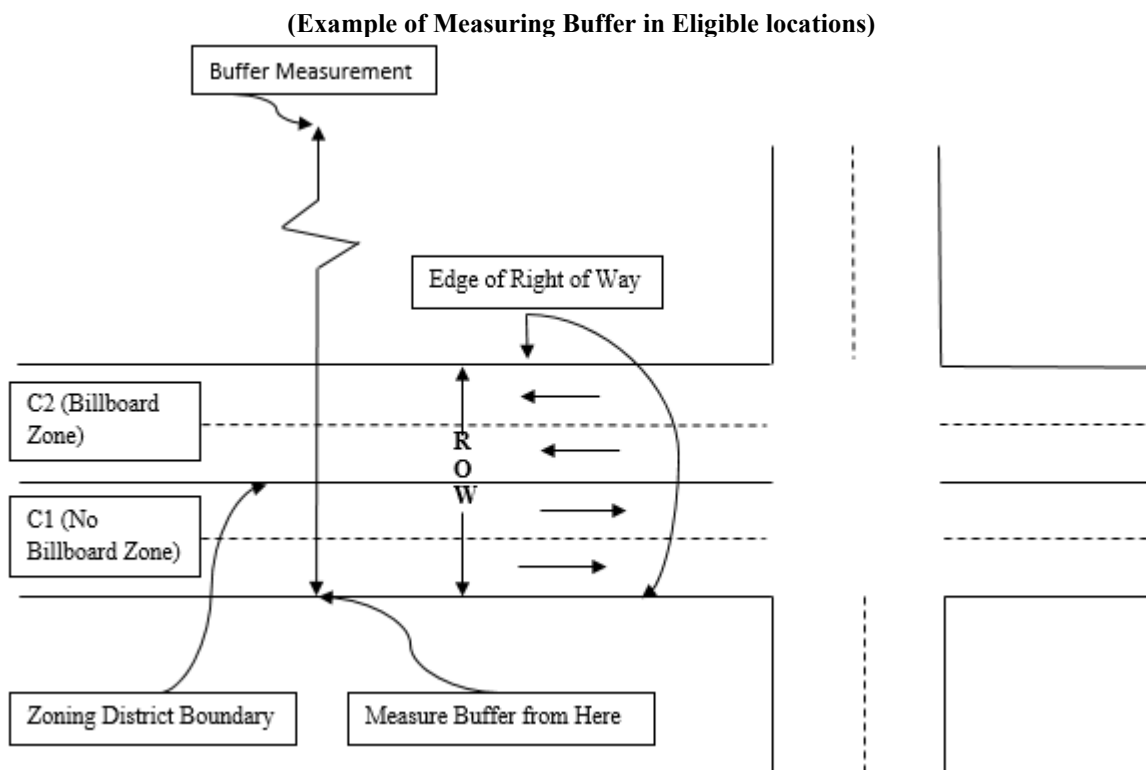
- If the billboard is located within an industrial zone (M1, M2, PMI), 100 feet; and
- If the billboard is located in commercial, mixed-use and downtown zones (CIX, UCX, CCX, PDB, NCX, DR, WR, T, DCC and DMU ), 250 feet, reduced to 100 feet for billboards that are no more than 32 feet in height or are wall-mounted billboards.

(b) The buffer from any other “no-billboard” zone shall be 150 feet for all billboards, reduced to 100 feet if billboard structure is not more than 32 feet in height or are wall-mounted billboards.

(c) The buffer from historic, conservation, or VSD shall be 250 feet for all billboards.

(d) The buffers from special uses (public schools, private primary or secondary schools with over 50 students enrolled, public open space greater than 1 acre in size, public playgrounds, public parks greater than 1 acres in size and historic properties (registered federally, state or locally) shall be 100 feet;

(e) Buffer areas shall not include rights-of-way for state highways, interstate freeways, or streets with three or more travel lanes, excluding 2-way center turn lanes and pocket turn lanes, or that are at least 60’ wide as measured on the pavement.



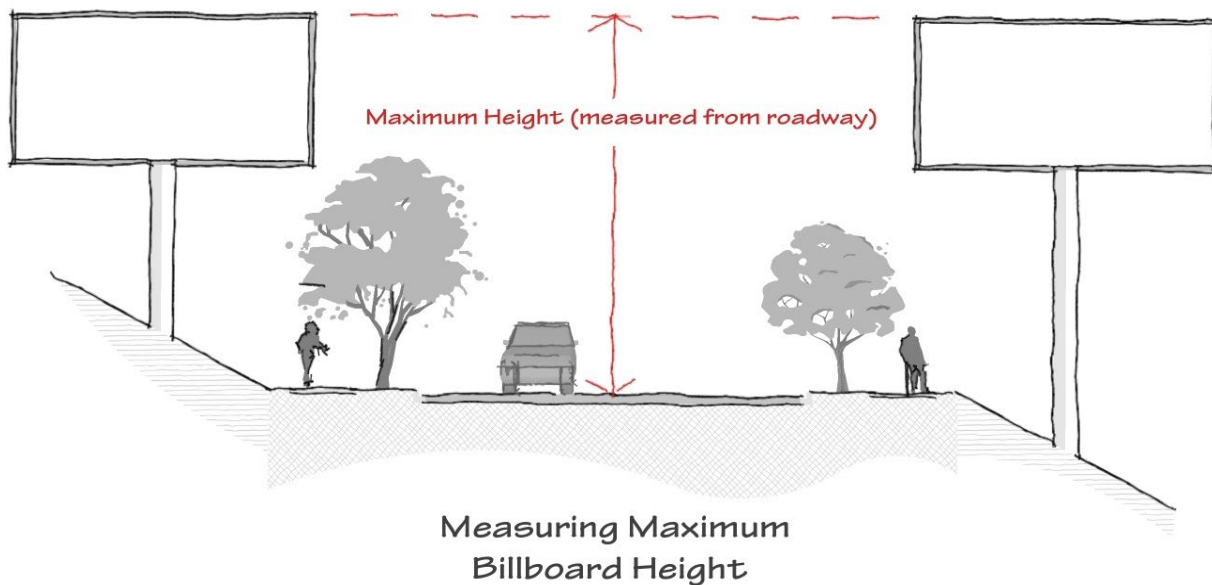
(f) Buffering exemptions may be allowed via a sign code variance where it can be demonstrated that topography or intervening development prevents a billboard from being seen from the buffered area.

(13) Height. For the purpose of this section, height shall be the distance to the top of the normal display face from the main traveled way of the road from which the sign is to be viewed (see diagram below).

(a) The maximum height of all freestanding billboard signs shall be 32 feet, except in the PMI District, where the maximum height shall be 45 feet; provided that, where a billboard is located more than 500 feet

from a buffered district or use, including no billboard zones, and sensitive areas consisting of historic, conservation and view sensitive overlay districts, the height of a billboard may be a maximum of 40 feet.

(b) A building-mounted billboard shall not exceed the height of the building wall to which it is mounted, or 200 feet, whichever is less.



(14) Location. Billboards shall only be allowed as set forth in the sign regulations for each district, and additionally as follows:

(a) All billboards are allowed in the M1, M2 and PMI zoning districts.

(b) All billboards are allowed, subject to all dispersal requirements, with a 100-foot buffer distance from sensitive uses/areas noted in section (7) above, along the following arterials:

- South 38th Street, Steele Street, and Tacoma Mall Boulevard within the Tacoma Mall Regional Growth Center;
- 6th Avenue between Mildred and Orchard;
- Mildred and South 19th Streets in the James Center Crossroads Center;
- Union Avenue in the Tacoma Central Crossroads Center;
- The C-2 portions of South 72nd Street and South Hosmer adjacent to Interstate 5;
- Pearl Street, Westgate Boulevard, North 21st Street and North 26th Street within the Westgate Crossroads Center; and
- Center Street between Tyler Street and Orchard Street.

(15) Allowed changes/alterations to nonconforming billboards. It is the intent of this subsection to allow a change or alteration to a legal conforming or nonconforming billboard sign as provided below.

(a) Where the back of a billboard sign is not fully covered, a billboard face of up to the same size and height of the existing billboard sign face may be located on the reverse side of the sign structure. Such change or alteration that increases nonconformity with buffering and dispersal requirements, size limitations and height requirements shall not be subject to the limitations under subsection N.2.

(b) Where two posters are located side-by-side on the same billboard sign structure, the two posters may be replaced with one bulletin billboard up to the same height of the existing posters and up to a maximum size of fourteen feet by forty eight feet (672 sf). Such change or alteration that increases nonconformity with buffering and dispersal requirements, size limitations and height limitations shall not be subject to the prohibitions under subsection N.2.

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### 4. District sign regulations.<sup>1</sup>

#### a. R-1 Sign regulations.

One non-illuminated temporary sign, not exceeding 12 square feet in area shall be allowed pertaining to the lease, rental, or sale of a building or premises on which it is located. One non-illuminated nameplate, not exceeding one and one-half square feet in area, placed flat against the building, shall be allowed for each adult family home, staffed residential home, group home, residential care facility, and family day care home. One ground sign shall be allowed, with a maximum area of 30 square feet identifying a subdivision. A subdivision identification sign shall be approved by the Director. A 32-square-foot temporary sign advertising a subdivision during construction shall be allowed adjacent to each street abutting the site, in conformance with Chapter 13.04.

Parks, recreation and open space uses on sites that are under one acre in size or which have less than 100 feet of street frontage are allowed the following non-illuminated signs:

- One ground sign with a maximum area of 30 feet;
- Interpretive or directional signs not more than 7 feet in height and 20 feet in sign area.

Parks, recreation and open space uses on sites over one acre in area that have a minimum of 100 feet of street frontage shall be allowed the following:

- One freestanding sign, not exceeding 40 square feet in area per face and not greater than 8 feet in height (or, up to 15 feet in height in association with conditional parks and recreation uses);
- One building face sign, of the same maximum dimension. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.
- One additional ground sign with a maximum area of 30 square feet shall be allowed on each additional street frontage.
- Interpretive or directional signs, not to exceed 7 feet in height and 30 square feet in sign area.
- All signs shall meet the lighting, materials and location requirements applicable to signs for conditional uses in residential districts, as contained in this section.

#### b. R-2 Sign Regulations.

Sign regulations shall be the same as stated for the R-1 Single-Family Dwelling District, except that one non-illuminated nameplate not exceeding one and one-half square feet in area, placed flat against the building, shall be allowed for each boarding home. Residential developments of four or more dwelling units are permitted one ground sign not exceeding six square feet in area for each face and not greater than five feet in height. Maximum sign area for each sign shall be one additional square foot for each dwelling unit, not to exceed 25 square feet in area. Indirect floodlighting shall be the only allowable means of illumination of ground signs. The base and/or support structures shall incorporate stone, brick, or masonry or shall relate to the architecture of the development that it is associated with.

#### c. R-2SRD, NRX and HMR-SRD Sign Regulations.

Sign regulations shall be the same as stated for the R-2 Single-Family Dwelling District, except that boarding and lodging houses shall be allowed one non-illuminated nameplate not exceeding one and one-half square feet in area, placed flat against the building.

#### d. R-3 Sign regulations.

Sign regulations shall be the same as stated for the R-2 Single-Family Dwelling District, except that boarding and lodging houses shall be allowed one non-illuminated nameplate not exceeding one and one-half square feet in area placed flat against the building.

#### e. R-4 Sign Regulations.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.522 (District sign regulations); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28476 Ex. B; passed Dec. 12, 2017; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28194 Ex. A; passed Dec. 17, 2013; Ord. 28180 Ex. D; passed Oct. 15, 2013; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28077 Ex. C; passed Jun. 12, 2012; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27432 § 10; passed Nov. 15, 2005; Ord. 27296 § 23; passed Nov. 16, 2004; Ord. 27245 § 16; passed Jun. 22, 2004; Ord. 27079 § 40; passed Apr. 29, 2003; Ord. 26966 § 15; passed Jul. 16, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

- (1) One freestanding sign not exceeding 30 square feet in area for all faces and not greater than six feet in height, or one building face sign of the same maximum dimensions, shall be allowed for each development site.
- (2) Indirect illumination, floodlighting, or internal illumination shall be the only allowable means of illumination of signs. All external lighting shall be directed away from adjacent properties to minimize the effects of light and glare upon adjacent uses. No bare bulb or neon illumination of signs shall be allowed. No flashing or animated signs shall be allowed. No electrical wire or cable serving an electric or illuminated sign shall be laid on the surface of the ground.
- (3) Signs shall only identify the name of the development or business and may contain secondary information related to rental or sale of units. Public identification signs may be placed upon public service structures such as telephone booths and bus shelters.
- (4) All signs shall be of permanent materials (no cardboard, cloth, paper, etc.). No flags, banners, or other devices shall be displayed for the purpose of attracting attention to a development or site. No temporary or portable signs shall be allowed. The display of the national flag, state flag, and flags of other political subdivisions shall not be restricted.
- (5) No sign shall be placed in a location which obstructs sight distance for an adjacent driveway or street right-of-way. No signs for a development shall be placed in any public right-of-way. No sign shall be erected which imitates or resembles any official traffic sign, signal, or device. Incidental public service signs less than four square feet in area, which contain no advertising but are intended for the convenience of the public and provide such messages as "entrance," "exit," "emergency entrance," "no parking," or other incidental service messages, shall be allowed.
- (6) All signs shall be submitted for review by Planning and Development Services, as required by the Building Code and the Electrical Sign Code. Additionally, the proposed design of all signs shall be submitted to Planning and Development Services prior to construction for review to ensure conformance with the standards listed hereinabove.

**f. R-4-L sign regulations.**

Sign regulations shall be the same as stated for the R-4 Multiple-Family Dwelling District.

**g. R-5 sign regulations.**

Sign regulations shall be the same as stated for the R-4 Multiple-Family Dwelling District.

**h. PRD sign regulations.**

Sign regulations shall be the same as specified herein for the R-4 Multiple-Family Dwelling District. Design of signs shall be submitted with development plans at the time of site approval for review and approval of the Hearing Examiner. A single identification sign for the overall development shall be allowed at each major access to the PRD District; provided, only one overall development sign shall be allowed adjacent to each -frontage of the PRD District, irrespective of the fact that more than one major access may enter said right-of-way.

**i. Sign regulations for conditional uses in residential districts and specified uses in all districts.**

- (1) Application. The following regulations apply to conditional uses as designated. These regulations also apply to the uses noted as permitted uses in any district when the provisions below provide the greater sign allowance, in whole or in part.
- (2) For conditional uses in residential districts limited to public park facilities, public and private schools, and religious assembly facilities, which are on sites that are over one acre in area and have a minimum of 100 feet of street frontage: one freestanding sign, not exceeding 40 square feet in area per face and not greater than 15 feet in height, and one building face sign, of the same maximum dimension, shall be allowed for each conditional use. One additional ground sign with a maximum area of 30 square feet shall be allowed on each additional street frontage. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.
- (3) For public and private schools, public park facilities, and churches which are on sites less than one acre or sites with less than 100 feet of frontage, as well as for all other conditional uses in residential districts: one freestanding sign, not exceeding 30 square feet in area for all faces and not greater than six feet in height, and one building face sign, of the same maximum dimensions for each conditional use; provided, the total area for the freestanding and building face signs may not exceed 30 square feet. Building face signs shall not extend

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above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.

(4) Lighting. Indirect illumination, floodlighting, or internal illumination shall be the only allowable means of illumination of signs. All external lighting shall be directed away from adjacent properties to minimize the effects of light and glare upon adjacent uses. No bare bulb or neon illumination of signs shall be allowed. No flashing or animated signs shall be allowed. No electric wire or cable serving an electric or illuminated sign shall be laid on the surface of the ground.

(5) All signs shall be of permanent materials (no cardboard, cloth, paper, etc.). No flags, banners, or other devices shall be displayed for the purpose of attracting attention to a development or site. No temporary or portable signs shall be allowed. The display of the national flag, state flag, and flags of other political subdivisions shall not be restricted.

(6) No sign shall be placed in a location which obstructs sight distance for an adjacent driveway or street right-of-way. No signs for a development shall be placed in any public right-of-way. No sign shall be erected which imitates or resembles any official traffic sign, signal, or device. Incidental public service signs less than four square feet in area which contain no advertising, but are intended for the convenience of the public and provide such messages as "entrance," "exit," "emergency entrance," "no parking," or other incidental service messages, shall be allowed.

(7) For conditional uses in residential districts, freestanding signs larger than 30 square feet for all faces or taller than six feet shall be located a minimum of 50 feet from a lot occupied by a single-family residence. Freestanding signs for conditional uses may be constructed to the front property line.

(8) In addition to the signage otherwise permitted, one sponsor identification logo sign may be included on a freestanding or wall sign for a conditional use. The sponsor identification logo shall not be internally illuminated and shall be limited to a maximum of one square foot per sign face.

### (9) District Sign Standards.

In addition to the general sign standards of this Section, the following standards also apply within the designated zoning districts.

[See next page for table.]

(a) District Sign Standards	DCC, DMU	WR	DR
<b>Signage Allocation</b>			
Total sign area allocation for signs attached to buildings and freestanding signs	Each business, 1-1/2 square feet per 1 foot building or street frontage on which the sign(s) will be located (area is calculated from frontage occupied by the business it identifies).	Same as DCC.	1 square foot per 1 foot of building frontage occupied by the business.
<b>Signs Attached to Buildings</b>			
Maximum number	Each business allowed 2 signs per frontage, but no more than 3 signs total for the business, no maximum number for public facility over 5 acres.	Same as DCC.	Same as DCC.
Maximum area per sign	Non-residential, 150 square feet per sign. Public facility over 5 acres, 300 square feet. Residential, 20 square feet.	Non-residential, 200 square feet per sign. Residential, 20 square feet.	Non-residential, 100 square feet per sign. Residential, 20 square feet.
Minimum sign area	First floor, 30 square feet. Second floor, 25 square feet.	Same as DCC.	Same as DCC.
Wall	Shall not exceed 35 feet above grade level, except for 1 corporate logo sign of 150 square feet allowed per building above 35 feet. Public facility over 5 acres not limited to 35 feet above grade.	Same as DCC.	Same as WR, except no corporate logo allowed.
Awning, canopy, marquee, under marquee		Same as DCC.	Same as DCC.
Projecting	One per building allowed if no freestanding sign exists on the same frontage, shall not extend above 35 feet. Public facility over 5 acres not limited to 35 feet above grade.	Same as DCC.	Same as DCC.
Blade, under-canopy	One per business, shall not exceed 8 square feet per side, shall be illuminated only by indirect lighting, maximum projection of 3-1/2 feet, maximum wide thickness of 12 inches, and shall maintain a minimum clearance of 8 feet above the sidewalk. Area increase of 25% when using symbolic shape, rather than rectangle or square.	Same as DCC.	Same as DCC.
Rooftop signs	Prohibited.	Prohibited.	Prohibited.
Billboards		Replacement only.	Replacement only.
<b>Freestanding Signs</b>			
Maximum number	1 per street frontage, per site not use and no more than 2 per site. 1 per street frontage(s) for public facility over 5 acres.	Same as DCC.	Same as DCC.
Maximum area per sign	30 square feet. 300 square feet for public facility over 5 acres.	100 square feet.	30 square feet.
When not allowed	When building signage exceeds the sign area limit, not allowed on the same frontage as a projecting sign.	Same as DCC.	Same as DCC.
Maximum height	6 feet. 30 feet for public facility over 5 acres.	20 feet.	6 feet.
Directionals	Shall be limited to 4 feet in height.	Same as DCC.	Same as DCC.
Setback	None, but signs shall be on private property.	Same as DCC.	Same as DCC.
Billboards	Replacement only.	Replacement only.	Replacement only.

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(a) District Sign Standards	DCC, DMU	WR	DR
Sign Features			
Lighting	Indirect, internal illumination, neon, and bare bulb allowed.	Same as DCC.	Bare bulb illumination prohibited.
Rotating, mechanized	Allowed.	Same as DCC.	Prohibited.
Flashing, animated	Prohibited.	Prohibited.	Prohibited.
Electronic changing message center	Allowed.	Same as DCC.	Same as DCC.
Temporary Signs			
A-boards	2 permitted each business, shall not exceed 12 square feet in area nor 4 feet in height and shall not be placed on sidewalks less than 12 feet in width.	Same as DCC.	Same as DCC.
Banners	1 banner per business with a 60 square feet maximum displayed no longer than 6 months per year. Banners for cultural purposes shall not exceed 400 square feet and are not limited in number or duration.	1 banner per business with a 60 square feet maximum displayed no longer than 6 months per year.	Not allowed.
Feather Signs	Prohibited. Feather Signs are prohibited in all Downtown zones except for the following: a) Feather Signs identifying an accessory retail outlet co-located with a manufacturing facility. In this instance two feather signs are authorized per business. b) One special event per business once every two years. In this instance two feather signs are authorized for no more than 15 consecutive days. c) When associated with a use not located in private property such as food carts or car sharing services. Feather Signs must be located on private property unless a City right-of-way occupancy permit is secured.	Same as DCC	Same as DCC
Flags	Shall be on private property, no advertising allowed except logos.	Same as DCC.	Same as DCC.
Window signs	Exempt, but shall not exceed 25 percent of the window area.	Same as DCC.	Same as DCC.
Searchlights, beacons	1 allowed per site, displayed no longer than 7 days per year. No restrictions during an event for public facility over 5 acres.	Same as DCC.	Prohibited.
Temporary off-premises advertising signs	Public facility sites in the DCC and DMU Districts shall be allowed temporary advertising signs of 32 square feet, including banners not to exceed 160 square feet, attached to temporary fencing during the time of construction.	Prohibited.	Prohibited.

(b) District Sign Standards		C-2, CIX, CCX, UCX, M-1, M-2, PMI	C-1
Signage Allocation			
Maximum total sign area	Wall signage, 1 square foot per 1 linear foot of the building frontage with the public entrance.		Same as C-2.



(b) District Sign Standards	C-2, CIX, CCX, UCX, M-1, M-2, PMI	C-1
	Freestanding signage, 1 square foot per 1 linear foot of street frontage(s).	
<b>Signs Attached to Buildings</b>		
Maximum number	3 per business, 25 percent of maximum total area allowed on building wall(s) without a public entrance. (Note: 50 percent is allowed provided only 2 signs are installed at the business.) No maximum number for public facility over 5 acres.	Same as C-2.
Maximum area per sign	200 square feet. 400 square feet for public facility over 5 acres.	100 square feet.
Minimum sign area	Each business allowed 30 square feet regardless of frontage.	Same as C-2.
Wall	Allowed subject to development standards of this Section.	Same as C-2.
Awning, canopy, marquee, under-marquee	Allowed subject to development standards of this Section.	Same as C-2.
Projecting	Allowed subject to development standards of this Section. Maximum projection 6-1/2 feet. Single business, in lieu of freestanding sign. Multi-business, not allowed.	Same as C-2.
Blade, under-canopy	Allowed subject to development standards of this Section. Provisions of Section 13.06.090.I.3 shall apply. 1 per business, shall not exceed 8 square feet per side, shall be illuminated only by indirect lighting, maximum projection of 3-1/2 feet, maximum wide thickness of 12 inches, and shall maintain a minimum clearance of 8 feet above the sidewalk. Area increase of 25% when using symbolic shape, rather than rectangle or square.	Same as C-2.
Roof signs	Prohibited.	Prohibited.
Billboards	Poster billboards allowed in all districts. Bulletin billboards allowed in PMI, M-1, M-2 and as set forth in section 13.06.090.I.3.	Prohibited.
<b>Freestanding Signs</b>		
Maximum number	1 per street frontage, each 300 feet considered separate street frontage, corner sites require a minimum 300 feet on both frontages for an additional sign.	Same as C-2.
Maximum area per sign	200 square feet (additional 100 square feet allowed for name of shopping center), sites with freeway frontage shall not exceed 75 percent of the maximum allowed. 400 square feet for public facility over 5 acres.	100 square feet.
When not allowed	No freestanding sign shall be on same frontage as a projecting sign.	Same as C-2.
Maximum height	35 feet maximum; signs located 300 feet or less from residential district shall not exceed height of building it identifies. Sign height for site with freeway frontage is prohibited to exceed height of building it identifies. 45 feet for public facility over 5 acres.	6 feet for sites with less than 100 feet of frontage, 15 feet for sites with frontage between 100 feet and 300 feet, no sign shall exceed the height of the building it identifies.
Directionals	Shall be limited to 4 feet in height, except 15 feet shall be allowed in PMI.	Same as C-2.
Off-premises directionals	Provisions of Section 13.06.090.I.3.1 shall apply, except 25 square feet shall be allowed in PMI with a maximum height of 15 feet and a maximum number of four per business.	Same as C-2.

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(b) District Sign Standards	C-2, CIX, CCX, UCX, M-1, M-2, PMI	C-1
Setback	Provisions of Section 13.06.090.I.3.g shall apply, minimum 200 feet separation from other freestanding signs, sites with freeway frontage shall locate signs on the abutting parallel frontage, no signs shall be allowed adjacent to the freeway.	Same as C-2.
Billboards	Poster billboards allowed in all districts. Bulletin billboards allowed in PMI, M-1, M-2 and as set forth in section 13.06.090.I.3. Development standards of section 13.06.090.I.3.m apply.	Prohibited.
<b>Sign Features</b>		
Lighting	Indirect, internal illumination, neon and bare bulb allowed.	Bare bulb illumination prohibited.
Rotating, mechanized	Allowed.	Prohibited.
Flashing, animated	Prohibited.	Prohibited.
Electronic changing message center	Allowed, but prohibited on Pedestrian Streets and Core Pedestrian Streets, as defined in 13.06.300.C, 13.06.200, and 13.06.090.I.3.h.	Same as C-2.
<b>Temporary Signs</b>		
A-boards	In the CIX District, 2 per business, 12 square feet per side, 4 feet in height. Such signs may be located off-site, but must remain within the same Mixed-Use Center in which the business is located. For all other districts, 1 per business, on private property, 12 square feet per side, 4 feet height.	Same as C-2.
Banners	1 per business, 60 square feet maximum, 6 months per year. Banners for cultural purposes shall not exceed 400 square feet and are not limited in number or duration.	Prohibited.
Feather Signs	1 per 50 feet of street frontage, per site, with maximum of 2 signs per street frontage. Each sign allowed up to 12 square feet in area and ten feet in height. Shall be located on private property.	Same as C-2.
Flags, pennants	Shall be on private property, no advertising allowed, except logos.	Same as C-2.
Window signs	Exempt, but shall not exceed 25 percent of the window area.	Same as C-2.
Searchlights, beacons	One allowed per site, displayed no longer than 7 days per year. No restrictions during an event for public facility over 5 acres.	Prohibited.
Temporary off-premises advertising signs	Allowed subject to development standards of this Section.	Prohibited.

(c) District Sign Standards	T, NCX, URX, Non-Residential Districts with VSD	HM, HMX
<b>Signage Allocation</b>		
Maximum total sign area	1-1/2 square feet per 1 linear feet of building frontage abutting a street frontage, applies to the first 50 feet, with 1/2 square foot per 1 linear foot of building frontage over 50 feet.	HM and HMX sign regulations for use by hospitals only, all other uses in HM and HMX to follow T sign regulations.
<b>Signs Attached to Buildings</b>		
Maximum number	2 per primary frontage (1 may be ground sign), 1 per perpendicular frontage(s), 1 per alley frontage with a public entrance.	One per elevation.

(c) District Sign Standards	T, NCX, URX, Non-Residential Districts with VSD	HM, HMX
Maximum area per sign	Shall not exceed size allocation on primary frontage, 50 square feet on perpendicular frontage(s), 25 square feet on alley frontage, 10 square feet on upper story or basement uses.	Identification signs at 75 square feet. Directional signs at 25 square feet.
Minimum sign area	30 square feet, except for upper story or basement uses.	
Wall	Allowed subject to development standards of this Section.	Same as T.
Awning, canopy	Allowed subject to development standards of this Section.	Same as T.
Blade, under-canopy	Allowed subject to development standards of this Section. Indirect illumination only.	Same as T.
Projecting	Allowed subject to development standards of this Section. 40 square feet with frontage of at least 25 feet and not allowed on alleys, provisions of Section 13.06.090.I.3.g shall apply.	Allowed subject to development standards of this Section.
Roof signs	Prohibited.	Same as T.
Billboards	Replacement only – except, URX, where prohibited, and where allowed as set forth elsewhere in this Section. Poster billboards allowed in all districts except URX where prohibited.	Prohibited.
<b>Freestanding Signs</b>		
Maximum number	1 per site, sign area shared with building sign allocation (not allowed on an alley).	1 per right-of-way frontage or 1 per access, regardless the number of major accesses on one right-of-way frontage.
Maximum area per sign	30 square feet.	Identification or directory signs at 50 square feet. Directional signs at 25 square feet.
When not allowed	When the building signage has utilized the allowed sign area for wall signage or when a projection sign exists on the site.	N/A.
Maximum height	6 feet.	Identification or directory signs at 15 feet.
Directionals	Shall be limited to 4 feet in height.	Shall be limited to 6 feet in height.
Setback	None, but signs shall be on private property.	Same as T.
Billboards	Replacement only – except URX, where prohibited, and where allowed as set forth elsewhere in this Section. Poster billboards allowed in all districts except URX where prohibited.	Prohibited.
<b>Sign Features</b>		
Lighting	Indirect, or internal illumination allowed. No bare bulb illumination allowed. All external lighting to be directed away from adjacent properties to minimize effects of light and glare upon adjacent uses.	Same as T.
Rotating, mechanized	Prohibited.	Same as T.
Flashing, animated	Prohibited.	Same as T.
Electronic changing message center	Prohibited.	Allowed, but prohibited on pedestrian streets and core pedestrian streets as defined in 13.06.010.C.

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<b>(c) District Sign Standards</b>		<b>T, NCX, URX, Non-Residential Districts with VSD</b>	<b>HM, HMX</b>
<b>Temporary Signs</b>			
A-boards	In the NCX and URX districts, 2 per business, 12 square feet per side, 4 feet in height. Such signs may be located off-site, but must remain within the same Mixed-Use Center in which the business is located. For all other districts, 1 per business, on private property, 12 square feet per side, 4 feet heights.	Prohibited.	
Banners, pennants	Prohibited.	Banners allowed at 30 square feet.	
Feather Signs	Prohibited, unless associated with use not located on private property such as food carts or caring sharing service. In such instances, only one allowed per business, 12 square feet in area and ten feet in height.	Prohibited.	
Flags	Prohibited, except for the national flag, state flag, flags of other political subdivisions.	Same as T.	
Window signs	Exempt, but shall not exceed 25 percent of the window area.	Same as T.	
Incidental public service signs	Less than 4 square feet, contains no advertising, intended to provide messages such as “no parking,” “exit,” “entrance,” etc.	Same as T.	
Searchlights, beacons	Prohibited.	Same as T.	

(d) District Sign Standards	PDB	RCX
Signage Allocation		
Maximum total sign area	Single business (wall signs), ½ square foot per 1 linear foot of building frontage.	1 square foot per 1 linear foot of building frontage abutting a street frontage, applies to the first 50 feet, with 1/2 square foot per 1 linear foot of building frontage over 50 ft.
Signs Attached to Buildings		
Maximum number	Single business, 1 per elevation, 2 total. Multi-business, 1 per business.	2 per primary frontage (1 may be a ground sign), 1 per perpendicular frontage(s), 1 per alley frontage with a public entrance.
Maximum area per sign	Single business, 75 square feet per elevation, total 150 square feet for all signs. Multi-business, 20 square feet.	30 square feet maximum on perpendicular frontage(s), but not to exceed size area allocation, 10 square feet on alley frontage, upper story and basement uses.
Minimum sign area	Single business, 30 square feet each business regardless of frontage. Multi-business, 20 square feet each business regardless of frontage.	20 square feet each business regardless of frontage.
Wall	Provisions of Section 13.06.090.I.3.e shall apply.	Same as PDB.
Awning, canopy, under-canopy	Provisions of Section 13.06.090.I.3.i and 13.090.I.3.j shall apply.	Same as PDB.
Roof signs	Prohibited.	Prohibited.
Billboards	Allowed as set forth elsewhere in this Section. Poster billboards allowed..	Prohibited.

<b>(d) District Sign Standards</b>		<b>PDB</b>	<b>RCX</b>
<b>Freestanding Signs</b>			
Maximum number	1 per site (single or multi-business) located in landscaped area.		1 per site (not allowed on an alley).
Maximum area per sign	30 square feet.		25 square feet.
Maximum height	6 feet.		4 feet.
Directionals	Shall be limited to 4 feet in height.		Same as PDB.
Setback	Minimum 5 feet from property lines.		None, but signs shall be on private property.
Billboards	Allowed as set forth elsewhere in this Section. Poster billboards allowed..		Prohibited.
<b>Sign Features</b>			
Lighting	Indirect or internal illumination allowed. No bare bulb or neon illumination allowed. All external lighting shall be directed away from adjacent properties to minimize effects of light and glare upon adjacent uses.		Same as PDB.
Rotating, mechanized	Prohibited.		Same as PDB.
Flashing	Prohibited.		Same as PDB.
Electronic changing message center	Allowed subject to development standards of this Section.		Prohibited.
<b>Temporary Signs</b>			
A-boards	Prohibited.		2 per business, 12 square feet per side, 4 feet in height. Such signs may be located off-site, but must remain within the same Mixed-Use Center in which the business is located.
Banners, pennants	Prohibited.		Prohibited.
Window signs	Exempt, but shall not exceed 25 percent of the window area.		Same as PDB.
Feather signs	Prohibited.		Prohibited.
Flags	Prohibited, except the national flag, state flag, flags of other political subdivisions.		Same as PDB.
Incidental public service signs	Less than 4 square feet, contains no advertising, intended to provide messages such as “no parking,” “exit,” “entrance,” etc.		Same as PDB.
Searchlights, beacons	Prohibited.		Prohibited.

<b>(e) District Sign Standards</b>	
<b>1. Multiple-Family Residential</b>	<b>All Shoreline Districts</b>
<b>Signage Allocation</b>	
Total sign allocation	1 building or 1 freestanding sign per development site
<b>Signs Attached to Buildings</b>	
Maximum number	1
Maximum sign area	20 square feet

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(e) District Sign Standards			
Freestanding Signs			
Maximum number	1		
Maximum sign area	15 square feet per face		
Maximum height	6 feet		
Location	A freestanding sign may not be placed anywhere on a site where it significantly degrades a vista, viewpoint, or view shed presently available to the public, or impairs the visual access to the water from such view areas.		
Lighting			
Lighting and illumination restrictions for signs attached to buildings and freestanding signs	Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No external bare bulb illumination of signs shall be allowed, except that neon signs shall be allowed in the “S-8” Shoreline District. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.		
2. Commercial	S-7, S-9, and S-10 Districts	S-8 District	S-1a, S-1b, S-5, S-6, S-6/7, S-11, and S-15 Districts
Signage Allocation			
Total sign allocation	1 building or 1 freestanding per development site Signs having both land and water access may have one sign facing landward and one facing waterward.	2 building signs on separate building elevations or 1 building and 1 freestanding sign Signs having both land and water access may have one sign facing landward and one facing waterward. Freestanding signs must be oriented landward.	1 building or 1 freestanding per development site Signs having both land and water access may have one sign facing landward and one facing waterward.
Maximum total sign area		Buildings containing one business are allowed .75 square-foot of sign area per lineal foot of building frontage. Buildings on development sites containing multiple buildings may calculate their sign area based on .75 square feet of sign area per lineal street frontage.	
Signs Attached to Buildings			
Maximum number	1 per development site	2 signs, on separate building faces Buildings containing multiple businesses are allowed one additional non-freestanding sign for a total of 3 signs.	1 per development site
Maximum sign area	60 square feet	The maximum area for any sign is 75 square feet.	60 square feet

(e) District Sign Standards			
Minimum sign area	One additional sign per tenant up to 6 square feet in area. This sign area is not included in the maximum sign area.	One additional sign per tenant up to 10 square feet in area. This sign area is not included in the maximum sign area.	One additional sign per tenant up to 6 square feet in area. This sign area is not included in the maximum sign area.
Freestanding Signs			
Maximum number	1 per development site	1 per development site, oriented landward	1 per development site
Maximum sign area	45 square feet per face.	The maximum area for any sign is 75 square feet.	30 square feet per face
Maximum height	15 feet	20 feet	8 feet
Location	A freestanding sign may not be placed anywhere on a site where it significantly degrades a vista, viewpoint, or view shed presently available to the public, or impairs the visual access to the water from such view areas.		
A-board		One non-illuminated A-board sign up to 10 square feet in total area is allowed for each use; provided, that the sign does not obstruct designated public or vehicular access routes. This sign area is not included in the maximum sign area.	
Lighting			
Lighting and illumination restrictions for signs attached to buildings and freestanding signs	Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No external bare bulb illumination of signs shall be allowed. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.	Neon signs are allowed. No other external bare bulb illumination of signs shall be allowed.  Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.	Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No external bare bulb illumination of signs shall be allowed. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.
3. Industrial	S-1a, S-6/7, S-7, S-8, S-9, and S-10 Districts		
Signage Allocation			
Total sign allocation	1 building or 1 freestanding sign per development site. Sites having both land and water access may have one sign facing landward and one facing waterward.		

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<b>(e) District Sign Standards</b>	
<b>Signs Attached to Buildings</b>	
Maximum number	1 per development site
Maximum sign area	100 square feet
Minimum sign area	One additional sign per tenant up to 12 square feet in area. This sign area is not included in the maximum sign area.
<b>Freestanding Signs</b>	
Maximum number	1 per development site
Maximum area per sign	75 square ft per face
Maximum height	20 feet
Location	A freestanding sign may not be placed anywhere on a site where it significantly degrades a vista, viewpoint, or view shed presently available to the public, or impairs the visual access to the water from such view areas.
<b>Lighting</b>	
Lighting and illumination restrictions for signs attached to buildings and freestanding signs	Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No external bare bulb illumination of signs shall be allowed. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.
<b>4. Park/Recreational</b>	
<b>Signage Allocation</b>	
Total sign allocation	1 freestanding sign per development site
<b>Freestanding Signs</b>	
Maximum number	1 per development site
Maximum sign area	30 square feet per face
Maximum height	8 feet
Location	A freestanding sign may not be placed anywhere on a site where it significantly degrades a vista, viewpoint, or view shed presently available to the public, or impairs the visual access to the water from such view areas.
<b>Lighting</b>	
Lighting and illumination restrictions for signs attached to buildings and freestanding signs	Indirect illumination and floodlighting shall be the only allowable means of illumination of signs. All external lighting shall be directed away from the water and adjacent properties to minimize the effects of light and glare upon adjacent uses. No external bare bulb illumination of signs shall be allowed. No flashing, revolving, fluttering, undulating, animated, or otherwise moving signs shall be allowed.



J. Residential transition standards.<sup>1</sup>

## 1. Applicability.

## 2. Purpose.

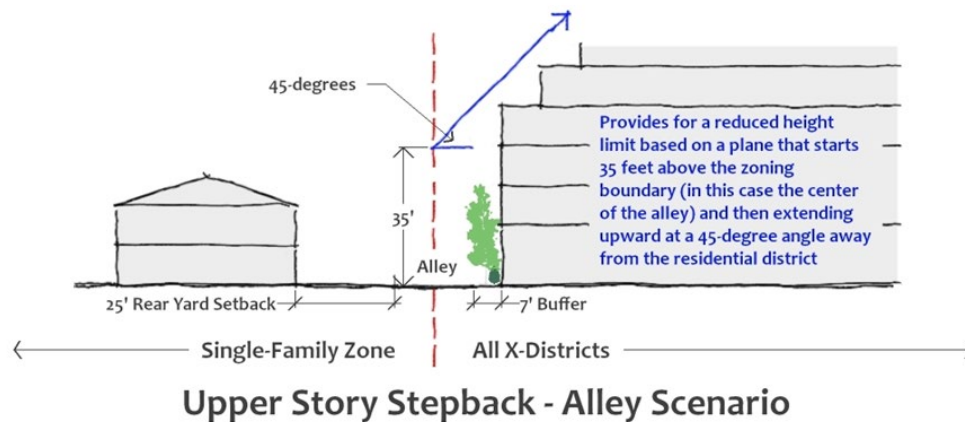
To help ensure appropriate transitions between non-residential and/or higher intensity development and adjacent residential districts, in terms of building bulk and scale, location of activity areas for privacy and noise reduction, provision of greenspace, and visual separation.

## 3. Development Standard - Upper Story Stepback.

a. Structures shall not intercept a 25-degree daylight plane inclined into the C, T, PDB, HM, M, or PMI District from a height of 25 feet above existing grade at any R-District / C, T, PDB, HM, M, or PMI District boundaries, excluding boundaries with R-4 Districts, R-5 Districts, and/or non-residential uses in any R District. For purposes of this provision, vacant land located in an R-District shall be considered a residential use.

b. The following requirements apply in all X-Districts, where a Mixed-Use Center boundary is adjacent to single-family zoning (R-1, R-2 and R-2SRD Districts), except where the adjacent use within the single-family zone is a park, permanent open space, undevelopable steep slope, public facility or freeway.

(1) Projects abutting a single-family zone at a street, alley or rear or side property line shall not intercept a 45-degree daylight plane inclined into the X-District from a height of 35 feet above existing grade, measured from the zone transition line (example of the alley scenario below).



c. Storage and/or Service Openings Vehicle ingress, vehicle egress, and/or loading bay doors of self-storage uses and/or vehicle service uses shall not face any residentially-zoned property.

## 4. Lighting.

(1) Light trespass. Light trespass from sites in non residential zoning districts shall not exceed 3 lux (0.3 foot candles) at parcel boundaries with residential zoning districts. This luminance value shall be measured at the eye in a plane perpendicular to the line-of-sight when looking at the brightest source in the field of view at any point on the property line of any residential parcel.

(2) Residential light pollution. To ensure control of and to minimize glare, any lighting within 100 feet of an R District shall use luminaires which meet the Illuminating Engineering Society's cutoff light distribution specification.

(3) General light pollution. To control and minimize glare, all other luminaries for area and/or off-street parking shall meet the Illuminating Engineering Society's semi-cutoff light distribution specification. Lighting shall be directed toward the site, with cutoff shields or other means, to prevent spillover glare to adjacent properties or

<sup>1</sup> Code Reviser's note: Previously codified as 13.06.503 (Residential transition standards); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27079 § 34; passed Apr. 29, 2003; Ord. 26947 § 53; passed Apr. 23, 2002; Ord. 26933 § 1; passed Mar. 5, 2002.

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vehicular traffic. Luminaires with a light source not greater than 1800 lumens (100 watt incandescent) are exempt from this requirement.

### 5. Landscaping Buffers:

#### a. Applicability.

#### b. Purpose.

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

#### c. Exceptions.

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

#### d. Buffer standards - More intensive district abutting an R-District property.

##### (1) In Industrial zoning districts:

- A landscape buffer of 50 feet must be provided on the property, along the boundary abutting an R-district property
- If a berm with a 6-foot vertical grade difference is provided on the property, the landscape buffer may be reduced to 30 feet.
- Where the property required to provide a buffer is 300 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to 20 feet.
- Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to 15 feet.

##### (2) In all other zoning districts:

- A continuous planting area that has a minimum width of 15 feet shall be provided on the property, along the boundary with the R-District.
- Where the property required to provide a buffer is 150 feet or less in depth, measured perpendicularly from the residential parcel, the buffer can be reduced to the minimum 10-foot wide buffer listed below.

##### (3) Planting requirements for landscaping strips 10 to 15 feet wide:

- At least one row of evergreen trees, minimum 8 feet in height at the time of planting and 10 feet maximum separation.

- Shrubs at a rate of one shrub per 20 square feet of landscaped area. In addition to being from minimum 3-gallon sized containers, shrubs shall be at least 16 inches tall at planting and have a mature height of at least 3 feet.
- Groundcover plants.
- Note: These provisions supersede the standard height, spacing and visibility provisions of the General Section, above.

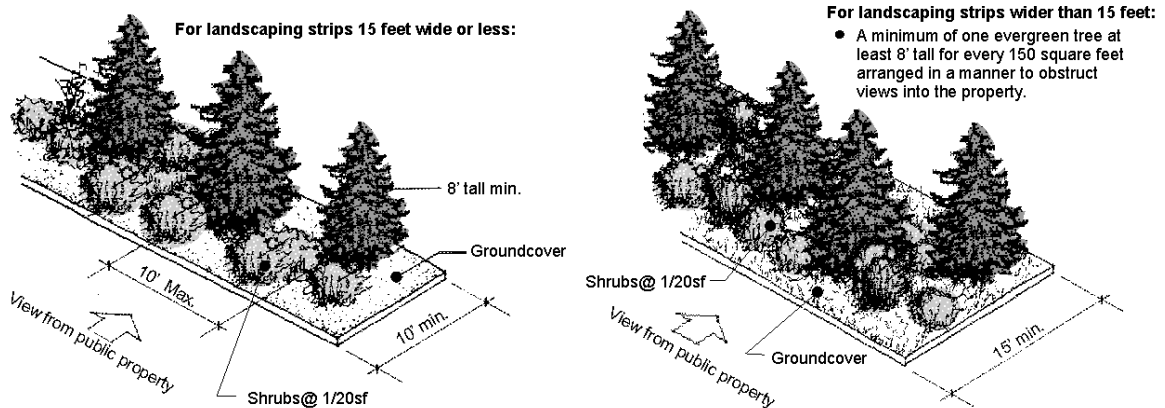
(4) Planting requirements for landscaping strips wider than 15 feet:

- A minimum of one evergreen tree for every 150 square feet arranged in a manner to obstruct views into the property.
- Shrubs and groundcover as required above.

(5) This Landscaping Buffer is not subject to landscaping credits or flexibility provisions of TMC 13.06.090.B.

(6) Alternative species selection and spacing plans demonstrated to substantially meet the Buffer intent may be approved with staff review.

(7) Buffer planting examples.



e. Buffer standards – More intensive district across the street or alley from R-District property

(1) A continuous planting area that has a minimum width of 7 feet shall be provided on the property, across from the R-District.

(2) In cases where there is a demonstrated site constraint, the minimum buffer width may be reduced to a minimum 4 feet, with the integration of a continuous site-obscuring vegetated fence or wall.

(3) Buffer Planting requirements

- At least one Medium Tree per 300; or one Large Tree per 400 square feet of landscaped area.
- Trees to be spaced at an average of 20 feet on-center, but may be grouped in asymmetrical arrangements.
- At least 50 percent of trees must be evergreen conifers.

f. Mobile home/trailer courts abutting Residential districts (where permitted).

- A wall, fence, vegetated wall, evergreen hedge, or other suitable enclosure of minimum height four and one half feet and maximum height of seven feet placed at least five feet from the side and rear lot lines. The area between such enclosures and the property lines shall be landscaped to form a permanent screening area.
- A landscaped screening area at least five feet in depth must be provided along the street frontage on a non-arterial street forming a boundary between a mobile home park site and an R-1, R-2, or R-3 District.
- No signs shall be permitted on any part of a screening enclosure or within a screening area.

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### K. Fences and Retaining Walls.<sup>1</sup>

#### 1. Applicability.

These fence and retaining wall regulations apply to all zoning districts. Regulations within specific zones are set forth below.

#### 2. Purpose.

The purpose of fence and retaining wall regulations is to implement the Comprehensive Plan policies that seek to enhance the pedestrian experience while also reducing opportunity for crime.

3. The Director may attach any reasonable conditions found necessary to make proposed fencing or retaining walls compatible with its environment, to carry out the goals and policies of the City's Comprehensive Plan, and/or to provide compliance with other criteria or standards set forth in the City's Land Use Regulatory Codes.

#### 4. General Fencing and Wall Height Standards.<sup>2</sup>

a. Unless otherwise allowed, the maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet.

b. Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with landscaping pursuant to the requirements of TMC 13.06.090.B to soften the view of the fence and contribute to the pedestrian environment.

c. Fences required by the Washington State Liquor Control Board shall also be exempt from the maximum height limitation, provided any portion of the fence between 3 and 7 feet above grade is at least 50 percent transparent.

d. Fences shall not exceed 5 feet in height in required Street Level Residential Transition Areas.

e. Fences along alleys are allowed provided fences greater than 3 feet in height are at least 20% transparent between 3 and 7 feet above grade. If no transparency is provided, the maximum height of such fence shall be 3 feet.

f. Exception. In Downtown Districts, fences greater than 3 feet in height are allowed if the portion of the fence between 3 and 7 feet above grade is at least 20 percent transparent.

#### 5. Residential District Fence and Wall Standards.

##### a. Fencing Type Limitations.

(1) Barbed or razor wire. The use of barbed or razor wire is prohibited.

(2) Electrified fences are prohibited.

(3) Chain link. Chain link is permitted; except

(a) In the case of a 4-plex, multi-family, or single-family attached (townhouse) development, chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses; and

(b) chain link, with or without slats, is prohibited for required screening.

##### b. Fence and Wall Height.

(1) Except as specifically set forth below, fences in residential districts for residential development are exempt from height and transparency set forth below.

(2) In the case of single-family attached (townhouse), the maximum height of free-standing walls, fences, or hedges between any public street and building shall be 3 feet. Exception: Decorative fences up to 8 feet in height may be allowed between a public street and any residential use provided such fence is at least 50 percent transparent and features a planting strip at least 5 feet wide with Type C or D landscaping to soften the view of the fence and contribute to the pedestrian environment.

(3) See TMC 13.06.090.M for fence limitation specific to Building Transition. In the case of conflicts, the most restrictive section will apply.

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<sup>1</sup> Code Reviser's note: Relocated from 13.06.501.E.11 per Ord. 28613 Ex. G.

<sup>2</sup> Code Reviser's note: Portions previously codified as 13.06A.111 (Downtown District Fencing Standards); relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28194 Ex. A; passed Dec. 17, 2013)

6. Commercial, MUCs, and Downtown Districts.

a. Fencing Type Limitations.

- (1) Barbed or razor wire. The use of barbed or razor wire is limited to those areas not visible to a public street or to an adjacent residential use.
- (2) Chain link. Chain link or similar wire fencing is prohibited between the front of a building and a public street, except for wetland preservation and recreation uses.
- (3) Electrified. Electric fences are allowed around outdoor storage areas, where permitted, in C-1 and C-2 Commercial Districts, CCX Community Commercial Mixed-Use District, UCX Urban Center Mixed-Use District, CIX Commercial industrial Mixed-Use District, DMC Downtown Mixed Use and WR Warehouse Residential District, subject to the following standards. These standards shall not apply to underground or invisible pet fences that are used to contain small domestic animals.

b. Electrified Fence Standards.

- (1) Electric fences shall be prohibited between the front of a building and the adjacent public street, except when:
  - (i) Outdoor storage located between the building and the front property line, which was in existence at the time of the passing of Ordinance No. 28902, may be protected by an electric fence. In the case of a corner site, this applies to the side adjacent to right-of-way.
  - (ii) Except for the South Tacoma Groundwater Protection District, electric fences shall be set back a minimum of 15 feet from the buffer of any critical area as defined in TMC 13.01.110.C and the fence shall not surround said critical area.
- (2) Electric fences shall be limited to a height of 8 feet.
- (3) Electrification.
  - (i) The energy source (energizer) for electric fences must be provided by a storage battery not to exceed 12 volts DC. The storage battery may be charged by a solar panel. The solar panel may not be augmented by a trickle charger.
  - (ii) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the International Electrotechnical Commission (IEC) Standard 60335-2-76.
  - (iii) Fence system shall be tested and labeled to the Electrotechnical Commission IEC Standards 60335-2-76.
- (4) Warning Signs and Insurance.
  - (i) Electric fences shall be clearly identified with warning signs that read "Warning - Electric Fence" at intervals of 50 feet or less. Signs shall also contain imagery or symbols of, or similar to, the International Organization for Standardization (ISO) warning symbol for electric hazard to alert individuals that the fence is electrically charged (e.g. lightning bolts).
  - (ii) Warning signs shall be posted in English, Russian, Spanish, and Vietnamese.
  - (iii) Owner of the electric fence shall provide to the City a certificate of commercial general liability insurance covering third party liability risks in a minimum amount of \$1,000,000.00 combined single limit per occurrence for bodily injury and personal injury.
- (5) Perimeter Fence.
  - (i) An electric fence shall be surrounded by a decorative, non-electric, perimeter fence, with a smaller aperture designed to limit the passthrough of hands. This perimeter fence shall be a minimum of 6 feet in height and a maximum of 7 feet in height. This fence may be located on the property line.
  - (ii) The required perimeter fence shall be setback a minimum of 1 foot from the electric fence.
  - (iii) The perimeter fence shall not be chain link.
  - (iv) When the perimeter fence is between a public street and the property, the fence must be designed to allow pedestrians and drivers to see onto the property.
  - (v) Electric fences adjacent to designated Core Pedestrian Streets or designated Pedestrian Streets shall be required to have a planting strip at least 5 feet wide between the public right-of-way and the perimeter fence,

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with landscaping pursuant to the requirements of TMC 13.06.090.B, in order to soften the view of the fence and contribute to the pedestrian environment.

### 7. Industrial Districts.

#### a. Barbed or razor wire.

The use of barbed or razor wire is limited to those areas not adjacent to residential uses.

#### b. Chain link.

Chain link or similar wire fencing is permitted.

#### c. Electrified.

Electric fences are allowed in all Industrial Districts subject to the following standards. These standards shall not apply to underground or invisible pet fences that are used to contain small domestic animals.

##### (1) Location.

(a) Electric fences shall be setback 5 feet to any dwelling or dwellings.

(b) Electric fences shall not be around or adjacent to a critical area as defined in TMC 13.01.110.C.

##### (2) Standards.

(a) Electric fences shall be limited to a height of 10 feet.

(b) An electric fence shall be separated from property line by a non-electric fence a minimum of 6 feet tall.

##### (3) Electrification.

(a) The energy source (energizer) for electric fences must be provided by a storage battery not to exceed 12 volts DC. The storage battery may be charged by a solar panel. The solar panel may not be augmented by a trickle charger.

(b) The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in the International Electrotechnical Commission (IEC) Standards 60335-2-76.

(c) Fence system shall be tested and labeled to the Electrotechnical Commission IEC Standards 60335-2-76.

##### (4) Warning Signs and Insurance.

(a) Electric fences shall be clearly identified with warning signs that read "Warning - Electric Fence" at intervals of 50 feet or less. Signs shall also contain imagery or symbols of, or similar to, the International Organization for Standardization (ISO) warning symbol for electric hazard to alert individuals that the fence is electrically charged (e.g. lightning bolts).

(b) Warning signs shall be posted in English, Russian, Spanish, and Vietnamese.

(c) Owner of the electric fence shall provide to the City a certificate of commercial general liability insurance covering third party liability risks in a minimum amount of \$1,000,000.00 combined single limit per occurrence for bodily injury and personal injury

### 8. Retaining Walls.

a. In Mixed-Use Districts, retaining walls located adjacent to public street rights-of-way shall be terraced such that individual sections are no greater than 4 feet in height. Bench areas between retaining wall sections shall be planted with landscaping, pursuant to the standards of TMC 13.06.090.B, to soften the view of the wall and contribute to the pedestrian environment.

## L. Utilities.

### 1. Applicability.

The following standards apply to ground level utilities. Rooftop utilities are regulated under the Building Design Standards.

### 2. Purpose.

### 3. General Standards.

a. Chain link fencing, with or without slats, is prohibited for required utility screening.

- b. Limited flexibility in this standard is allowed to ensure that the function of the utility equipment is not compromised by the screening requirement.

**4. Standards in Mixed-use Districts and Downtown Districts.**

**a. Utility meters, electrical conduit, and other service utility apparatus.**

- (1) Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street and other pedestrian areas.
- (2) If such elements are mounted in a location visible from the street, common open space or pedestrian plaza, internal pedestrian pathway, customer parking lots (alleys are excluded), or shared internal access roads for residential uses, they shall be screened with vegetation or by architectural features.
- (3) All landscape screening shall provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting.
- (4) Items that exceed 4 feet in height must use an opaque fence or structure to screen the element.

**b. Service, loading, and garbage areas.**

- (1) Developments shall provide a designated area for service elements (refuse and disposal).
- (2) Such elements shall be sited along the alley, where available.
- (3) Where there is no alley available, service elements shall be located and/or screened to minimize the negative visual, noise, odor, and physical impacts.

**5. Standards in Commercial Districts.**

- a. Mechanical or utility equipment, loading areas, and dumpsters shall be screened from adjacent public street right-of-way, including highways, or residential uses.
- b. Items that exceed 4 feet in height must use fencing, structure, or other form of screening, except landscaping.
- c. Items that do not exceed 4 feet above ground level may be screened with landscaped screening.
- d. All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting.

**6. Standards for Residential Buildings and Developments.**

**a. Standards for all single, two, three-family, and multi-family dwellings in X-Districts, and to all two, three-family, and multi-family dwellings in all districts.**

- (1) Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.
- (2) Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk.

**b. Townhouses in all districts.**

- (1) Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.
- (2) Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk. The City may require a consolidated location for storage of solid waste containers, direct street access pickup, or a shared waste collection service if necessary for efficient solid waste collection.

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### c. Multifamily in Residential Districts.

- (1) Mechanical or utility equipment, loading areas, dumpsters and other utility apparatus shall be located and/or designed to minimize their visibility from the street, including highways, and other pedestrian areas and residences.
- (2) If such elements are mounted in a location visible from the street, common open space or pedestrian plaza, internal pedestrian pathway, or shared internal access roads for residential uses, they shall be screened with vegetation or by architectural features.
- (3) Items that exceed 4 feet in height must use fencing, structure, or other form of screening, except landscaping.
- (4) Items that do not exceed 4 feet above ground level may be screened with landscaped screening.
- (5) All landscape screening should provide 50 percent screening at the time of planting and 100 percent screening within 3 years of planting.

### 7. Examples.



*Well-designed service enclosure example.*



*Landscaping helps to minimize the negative visual impacts of utility meters.*



*Exposed utility meters like this will not be allowed where visible from common open spaces, streets or pedestrian areas.*

## M. Street Level Building Transitions

1. Applicability.
2. Purpose.
3. Standards.

a. Residential buildings meeting the “build-to” requirements along designated pedestrian streets shall provide a transition area between the public right-of-way and the ground floor dwelling units.

- (1) Transitions can be accomplished through grade changes that elevate the ground floor units and main entry or through landscaping and other design elements, such as plazas, artwork, fountains, bioswales, or other amenities. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup>
- (2) Fences, walls, and gateways may be used to provide some visual separation of private residences, but not to hide the transition area.
- (3) Fences over 3 feet in height must be transparent and cannot exceed 5 feet in height.
- (4) The transition area may be used to meet usable yard space requirements.
- (5) Parking may not be used as a feature of the transition area.

<sup>1</sup> Code Reviser’s note: Effective January 1, 2021 per Ord. 28725, Ex. A.



(6) Examples.



The above examples use trees and landscaping, elevation changes, transparent fencing, and arbors to create an effective transition between public and private spaces.

b. In Mixed-use Zoning Districts the maximum height of free-standing walls or hedges between any public street and building shall be 3 feet.

(Ord. 28906 Ex. C; passed Aug. 15, 2023: Ord. 28905 Ex. A; passed Aug. 15, 2023: Subst. Ord. 28902 Ex. A; passed Aug. 15, 2023: Ord. 28821 Ex. H; passed Jun. 28, 2022: Ord. 28793 Ex. B; passed Dec. 7, 2021: Ord. 28725 Exs. A and F; passed Dec. 8, 2020: Code Reviser's Note: Subsections were previously codified as Sections 13.06.502 (Landscaping and buffering standards), 13.06.503 (Residential transition standards), 13.06.510 (Off-street parking and storage areas), 13.06.511 (Transit support facilities), 13.06.512 (Pedestrian and bicycle support standards), 13.06.513 (Drive-throughs), 13.06.520 (Signs), 13.06.521 (General sign regulations), 13.06.522 (District sign regulations), and 13.06A.065 (Parking standards); all were relocated to 13.06.090 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See additional notes and prior legislation in footnotes.)

## Tacoma Municipal Code

### 13.06.100 Building design standards.<sup>1</sup>

#### A. Commercial District Minimum Design Standards.

##### 1. General applicability.

The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The building design standards apply to all new development as outlined below, except as follows:

##### a. Standards.

Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

##### b. Alterations.

(1) Three thresholds are used to gauge the extent of design standard compliance on alterations to existing development:

Level I alterations include all remodels and/or additions within a two year period whose cumulative value is less than 50% of the value of existing development or structures, as determined by the applicable Building Code. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.

Level II alterations include all remodels and/or additions within a two year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the applicable Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II alterations.

Level III alterations include all remodels and/or additions within a two year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code. Such alterations shall conform to ALL standards.

(2) The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.

(3) No addition or remodel shall increase the level of nonconformity or create new nonconformities to the development or design standards.

##### c. Super regional malls.

Additions to super regional malls of less than 10,000 square feet of floor area are exempt from the design standards of this section.

##### d. Temporary.

Temporary structures are exempt from the design standards of this section.

##### e. Residential and/or mixed-use.

(1) Single, two, and three-family dwellings are subject only to the design standards in Subsection E. Townhouses are subject only to the design standards in Subsection H. For other residential uses, such as mixed-use buildings and multi-family dwellings of 4 units or more, the standards herein apply unless otherwise noted.

(2) Multi-family residential development with a commercial component located within the C1, C2, T, and PDB zoning districts, and within the Neighborhood Commercial FLUM (as defined in Figure 2 of the Urban Form chapter of the Comprehensive Plan) are subject to the requirements in Section 13.06.100.B Mixed-Use District Minimum Design Standards.

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<sup>1</sup> Code Reviser's note: Previously codified as 13.06.501 (Building design standards); relocated to 13.06.100 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28613 Ex. E; passed Sept. 24, 2019; Ord. 28511 Ex. A; passed May 15, 2018; Ord. 28376 Exs. B, E; passed Aug. 16, 2016; Ord. 28336 Exs. B, C; passed Dec. 1, 2015; Ord. 28230 Ex. D; passed Jul. 22, 2014; Ord. 28157 Ex. F; passed Jun. 25, 2013; Ord. 27995 Ex. D; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27818 Ex. A; passed Jul. 28, 2009; Ord. 27813 Ex. D; passed Jun. 30, 2009; Ord. 27278 § 1; passed Oct. 26, 2004; Ord. 27079 § 32; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002.

(3) Single-family dwellings legally established prior to August 1, 2011 are exempt from these standards. However, remodels and additions to such single-family dwellings shall not increase the level of nonconformity.

f. Historic.

In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.

g. Religious assembly facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.

h. Floor area.

For purposes of this section of the code (Section 13.06.100), "floor area" shall not include spaces below grade.

i. Parks, recreation and open space uses.

Accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the design standards of this section.

j. Accessory Structure.

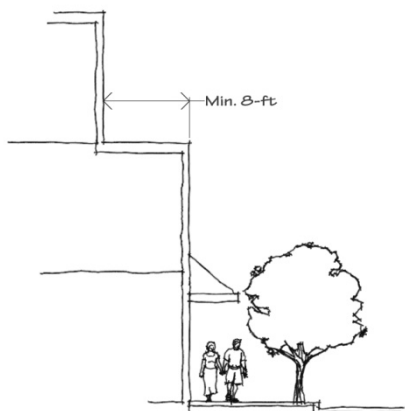
Shipping containers are exempt from all sections except Subsection 9 below.

2. Zoning District Applicability.

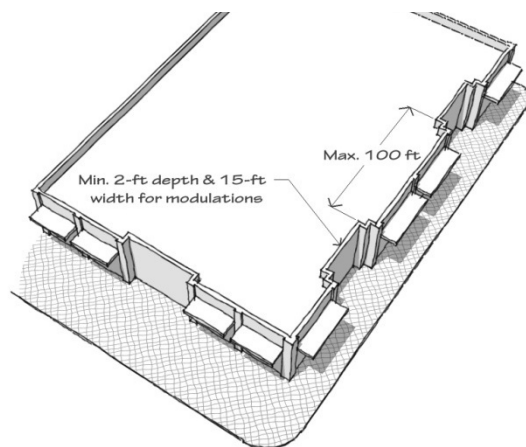
The following requirements apply to the C1, C2, T, and PDB zoning districts. See Section 13.06.100.B, for X-District requirements. Single-use multi-family residential developments in the C1, C2, T, and PDB zoning districts are subject to the requirements in Section 13.06.100.C Multi-family Residential Minimum Design Standards.

3. Mass Reduction Standards.

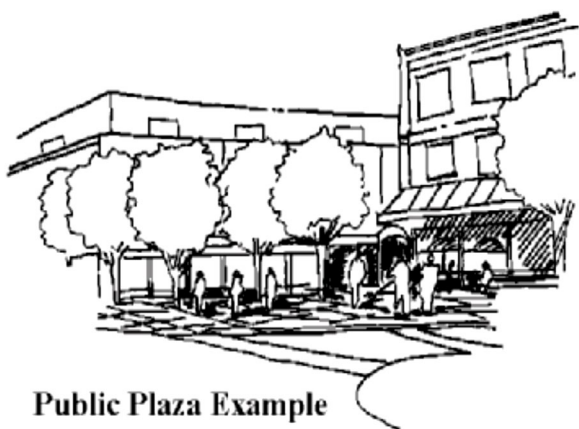
Purpose: The following design choices are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.	
a. Size to choice ratio for b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



**Upper Story Setback**



**Wall Modulation Example**



**Public Plaza Example**

## 4. Roofline Standards.

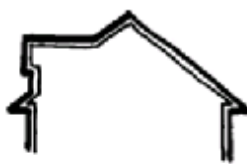
**Purpose:** The following standards are intended to ensure that roofline is addressed as an integral part of building design to avoid flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with residential and human scale development. All buildings with rooflines of 100 feet or more in length, except where otherwise noted, must use one or more of the following roofline choices.

a. Roofline Choices	<p>(1) Sloped roof. Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.</p> <p>(2) Modulated roof. Use of features, which are a minimum of 2 feet in height, such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements in C-1 Districts and on sides facing residential uses or districts. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated.</p> <p>(3) Corniced roof*. A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12 inches high for buildings 10 feet or less in height; 18 inches for buildings greater than 10 feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.</p> <p>(4) Canopy Exemption. Fueling station canopies, drive-through canopies, or similar canopies are exempt from roofline requirements.</p>
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Modulated Roof



Sloped Roof



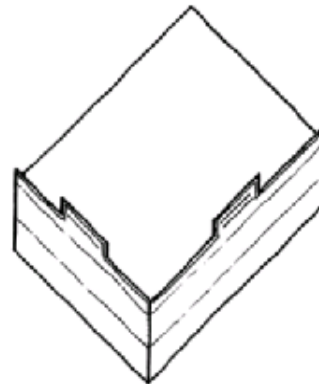
Sloped Roof



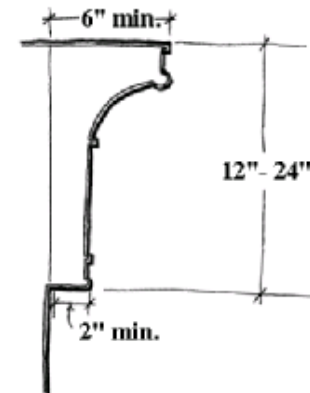
Sloped Roof



Roofline Examples



Modulated Roof Example



Cornice Example

## Tacoma Municipal Code

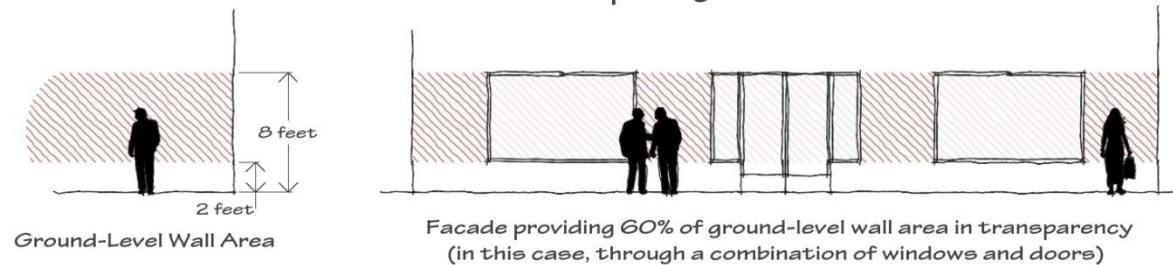
### 5. Windows and Openings.

Purpose: The following standards are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, and to provide architectural detailing and variety to building elevations on each story.	
a. Street level	<ol style="list-style-type: none"><li>(1) Front, side, or corner side exterior walls facing streets or that contain customer entrances and face customer parking lots of 20 stalls or greater shall have transparent window or openings for at least 50 percent of the ground level wall area. This standard shall apply on a maximum of 2 such building elevations. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for portions of façades where the grade level of the sidewalk of the abutting street is 4 feet or more above or below the adjacent floor level of the building. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement.</li><li>(2) Required view. Required windows or openings must provide either views into building work areas, sales areas, lobbies, merchandise displays, or artworks. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup> Art and display windows shall be at least 2 feet deep, recessed and integrated into the façade of the building (tack on display cases do not qualify).</li><li>(3) The "ground level wall area" is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</li><li>(4) Limited alternatives. Alternatives of decorative grilles, art work, or similar features can be substituted for those portions of uses where the provision of natural light can be demonstrated to nullify the intended use (examples include movie theater viewing areas and light sensitive laboratories) and for parking structures, provided an equivalent wall area is covered. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>2</sup></li></ol>
b. Upper levels	<ol style="list-style-type: none"><li>(1) Front, side, or corner side exterior walls facing streets or walls that contain customer entrances and face customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor on a minimum of 2 such building elevations.</li><li>(2) Upper level windows shall be a different type than the ground level windows on the same elevation.</li><li>(3) For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.</li></ol>
c. Exemptions	<ol style="list-style-type: none"><li>(1) Residential privacy. On sides where C, T, or PDB District boundaries adjoin R-1, R-2, R-2SRD, or R-3 District boundaries, structures within the C, T, or PDB District that are set back at least 7 feet from the property line and screened by landscaping to a minimum height of 6 feet are exempt from the window and opening requirements on the effected side.</li></ol>

<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>2</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

### Development Requirements for Facades Windows/Openings



#### 6. Façade Surface Standards.

Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.	
a. Blank wall limitation	(1) Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or customer parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least 1 foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.
b. Façade variety	(1) Buildings with under 2,000 square feet of floor area are exempt from the variety requirement. (2) Buildings with 2,000 square feet of floor area to 30,000 square feet of floor area shall use at least 2 different materials, textures, or patterns on each building elevation. (3) Buildings with over 30,000 square feet of floor area shall use at least 3 different materials, textures, or patterns on each building elevation. (4) For purposes of this requirement, each material, texture, or pattern must cover a minimum of 10 percent of each building elevation. Glass does not count toward this requirement. Different texture or pattern shall be visibly different from adjacent public right-of-way or parking area.
c. Building face orientation	(1) The building elevation(s) facing street or highway public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters. (2) This requirement applies to a maximum of 2 building elevations on any given building.

## Tacoma Municipal Code

### 7. Pedestrian Standards.

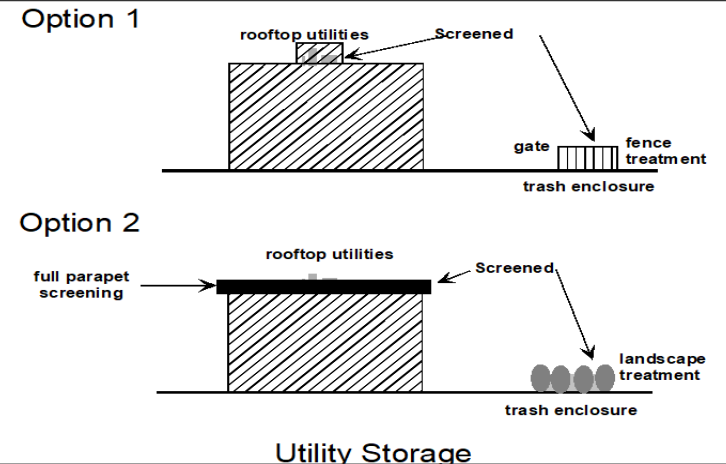
Purpose: The following standards are intended to enhance pedestrian mobility and safety in commercial areas by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.	
a. Customer entrances	<ol style="list-style-type: none"><li>(1) Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation.</li><li>(2) Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.030 or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of floor area, the maximum distance is increased to 60 feet.</li></ol>
b. Residential Entrances	<ol style="list-style-type: none"><li>(1) Buildings meeting the “build-to area” for designated pedestrian streets shall provide at least 1 entrance within 8 feet of the longest street-facing wall of the building. Buildings that have a shared main entrance must use the shared main entrance to fulfill the requirements of this standard.<ol style="list-style-type: none"><li>(a) The shared main entrance must face the street or be at an angle of up to 45 degrees from the street.</li><li>(b) The shared main entrance may open onto a porch. The porch must have a minimum dimension of 4 feet by 6 feet; have a roof that is no more than 12 feet above the floor of the porch; and be at least 30 percent solid. If at least 30 percent of the porch is covered with a solid roof, the rest may be covered with an open material, such as a trellis.</li></ol></li><li>(2) Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</li></ol>
c. Street level weather protection	<ol style="list-style-type: none"><li>(1) Weather protection shall be provided above a minimum of 25 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage.</li><li>(2) Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.</li><li>(3) Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar building accessories to not less than 3 feet in width.</li></ol>



## 8. Rooftop Utility Screening.

**Purpose:** These requirements are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.

All rooftop mechanical equipment for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Limited flexibility in this standard is allowed to ensure that the function of the HVAC equipment is not compromised by the screening requirement.



## 9. Accessory Structure - Shipping Container.

a. Shipping Containers are allowed as an accessory structure in all Commercial Districts subject to the standards set forth below:

- (1) Shipping containers shall not be located between the building and street right-of-way. On corner lots, this applies to front and side.
- (2) Shipping container must be setback a minimum of 5 feet from all property lines; and
- (3) When the shipping container is not between the building and street right-of-way, it must be setback further from right-of-way than the wall of building and a minimum of 5 feet, whichever is greater. On corner lots, this applies to front and side.
- (4) Shipping containers shall be screened from any Residential District when adjacent to or across an alley from the Residential District. In this case it must be screened by a minimum 6-foot tall solid wood fence and/or landscaping.
- (5) Each site is limited to one shipping container.
- (6) Shipping containers may not be placed within a shopping center as defined in TMC 13.01.060.S.
- (7) See TMC 13.06.080.P for regulations specific to shipping containers as a temporary use.

## **Tacoma Municipal Code**

### **B. Mixed-Use District Minimum Design Standards.**

#### **1. General applicability.**

The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The building design standards apply to all new development as outlined below, except as follows:

##### **a. Standards.**

Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

##### **b. Alterations.**

(1) Three thresholds are used to gauge the extent of design standard compliance on alterations to existing development:

Level I alterations include all remodels and/or additions within a two year period whose cumulative value is less than 50% of the value of existing development or structures, as determined by the applicable Building Code. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.

Level II alterations include all remodels and/or additions within a two year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the applicable Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II alterations.

Level III alterations include all remodels and/or additions within a two year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code. Such alterations shall conform to ALL standards.

(2) The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.

(3) No addition or remodel shall increase the level of nonconformity or create new nonconformities to the development or design standards.

##### **c. Super regional malls.**

Additions to super regional malls of less than 10,000 square feet of floor area are exempt from the design standards of this section.

##### **d. Temporary.**

Temporary structures are exempt from the design standards of this section.

##### **e. Residential and/or mixed-use.**

(1) Single, two, and three-family dwellings are subject only to the design standards in Subsection E. Townhouses are subject only to the design standards in Subsection H. For other residential uses, such as mixed-use buildings and multi-family dwellings of 4 units or more, the standards herein apply unless otherwise noted.

(2) Single-family dwellings legally established prior to August 1, 2011 are exempt from these standards. However, remodels and additions to such single-family dwellings shall not increase the level of nonconformity.

##### **f. Historic.**

In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.

g. Religious assembly facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.

##### **h. Floor area.**

For purposes of this section of the code (Section 13.06.090.C), "floor area" shall not include spaces below grade.

##### **i. Parks, recreation and open space uses.**

Accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the design standards of this section.

**2. Zoning District Applicability.**

The following requirements apply to all development located in any X-District, and to multi-family residential development with a commercial component located within the C1, C2, T, and PDB zoning districts and within the Neighborhood Commercial FLUM (as defined in Figure 2 of the Urban Form chapter of the Comprehensive Plan), except where noted or unless specifically exempted.

## Tacoma Municipal Code

### 3. Facade Articulation.

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

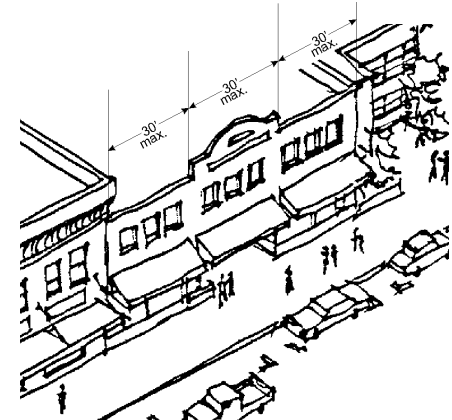
a. All building façades fronting directly on a Designated Pedestrian Street must include at least two of the following articulation features at intervals no greater than 40 feet to reinforce the desired pattern of small storefronts adjacent to the sidewalk. Buildings that have 60 feet or less of frontage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

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

#### Example Figures

*Right: This building uses roofline modulation, window configurations, and weather protection elements to reinforce the pattern of small storefronts.*

*Below: Other acceptable façade articulation examples. All use window configurations to reinforce the desired small storefront pattern. Other features used in these examples to meet the standards include:*



Vertical piers



Roofline modulation



Different weather protection elements



<p>b. All non-residential façades fronting on a non-Pedestrian Designated Street or containing a pedestrian entrance must include at least three of the following articulation features at intervals no greater than 60 feet. Buildings that have 120 feet or less of frontage on the non-designated street are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.</p>	<ol style="list-style-type: none"> <li>(1) Use of window configurations and/or entries that reinforce the pattern of storefront spaces.</li> <li>(2) Vertical building modulation. The minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.</li> <li>(3) Use of separate weather protection features that reinforce the pattern of storefront spaces.</li> <li>(4) Roofline modulation.</li> <li>(5) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 feet of the façade.</li> <li>(6) Change in building material or siding style.</li> <li>(7) Use of vertical piers. Such piers must project at least 2 inches from the façade and extend from the ground floor to the roofline.</li> <li>(8) Providing a trellis, tree, or other landscape feature within each interval. Such feature must be at least one-half the height of the building (at planting time for any landscaping element).</li> </ol>
<p>c. All residential buildings and residential portions of mixed-use buildings shall include at least three of the following articulation features at intervals of no more than 30 feet along all façades facing a street, common open space, or common parking areas. Buildings that have 60 feet or less of frontage on the street or façade width facing the common open space or common parking area are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.</p>	<ol style="list-style-type: none"> <li>(1) Repeating distinctive window patterns at intervals less than the required interval.</li> <li>(2) Vertical building modulation. Minimum depth and width of modulation is 2 feet and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation. Otherwise, minimum depth and width of modulation is 10 and 15 feet, respectively. Balconies may not be used to meet modulation option unless they are recessed or projected from the façade at least 18 inches.</li> <li>(3) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 percent of the façade</li> <li>(4) Roofline modulation.</li> <li>(5) Vertical articulation of the façade. This refers to design treatments that provide a clear delineation of the building's top, middle and bottom. <ol style="list-style-type: none"> <li>(a) Top features may include a sloped roofline or strong cornice line. For façades utilizing upper level stepbacks, the "top" design treatment may be applied to the top of the front vertical plane of the building or the top of the building where it is set back from the building's front vertical wall (provided the top of the building is visible from the centerline of the adjacent street).</li> <li>(b) Middle features: provide consistent articulation of middle floors with windows, balconies, exterior materials, modulation, and detailing</li> <li>(c) Bottom: provide a distinctive ground floor or lower floors design that contrasts with other floors through the use of both contrasting window design/configuration and contrasting exterior materials</li> <li>(d) Façade reduction elements including balconies and bay windows may project into street rights-of-way, where allowed by the Public Works Department, but not into alley rights-of-way</li> </ol> </li> </ol>

30' max.

30' max.

30' max.

Above: Residential building articulation at 30-foot or less intervals.

Below: Articulation examples of mixed-use buildings containing residential uses on upper floors. These examples include vertical and horizontal modulation and changes in building materials at no more than 30-foot articulation intervals.

4. Mass Reduction: Upper Floor Streetfront Stepbacks.

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

a. 8' minimum stepback along the streetfront façade for 4th floor and above in RCX Districts.

b. 8' minimum horizontal stepback along for 5th floor and above in X Districts other than RCX, where the ROW width is less than 100'.

c. 8' minimum horizon stepback for 6th floor and above in X zones other than RCX, where the ROW width is 100' or greater.

d. Exceptions to b and c above: One distinctive design element of no more than 25 feet in width is allowed to extend vertically without these required stepbacks for each façade along a designated pedestrian street.

(Updated 08/2023)

13-418

City Clerk's Office

## 5. Mass Reduction: Maximum Façade Widths.

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

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



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

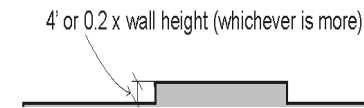
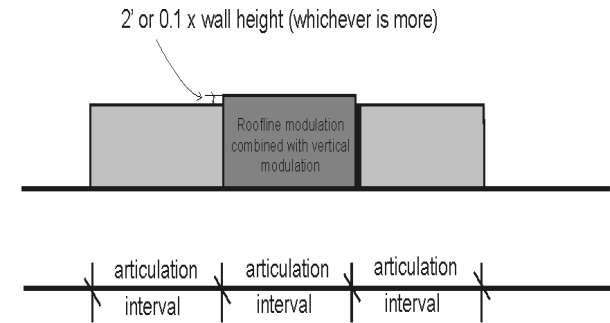
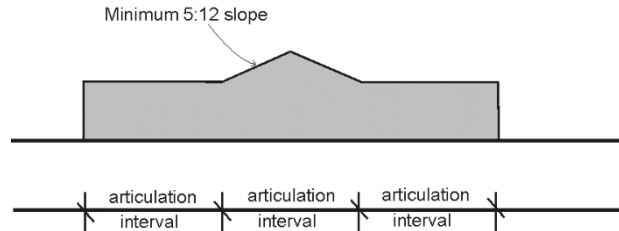
## Tacoma Municipal Code

### 6. Roofline Standards.

**Purpose:** The following roofline design choices are intended to ensure that roofline is addressed as an integral part of building design to discourage flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with human scale development.

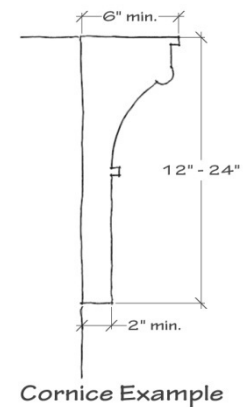
a. Roofline modulation. Roofline modulation is not required of all buildings. However, in order to qualify as a façade articulation element in other mass reduction standards herein, the roofline shall meet the following modulation requirements along façades facing a street:

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



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

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



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



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

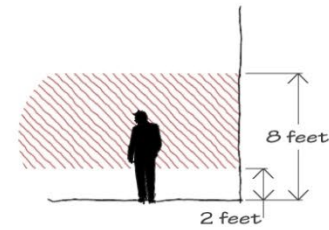
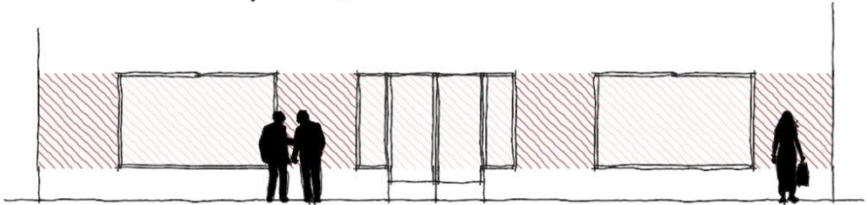
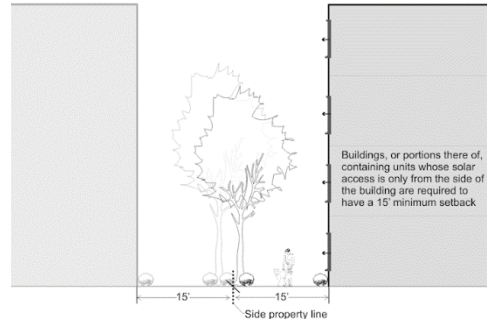

## 7. Windows and Openings: Façade Transparency and Solar Access.

**Purpose:** The following standards are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps encourage pedestrian mobility, to provide for natural lighting to buildings interiors to conserve energy, and to provide architectural detailing and variety to building elevations on each story.

a. Street level transparency standards for non-residential uses:	<ol style="list-style-type: none"> <li>(1) Façades facing a designated Core Pedestrian Street shall have transparent windows or openings for at least 60 percent of the ground level wall area.</li> <li>(2) Façades facing a designated Pedestrian Street shall have transparent windows or openings for at least 50 percent of the ground level wall area.</li> <li>(3) Façades facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater shall have transparent windows or openings for at least 40 percent of the ground level wall area.</li> <li>(4) Flexibility for sloping properties. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for building elevations where the finished grade level adjacent to the building is four feet above or below the level of the sidewalk. The requirement shall be further reduced to 20 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades running parallel to the elevation and crossing the floor plates of the building.</li> <li>(5) Flexibility for industrial uses. The window and opening requirements shall be reduced to 30 percent of the ground level wall area for the façades of industrial uses located along designated Pedestrian Streets and reduced to 20 percent of the ground level wall area for the façades of industrial uses facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater.</li> <li>(6) Flexibility for structured parking. For structured parking or portions of a building containing structured parking that is located at the ground level and subject to these requirements, the window and opening requirement for that portion of the ground-level wall area shall be reduced to 30 percent along façades facing designated Pedestrian Streets and 20 percent along façades facing a non-pedestrian street, internal courtyard, plaza or containing customer entrances and facing customer parking lots of 20 stalls or greater. Additionally, alternatives such as decorative grilles, art work, display windows, or similar features can be substituted for the transparency required in that portion of the ground-level façade. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup></li> <li>(7) Required view. Required windows or openings must provide either views into building work areas, sales areas or lobbies. Art or display windows may substitute for transparent elements for up to 25% of the requirement on façades facing designated Pedestrian Streets and up to 50% on all other applicable façades. Review of any proposed public art shall be coordinated with the City’s Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>2</sup> Art and display windows shall be at least 2 feet deep, recessed and integrated into the façade of the building (tack on display cases do not qualify).</li> <li>(8) The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</li> <li>(9) This standard shall apply on a maximum of 2 such building elevations, and shall apply in the order provided above. As an example, for a building that faces a Core Pedestrian Street, a non-pedestrian street, and a qualifying parking lot, the requirements would apply to the façade facing the Core Pedestrian and either the façade facing the non-designated street or the façade facing the parking lot.</li> <li>(10) Rough openings are used to calculate this requirement.</li> </ol>
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<sup>1</sup> Code Reviser’s note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>2</sup> Code Reviser’s note: Effective January 1, 2021 per Ord. 28725, Ex. A.

	<div>Development Requirements for Facades Windows/Openings</div> <div><p>Ground-Level Wall Area</p><p>Facade providing 60% of ground-level wall area in transparency (in this case, through a combination of windows and doors)</p></div>
b. Upper level transparency standards for non-residential uses:	<div>(1) Exterior walls facing streets or containing a customer entrance and facing customer parking lots of 20 stalls or greater shall use a combination of transparent windows or openings and architectural relief that provide visual demarcation of each floor.</div> <div>(2) Upper level windows shall be a different type than the ground level windows on the same elevation.</div> <div>(3) For purposes of this requirement, a window type is either a grouping of windows, a window size, or a window shape.</div>
c. Residential buildings and residential portions of mixed-use buildings shall incorporate transparent windows and doors equal to at least 15% of all vertical façade surfaces facing the street and equal to at least 10% of all vertical surfaces facing alleys, courtyards, plazas and surface parking lots.	
d. Solar access for residential units.	<div>(1) Buildings or portions thereof containing dwelling units whose solar access is only from the side or rear of the building (facing towards the side or rear property line) shall be set back from the applicable side or rear property lines at least 15 feet. This standard shall not apply in cases where the rear or side property line abuts an alley. Examples are provided below.</div> <div><p>Buildings, or portions thereof, containing units whose solar access is only from the side of the building are required to have a 15' minimum setback</p><p>Side property line</p></div>

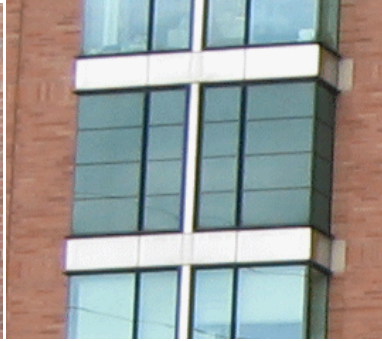
e. Window/Trim Detailing. Building façades shall employ techniques to recess or project individual windows or groupings of windows above the ground floor at least two inches from the surrounding façade or incorporate window trim at least four inches wide surrounding the windows. Windows on façades that face the rear property line or alleys are exempt from this standard.

Examples:

Recessed window OK



Projected window OK



Window with trim OK



Unacceptable




## 8. Façade Surface Standards.

**Purpose:** The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.

a. Blank walls limitation	<ol style="list-style-type: none"> <li>(1) Blank wall definition: A ground floor wall or portion of a ground floor wall that is over 4 feet in height and has a horizontal length greater than 15 feet without a transparent window or door</li> <li>(2) Blank walls facing a street, internal pathway, or customer parking lot of 20 stalls or greater must be treated in one or more of the following ways: <ul style="list-style-type: none"> <li>• Transparent windows or doors.</li> <li>• Display windows at least 2 feet in depth and integrated into the façade (tack-on display cases do not qualify).</li> <li>• Landscape planting bed at least 5 feet wide or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Such planting areas shall include planting materials that are sufficient to obscure or screen at least 60 percent of the wall's surface within 3 years.</li> <li>• Installing a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 60 percent of the wall's surface within 3 years. For large areas, trellises should be used in conjunction with other blank wall treatments.</li> </ul> </li> </ol>
b. Building face orientation	<ol style="list-style-type: none"> <li>(1) All multi-family buildings shall maintain primary orientation to an adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director.</li> <li>(2) The building elevation(s) facing street public rights-of-way shall be a front, side, or corner side and shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.</li> <li>(3) For buildings that have more than 2 qualifying elevations, this requirement shall only be applied to two of them.</li> </ol>

## Tacoma Municipal Code

<p>c. Building Details for Core Pedestrian Streets</p>	<p>(1) All façades facing designated Core Pedestrian Streets shall be enhanced with appropriate details. All new buildings shall employ at least one detail element from each of the three categories below. To qualify as an element, features must be used continuously along the façade or at 30-foot intervals.</p> <p>(a) Window and/or entry treatment:</p> <ul style="list-style-type: none"> <li>• Display windows divided into a grid of multiple panes.</li> <li>• Transom windows.</li> <li>• Roll-up windows/doors.</li> <li>• Recessed entry.</li> <li>• Decorative door.</li> <li>• Arcade.</li> <li>• Landscaped trellises or other permanent decorative elements that incorporate landscaping near the building entry.</li> </ul> <p>(b) Decorative façade attachments:</p> <ul style="list-style-type: none"> <li>• Decorative weather protection element(s) such as a steel canopy or glass, fixed-fabric, or retractable awning.</li> <li>• Decorative building-mounted light fixtures.</li> </ul> <p>(c) Decorative building materials and other façade elements:</p> <ul style="list-style-type: none"> <li>• Use of brick, stonework, and architectural pre-cast concrete for at least 10 percent of siding material on the façade.</li> <li>• Incorporating a decorative mix of building materials.</li> <li>• Decorative kick-plate, pier, or belt course.</li> </ul>
	<p>Decorative elements referenced above must be distinct and unique elements or unusual designs that require a high level of craftsmanship. The examples below include a decorative door, use of materials, transom windows, and a retractable awning (left image), decorative lights, arcade, use of brick, and decorative planters near the entry (center image), and decorative canopies, decorative windows, and use of brick (right image).</p> 

## 9. Pedestrian Standards.

Purpose: The following standards are intended to enhance pedestrian mobility and safety by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.	
a. Customer entrances	<ol style="list-style-type: none"> <li>(1) Additional entrances. An additional direct customer entrance(s) shall be provided to the same building elevation which contains the primary customer entrance so that customer entrances are no further than 250 feet apart when such elevations face the public street or customer parking lot. If a corner entrance is used, this requirement applies to only 1 elevation.</li> <li>(2) Designated streets. Non-residential or mixed-use buildings on designated pedestrian streets noted in Section 13.06.030 or Section 13.06.300.C shall provide at least 1 direct customer entrance, which may be a corner entrance, within 20 feet, facing, and visible to the designated street. For such buildings over 30,000 square feet of floor area, the maximum distance is increased to 60 feet.</li> </ol>
b. Residential Entrances	<ol style="list-style-type: none"> <li>(1) Buildings meeting the “build-to area” for designated pedestrian streets shall provide at least 1 entrance within 8 feet of the longest street-facing wall of the building. Buildings that have a shared main entrance must use the shared main entrance to fulfill the requirements of this standard.               <ol style="list-style-type: none"> <li>(a) The shared main entrance must face the street or be at an angle of up to 45 degrees from the street.</li> <li>(b) The shared main entrance may open onto a porch. The porch must have a minimum dimension of 4 feet by 6 feet; have a roof that is no more than 12 feet above the floor of the porch; and be at least 30 percent solid. If at least 30 percent of the porch is covered with a solid roof, the rest may be covered with an open material, such as a trellis.</li> </ol> </li> <li>(2) Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</li> </ol>
c. Street level weather protection	<ol style="list-style-type: none"> <li>(1) Weather protection shall be provided above a minimum of 50 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage. Façades or portions of façades where planting strips of more than 5 feet in width separate the walkway from the building wall are exempt from these standards.</li> <li>(2) Mixed-Use Center District designated pedestrian streets. Weather protection shall be provided above a minimum of 80 percent of the length of hard surfaced, public or private walkways and/or plazas along façades containing customer and/or public building entries or facing public street frontage.</li> <li>(3) Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.</li> <li>(4) Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar accessories to not less than 3 feet in width.</li> <li>(5) Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</li> </ol>

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10. Rooftop Utility Screening.

Purpose: The following standards are intended to provide for thoughtful placement and design of utilities, mechanical equipment, service areas and fences to mitigate visual impact on public views, general community aesthetics and residential privacy.	
a. Rooftop utility screening.	All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Limited flexibility in this standard is allowed to ensure that the function of the HVAC equipment is not compromised by the screening requirement.



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

## 1. General applicability.

The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The building design standards apply to all new development as outlined below, except as follows:

## a. Standards.

Each item of this section shall be addressed individually. Exceptions and exemptions noted for specific development situations apply only to the item noted.

## b. Alterations.

(1) Three thresholds are used to gauge the extent of design standard compliance on alterations to existing development:

Level I alterations include all remodels and/or additions within a two year period whose cumulative value is less than 50% of the value of existing development or structures, as determined by the applicable Building Code. The requirement for such alterations is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards. For example, if a property owner decides to replace a building façade's siding, then the siding shall meet the applicable exterior building material standards, but elements such as building modulation would not be required.

Level II alterations include all remodels and/or additions within a two year period whose cumulative value ranges from 50% to 200% of the value of the existing development or structure, as determined by the applicable Building Code. All standards that do not involve repositioning the building or reconfiguring site development shall apply to Level II alterations.

Level III alterations include all remodels and/or additions within a two year period whose cumulative value exceeds 200% of the value of the existing development or structure, as determined by the applicable Building Code. Such alterations shall conform to ALL standards.

(2) The standards do not apply to remodels that do not change the exterior form of the building. However, if a project involves both exterior and interior improvements, then the project valuation shall include both exterior and interior improvements.

(3) No addition or remodel shall increase the level of nonconformity or create new nonconformities to the development or design standards.

## c. Super regional malls.

Additions to super regional malls of less than 10,000 square feet of floor area are exempt from the design standards of this section.

## d. Temporary.

Temporary structures are exempt from the design standards of this section.

## e. Residential and/or mixed-use.

(1) Single, two, and three-family dwellings are subject only to the design standards in Subsection E.

Townhouses are subject only to the design standards in Subsection H. For other residential uses, such as mixed-use buildings and multi-family dwellings of 4 units or more, the standards herein apply unless otherwise noted.

(2) Single-family dwellings legally established prior to August 1, 2011 are exempt from these standards.

However, remodels and additions to such single-family dwellings shall not increase the level of nonconformity.

## f. Historic.

In any conflict between these standards and those applied by the Tacoma Landmarks Preservation Commission, the standards of the commission shall prevail.

g. Religious assembly facilities which can demonstrate that the design standards impose a substantial burden, administratively or financially, on their free exercise of religion, shall be exempt from compliance.

## h. Floor area.

For purposes of this section of the code (Section 13.06.100), "floor area" shall not include spaces below grade.

## i. Parks, recreation and open space uses.

## **Tacoma Municipal Code**

Accessory or ancillary structures, such as restroom buildings, playground equipment and picnic shelters, are exempt from the design standards of this section.

### **2. Zoning District Applicability.**

The following requirements apply to multi-family residential developments in all districts, except, see Section 13.06.100.B Mixed-Use District Minimum Design Standards for X-District requirements, 13.06.100.D for Downtown Minimum Design Standards, and multi-family residential development with commercial ground floor uses are subject to the requirements of 13.06.100.A Commercial District Minimum Design Standards.



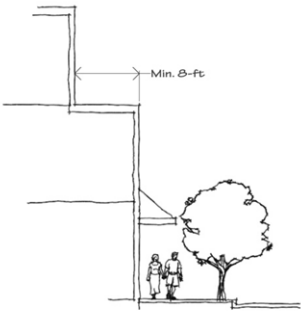
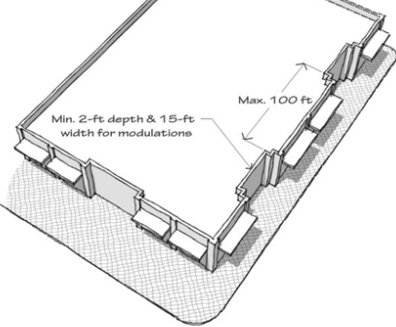
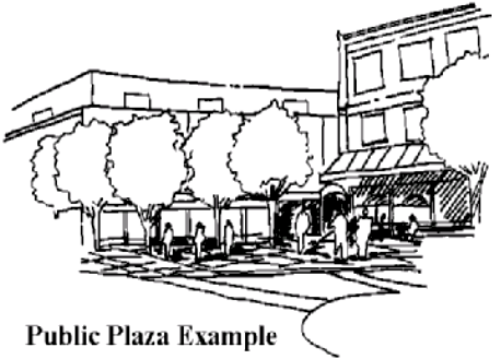
## 3. Pedestrian Orientation Standards.

Purpose: These requirements are intended to enhance pedestrian mobility and safety by providing increased circulation, decreasing walking distances required to enter large developments, and providing walkways partially shielded from rain and/or snow.

a. Entrances	<p>(1) Buildings meeting the “build-to area” for designated pedestrian streets shall provide at least 1 entrance within 8 feet of the longest street-facing wall of the building. Buildings that have a shared main entrance must use the shared main entrance to fulfill the requirements of this standard.</p> <p>(a) The shared main entrance must face the street or be at an angle of up to 45 degrees from the street.</p> <p>(b) The shared main entrance may open onto a porch. The porch must have a minimum dimension of 4 feet by 6 feet; have a roof that is no more than 12 feet above the floor of the porch; and be at least 30 percent solid. If at least 30 percent of the porch is covered with a solid roof, the rest may be covered with an open material, such as a trellis.</p> <p>(2) Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.</p>
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4. Mass Reduction Standards.

Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing physical breaks in the building volume that reduce large, flat, geometrical planes on any given building elevation.	
a. Size to choice ratio for b below	<div>(1) Buildings under 7,000 square feet of floor area are not required to provide mass reduction.</div> <div>(2) Buildings from 7,000 square feet of floor area to 30,000 square feet of floor area shall provide at least one mass reduction feature.</div> <div>(3) Buildings over 30,000 square feet of floor area shall provide at least two mass reduction features.</div>
b. Mass reduction choices	<div>(1) Upper story setback. An 8 feet minimum setback for stories above the second story for elevations facing the street or parking lots over 20 stalls. This requirement applies to a maximum of 2 elevations.</div> <div>(2) Wall modulation. Maximum 100 feet of wall without modulation, then a minimum 2 feet deep and 15 feet wide offset of the wall and foundation line on each elevation facing the street, parking lots over 20 stalls, or residential uses.</div> <div>(3) Plaza. A plaza of at least 800 square feet or 5 percent of building floor area, whichever is greater shall be located within 50 feet of, and visible to, the primary public entrance; and such plaza shall contain a minimum of a bench or other seating, tree, planter, fountain, kiosk, bike rack, or art work for each 200 square feet of plaza area. Plaza features may be counted toward other requirements, including landscaping and usable yard space standards. Walkways do not count as plazas. Plazas shall not be used for storage. Required parking stalls may be omitted to the minimum necessary if needed to provide the plaza. Where public seating is provided, it shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture. Plazas may be permeable pavement or pavers where feasible. Low Impact Development vegetated stormwater features may be used for up to 30% of the plaza requirement where feasible.</div> <div><div><p>Upper Story Setback</p></div><div><p>Wall Modulation Example</p></div><div><p>Public Plaza Example</p></div></div>

## 5. Roofline Standards.

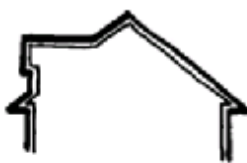
**Purpose:** The following standards are intended to ensure that roofline is addressed as an integral part of building design to avoid flat, unadorned rooflines that can result in an industrial appearing, monotonous skyline. Roofline features are also intended to further reduce apparent building volume and further enhance features associated with residential and human scale development.

- |  |   |
|--|---|
| <p>a. Roofline Choices<br/>(All buildings shall use one or more of the roofline options)</p> | <p>(1) Sloped roof. Use of a roof form with a pitch no flatter than 5/12. Rounded, gambrel, and/or mansard forms may be averaged.</p> <p>(2) Modulated roof. Use of features, which are a minimum of 2 feet in height, such as a terracing parapet, multiple peaks, jogged ridge lines, dormers, etc., with a maximum of 100 feet uninterrupted roofline between roof modulation elements. Modulation elements shall equal a minimum of at least 15 percent of the roofline on each elevation. The maximum shall be 50 feet of uninterrupted roofline along the eave between roof modulation elements in C-1 Districts and on sides facing residential uses or districts. Roof forms with a pitch flatter than 5/12 are permitted with this option; provided, the appropriate modulation is incorporated.</p> <p>(3) Corniced roof. A cornice of two parts with the top projecting at least 6 inches from the face of the building and at least 2 inches further from the face of the building than the bottom part of the cornice. The height of the cornice shall be at least 12 inches high for buildings 10 feet or less in height; 18 inches for buildings greater than 10 feet and less than 30 feet in height; and 24 inches for buildings 30 feet and greater in height. Cornices shall not project over property lines, except where permitted on property lines abutting public right-of-way.</p> |
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Modulated Roof



Sloped Roof



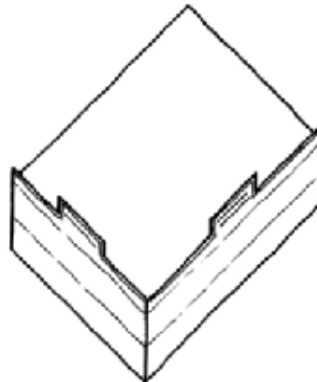
Sloped Roof



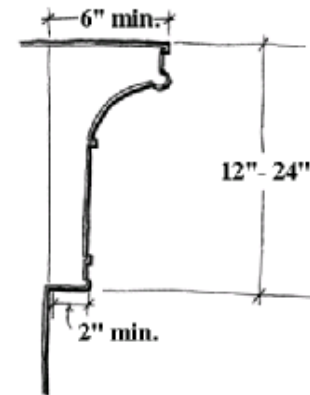
Sloped Roof



Roofline Examples







Modulated Roof Example




Cornice Example

Tacoma Municipal Code

6. Windows and Openings.

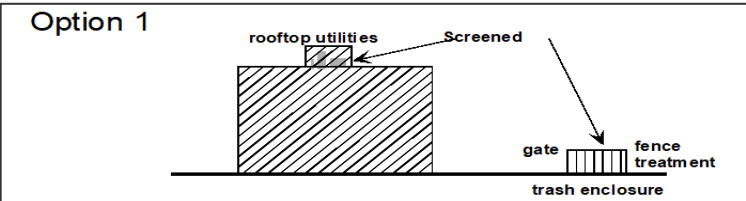
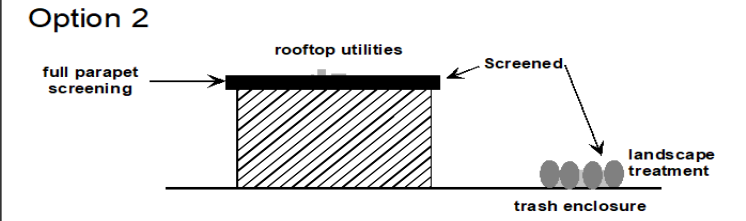
Purpose: These requirements are intended to increase public visibility for public safety, to provide visual interest to pedestrians that helps to encourage pedestrian mobility, to provide a visual connection between the living area of the residence and the street, and to provide architectural detailing and variety to building elevations on each story.	
a. Street level	<p>(1) Front, side, or corner side exterior walls facing designated pedestrian streets shall have transparent windows or openings equal to at least 35 percent of the ground level wall area. Rough openings are used to calculate this requirement. This standard shall apply on a maximum of 2 such building elevations. The requirement shall be reduced to 15 percent of the ground level wall area in instances where the application of this standard is not possible due to steep grades and the correlating location of the floor plates of the building. Rough openings are used to calculate this requirement. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be facing the street property line.</p> <p>(2) The “ground level wall area” is defined as the area between 2 feet and 8 feet above the adjacent finished grade.</p>
b. Transparency	Vertical façade surfaces facing a street shall incorporate transparent doors and windows equal to at least 15% of all vertical façade surfaces. Vertical façade surfaces facing alleys, courtyards, plazas, and surface parking lots shall incorporate transparent doors and windows equal to at least 10% of all vertical façade surfaces. Rough openings are used to calculate this requirement. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard.
c. Window and Trim detailing	<p>Building façades shall employ techniques to recess or project individual windows or groupings of windows above the ground floor at least two inches from the surrounding façade or incorporate window trim at least four inches wide surrounding the windows. Windows on façades that face the rear property line or alleys are exempt from this standard.</p> <div><div><p>Recessed window OK</p></div><div><p>Projected window OK</p></div><div><p>Window with trim OK</p></div><div><p>Unacceptable</p></div></div>

## 7. Façade Surface Standards.

Purpose: The following standards are intended to help reduce the apparent mass of structures and achieve a more human scale environment by providing visual breaks at more frequent intervals to the building volume that reduce large, flat, geometrical planes on any given building elevation, especially at the first story. The choices are also intended to encourage variety in the selection of façade materials and/or treatment and to encourage more active consideration of the surrounding setting.	
a. Building face orientation	All dwellings shall maintain primary orientation to an adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.
b. All residential buildings shall include at least three of the following articulation features at intervals of no more than 30 feet along all façades facing a street, common open space, or common parking areas. Buildings that have 60 feet or less of frontage on the street or façade width facing the common open space or common parking area are exempt from this standard. Buildings that employ brick as the siding material on a majority of the subject façade are required to only provide two of the articulation features instead of three.	<p>(1) Repeating distinctive window patterns at intervals less than the required interval.</p> <p>(2) Vertical building modulation. Minimum depth and width of modulation is 2 feet and 4 feet, respectively, if tied to a change in building material/siding style and/or roofline modulation. Otherwise, minimum depth and width of modulation is 2 and 15 feet, respectively. Balconies may not be used to meet modulation option unless they are recessed or projected from the façade at least 18 inches.</p> <p>(3) Horizontal modulation (upper level step-backs). To qualify for this measure, the minimum horizontal modulation shall be 5 feet and the treatment must be used in increments at no greater than the articulation interval or provided along more than 75 percent of the façade.</p> <p>(4) Roofline modulation.</p> <p>(5) Vertical articulation of the façade. This refers to design treatments that provide a clear delineation of the building's top, middle and bottom.</p> <p>(a) Top features may include a sloped roofline or strong cornice line as defined in Section 13.06.501.D.4. For façades utilizing upper level stepbacks, the "top" design treatment may be applied to the top of the front vertical plane of the building or the top of the building where it is set back from the building's front vertical wall (provided the top of the building is visible from the centerline of the adjacent street).</p> <p>(b) Middle features: provide consistent articulation of middle floors with windows, balconies, exterior materials, modulation, and detailing.</p> <p>(c) Bottom: provide a distinctive ground floor or lower floors design that contrasts with other floors through the use of both contrasting window design/configuration and contrasting exterior materials.</p> <p>(d) Façade reduction elements including balconies and bay windows may project into street rights-of-way, where allowed by the Public Works Department, but not into alley rights-of-way.</p>  <p><i>Above: Residential building articulation at intervals of 30-foot or less.</i></p>
c. Blank wall limitation	(1) Unscreened, flat, blank walls on the first story more than 25 feet in width are prohibited facing a public street and/or highway right-of-way, residential zone, or parking lot. These walls shall use modulation, windows, openings, landscaping, or architectural relief such as visibly different textured material to achieve the required visual break. The visual break shall be at least 1 foot in width. Items provided for other requirements may satisfy this requirement as appropriate. Stored or displayed merchandise, pipes, conduit, utility boxes, air vents, and/or similar equipment do not count toward this requirement.

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8. Rooftop Utilities.

Purpose: The following standards are intended to minimize visibility of utilities, mechanical equipment, and service areas to mitigate visual impact on residential privacy, public views, and general community aesthetics.		
	<p>All rooftop mechanical equipment for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form or an equivalent architectural feature which is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. In those instances where the rights-of-way within 125 feet of the building are above the roof level of the building, the mechanical equipment should be the same color as the roof to make the equipment less visible. Limited flexibility in this standard is allowed to ensure that the function of the HVAC equipment is not compromised by the screening requirement.</p>	<div><div><p>Option 1</p></div><div><p>Option 2</p></div><p>Utility Storage</p></div>

D. Downtown District Minimum Building Design Standards.<sup>1</sup>

## 1. Applicability.

The basic design standards, except as otherwise noted, shall apply to all new construction, additions, and substantial alterations. Additional standards are applicable to the DCC and DR Districts, see below.

a. A variance to the required standards may be authorized, pursuant to Section 13.05.010.B.

b. If a building is being renovated in accordance with the Secretary of Interior's Standards for Treatment of Historic Properties, and a conflict between the basic design standards or additional standards and the Secretary's Standards occurs, then the Historic Preservation Criteria and Findings made by the Tacoma Landmarks Preservation Commission shall prevail.

## 2. Screening.

All rooftop mechanical for new construction shall be screened or located in a manner as to be minimally visible from public rights-of-way. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level of the building. If the project proponent demonstrates that the function and integrity of the HVAC equipment would be compromised by the screening requirement, it shall not apply. This standard shall not apply to existing buildings undergoing substantial alteration.

## 3. Street Level Uses and Design.

## a. General Standard.

Any sidewalk level façade of a new building, an addition to a building, or a substantially altered building that faces a street shall have at least 20 percent of the area located between 2 feet above grade and 12 feet above grade in transparency through the use of windows, doors, or window displays. Window displays must be at least 12 inches in depth and recessed into the building. Display cases attached to the exterior wall do not qualify. The transparency standard shall apply to the portion of the sidewalk level façade of a parking structure that includes retail, service, residential, or commercial uses at the sidewalk level. A decorative grille, work of art, or a similar treatment may be used to meet this standard on those portions of the sidewalk level façade where it can be demonstrated that the intrusion of natural light is detrimental to the sidewalk level use. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>2</sup> Examples of such uses include, but are not limited to, movie theaters, museums, laboratories, and classrooms. In no instances shall the amount of transparency present in existing buildings be decreased below this standard. This standard shall also apply when 50 percent or more of the sidewalk level façade is altered.

A parking structure lawfully in existence on January 10, 2000, the time of reclassification to the above districts, and which is substantially altered, may provide pedestrian amenities or enhancements along the sidewalk level frontage equal to 1 percent of the total project cost in lieu of meeting this standard. Such amenities or enhancements will be in addition to those otherwise required and may include works of art, landscaping, exterior public spaces, pedestrian safety improvements, weather protection, pedestrian scale lighting, seating or sitting walls, planters, vegetated LID BMPs, unit paving in the sidewalk, street furniture, architectural features, refined surface materials, decorative lighting, or other amenities. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>3</sup>

## b. Primary Pedestrian Streets.

To support pedestrian-oriented/street-activating commercial uses such as retail, restaurants, cultural or entertainment uses, hotel lobbies, personal service uses, parcel and mail services, the customer service portion of banks, credit unions, savings and loan associations, or Public Benefit Uses, any new building, the addition to any building, or any substantially altered building fronting on a Primary Pedestrian Street shall comply with the design requirements below:

<sup>1</sup> Code Reviser's note: Previously codified as 13.06A.070 (Basic design standards); relocated to 13.06.100 per Ord. 28613 Ex. G; passed Sept. 24, 2019. Prior legislation: Ord. 28518 Ex. 6; passed Jun. 26, 2018; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28230 Ex. E; passed Jul. 22, 2014; Ord. 28194 Ex. A; passed Dec. 17, 2013; Ord. 28157 Ex. G; passed Jun. 25, 2013; Ord. 28051 Ex. C; passed Feb. 21, 2012; Ord. 27995 Ex. G; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27278 § 4; passed Oct. 26, 2004; Ord. 27245 § 25; passed Jun. 22, 2004; Ord. 26934 § 11; passed Mar. 5, 2002; Ord. 26899 § 10; passed Dec. 11, 2001; Ord. 26733 § 9; passed Nov. 14, 2000; Ord. 26605 § 6; passed Mar. 28, 2000; Ord. 26556 § 28; passed Dec. 14, 1999.

<sup>2</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>3</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

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(1) The floor area abutting at least 25 percent of the linear sidewalk level frontage shall incorporate these elements, along with any other required basic or additional design standards.

(a) The distance from the finished floor to the finished ceiling above shall be at least 12 feet.

(b) The area must have a minimum average depth of 25 feet measured from the sidewalk level façade.

(c) The sidewalk level façade must include a pedestrian entrance or entrances to accommodate a single or multiple tenants or be structurally designed so entrances can be added when converted to the building uses listed in subparagraph a. above.

(d) At least 25 percent of the sidewalk level façade of the portion of the building designed and constructed to accommodate future conversion to listed uses shall provide transparency through the use of windows and doors for the area located between 2 feet above grade and 12 feet above grade.

A parking structure lawfully in existence on January 10, 2000, the time of reclassification to the above districts, and which is substantially altered, may provide pedestrian amenities or enhancements along the sidewalk level frontage equal to 1 percent of the total project cost in lieu of meeting this standard. Such amenities or enhancements will be in addition to those otherwise required and may include works of art, landscaping, exterior public spaces, pedestrian safety improvements, weather protection, pedestrian scale lighting, seating or sitting walls, planters, unit paving in the sidewalk, street furniture, architectural features, refined surface materials, decorative lighting, vegetated LID BMPs, or other amenities. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup>

4. Where trees are provided, they shall be planted a minimum of 10 feet from pedestrian light standards or parking lot light standards. However, limited flexibility in the placement of trees shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard.<sup>2</sup>

### 5. Lighting.

Where pedestrian light standards or parking lot light standards are provided, they shall be placed a minimum of 10 feet from trees. However, limited flexibility in the placement of light standards shall be allowed to address unique circumstances such as unusual topography or where other required or existing features limit the ability to strictly meet this standard.

### 6. Public Seating.

Where public seating is provided, it shall utilize designs that discourage long-term loitering or sleeping, such as dividers or individual seating furniture.

### 7. Additional Standards Applicable to Development Within the Downtown Commercial Core.

#### a. Transitions.

The setback area or areas can only be used for entrance areas and space devoted to exterior public spaces, pedestrian amenities, landscaping, vegetated LID BMPs, or works of art. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>3</sup> Parking is prohibited in the setback areas.

b. Any new building, or any substantially altered structure located along those portions of Pacific Avenue, Broadway, and Commerce Street defined as a Primary Pedestrian Street shall comply with either subparagraphs (1) or (2) below.

(1) At least 50 percent of the linear sidewalk level façade shall be occupied by any of the following uses: retail; restaurants; cultural or entertainment uses; hotel lobbies; travel agencies; personal service uses; parcel and mail services; copy centers; check-cashing facilities; the customer service portion of banks, credit unions, and savings and loan associations, or Public Benefit Uses. Uses at the sidewalk level frontage lawfully in existence on January 10, 2000, the time of reclassification to the above districts, shall be considered legal nonconforming uses and may continue, although such uses do not conform to this standard.

(2) The floor area abutting at least 50 percent of the linear sidewalk level frontage shall be designed and constructed to accommodate future conversion to the uses listed in subparagraph a. above and may be occupied

<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>2</sup> Code Reviser's note: Relocated from 13.06A.070.C.8 per Ord. 28613 Ex. G.

<sup>3</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.



by any use allowed in the zoning district. The areas designed and constructed to accommodate future conversion shall meet the following standards, in addition to any other required basic or additional design standards.

- (a) The distance from the finished floor to the finished ceiling above shall be at least 12 feet.
- (b) The area must have a minimum average depth of 25 feet measured from the sidewalk level façade.
- (c) The sidewalk level façade must include an entrance or entrances to accommodate a single or multiple tenants or be structurally designed so entrances can be added when converted to the building uses listed in subparagraph a. above.
- (d) At least 25 percent of the sidewalk level façade of the portion of the building designed and constructed to accommodate future conversion to listed uses shall provide transparency through the use of windows and doors for the area located between 2 feet above grade and 12 feet above grade.

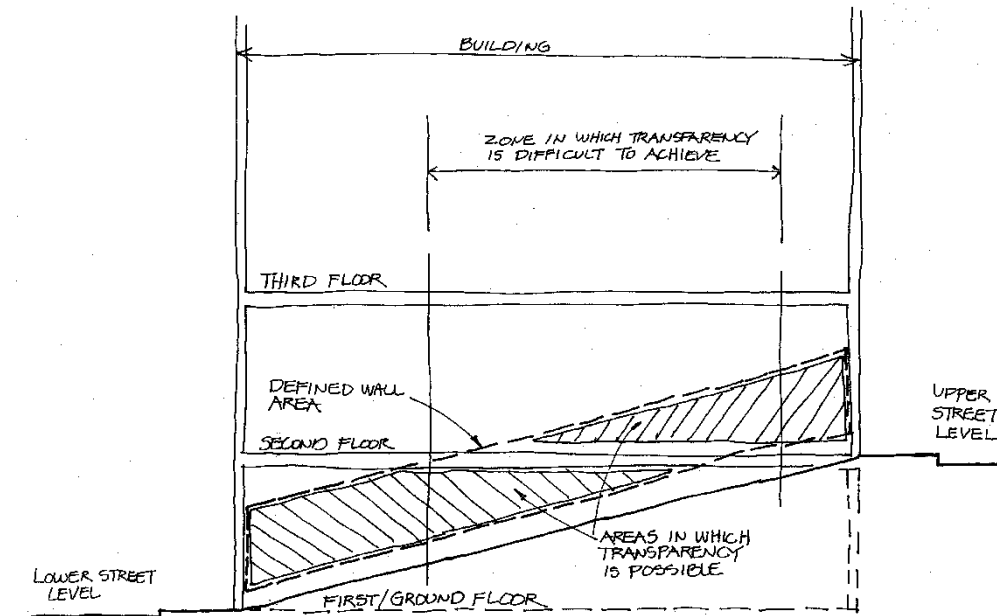
A parking structure lawfully in existence on January 10, 2000, the time of reclassification to the above districts, and which is substantially altered, may provide pedestrian amenities or enhancements along the sidewalk level frontage equal to 1 percent of the total project cost in lieu of meeting this standard. Such amenities or enhancements will be in addition to those otherwise required and may include works of art, landscaping, exterior public spaces, pedestrian safety improvements, weather protection, pedestrian scale lighting, seating or sitting walls, planters, vegetated LID BMPs, unit paving in the sidewalk, street furniture, architectural features, refined surface materials, decorative lighting, or other amenities. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup>

c. The sidewalk level façade of any new or substantially altered structure and/or of an addition along those portions of Pacific Avenue, Broadway, and Commerce Street defined as a Primary Pedestrian Street shall include the following. This standard shall also apply when 50 percent of the sidewalk level façade is altered.

- (1) At least 60 percent of the façade area between 2 feet above grade and 12 feet above grade shall consist of transparency through the use of windows, doors, or window displays except that the transparency standard shall be reduced to 50 percent if at least 50 percent of the sidewalk level façade is occupied with uses listed in subparagraph 2 a. above. Window displays must be at least 12 inches in depth and recessed into the building. Display cases attached to the exterior wall do not qualify. The transparency standard may be reduced for buildings located on a sloping site by eliminating application of this standard to that portion of the building façade where the slope makes application of the requirement impracticable as shown in the illustration below. The transparency standard shall apply to the portion of the sidewalk level façade of a parking structure that includes retail, service, or commercial uses at the sidewalk level. A decorative grille, work of art, or similar treatment may be used to meet this standard on those portions of the façade where it can be demonstrated that the intrusion of natural light is detrimental to the sidewalk level use. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>2</sup> Examples of such uses include, but are not limited to, movie theaters, museums, laboratories and classrooms. In no instance shall the amount of transparency present in existing buildings be decreased below this standard.

<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

<sup>2</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.



A parking structure lawfully in existence on January 10, 2000, the time of reclassification to the above districts, and which is substantially altered, may provide pedestrian amenities or enhancements along the sidewalk level frontage equal to 1 percent of the total project cost in lieu of meeting this standard. Such amenities or enhancements will be in addition to those otherwise required and may include works of art, landscaping, exterior public spaces, pedestrian safety improvements, weather protection, pedestrian scale lighting, seating or sitting walls, planters, vegetated LID BMPs, unit paving in the sidewalk, street furniture, architectural features, refined surface materials, decorative lighting, or other amenities. Review of any proposed public art shall be coordinated with the City's Arts Administrator and/or approved by the Arts Commission, as determined by the Arts Administrator.<sup>1</sup>

(2) Weather protection over the public or private pedestrian walkway along at least 75 percent of the building frontage.

(a) Weather protection may be composed of awnings, canopies, arcades, overhangs, marquees, or similar architectural features. It is required to cover only hard surfaced areas intended for pedestrian use and not areas such as landscaping.

(b) Weather protection must cover at least 5 feet of the width of the public or private sidewalk and/or walkway, but may be indented as necessary to accommodate street trees, street lights, bay windows, or similar accessories to not less than 3 feet in width.

(c) Weather protection is required for all multi-family building entries. For private entries, required weather protection must be at least 3 feet deep along the width of the entry. For common building entries, the required weather protection shall be 5 feet.

#### 8. Additional Standards Applicable to Development Within the Downtown Residential (DR) District.

Where new or substantially altered development is adjacent to structures or districts that are designated historic, the design shall make use of similar attributes such as massing, roofline, setbacks from the property lines, window types, and materials to ensure visual continuity between the older and the newer development and be subject to the approval of the Historic Preservation Officer.

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

##### 1. Applicability.

The following requirements apply to all single, two, and three-family dwellings in all districts.

##### 2. Purpose.

<sup>1</sup> Code Reviser's note: Effective January 1, 2021 per Ord. 28725, Ex. A.

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

### 3. Main building orientation.

All dwellings shall maintain primary orientation to the adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director. The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance.

### 4. Entries.

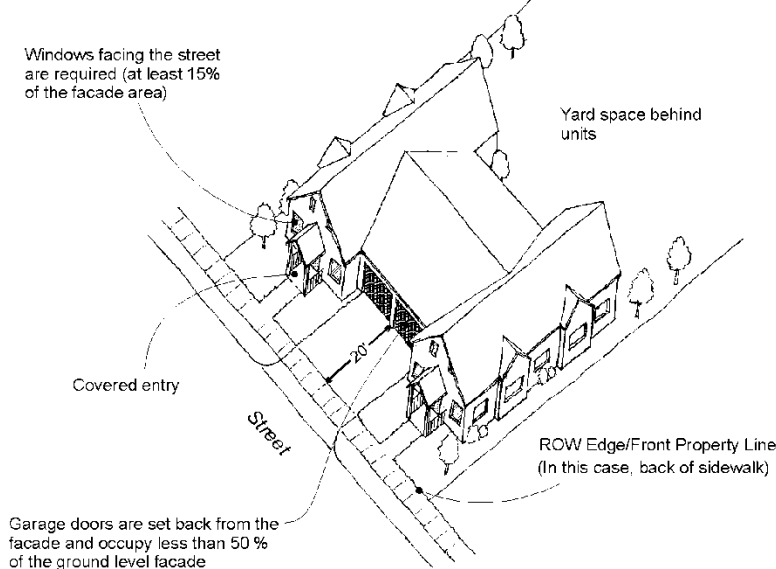
Covered entries are required for each common entry or individual dwelling unit entry with minimum dimensions of 4 feet by 6 feet.

### 5. Windows and openings.

At least 15 percent of the street-facing façades (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.

### 6. Garage design standards.

- a. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as an abutting right-of-way that is or can be developed, is available.
- b. For garages that include vehicular doors facing the front or corner street property line, the building or portion of the building with such doors shall be setback at least 20 feet from the front or corner street property line or private road easement.
- c. The garage face or side wall shall occupy no more than 50 percent of the length of a ground-level façade facing a street.
- d. Where the garage faces the side, but is visible from the frontage, the garage shall incorporate a window on the front-facing façade so that it appears to be a habitable portion of the building. The window size and design must be compatible with the windows on habitable portions of the dwelling.
- e. Driveway approaches shall also be consistent with the standards in Section 13.06.090.C.



### 7. Corner duplexes.

Duplexes located on corner lots shall be designed with pedestrian entries located on opposite street frontages so that the structure appears to be a single-family dwelling from each street, or with a single shared entrance that presents the appearance of one single-family house. Where no alley is available for vehicular access, separate driveways for each unit may be placed on opposite streets.

### 8. Articulation.

Duplexes and triplexes shall be articulated to either look like two or three distinct dwelling units from the street or to look like one single-family dwelling. Specifically:

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a. Buildings articulated to look like distinct dwelling units shall include individual covered entries plus one of the following:

(1) Roofline modulation to distinguish one unit from another (or the appearance of separate units) as viewed from the street; or

(2) Vertical building modulation to help distinguish between the different units in the building. The minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.

b. Buildings designed to look like one large single-family dwelling shall feature only one entrance visible from the street. This could be a common entrance for all units, or the entrances for additional units could be provided at the side or rear of the building.

### 9. Façade variety.

Single-family detached dwellings shall not use front façades that are duplicative with adjacent single-family detached dwellings. In order to qualify as a different façade elevation, dwellings shall have different roofline configurations and different entry/porch designs. Simple reverse configurations of the same façade elevation on adjacent lots are not sufficient to meet this requirement. In addition, a minimum of two of the following alternatives shall be utilized:

- a. Different window opening locations and designs,
- b. One and two-story dwellings,
- c. Different exterior finish materials and finishes, or
- d. Different garage location, configuration and design.

### 10. Utilities.

a. Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.

b. Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk.

## F. Small Lot Single Family Residential Development Minimum Design standards.<sup>1</sup>

### 1. Applicability.

a. The following standards apply within all R-1 Districts.

b. New single-family dwellings on new lots that are less than the Standard Lot dimensions, and no less than the minimum Level 1 Small Lot dimensions in Section 13.06.020.J (for example, in the R-2 District Small Lots are between 5,000 and 4,500 square feet and/or between 50 and 35 feet in width) shall be subject to the design requirements found in Section 13.06.100.F.2.

c. New single-family dwellings on lots that are smaller than the applicable Level 1 Small Lot standards in Section 13.06.020.J (including Level 2 Small Lots, legally pre-existing lots and lots where a variance has been approved) shall be subject to the design requirements found in Sections 13.06.100.F.3.

d. Proponents of new Small Lots located within designated Historic Districts shall provide a site plan and massing study demonstrating consistency with the provisions of this section and with the pertinent historic design standards. No subdivision shall be permitted which would lead to the demolition of an historically contributing structure.

### 2. Design Standards – Level 1.

The following design standards shall be met for all new single-family dwellings on new Small Lots, and on all pre-existing lots that are smaller than the current, applicable minimum lot size and/or width requirements in Section 13.06.020.J:

- a. Clear building entries.

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<sup>1</sup> Code Reviser's note: Relocated from 13.06.145 per Ord. 28613 Ex. G.

Dwellings shall provide a clearly defined building entrance that faces the street, which is on the wall nearest to the street frontage, and provides weather protection that is at least 4 feet deep along the width of the building entry. A porch may serve to comply with this provision.

b. Within designated Historic Districts, covered porches (projecting or alcove) a minimum of 60 square feet and no dimension less than 6 feet, with decorative piers, columns, railings or other architectural features are required.

c. Garages:

(1) The garage shall be located in the rear with rear access if suitable access is available, such as abutting right-of-way that is or can be practicably developed. Side-loaded garages are only permitted in the rear half of corner lots.

(2) Where vehicular access is not available from an alley or side street, garages or carports shall be setback at least 5 feet behind the front façade of the house or the front of a covered porch (where the porch is at least 48 square feet and contains no dimension less than 6 feet). In addition, vehicular doors and carports (measurement based on width of canopy) shall not occupy more than 50% of the width of the front façade. For narrower lots, this requirement may preclude development of a garage or carport.

(3) Within Designated Historic Districts, garages located in the rear yard shall be detached from the house, unless an alternate design is approved by the Landmarks Preservation Commission.

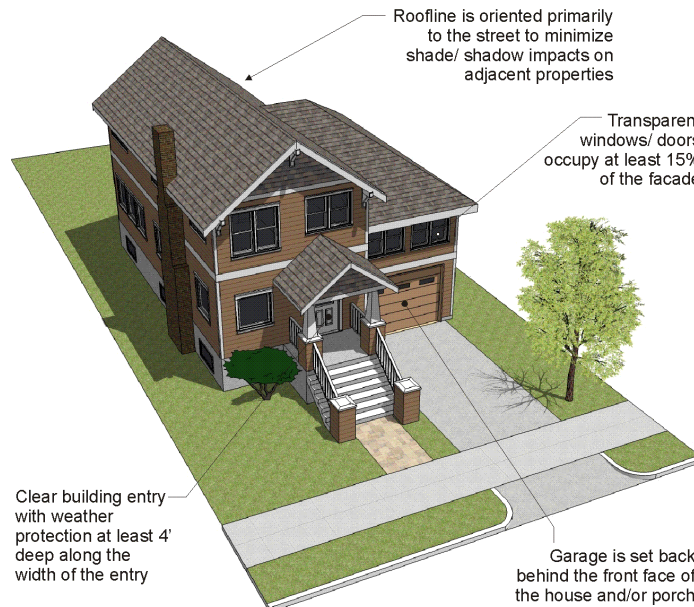
d. Façade transparency.

At least 15% of any façade (excluding exposed foundations and unfinished attic space) facing a street shall be transparent. The façade shall include all vertical surfaces of the façade of the dwelling.

e. Roofs.

For two-story houses with peaked roofs, the primary roofline(s) shall be oriented towards the front of the lot, running perpendicular to the street or front property line to minimize shade and shadow impacts to adjacent properties. Exceptions to this standard are allowed for projects involving multiple, adjacent single-family dwellings on small lots where alternating roofline orientation is being used to meet the Housing Style Variety requirement in Subsection g., below, or for lots that measure less than 80 feet in depth. Roof pitches shall be designed to achieve architectural balance with the scale of the house. Two story houses with peaked roofs shall provide a minimum roof pitch of 6:12, excluding dormers and excluding vegetated roofs. Eave overhangs a minimum of 2 feet shall be provided.

f. All street-facing windows and doors shall be finished with decorative molding / framing details.



g. Housing style variety.

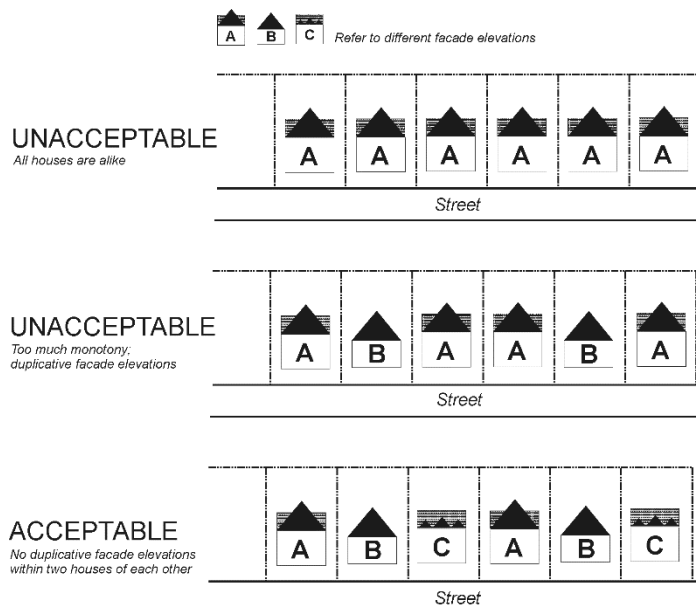
Duplicative front façade elevations adjacent to each other are prohibited. In order to qualify as a different façade elevation, dwellings shall have different roofline configurations and different entry/porch designs. Simple reverse

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configurations of the same façade elevation on adjacent lots are not sufficient to meet this requirement. In addition, a minimum of two of the following alternatives shall be utilized:

- (1) Different window opening locations and designs,
- (2) One and two –story dwellings,
- (3) Different exterior finish materials and finishes, or
- (4) Different garage location, configuration and design.
- (5) Example Layouts:

These single-family dwellings employ different rooflines, material treatments, porch design, windows, and details to add visual interest and differentiate the dwellings from each other.



### h. Prohibited materials.

Plywood and other similar sheet siding materials, such as T1-11 siding, shall not be used for front façades and façades facing streets, except that board and batten siding shall be allowed for façade variation up to 40 percent of the front façade facing the street.

i. Within designated Historic Districts, whenever the applicable historic design standards conflict with the provisions of this section, the historic design standards shall control. The Landmarks Preservation Commission has the authority to provide direction in such cases.

### 3. Design Requirements – Level 2.

In addition to meeting all the design requirements listed in Subsection 2, above, all new single-family dwellings on lots that are smaller than the applicable Level 1 Small Lot minimum lot size and/or width requirements in Section 13.06.020.J

(including Level 2 Small Lots, legally pre-existing lots and lots where a variance has been approved), shall meet the following design standards:

a. Architectural details.

At least three of the following architectural details shall be incorporated into the street-facing façades of the dwelling:

- (1) Decorative porch or entry design, including decorative columns or railings,
- (2) Bay windows or balconies,
- (3) Decorative door design including transom and/or side lights or other distinctive feature,
- (4) Decorative roofline elements, such as brackets, multiple dormers, and chimneys,
- (5) Decorative building materials, including decorative masonry, shingle, brick, tile, stone, or other materials with decorative or textural qualities,
- (6) Landscaped trellises or other decorative elements that incorporate landscaping near the building entry, or
- (7) Other decorative façade elements or details that meet the intent of the criteria

b. At least one of the following must be provided:

- (1) Dwelling(s) shall meet Built Green or other equivalent environmental certification for new construction, or
- (2) Dwelling(s) shall include a porch with a minimum area of 60 square feet and no dimension less than 6 feet.

**G. Accessory Dwelling Unit Minimum Design Standards.**

1. Applicability.

The following standards apply to accessory dwelling units in all zoning districts. When a Detached ADU is proposed on a site with housing other than single-family, the larger structure shall be considered the main dwelling for purposes of determining ADU design and other standards.

2. Purpose.

3. Design standards for attached ADUs.

a. Attached ADUs shall be designed either to generally match the exterior architectural style, appearance and character of the main house through use of similar materials, window, façade and roof design, or to complement the main house through use of materials and design of equal or better quality.

4. Design standards for Detached ADUs.

a. Detached ADUs shall be designed either to generally match the exterior architectural style, appearance and character of the main house through use of similar materials, window, façade and roof design, or to complement the main house through use of materials and design of equal or better quality.

b. The main entrance to a Detached ADU shall be at least eight feet from side property lines shared with a neighboring residential property if that entrance faces the neighboring property.

c. Second story windows facing abutting residential properties and within ten feet of the property line shall be constructed in a manner that reduces direct views into the neighboring property through such methods as clerestory windows or semi-opaque glass.

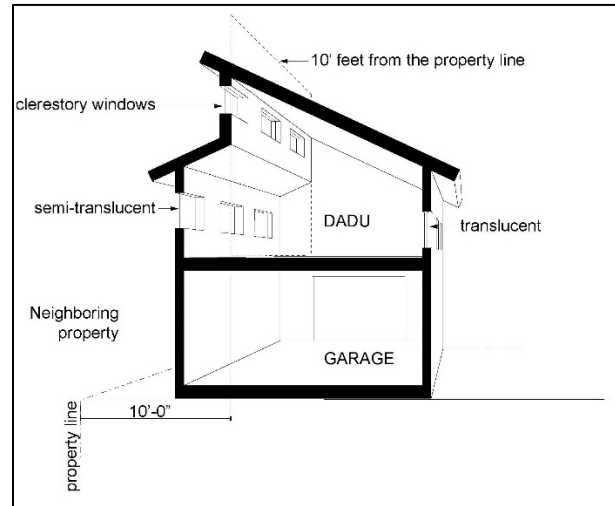
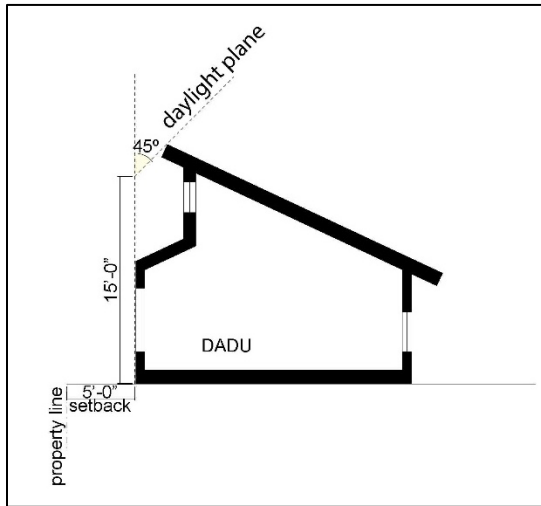
d. The structure shall not intercept a 45-degree daylight plane inclined into the ADU site from a height of 15 feet above existing grade, measured from the required five-foot setback line.

5. Any ADU proposed within an historic district is subject to the requirements and standards set forth in TMC 13.07, Landmarks and Historic Special Review Districts.

6. The Director shall provide an illustrated ADU design guide to assist in implementation and review of these standards.

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Detached ADU window and roof design:



### H. Townhouse Minimum Design Standards.

#### 1. Applicability.

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

#### 2. Purpose.

The following standards are intended to implement the urban form, housing and aesthetic goals of the Comprehensive Plan by providing façade articulation that emphasizes individual units and reduces the apparent mass of structures, minimizing impacts of vehicular access and service elements, and emphasizing pedestrian access and building orientation to the street.

#### 3. Building Mass.

- a. The maximum number of units in one building is six, with minimum spacing between buildings of 10 feet.
- b. Unit articulation.

Façades with more than two townhouses facing a street, alley, common open space or common parking area shall be articulated to emphasize individual units. This can be accomplished by either roofline modulation and/or vertical building modulation. To qualify for vertical building modulation, the minimum depth and width of modulation shall be 2 and 4 feet, respectively, if tied to a change in building material/siding style. Otherwise, the minimum depth and width of modulation shall be 10 and 15 feet, respectively.



#### 4. Garage Orientation & Vehicular Access:

- a. Garages shall not face any street if vehicular access is available from an alley.
- b. Vehicular access and garages for all units shall be placed off of the alley, where suitable access, such as abutting right-of-way that is or can be developed, is available.



c. Where street-front vehicular access is necessary, driveway approaches shall be limited to no more than one for every 9 units in the development.

d. Driveway approaches shall also be consistent with the standards in Section 13.06.090.C.

**5. Pedestrian Orientation:**

**a. Non X-Districts:**

(1) All dwellings shall maintain primary orientation to the adjacent street or right-of-way and not toward the alley or rear of the site, unless otherwise determined by the Director.

(2) Townhouses must have an individual entry that faces and is accessible from the street/sidewalk. Townhouses on corner lots only need to provide such an entry to one of the two adjacent streets/sidewalks.

(3) The building elevation facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance, such as loading docks, utility meters, and/or dumpsters.

**b. In designated centers:**

(1) All townhouses on lots with street frontage must maintain primary orientation to the adjacent street or right-of-way and have an individual entry that faces and is accessible from the street/sidewalk. Townhouses on corner lots only need to provide such an entry to one of the two adjacent streets/sidewalks.

(2) In the case of townhouse buildings that include units without street frontage, such as a mid-block site with a building that is perpendicular to the street, the townhouse unit abutting the street must include an individual entry facing the street, a porch or covered entryway, and other architectural features associated with the front elevation appearance.

(3) Building elevations facing the street or right-of-way shall not contain elements commonly associated with a rear elevation appearance. Any area between the front façade and the sidewalk/right-of-way shall be improved with landscaping, seating or yard space, a front porch, or similar features.

(4) Townhouse units with access exclusively from a drive aisle/court shall provide architectural features typically associated with the front elevation along the elevation facing the drive aisle/court. At least 10 percent of the façade (all vertical surfaces facing the drive aisle/court) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.

(5) Townhouses with front doors facing alleys shall not be permitted unless the following requirements are met: The vehicular surface shall be paved through the entire block length; a continuous sidewalk shall be constructed on one side connecting to abutting public sidewalks; and street trees shall be planted along one side along the entire length of the alley.

(6) A continuous pedestrian walkway, which can be a shared walkway, must be provided between the front entrance of each unit and the nearest public sidewalk. In the case of corner lots, at least one walkway shall connect to both sidewalks/rights-of-way unless infeasible due to topography. Walkways shall be either a raised sidewalk, or composed of materials different from any adjacent vehicle driving or parking surfaces. Walkways accessing individual units shall be a minimum of 4 feet wide and walkways accessing multiple units shall be a minimum of 5 feet wide. Pedestrian access may be combined with vehicular travel if designed for safety and comfort as a shared pedestrian/vehicular space. Walkways providing access to two or more townhouse units shall be constructed per ADA standards to increase visitability to the site, unless infeasible due to topography.

**6. Windows and openings.**

At least 15 percent of the façade (all vertical surfaces facing the street) shall be comprised of transparent windows and/or doors. Rough openings are used to calculate this requirement.

**7. Utilities:**

a. Utility meters, electrical conduit, and other service utility apparatus shall be located and/or designed to minimize their visibility from the street. If such elements are mounted in a location visible from the street, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.

b. Service, loading, and garbage areas. Developments shall provide a designated area for service elements (refuse and disposal). Such elements shall be sited along the alley, where available. Such elements shall not be located along the street frontage. Where there is no alley available, service elements shall be located to minimize the negative visual, noise, odor, and physical impacts and shall be screened from view from the street and sidewalk. The City may require

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a consolidated location for storage of solid waste containers, direct street access pickup, or a shared waste collection service if necessary for efficient solid waste collection.

### I. Cottage Housing Minimum Design Standards.<sup>1</sup>

#### 1. Applicability.

The following standards apply to cottage housing developments in all zoning districts where allowed.

#### 2. Purpose.

#### 3. Design Standards.

- a. Each cottage building is required to have an attached covered porch a minimum of 50 square feet in size with no dimension less than 5 feet.
- b. Each carriage unit shall have a deck or balcony, oriented toward the common open space.
- c. Buildings adjacent to the public right-of-way must orient entrances toward the public right-of-way, provide a minimum of 15 percent façade transparency, and provide an inviting façade through façade modulation, roofline variation or other design features.
- d. Cottage projects shall establish building and site design that is attractive and promotes visual interest. All structures shall be designed according to a coherent design concept that allows for variation in style, features, materials and colors.
- e. Cottage developments shall provide for variation in unit sizes, building and site design. A variety of building styles, features, colors and site design elements are required within a cottage housing development.
- f. Cottage developments shall be stick-built.

(Ord. 28905 Ex. A; passed Aug. 15, 2023; Ord. 28903 Ex. A; passed Aug. 15, 2023; Subst. Ord. 28902 Ex. A; passed Aug. 15, 2023; Ord. 28821 Ex. H; passed Jun. 28, 2022; Ord. 28793 Ex. B; passed Dec. 7, 2021; Ord. 28725 Ex. F; passed Dec. 8, 2020; Code Reviser's Note: Content in this section was previously codified as Sections 13.06.501 (Building design standards) and 13.06A.070 (Basic design standards); both were relocated to 13.06.100 per Ord. 28613 Ex. G; passed Sept. 24, 2019. See prior legislation in footnotes.)

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<sup>1</sup> Code Reviser's note: Relocated from 13.06.160.E.13 per Ord. 28613 Ex. G.

**Code Reviser's Note: Chapter 13.06 Repealed Sections:**

*Various sections were repealed prior to reorganization of Title 13 per Ord. 28613 Ex. G, passed Sept. 24, 2019. The references to repealed sections below were removed from the main body of Chapter 13.06 per Ord. 28613 (re-organization of Title 13).*

**13.06.105      Repealed by Ord. 27771. R 1 One Family Dwelling District.**

(Repealed by Ord. 27771 Ex. C, passed Dec. 9, 2008: Ord. 27562 §§ 3,5,7,9; passed Dec. 12, 2006: Ord. 27539 § 4; passed Oct. 31, 2006: Ord. 26966 § 1; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.110      Repealed by Ord. 27771. R 2 One-Family Dwelling District.**

(Repealed by Ord. 27771 Ex. C, passed Dec. 9, 2008: Ord. 27741 § 3; passed Dec. 9, 2008: Ord. 27701 § 4; passed Jul. 29, 2008: Ord. 27576 § 3; passed Jul. 29, 2008: Ord. 27695 § 3; passed Apr. 15, 2008: Ord. 27651 § 3; passed Feb. 26, 2008: Ord. 27532 § 3; passed Jan. 8, 2008: Ord. 27665 § 3; passed Dec. 4, 2007: Ord. 27613 § 3; passed Aug. 14, 2007: Ord. 27594 § 3; passed Jul. 31, 2007: Ord. 27574 § 3; passed Mar. 20, 2007: Ord. 27544 § 3; passed Feb. 6, 2007: Ord. 27562 §§ 2,4,6; passed Dec. 12, 2006: Ord. 27380 § 3; passed Dec. 12, 2006: Ord. 27539 § 5; passed Oct. 31, 2006: Ord. 27471 § 3; passed Jul. 25, 2006: Ord. 27470 § 3; passed Apr. 25, 2006: Ord. 27420 § 3; passed Jan. 17, 2006: Ord. 27432 § 8; passed Nov. 15, 2005: Ord. 27407 § 3; passed Nov. 1, 2005: Ord. 27413 § 3; passed Oct. 4, 2005: Ord. 27362 § 3; passed Jun. 7, 2005: Ord. 27325 § 3; passed May 24, 2005: Ord. 26966 § 2; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.115      Repealed by Ord. 27771. R 2SRD Residential Special Review District.**

(Repealed by Ord. 27771 Ex. C, passed Dec. 9, 2008: Ord. 27733 § 3; passed Sept. 9, 2008: Ord. 27697 § 1; passed Feb. 19, 2008: Ord. 27665 §§ 5,7,9; passed Dec. 4, 2007: Ord. 27539 § 6; passed Oct. 31, 2006: Ord. 27432 § 4; passed Nov. 15, 2005: Ord. 27079 § 14; passed Apr. 29, 2003: Ord. 26966 § 3; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.118      Repealed by Ord. 27771. HMR SRD Historic Mixed Residential Special Review District.**

(Repealed by Ord. 27771 Ex. C, passed Dec. 9, 2008: Ord. 27539 § 7; passed Oct. 31, 2006: Ord. 27432 §§ 2,3,4; passed Nov. 15, 2005: Ord. 27296 § 6; passed Nov. 16, 2004)

**13.06.120      Repealed by Ord. 27771. R 3 Two-Family Dwelling District.**

(Repealed by Ord. 27771 Ex. C, passed Dec. 9, 2008: Ord. 27576 § 3; passed Jul. 29, 2008: Ord. 27695 § 2; passed Apr. 15, 2008: Ord. 27665 § 6; passed Dec. 4, 2007: Ord. 27594 § 3; passed Jul. 31, 2007: Ord. 27553 § 3; passed Jun. 19, 2007: Ord. 27575 § 3; passed Feb. 20, 2007: Ord. 27518 § 3; passed Nov. 14, 2006: Ord. 27539 § 8; passed Oct. 31, 2006: Ord. 27469 § 3; passed Jul. 18, 2006: Ord. 27393 § 3; passed Aug. 9, 2005: Ord. 26966 § 4; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.125      Repealed by Ord. 27771. R 4 Multiple-Family Dwelling District.**

(Repealed by Ord. 27771 Ex. C, passed Dec. 9, 2008: Ord. 27665 § 8; passed Dec. 4, 2007: Ord. 27539 § 9; passed Oct. 31, 2006: Ord. 27079 § 15; passed Apr. 29, 2003: Ord. 26966 § 5; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.130      Repealed by Ord. 27771. R 4 L Low-Density Multiple-Family Dwelling District.**

(Repealed by Ord. 27771 Ex. C, passed Dec. 9, 2008: Ord. 27694 § 3; passed Jun. 17, 2008: Ord. 27680 § 2; passed Jul. 31, 2007: Ord. 27575 § 2; passed Feb. 20, 2007: Ord. 27544 § 2; passed Feb. 6, 2007: Ord. 27562 § 8; passed Dec. 12, 2006: Ord. 27539 § 10; passed Oct. 31, 2006: Ord. 27470 § 2; passed Apr. 25, 2006: Ord. 27079 § 16; passed Apr. 29, 2003: Ord. 26966 § 6; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.135      Repealed by Ord. 27771. R 5 Multiple-Family Dwelling District.**

(Repealed by Ord. 27771 Ex. C, passed Dec. 9, 2008: Ord. 27539 § 11; passed Oct. 31, 2006: Ord. 27335 § 3; passed Jun. 14, 2005: Ord. 27079 § 17; passed Apr. 29, 2003: Ord. 26966 § 7; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.410      Repealed by Ord. 27771. M 1 Light Industrial District.**

(Repealed by Ord. 27079 § 29; passed Apr. 29, 2003: Ord. 26966 § 11; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.420      Repealed by Ord. 27771. M 2 Heavy Industrial District.**

(Repealed by Ord. 27079 § 30; passed Apr. 29, 2003: Ord. 26966 § 12; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.430      Repealed by Ord. 27771. M 3 Heavy Industrial District.**

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(Repealed by Ord. 27079 § 31; passed Apr. 29, 2003: Ord. 26966 § 13; passed Jul. 16, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.610**            *Repealed by Ord. 27771. Enforcement of land use regulatory code.*

(Repealed by Ord. 27912 Ex. A; passed Aug. 10, 2010: Ord. 27017 § 9; passed Dec. 3, 2002: Ord. 26933 § 1; passed Mar. 5, 2002)

**13.06.625**            *Repealed by Ord. 27912. Violations - Penalties.*

(Repealed by Ord. 27912 Ex. A; passed Aug. 10, 2010: Ord. 26933 § 1; passed Mar. 5, 2002)

**CHAPTER 13.06A**

***REPEALED***

**Downtown Tacoma**

(Repealed per Ord. 28613 Ex. G; passed Sept. 24, 2019)

Various Sections relocated or repealed; references to previously repealed sections removed. See note.<sup>1</sup>

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<sup>1</sup> Code Reviser's note: The following sections were relocated to various other Chapters in Title 13, per Ord. 28613 Ex. G; passed Sept. 24, 2019: 13.06A.010, 13.06A.020, 13.06A.040, 13.06A.050, 13.06A.052, 13.06A.055, 13.06A.060, 13.06A.065, 13.06A.070, 13.06A.080, 13.06A.090, 13.06A.100, 13.06A.110, and 13.06A.111.

The following Chapters were also repealed by, or were repealed prior to, Ord. 28613 Ex. G re-organization:

13.06A.030 Definitions (prior legislation: Repealed by Ord. 28613 Ex. G; passed Sept. 24, 2019; Ord. 27995 Ex. G; passed Jun. 14, 2011; Ord. 27278 § 4; passed Oct. 26, 2004; Ord. 26889 § 7; passed Dec. 11, 2001; Ord. 26605 § 3; passed Mar. 28, 2000; Ord. 26556 § 28; passed Dec. 14, 1999);  
13.06A.112 (prior legislation: Repealed by Ord. 28222 Ex. B; passed May 13, 2014; Ord. 28194 Ex. A; passed Dec. 17, 2013);  
13.06A.113 (prior legislation: Repealed by Ord. 28222 Ex. B; passed May 13, 2014; Ord. 28194 Ex. A; passed Dec. 17, 2013);  
13.06A.120 (prior legislation: Repealed by Ord. 27912 Ex. A; passed Aug. 10, 2010; Ord. 26556 § 28; passed Dec. 14, 1999); and  
13.06A.130 Severability (prior legislation: Repealed by Ord. 28613 Ex. G; passed Sept. 24, 2019; Ord. 27912 Ex. A; passed Aug. 10, 2010; Ord. 27995 Ex. G; passed Jun. 14, 2011; Ord. 26556 § 28; passed Dec. 14, 1999).



## CHAPTER 13.07

### LANDMARKS AND HISTORIC SPECIAL REVIEW DISTRICTS <sup>1</sup>

## Sections:

13.07.010	Short title.
13.07.020	Landmarks and Historic Districts – Declaration of purpose and declaration of policy.
13.07.030	<i>Repealed.</i>
13.07.040	Tacoma Register of Historic Places – Establishment and criteria.
13.07.050	Tacoma Register of Historic Places – Nomination and designation process for individual properties.
13.07.055	Rescission of Landmarks Designation
13.07.060	Tacoma Register of Historic Places – Nomination and designation process for Historic Special Review and Conservation Districts.
13.07.070	Commission rules of procedure and administrative guidelines
13.07.080	Special tax valuation – Local Review Board.
13.07.085	Property eligible for special tax valuation.
13.07.090	<i>Repealed.</i>
13.07.095	Certificates of approval – Standards for Review.
13.07.100	<i>Repealed.</i>
13.07.105	Criteria for the Relocation of a City Landmark.
13.07.110	Demolition of City landmarks – Standards and criteria for review.
13.07.120	Historic Special Review and Conservation Districts – Generally.
13.07.130	Designation of Old City Hall Historic Special Review District – Declaration of purpose.
13.07.140	Designation of Old City Hall Historic Special Review District – Findings.
13.07.150	Old City Hall Historic Special Review District – Boundary description.
13.07.155	Guidelines for building design and streetscape improvement review of the Old City Hall Historic District.
13.07.160	Old City Hall Special Review District – Specific Exemptions.
13.07.165	<i>Repealed.</i>
13.07.170	Designation of Union Depot/Warehouse Historic Special Review District – Declaration of purpose.
13.07.180	Designation of the Union Depot/Warehouse Historic Special Review District – Findings.
13.07.190	Union Depot/Warehouse Historic Special Review District – Boundary description.
13.07.200	Designation of Union Station Conservation District.
13.07.210	Guidelines for building design and streetscape improvement review of the Union Depot/Warehouse Historic District and Union Station Conservation District.
13.07.220	Designation of North Slope Historic Special Review District – Purpose.
13.07.230	Designation of North Slope Historic Special Review District – Findings.
13.07.240	North Slope Historic Special Review District – Boundary description.
13.07.250	North Slope Historic Special Review District – Specific Exemptions.
13.07.260	Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Purpose.
13.07.270	Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Findings.
13.07.280	Wedge Neighborhood Historic Special Review District – Boundary Description.
13.07.290	Wedge Neighborhood Conservation Special Review District – Boundary Description.
13.07.300	Wedge Neighborhood Historic Special Review District and Wedge Neighborhood Conservation Special Review District – Specific Exemptions.
13.07.310	Guidelines for building design and streetscape improvement review for the Wedge Neighborhood and North Slope Historic Special Review Districts and the Wedge Neighborhood Conservation Special Review District.
13.07.320	Severability.
13.07.330	<i>Repealed.</i>
13.07.340	<i>Repealed.</i>
13.07.350	<i>Repealed.</i>
13.07.355	<i>Repealed.</i>

<sup>1</sup> Prior legislation: Ord. 26611, passed Apr. 4, 2000; Ord. 26556, passed Dec. 14, 1999; Ord. 26386, passed Mar. 23, 1999; Ord. 26144, passed Oct. 28, 1997; Ord. 25747, passed Aug. 5, 1995; Ord. 24877, passed Apr. 2, 1991; Ord. 24505, passed Dec. 12, 1989; Ord. 23694, passed Sept. 9, 1986; Ord. 23005, passed Sept. 6, 1983; Ord. 22303, passed Feb. 3, 1981; Ord. 21283, passed Mar. 7, 1978; Ord. 20806, passed Jul. 13, 1976.

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13.07.360      *Repealed.*  
13.07.370      *Repealed.*  
13.07.380      *Repealed.*

### **13.07.010 Short title.**

This chapter may be cited as the “Tacoma Landmarks and Historic Special Review Districts Code.”

(Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.020 Landmarks and Historic Districts – Declaration of purpose and declaration of policy.**

The City finds that the protection, enhancement, perpetuation, and continued use of landmarks, districts, and elements of historic, cultural, architectural, archeological, engineering, or geographic significance located within the City are required in the interests of the prosperity, civic pride, ecological, and general welfare of its citizens. The City further finds that the economic, cultural, and aesthetic standing of the City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the destruction or defacement of historic and cultural assets.

The purpose of this chapter is to:

- A. Preserve and protect historic resources, including both designated City landmarks and historic resources which are eligible for state, local, or national listing;
- B. Establish and maintain an open and public process for the designation and maintenance of City landmarks and other historic resources which represent the history of architecture and culture of the City and the nation, and to apply historic preservation standards and guidelines to individual projects fairly and equitably;
- C. Promote economic development in the City through the adaptive reuse of historic buildings, structures, and districts;
- D. Conserve and enhance the physical and natural beauty of Tacoma through the development of policies that protect historically compatible settings for such buildings, places, and districts;
- E. Comply with the state Environmental Policy Act by preserving important historic, cultural, and natural aspects of our national heritage; and
- F. To promote preservation compatible practices related to cultural, economic and environmental sustainability, including: conservation of resources through retention and enhancement of existing building stock, reduction of impacts to the waste stream resulting from construction activities, promotion of energy conservation, stimulation of job growth in rehabilitation industries, and promotion of Heritage Tourism;
- G. To contribute to a healthy population by encouraging human scale development and preservation activities, including walkable neighborhoods; and
- H. Integrate the historic preservation goals of the state Growth Management Act and the goals and objectives set forth in the City’s Comprehensive Plan and regulatory language.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27772 § 4; passed Dec. 9, 2008: Ord. 27748 Ex. A; passed Oct. 14, 2008 Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.030 *Repealed by Ord. 28613.* Definitions.**

*Relocated to 13.01.070.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019: Ord. 28611 Ex. C; passed Sept. 24, 2019: Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.040 Tacoma Register of Historic Places – Establishment and criteria.**

A. Tacoma Register of Historic Places is Established.

In order to meet the purposes of this chapter and Chapter 1.42 of the TMC, there is hereby established the Tacoma Register of Historic Places. Historic resources and districts designated to this Register pursuant to the procedures and criteria listed in this chapter are subject to the controls and protections of the Landmarks Preservation Commission established by TMC 1.42 and pursuant to the design review provisions of this chapter.



**B. Criteria for the Designation to the Tacoma Register of Historic Places.**

**1. Threshold Criteria:**

The Commission may determine that a property is eligible for consideration for listing on the Tacoma Register of Historic Places if it:

- a. Is at least 50 years old at the time of nomination; and
- b. Retains integrity of location, design, setting, materials, workmanship, feeling, and association such that it is able to convey its historical, cultural, or architectural significance

**2. Designation Criteria:** In addition to the above, a property may be designated to the Tacoma Register of Historic Places if it:

- a. Is associated with events that have made a significant contribution to the broad patterns of our history; or
- b. Is associated with the lives of persons significant in our past; or
- c. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- d. Has yielded or may be likely to yield, information important in prehistory or history; or
- e. Abuts a property that is already listed on the Tacoma Register of Historic Places and was constructed within the period of significance of the adjacent structure; or
- f. Is already individually listed on the National Register of Historic Places; or
- g. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood or City.

**3. Additional criteria for considering designation of interior spaces.** The Commission may include interior spaces in its designation recommendation if the Commission determines:

- a. The interior space meets the definition of “significant interior spaces” as described in this chapter and contributes to the historic character of the property, and
- b. That the protection of the interior space would provide broad public benefit.

**C. Special Criteria for the Designation of Historic Special Review Districts and Conservation Districts.**

The City Council may find it appropriate to create Historic Special Review or Conservation Districts for the purposes of encouraging the preservation of character within established neighborhoods and districts, protecting such areas from adverse effects to their cultural and historic assets resulting from unsympathetic development activities, and for the purpose of promoting economic development and neighborhood identity.

**1. Historic Special Review Districts.**

Historic Special Review Districts are areas that possess a high level of historic integrity in existing architecture, development patterns and setting, in which these characteristics should be preserved. In addition to the threshold criteria listed in Section 13.07.040.B.1, a proposed Historic Special Review District should meet the following specific criteria:

- a. It is associated with events or trends that have made a significant contribution to the broad patterns of our history; and
- b. It is an area that represents a significant and distinguishable entity but some of whose individual components may lack distinction;
- c. It possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

**2. Conservation Districts.**

Conservation Districts should be established in areas in which there is a clearly established existing character related to historical development patterns and/or the overall appearance of building types that were constructed in a defined period of time, generally prior to 50 years before the present. In conjunction with or independent of the establishment of a historic district it may be warranted to consider the establishment of a Conservation District. A proposed Conservation District should meet one of the following specific criteria:

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- a. The area is part of, adjacent to, or related to an existing or proposed historic district or other distinctive area which should be redeveloped or preserved according to a plan based on a historic, cultural, or architectural motif; or
- b. It possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.
- c. Although it shall possess historic character based upon an intact development pattern and a prevailing historic architectural character expressed through its assemblage of buildings, a Conservation District is not required to meet the criteria for landmark designation as outlined above.

3. The boundaries of Historic Special Review Districts and Conservation Districts should be based upon a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects or by documented differences in patterns of historic development or associations. Although recommended boundaries may be affected by other concerns, including underlying zoning, political or jurisdictional boundaries and property owner sentiment, to the extent feasible, the boundaries should be based upon a shared historical or architectural relationship among the properties constituting the district.

(Ord. 28611 Ex. C; passed Sept. 24, 2019; Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.050 Tacoma Register of Historic Places – Nomination and designation process for individual properties.**

#### **A. Process for the nomination of individual properties, generally:**

1. Any resident of Tacoma or City official, including members of the City Council, City staff, or members of the Planning Commission, may request consideration by the Landmarks Preservation Commission of any particular property for placement on the Tacoma Register of Historical Places.
2. A written request, which shall be in the form of a completed nomination to the Tacoma Register of Historic Places, shall be made to the Historic Preservation Officer. For properties that are individually listed on the National Register of Historic Places, the National Register nomination form may be submitted in lieu of a Tacoma Register form. At a minimum, the nomination form shall contain the following:
  - a. A narrative statement which addresses the historical or cultural significance of the property, in terms of the Designation Criteria listed in this chapter; and
  - b. A narrative statement which addresses the physical condition assessment and architectural description; and
  - c. Specific language indicating which improvements on the site are included in the nomination, including any significant interior spaces; and
  - d. A complete legal description; and
  - e. A description of the character-defining features and architectural elements that are worthy of preservation.
  - f. For nominations that are not sponsored by the property owner, the nomination sponsor must provide evidence that attempts to contact the property owner have been made prior to submittal, and provide contact information for the owner.
3. The Historic Preservation Officer or staff may amend, edit, or complete a nomination form submitted to the City for the purposes of clarity, but may not expand the boundaries of the legal description in the nomination without the consent of the nominating individual, unless such a change is required to correct an error or inconsistency within the nomination.

#### **B. Landmarks Preservation Commission Preliminary Meeting on Nomination.**

1. When a nomination form is found by the Historic Preservation Officer to be complete as indicated in this section, the Historic Preservation Officer shall:
  - a. Schedule the nomination for preliminary consideration at the next available regularly scheduled meeting of the Landmarks Preservation Commission and shall serve the taxpayer(s) of record written notice 14 days in advance of the time and place of the meeting. If the taxpayer of record is not the sponsor of the nomination, the taxpayer of record may request an additional 30 days to respond to the nomination.
  - b. Notify other City Departments and Divisions, as appropriate, of receipt of the nomination.

2. No person shall carry out or cause to be carried out any alteration of any building, site, structure, or object under consideration by the Landmarks Preservation Commission for designation as a City Landmark, without a Certificate of Approval pursuant to TMC 13.05.040.D.
3. At this meeting, the Landmarks Preservation Commission shall, by quorum vote, find that the application meets the threshold criteria for designation contained in this chapter, that it does not meet the threshold criteria, or the Commission may defer the decision if additional information is required. The Commission may also, by quorum vote, amend or edit a nomination that is under review at the preliminary meeting.
4. If the Landmarks Preservation Commission finds that the nomination appears to meet the threshold criteria, the Commission shall:
  - a. Schedule the nomination for consideration and public comment at a subsequent public meeting at a specified time, date, and place not more than 90 days from the date of the preliminary meeting.
  - b. Give written notice, by mail, of the time, date, place, and subject of the Commission's meeting to consider designation of the property as a City landmark.
  - c. This notice shall be given not less than 14 days prior to the meeting to all taxpayers of record of the subject property, as indicated by the records of the Pierce County Assessor, and taxpayers of record of properties within 400 feet of the subject property.
5. If the Commission finds that the property does not meet the threshold criteria, the application is rejected and the Commission may not consider the property for designation for a period of one calendar year. Once a calendar year passes, the process may be restarted.
6. If the Commission, following the preliminary meeting, fails to act on the nomination or schedule it for further consideration within 45 days or by its next meeting, whichever is longer, the application is rejected as above.

**C. Landmarks Preservation Commission Meeting on Nomination.**

1. At the meeting to consider approval of a nomination to the Register of Historic Places, the Commission shall receive information and hear public comments on whether the property meets the criteria for designation.
2. The Commission may, by a vote of a majority of the quorum, find that the property meets one or more of the criteria for designation and recommend the property for designation as a City landmark, find that the property does not meet any of the criteria and reject the nomination, or it may defer the decision if additional information is required. The Commission shall set forth findings of fact for its decision.
3. If the Commission finds that the property appears to meet the criteria for designation and recommends the property for designation as a City landmark, the Historic Preservation Officer shall transmit the Commission's recommendation to the City Council for its consideration within 30 days of the decision.
4. No proposed nomination may be extended beyond the boundaries of the land described in the original proposal unless the procedures set forth above are repeated for the enlarged boundaries.
5. If the Commission fails to act within a 45-day period or by its next meeting, whichever is longer, the designation shall be deemed to have been rejected and the designation procedure terminated.
6. If a nomination is rejected, the subject property shall not be considered again for historic designation for a period of at least one calendar year from the date of rejection. Once a calendar year passes, the process may be restarted.

**D. City Council Review of Designation.**

1. Upon receipt of a recommendation from the Commission, the City Council may place the nominated property on the Tacoma Register of Historic Places by adoption of a resolution designating the property as a historic landmark or building, as the Council may deem appropriate.
2. If the City Council approves the designation, the designating resolution shall contain the following:
  - a. Location description, including legal description, parcel number, and street address of the City landmark;
  - b. Criteria under which the property is considered historic and therefore designated as a landmark;
  - c. Elements of the property, including any significant interior spaces if so nominated, that the Council determines shall be subject to Landmarks Preservation Commission regulation.
3. Upon adoption of a resolution approving the designation of a historic building as a City landmark, the City shall place the City landmark designation on the subject property's records under its jurisdiction.

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(Ord. 28725 Ex. A; passed Dec. 8, 2020: Ord. 28611 Ex. C; passed Sept. 24, 2019: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

### 13.07.055 Rescission of Landmarks Designation

A. The City Council, Landmarks Preservation Commission, or the owner of property listed on the Tacoma Register of Historic Places may request removal of said property from the Register.

B. Such a request shall be made in writing to the Landmarks Preservation Commission, and shall include a statement of the basis for removal from the Register, based on the following criteria:

1. Economic hardship. The property cannot be maintained as a City Landmark without causing undue economic hardship to the owner.
  - a. This criterion shall only apply if a determination of economic hardship has been made by the Commission. See Economic Hardship, Section 13.05.046.
  - b. This criterion shall not apply in the case of proposed demolitions that have not been before the Commission through the normal Demolition Review process.
2. Catastrophic Loss. Due to circumstances beyond the control of the owner, such as fire, earthquake, or other catastrophic occurrence, the property has been damaged to the extent that its historic character has been irrecoverably lost.
3. Procedural Error. A property may be removed from the Historic Register if there is clear evidence that the Landmarks Preservation Commission or City Council committed any procedural errors during the consideration of the designation. This criterion does not include dissenting opinions regarding the findings or interpretations of the Commission during the designation process or the Commission's application of the Criteria for Designation.

C. The Landmarks Preservation Commission may itself also request removal of a property from the Historic Register in instances where:

1. The significant structure on the property no longer exists, due to a previous demolition.
2. The Commission finds that retaining the property on the Historic Register does not further the goals and objectives of this Chapter and the Preservation Plan.

D. When a request for removal from the Historic Register is received, or when the Landmarks Preservation Commission resolves to request removal of a property from the Historic Register, the Commission shall:

1. Set a date for Public Hearing within 60 days.
2. Send written notice via mail of the date, time and location of the Public Hearing. This notice shall be given not less than 14 days prior to the meeting to all taxpayers of record of the subject property, as indicated by the records of the Pierce County Assessor, and taxpayers of record of properties within 400 feet of the subject property. For properties proposed for removal under Criterion C1, a public hearing is not required.
3. Following the public hearing, the Commission may leave the comment period open for up to 10 days.
4. At its next meeting, following the close of the comment period, the Commission may, by a vote of a majority of the quorum, find that the property meets one or more of the criteria for removal from the historic register and recommend the same to City Council, find that the property does not meet any of the criteria and reject the request, or it may defer the decision if additional information is required. The Commission shall set forth findings of fact for its decision.
5. If the Commission finds that the property appears to meet the criteria for removal from the Historic Register, and recommends the property for removal from the Historic Register, the Historic Preservation Officer shall transmit the Commission's recommendation to the City Council for its consideration within 30 days of the decision.

(Ord. 27995 Ex. H; passed Jun. 14, 2011)

### **13.07.060 Tacoma Register of Historic Places - Nomination and designation process for Historic Special Review and Conservation Districts.**

A. Members of the City Council or Landmarks Preservation Commission may propose consideration of a Historic Special Review or Conservation District. A proposal may come in response to a request made by residents or community groups. Such requests should be prioritized using the following criteria:

1. Appropriate documentation of eligibility is readily available. Survey documentation is already prepared or could be easily prepared by an outside party in a timely manner; and
2. For proposed historic districts, the area appears to possess a high level of significance, based upon existing documentation or survey data; or
3. For proposed conservation districts, preliminary analysis indicates that the area appears to have a distinctive character that is desirable to maintain; and
4. A demonstrated substantial number of property owners appear to support such a designation, as evidenced by letters, petitions or feedback from public workshops; and
5. Creation of the district is compatible with and supports community and neighborhood plans; or
6. The area abuts another area already listed as a historic district or conservation district; or
7. The objectives of the community cannot be adequately achieved using other land use tools.

#### **B. District Designation – Landmarks Preservation Commission.**

1. Public Hearing. Following a request by the City Council or by a quorum vote of the members of the Landmarks Preservation Commission regarding such a request, Planning and Development Services staff shall:

- a. Notify other City Departments and Divisions, as appropriate, of the proposed designation.
- b. Schedule a public hearing.
- c. Give written notice, by first-class mail, of the time, date, place, and subject of the Commission's meeting to consider designation of the district as a Historic Special Review District.
- d. This notice shall be given not less than 14 days prior to the meeting to all taxpayers of record of the subject property, as indicated by the records of the Pierce County Assessor, taxpayers of record of properties within 400 feet of the subject property, and to the Neighborhood Council of the affected area. Notice shall also be submitted for publication to the newspaper of record.
- e. Conduct the public hearing in accordance with the notice given, at which the owner or owners of the property involved, the owners of all abutting property, and other interested citizens or public officials shall be entitled to be heard.

2. The Landmarks Preservation Commission shall, by a majority vote of quorum, recommend to the Planning Commission approval, disapproval, or approval with modification of a proposed Historic Special Review or Conservation District based upon the criteria for designation listed in this chapter, the goals and purposes of this chapter and the goals and policies contained within the Preservation Plan element of the Comprehensive Plan.

#### **C. District Designation – Planning Commission.**

1. Each proposal for a new Historic Special Review District or Conservation District and the respective Landmarks Preservation Commission recommendation shall then be considered by the Planning Commission of the City pursuant to the procedures for area-wide zoning in TMC 13.05.030.B.
2. Notice of the time, place, and purpose of such hearing shall be given by Planning and Development Services as provided in the aforementioned section. In addition, each taxpayer of record in a proposed Historic Special Review or Conservation District and within 400 feet of the proposed district shall be notified by mail.
3. In making a recommendation to the City Council, the Planning Commission shall consider the conformance or lack of conformance of the proposed designation with the Comprehensive Plan of the City. The Planning Commission may recommend approval of, or approval of with modifications, or deny outright the proposal, and shall promptly notify the Landmarks Preservation Commission of the action taken.
4. If the Planning Commission recommends approval or approval with modifications of the proposed designation, in whole or in part, it shall transmit the proposal, together with a copy of its recommendation, to the City Council.

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5. If the Planning Commission denies the proposed designation, such action shall be final; provided, that the owners or authorized agents of at least 80 percent of the property proposed to be designated, measured by assessed valuation of said property at the time of the Commission's decision, may appeal such disapproval to the City Council within 14 days. For owners of multiple properties, property ownership for the purpose of appeal is calculated as the sum total of the assessed valuation of all affected property.

6. If the proposal is initiated by the City Council, the matter shall be transmitted to the City Council for final determination regardless of the recommendation of the Planning Commission.

### **D. District Designation – City Council.**

1. The City Council shall have final authority concerning the creation of Historic Special Review or Conservation Districts in the same manner as provided by the City Council in TMC 13.02.053.

2. Pursuant to the aforementioned procedures, the Council may, by ordinance, designate a certain area as a Historic Special Review District and/or Conservation District. Each such designating ordinance shall include a description of the characteristics of the Historic Special Review or Conservation District which justifies its designation, and shall include the legal description of the Historic Special Review District.

3. Within ten days of the effective date of an ordinance designating an area as a Historic Special Review or Conservation District, the Historic Preservation Officer shall send to the owner of record of each property within said district, and to Planning and Development Services, a copy of the ordinance and a letter outlining the basis for such designation, and the obligations and restrictions which result from such designation, in addition to the requirements of the building and zoning codes to which the property is otherwise subject.

4. Historic District property inventories, identifying contributing and noncontributing properties, shall be adopted upon designation of each historic district and maintained and reviewed annually by the Commission. Such inventories shall be kept on file and available to the public at the Historic Preservation Office.

E. The City Council may request to amend or rescind the designation of a Historic Special Review District or Conservation District pursuant to the same procedure as set forth in this chapter and Section 13.05.030.B for original designation and area-wide rezones. Amendments or de-designations that are requested by Council shall be transmitted to Council for final determination, regardless of the recommendations of the Planning Commission or Landmarks Preservation Commission.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27466 § 36; passed Jan. 17, 2006: Ord. 27429 § 3; passed Nov. 15, 2005)

## **13.07.070 Commission rules of procedure and administrative guidelines.**

A. The Commission shall adopt and maintain a Rules of Procedure document that provides for the following:

1. Application submittal requirements for nominations to the historic register.

2. Design guidelines for historic special review and conservation districts.

3. The above shall be amended in accordance with the procedures and standards provided in Section 13.07.120.B.

### **B. Historic District Inventories.**

The Commission shall adopt and maintain historic building inventories for buildings within Historic Special Review Districts that identify "Contributing" and "Non Contributing" properties. Architectural integrity, as it relates to materials, space, and composition in various periods of architecture, shall be respected and, to the extent possible, maintained in contributing properties. Historic. The absence of a property on a historic inventory shall not preclude the Landmarks Preservation Commission's authority to review changes to such a property. If a property is not listed on the historic inventory for the district, the property shall be assumed to be contributing.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

## **13.07.080 Special tax valuation - Local Review Board.**

Pursuant to TMC 1.42 and authorized pursuant to WAC 254-20 (hereinafter referred to as the "State Act"), the Landmarks Preservation Commission is hereby designated as the Local Review Board to exercise the functions and duties of a local review board as defined and until such time as the City Council may either amend or repeal this provision or designate some other local body or committee as the Local Review Board to carry out such functions and duties.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.085 Property eligible for special tax valuation.**

The class of historic property which shall be eligible for special valuation in accordance with the State Act shall be property which is a historic property meeting the criteria or requirements as set forth and defined in the State Act, and which is designated as a City landmark by resolution of the City Council in accordance with the provisions of this chapter, or is a contributing property within a locally administered Historic Special Review District. Landmarks Preservation Commission shall act as the Local Review Board and enter into the agreements referred to in WAC 254-20.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.090 *Repealed by Ord. 27995.* Certificates of approval.**

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27466 § 37; passed Jan. 17, 2006: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.095 Certificates of Approval – Standards for Review.**

A. The Landmarks Preservation Commission shall use the following as guidelines when evaluating the appropriateness of alterations to properties listed on the Tacoma Register of Historic Places, excepting applications for demolition:

1. For properties listed individually on the Tacoma Register of Historic Places, the most current version of the Secretary of the Interior's Guidelines for the Treatment of Historic Properties published and maintained by the United States National Park Service, is the primary resource for evaluating appropriateness of rehabilitation projects. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. The basic standards are:

- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

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2. For specific projects that involve Restoration, Preservation, or Reconstruction, the Secretary of the Interior's Standards for Rehabilitation, Restoration, Preservation, and Reconstruction, may be applied as appropriate to the proposed project.
3. For properties located within a Historic or Conservation District, the Commission shall base decisions on the district rules, policies, or design guidelines for Historic or Conservation Districts as described in this chapter.
4. For technical preservation and conservation matters, the Commission may refer to Preservation briefs, and professional technical reports published by the National Park Service on various conservation and preservation practices.

### B. Intent and Applicability.

1. With regard to individually designated City Landmarks, the Standards are to be applied to ensure that any proposed development will neither adversely affect the exterior architectural features of the resource nor adversely affect the character or historical, architectural, or aesthetic interest or value of such resource and its site.
2. With regard to any property located within a historic district, Design Guidelines are to be applied to ensure that the proposed development conforms to the prescriptive standards for the district adopted by the commission and does not adversely affect the character of the district.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.100 *Repealed by Ord. 27795. Criteria for the Relocation of a City Landmark.***

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.105 Criteria for the Relocation of a City Landmark.**

Relocating a historic structure usually diminishes its integrity, because the association with the original site is a key feature, and therefore it is not permitted in most cases. However, there may be extreme circumstances, in which a building is threatened in its present location and alternatives for preservation on site do not exist. In such a case, the following criteria should apply:

- A. The structure is threatened by further deterioration or loss in its present location.
- B. All alternatives to relocation have been reasonably considered.
- C. The original building and site condition will be accurately recorded before removing the structure from the existing site.
- D. Moving procedures are sufficiently planned to protect the key features of the structure.
- E. The relocation site provides an appropriate context similar to that of the original.
- F. A commitment is in place to complete the relocation and subsequent rehabilitation of the building.
- G. There is adequate protection to assure continued preservation of the building at its relocated site.

(Ord. 28077 Ex. C; passed Jun. 12, 2012)

### **13.07.110 Demolition of City landmarks - Standards and criteria for review.**

In addition to the stated purposes and findings located in this chapter, the Landmarks Preservation Commission shall address the following issues when considering an application for historic building demolition:

- A. The reasonableness of any alternatives to demolition that have been considered and rejected, that may meet the stated objectives of the applicant;
- B. The physical, architectural, or historic integrity of the structure in terms of its ability to convey its significance, but not including any damage or loss of integrity that may be attributable to willful neglect;
- C. The importance of the building to the character and integrity of the surrounding district; and
- D. Any public or expert commentary received during the course of the public comment and peer review periods.
- E. Economic Hardship:

A City Landmark may be demolished if the Landmarks Preservation Commission finds, pursuant to the Criteria for Economic Hardship located in Chapter 13.05.046, that maintenance, use and/or alteration of the resource in accordance with the



requirements of this chapter would cause immediate and substantial hardship on the property owner(s) because of rehabilitation in a manner which preserves the historic integrity of the resource:

1. Is infeasible from a technical, mechanical, or structural standpoint, and/or
2. Would leave the property with no reasonable economic value because it would require an unreasonable expenditure taking into account such factors as current market value, permitted uses of the property, the value of transferable development rights and the cost of compliance with applicable local, state, and federal codes.

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.120 Historic Special Review and Conservation Districts - Generally.**

#### **A. Design Guidelines.**

1. The Landmarks Preservation Commission shall adopt and maintain Guidelines for Building Design and Streetscape Review for historic special review districts and conservation districts, to be used as the basis for design review for rehabilitation, new development, and public amenities within the districts. Such guidelines are intended to ensure a certainty of design quality within each district, protect the historic fabric of the districts, enhance the economic viability of the districts through the promotion of their architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies.
2. Guidelines at a minimum should address the following subjects: height, scale, massing, exterior cladding and materials, building form and shape, roof shape, fenestration patterns and window materials, architectural details, storefronts (within commercial areas), awnings and signs, additions, parking, main entrances, rhythm of openings, accessory structures, mechanical equipment, streetscape and sustainable design.
3. In instances where design guidelines have not yet been adopted for historic special review or conservation districts, the Secretary of the Interior's Standards for Rehabilitation may be used.
4. For certain common types of City-managed projects, and for certain projects within the City right-of-way, including streetlighting, sidewalk repair and similar alterations within the right-of-way, the City Public Works Department may propose "standard specifications" for programmatic review and adoption by the Commission, in lieu of case-by-case reviews. Any such standards, rules or policies shall be adopted by quorum vote and, once adopted, shall be made available to the public in electronic and printed formats.
5. Design guidelines as adopted and maintained by the Commission shall not supersede the scope of authority defined by this chapter, TMC 1.42 and Sections 13.05.040.D and E.

#### **B. Amending the Design Guidelines.**

1. The Landmarks Preservation Commission shall possess the authority to review and approve changes to historic district design guidelines.
2. District design guidelines shall be amended not more than once annually, concurrent with the Commission's review of its Administrative Bylaws.
3. When proposed changes have been drafted, the Commission shall approve the draft and conduct a public hearing to receive comment on the proposed changes.
4. The Commission shall notify property owners within 400' of the historic district for which the guidelines are being amended, not less than 14 days prior to the date of the hearing. The notice shall indicate the date, time and location of the hearing.
5. Following the close of the Public Hearing, the Commission shall review public testimony and take action to approve, amend, or deny the proposed changes no sooner than its next regularly scheduled meeting.

#### **C. District exemptions.**

The following actions within historic districts are exempt from the requirements imposed pursuant to this chapter:

1. Any alterations to non-contributing properties as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that the demolition of such structures is not exempt from the provisions of this Chapter; and
2. Interior alterations to existing properties, unless those modifications affect the exterior appearance of the property.

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(Ord. 28725 Ex. A; passed Dec. 8, 2020: Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27466 § 38; passed Jan. 17, 2006: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.130 Designation of Old City Hall Historic Special Review District – Declaration of purpose.**

A. In order that the Old City Hall area and buildings within the area may not be injuriously affected; to promote the public welfare; and to provide for the enhancement of this area and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of its historic heritage, returning unproductive structures to useful purposes, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over the site, development, and architecture of the private and public buildings erected therein, there is hereby created the Old City Hall Historic Special Review District, the boundaries of which are more particularly described in Section 13.07.120 hereof.

B. Said district and the buildings and structures therein possess significant aspects of early Tacoma history, architecture, and culture. Historic, cultural, and architectural significance is reflected in the architectural cohesiveness of the area. For the foregoing reasons, many of the features contained in the buildings and structures in said district should be maintained and preserved.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.140 Designation of Old City Hall Historic Special Review District – Findings.**

A. The area encompassed by the Old City Hall Historic Special Review District has played a significant role in the development of the City of Tacoma, the Puget Sound region, and the state of Washington. The district was the location of the early governmental and commercial center of the City. The focus of commerce and transportation was located in this district.

B. The Old City Hall Historic Special Review District is associated with the lives of many Tacoma pioneers through property, business, and commercial activities which were concentrated in the area.

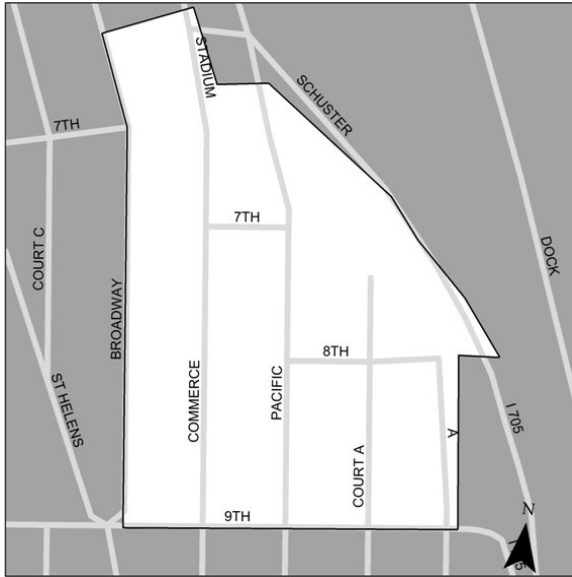
C. Many buildings within the Old City Hall Historic Special Review District embody distinctive characteristics of late 19th Century Eclectic architecture, which reflects Greco-Roman and Renaissance architectural influences. For these and other reasons, the buildings and structures combine to create an outstanding example of an area of Tacoma which is significant and distinguishable in style, form, character, and construction representative of its era.

D. The restoration and preservation of objects, sites, buildings, and structures within the Old City Hall Historic Special Review District will yield information of educational significance regarding the way of life and the architecture of the late 19th century, as well as add interest and color to the City. Restoration of the Old City Hall Historic Special Review District will preserve the environment which was characteristic of an important era of Tacoma's history, and will be considerably more meaningful and significant educationally than if done on the basis of individual isolated buildings and structures.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.150 Old City Hall Historic Special Review District – Boundary description.**

The legal description for the Old City Hall Historic Special Review District is described in Ordinance No. 24877, and shall be kept on file in the City Clerk's Office. The approximate boundaries are described in Map A below.

**Map A: Approximate Boundaries of the Old City Hall Historic Special Review District**

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

**13.07.155 Guidelines for building design and streetscape improvement review of the Old City Hall Historic District.**

Pursuant to Section 13.07.120, the Landmarks Preservation Commission shall adopt and maintain Guidelines for building design and streetscape improvement to ensure a certainty of design quality within the Old City Hall Historic District, protect the historic fabric of the district, enhance the economic vitality of the district through promotion of its architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines shall be made available to the public in electronic and printed formats.

(Ord. 27995 Ex. H; passed Jun. 14, 2011)

**13.07.160 Old City Hall Special Review District – Specific Exemptions.**

The following actions are exempt from the requirements imposed pursuant to this chapter:

- A. Any alterations to non-contributing properties as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that the demolition of such structures is not exempt from the provisions of this chapter; and
- B. Interior alterations to existing properties, unless those modifications affect the exterior appearance of the property.

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

**13.07.165 *Repealed by Ord. 27995.* Appeals to the Hearing Examiner – Factors to be considered.**

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

**13.07.170 Designation of Union Depot/Warehouse Historic Special Review District – Declaration of purpose.**

In order that the area and buildings within the area may not be injuriously affected, to promote the public welfare, and to provide for the enhancement of the area and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of its historic and architectural heritage, returning unproductive structures to useful purposes, and attracting visitors to the City, and in order that a reasonable degree of control may be exercised over the site, development, and architecture of the private and public buildings erected therein, including certain infrastructure, there is hereby created the Union Depot/Warehouse Historic Special Review District.

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(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

### 13.07.180 Designation of the Union Depot/Warehouse Historic Special Review District – Findings.

A. The area encompassed by the Union Depot/Warehouse Historic Special Review District has played a significant role in the development of the City of Tacoma, the Puget Sound region, and the state of Washington. The district was the location of the early railroad, industrial, and commercial center of the City. The focus of early manufacture and commerce was identified with this district.

B. The Union Depot/Warehouse Historic Special Review District is associated with the lives of many Tacoma pioneers through property, railroad, and commercial activities which were concentrated in the area. Many of the buildings within the Union Depot/Warehouse Historic Special Review District embody the distinctive characteristics of the late 19th and early 20th century Eclectic architecture, which reflects Greco-Roman, Renaissance, and Baroque architectural influences. For these and other reasons, the buildings and structures combine to create an outstanding example of a historic district in Tacoma dating from circa 1887–1930, which is significant and distinguishable in style, form, character, and construction representative of its era.

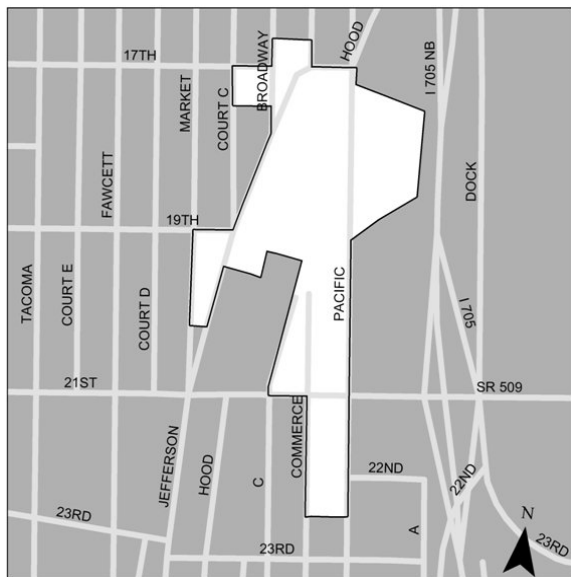
C. Restoration and preservation of objects, sites, buildings, and structures within the Union Depot/Warehouse Historic Special Review District will yield information of educational significance regarding the way of life and the architecture of the late 19th and early 20th centuries, as well as add interest and color to the City. Restoration of the Union Depot/Warehouse Historic Special Review District will preserve the sense of place and time and the environment which was characteristic of an important era of Tacoma's history, and such district planning will be considerably more meaningful and significant educationally than if done on the basis of individual isolated buildings and structures.

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27748 Ex. A; passed Oct. 14, 2008; Ord. 27429 § 3; passed Nov. 15, 2005)

### 13.07.190 Union Depot/Warehouse Historic Special Review District – Boundary description.

The legal description for the Union Depot/Warehouse Historic Special Review District is described in Ordinance No. 24505, and shall be kept on file in the City Clerk's Office. The approximate boundaries are described in Map B below.

**Map B: Approximate Boundaries of the Union Depot/Warehouse Historic Special Review District**



(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27429 § 3; passed Nov. 15, 2005)

### 13.07.200 Designation of Union Station Conservation District.

There is hereby created the Union Station Conservation District, the physical boundaries of which are described in Ordinance No. 24877, and kept on file in the City Clerk's Office. The approximate boundaries are described in Map C below.

**Map C: Approximate Boundaries of the Union Station Conservation District**

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.210 Guidelines for building design and streetscape improvement review of the Union Depot/Warehouse Historic District and Union Station Conservation District.**

Pursuant to Section 13.07.120, the Landmarks Preservation Commission shall adopt and maintain Guidelines for building design and streetscape improvement to ensure a certainty of design quality within the Union Depot/Warehouse Historic District and Union Station Conservation District, protect the historic fabric of the district, enhance the economic vitality of the district through promotion of its architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines shall be made available to the public in electronic and printed formats.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.220 Designation of the North Slope Historic Special Review District – Purpose.**

A. In order that the North Slope Neighborhood and buildings within the Neighborhood may not be injuriously affected; to promote the public welfare; to provide for the enhancement of the North Slope Neighborhood and its structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of Tacoma's historic heritage, maintaining productive and useful structures, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over the siting, development and architecture of public and private buildings erected in the North Slope Neighborhood so that the goals set forth in this section and in this chapter may be realized, there is hereby created the North Slope Historic Special Review District, the boundaries of which are more particularly described in Section 13.07.240 hereof.

B. The North Slope Neighborhood and the buildings therein reflect significant aspects of Tacoma's early history, architecture, and culture. Such historic, architectural, and cultural significance is also reflected in the architectural cohesiveness of the neighborhood. For the foregoing reasons, many of the features contained in the buildings and structures in the Neighborhood should be maintained and preserved.

C. Except where specifically exempted by TMC 13.07.095 and TMC 13.07.250, all visible alterations and construction within the historic district boundaries, including alterations to elements and spaces within the public right of way, are subject to the review and approval of the Landmarks Preservation Commission prior to the initiation of work.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

**13.07.230 Designation of North Slope Historic Special Review District – Findings.**

The architectural, cultural, historical, and educational value of the North Slope Neighborhood is such that the protection and enhancement of its built environment and streetscape is important to the public welfare. In particular, the District is important for its association with the follow themes:

**A. Role in the Development of Tacoma.**

The area north of Division Avenue from the bluff to Sprague Street was one of several residential neighborhoods that developed after Tacoma was selected to be the terminus of the Northern Pacific Railroad. New Tacoma and the North End were considered to be a desirable place to live, near downtown Tacoma. The community was settled irregularly over its history in a fairly dense residential pattern, and it is common to find structures from the late 1800s next to houses built in the 1930s.

**B. Association with Tacoma Pioneers, Property, Business and Commercial Activities.**

The New Tacoma and North End community is predominantly residential, although there are scattered pockets of small commercial buildings that served the community. These commercial buildings are concentrated mostly along Division Avenue and K Street. The residents of the community represented a complete cross-section of different classes and occupations, from a United States ambassador to France to a Slovakian boat builder.

**C. Architectural Characteristics.**

The architectural characteristics of the New Tacoma and North End community are variable, although there is a remarkable number of architect-designed houses in the neighborhood. Most homes built in the earliest period of growth from 1880 to the crash in 1893 were Queen Anne and Stick style houses, of both modest and grand proportions. After the turn of the century, more Craftsman and bungalow-style houses were built, as well as a few Colonial Revival structures. Those homes built after the turn of the century tended to be larger and more impressive, until the late 1920s when many one-story bungalows were built. After the Great Depression, another building boom took place in the neighborhood, with considerably smaller single-family brick residences constructed in simple forms, and two- or three-story multi-family apartment complexes.

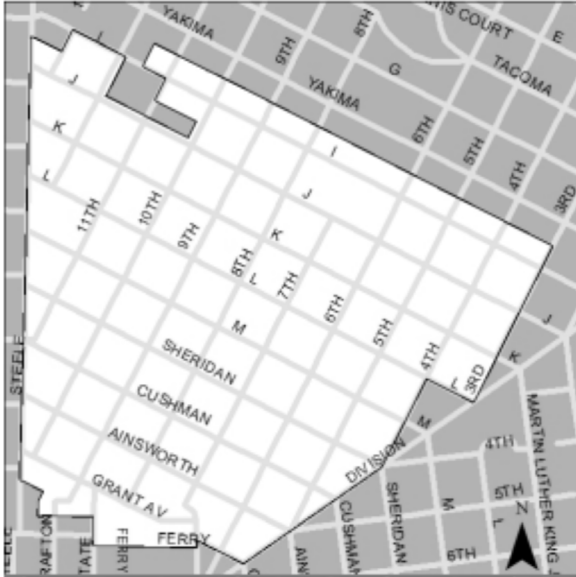
**D. Educational Uses and Preservation of the Area's Heritage.**

Restoration and preservation of objects, sites, buildings, and structures within the North Slope Neighborhood will yield information of educational significance about the way of life of Tacoma's citizens, and the architecture of the late 19th and early 20th centuries, and will add interest and color to the City. Maintaining this neighborhood as a whole will preserve the sense of time, place, and the environment which formed an important characteristic of Tacoma's history. District-wide planning will be considerably more meaningful and educationally significant than if done on the basis of individual, isolated buildings.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

**13.07.240 North Slope Historic Special Review District – Boundary description.**

The legal description for the North Slope Historic Special Review District is described in Ordinance No. 26611, and shall be kept on file in the City Clerk's Office. The approximate boundaries are described in Map D below.

**Map D: Approximate Boundaries of the North Slope Historic Special Review District**

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

**13.07.250 North Slope Historic Special Review District – Specific Exemptions.**

The following actions are exempt from the requirements imposed pursuant to this chapter:

- A. Any alterations to non-contributing properties as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office; provided, that modifications to accessory structures and the demolition of noncontributing or accessory structures are not exempt from the provisions of this chapter;
- B. Interior modifications to existing structures, unless those modifications affect the exterior appearance of the structure;
- C. Any alterations to private residential structures that are specifically exempted from permit requirements in the Residential Building Code as adopted by the City (such as painting and minor repairs such as caulking or weather-stripping);
- D. The installation, alteration, or repair of public and private plumbing, sewer, water, and gas piping systems, where no Right of Way restoration is required;
- E. The installation, alteration, or repair of public and private electrical, telephone, and cable television wiring systems, provided that the installation of solar panels, wind generators, and cellular antenna towers is not exempt;
- F. The landscaping of private residences;
- G. The maintenance of existing parking conditions and configurations, including curb cuts, driveways, alleys, and parking lots (new installations are subject to review by the Commission);
- H. Signs not exceeding the limitations for a home occupation permit and those installed by the City for directional and locational purposes.
- I. The following types of projects within the public rights of way: ADA accessibility ramps and installations, in-road work, traffic signaling equipment, utility markers, and equipment required by the United States Postal Service.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

**13.07.260 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Purpose.**

- A. In order that the Wedge neighborhood and residential buildings within the neighborhood may not be injuriously affected; to promote the public welfare; to provide for the enhancement of the Wedge neighborhood and its residential structures, thereby contributing to the social, cultural, and economic welfare of the citizens of Tacoma by developing an awareness of Tacoma's historic neighborhoods, maintaining productive and useful residential structures, and attracting visitors to the City; and in order that a reasonable degree of control may be exercised over the siting, development and architecture of public and private

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buildings erected in the Wedge neighborhood so that the goals set forth in this section and in this chapter may be realized, there is hereby created the Wedge Historic Special Review District and the Wedge Conservation Special Review District, the boundaries of which are more particularly described in Sections 13.07.280 and 13.07.290 TMC hereof.

B. The Wedge neighborhood and the residential buildings therein reflect significant aspects of Tacoma's early neighborhood history, architecture, and culture. Such historic, architectural, and cultural significance is also reflected in the architectural cohesiveness of the neighborhood. For the foregoing reasons, many of the features contained in the buildings and structures in the neighborhood should be maintained and preserved.

C. The Wedge Conservation District areas are established in order to encourage new development on the boundaries of the Historic District that is aesthetically and architecturally compatible with the character of the Wedge neighborhood. It is acknowledged that these are primarily commercial areas, and it is anticipated that commercial growth will occur in these areas. However, where there are historically significant structures within the Conservation District, this chapter encourages that these buildings be retained.

D. Except where specifically exempted by TMC 13.07.300, all exterior alterations and construction within the historic and conservation district boundaries, including alterations to elements and spaces within the public rights-of-way, are subject to the review and approval of the Landmarks Preservation Commission prior to the initiation of work.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.270 Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Findings.**

A. The Wedge Historic and Conservation Districts are evocative of the broad patterns of Tacoma's history. A middle class district that was constructed by some of Tacoma's most prolific builders, and occupied by famous and anonymous residents alike, the Wedge's development as a neighborhood mirrors that of Tacoma as a historic city.

B. Historically significant persons who lived in the Wedge Historic district include Silas Nelsen, Aaron Titlow, and Frank and Ethel Mars. Other notable persons who lived in the Wedge Historic District include doctors, attorneys, architects and contractors, engineers, politicians, jewelers, barbers, school, bank, real estate, and insurance personnel as well as seamen, railroad, and shipping and electric company employees.

C. The Wedge Historic District is an intact middle-class residential district reflecting a period of neighborhood development from Tacoma's early history until after WWI. Although there are a number of notable homes within the district, most appear to be modest builder interpretations of established architectural styles and forms. Several of these provide good examples of typical residential architects.

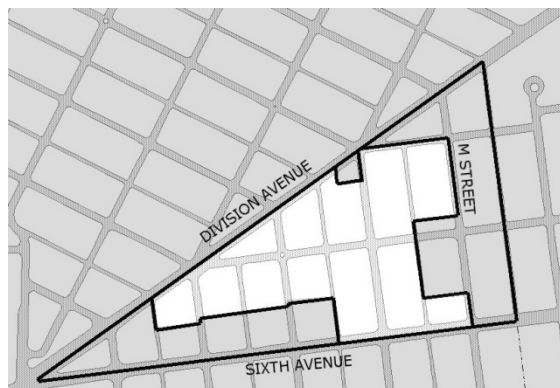
D. The Wedge Historic District is adjacent to the North Slope Historic District and is part of a larger section of the City where historic development patterns prevail (including Wright Park, South J Street historic houses).

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.280 Wedge Neighborhood Historic Special Review District – Boundary Description.**

The legal description for the Wedge Neighborhood Historic Special Review District is described in Ordinance No. 27981 and shall be kept on file in the City Clerk's Office. The approximate boundaries are depicted in Map E below.

**Map E: Approximate Boundaries of the Wedge Neighborhood Historic Special Review District**



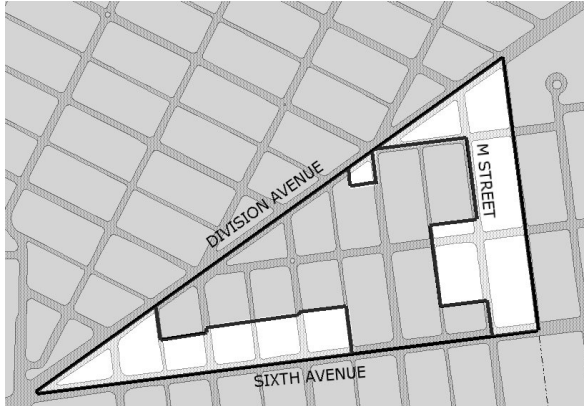


(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.290 Wedge Neighborhood Conservation Special Review District – Boundary Description.**

The legal description for the Wedge Conservation Special Review District is described in Ordinance No. 27981 and shall be kept on file in the City Clerk's Office. The approximate boundaries are depicted in Map F below.

**Map F: Approximate Boundaries of the Wedge Neighborhood Conservation Special Review District**



(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27981 Ex. C; passed May 24, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.300 Wedge Neighborhood Historic Special Review District and Wedge Neighborhood Conservation Special Review District – Specific Exemptions.**

The following actions are exempt from the requirements imposed pursuant to this chapter:

- A. Any alterations to noncontributing properties within the Wedge Historic Special Review Districts, as defined by the District Inventory adopted by the Commission and kept on file at the Historic Preservation Office and any alterations to properties within the designated Conservation District, are exempt from the provisions of this chapter; provided, that alterations to accessory structures within the Historic District and the demolition of any structures in the Historic District and Conservation District, including noncontributing and accessory structures or the construction of new buildings, are not exempt from the provisions of this chapter;
- B. Historically nonresidential and commercial use structures; provided, that the demolition of noncontributing or accessory structures is not exempt from the provisions of this chapter;
- C. Interior modifications to existing structures, unless those modifications affect the exterior appearance of the structure;
- D. Changes to the exteriors of contributing structures that are not visible from adjacent public rights-of-way may be granted an administrative Certificate of Approval by the Historic Preservation Officer, provided that staff is able to determine that the proposed project is consistent with the district design guidelines and applicable Secretary of the Interior's Standards, all without prejudice to the right of the owner at any time to apply directly to the Commission for its consideration and action on such matters;
- E. Any alterations to private residential structures that are specifically exempted from permit requirements in the Residential Building Code as adopted by the City (such as painting and minor repairs such as caulking or weather-stripping);
- F. The installation, alteration, or repair of public and private plumbing, sewer, water, and gas piping systems, where no right-of-way restoration is required;
- G. The installation, alteration, or repair of public and private electrical, telephone, and cable television wiring systems; provided that the installation of solar panels, wind generators, and cellular antenna towers is not exempt;
- H. The landscaping of private residences;
- I. The maintenance of existing parking conditions and configurations, including curb cuts, driveways, alleys, and parking lots (new installations are subject to review by the Commission);

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J. Signs not exceeding the limitations for a home occupation permit and those installed by the City for directional and locational purposes;

K. The following types of projects within the public rights-of-way: ADA accessibility ramps and installations, in-road work, traffic-signaling equipment, utility markers, and equipment required by the United States Postal Service.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.310 Guidelines for building design and streetscape improvement review for the Wedge Neighborhood and North Slope Historic Special Review Districts and the Wedge Neighborhood Conservation Special Review District.**

Pursuant to Section 13.07.120, the Landmarks Preservation Commission shall adopt and maintain Guidelines for building design and streetscape improvement to ensure a certainty of design quality within the North Slope and the Wedge Historic Special Review Districts and the Wedge Conservation District, protect the historic fabric of the districts, enhance the economic vitality of the districts through promotion of their architectural character, and provide a clear set of physical design parameters for property owners, developers, designers, and public agencies. These guidelines shall be made available to the public in electronic and printed formats.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.320 Severability.**

In the event that any section, paragraph, or part of this chapter is for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph, or part shall continue in full force and effect.

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27981 Ex. C; passed May 24, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.330 *Repealed by Ord. 27995.* Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Purpose.**

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27981 Ex. C; passed May 24, 2011: Ord. 27748 Ex. A; passed Oct. 14, 2008: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.340 *Repealed by Ord. 27995.* Designation of the Wedge Neighborhood Historic Special Review and the Wedge Neighborhood Conservation Special Review Districts – Findings.**

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27981 Ex. C; passed May 24, 2011: Ord. 27429 § 3; passed Nov. 15, 2005)

### **13.07.350 *Repealed by Ord. 27995.* Wedge Neighborhood Historic Special Review District – Boundary Description.**

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27981 Ex. C; passed May 24, 2011)

### **13.07.355 *Repealed by Ord. 27995.* Wedge Neighborhood Conservation Special Review District – Boundary Description.**

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27981 Ex. C; passed May 24, 2011)

### **13.07.360 *Repealed by Ord. 27995.* Wedge Neighborhood Historic Special Review District and Wedge Neighborhood Conservation Special Review District – Specific Exemptions.**

(Ord. 27995 Ex. H; passed Jun. 14, 2011: Ord. 27981 Ex. C; passed May 24, 2011)

**13.07.370 *Repealed by Ord. 27995.* Guidelines for building design and streetscape improvement review for the Wedge Neighborhood and North Slope Historic Special Review Districts and the Wedge Neighborhood Conservation Special Review District.**

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27981 Ex. C; passed May 24, 2011)

**13.07.380 *Repealed by Ord. 27995.* Severability.**

(Ord. 27995 Ex. H; passed Jun. 14, 2011; Ord. 27981 Ex. C; passed May 24, 2011)



## CHAPTER 13.08

### CURRENT USE ASSESSMENT<sup>1</sup>

#### Sections:

13.08.010	Intent.
13.08.020	Application and fee.
13.08.030	Processing of application.
13.08.040	Approval factors.
13.08.050	<i>Repealed.</i>
13.08.060	<i>Repealed.</i>

#### **13.08.010 Intent.**

The City Council hereby declares that it is in the best interest of the City of Tacoma to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and historic sites and to assure the use and enjoyment of natural and historic resources and scenic beauty for the economic, environmental and social well-being of the City and its citizens.

Chapter 84.34 of the Revised Code of Washington (RCW) provides an opportunity for certain categories of open space, agricultural, and timber lands to have their property tax structure based upon the current use rather than on the traditional fair market value system of highest and best use. The purpose of these regulations is to provide the mechanism for owners of property within the City to apply and participate in this current use assessment program.

For properties located within the City of Tacoma, this program is jointly managed by the City and Pierce County. Applications are reviewed by both agencies and final decision authority on them is shared by the City and Pierce County.

(Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 20048 § 2; passed Feb. 5, 1974)

#### **13.08.020 Application and fee.**

Applications for current use classification shall be submitted to the offices of the Pierce County Assessor-Treasurer and the City of Tacoma, Planning and Development Services. A complete application to the City of Tacoma shall include the following:

A. Completed application form as specified by the Washington State Department of Revenue and supplied by the Pierce County Assessor-Treasurer's office.

B. A site plan, plot plan, or other diagram drawn to scale which accurately shows the property for which the current use classification is being requested. Such plan must show natural and/or historic features pertinent to the request including, but not limited to, steep slopes, gullies, ravines, vegetation, unique habitat features, streams, wetlands, other water features, and historic buildings and sites.

C. A written demonstration of the consistency of the application with the factors set forth in RCW 84.34.037.

D. Applications shall be submitted along with payment of all applicable fees, including the required City fee as set forth in TMC 2.09.500.

E. If necessary, Planning and Development Services may request the applicant to provide additional information to determine program eligibility.

(Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 26247 § 2; passed Jun. 2, 1998: Ord. 24827 § 8; passed Jan. 29, 1991: Ord. 20284 § 14; passed Jan. 14, 1975: Ord. 20048 § 2; passed Feb. 5, 1974)

#### **13.08.030 Processing of application.**

An application made under RCW 84.34 and this section shall be acted upon and processed in accordance with the procedures and guidelines outlined in RCW 84.34. The City Planning Commission shall hold a public hearing prior to forwarding the application, along with their recommendation, to the City Council for final City action. In cases where the final decision on the application is to be made by a granting authority composed of three members of the Pierce County Council and three

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<sup>1</sup> Prior legislation: Ord. 19348, passed May 4, 1971.

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members of the City Council, the three members of the City Council shall be designated by the Mayor with the approval of the majority of the City Council.

(Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27079 § 57; passed Apr. 29, 2003: Ord. 26247 § 3; passed Jun. 2, 1998: Ord. 21363 § 3; passed May 23, 1978: Ord. 20048 § 2; passed Feb. 5, 1974)

### **13.08.040 Approval factors.**

In determining whether an application made for classification under Chapter 84.34 RCW should be approved or disapproved, the applicable review and decision criteria contained in RCW 84.34.037 shall be used.

The granting authority, in approving in part or whole an application for land classified pursuant to Chapter 84.34 RCW may also require that certain conditions be met, including but not limited to the granting of easements.

As a condition of approval, the property owner shall agree to maintain the open space and/or historic resource(s) in the same or better condition than existed at the time the approval was granted. Any activities which reduce the value of the land as open space and/or a historic resource shall be prohibited, such as the cutting of trees, closing of public access, or unauthorized modification of historic resources. Exceptions to this provision may be granted when such activities are deemed as necessary by the City to protect public health, safety, and welfare or are the result of an act of nature (floods, storm, etc.).

(Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 20048 § 2; passed Feb. 5, 1974)

### **13.08.050 *Repealed by Ord. 27893.* Approval – Agreement.**

(Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 20048 § 2; passed Feb. 5, 1974)

### **13.08.060 *Repealed by Ord. 27893.* Notice of approval.**

(Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 26247 § 4; passed Jun. 2, 1998: Ord. 20048 § 2; passed Feb. 5, 1974)

**CHAPTER 13.09**

***REPEALED*<sup>1</sup>**

South Tacoma Groundwater Protection District

*Repealed and relocated to 13.01.090 and 13.06.070 by Ord. 28613 Ex. G. See note.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019: Ord. 28511 Ex. B; passed May 15, 2018: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 27568 § 2 and Ex. A; passed Dec. 19, 2006: Ord. 26934 § 17; passed Mar 5, 2002: Ord. 25473 § 1; passed Apr. 12, 1994: Ord. 25425 § 4; passed Jan. 11, 1994: Ord. 25298; passed May 4, 1993: Ord. 25225 § 4; passed Dec. 15, 1992: Ord. 25024 § 4; passed Dec. 10, 1991: Ord. 24807 § 4; passed Dec. 18, 1990: Ord. 24083 § 1; passed May 10, 1988)

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<sup>1</sup> Code Reviser's note: Chapter 13.09 relocated to Sections 13.01.070 and 13.06.070.D per Ord. 28613 Ex. G, passed Sept. 24, 2019.

**CHAPTER 13.10**

***REPEALED***

**SHORELINE MANAGEMENT\***

*Repealed by Ord. 28612; see new Title 19.*

(Prior legislation for Chapter 13.10: Ords. 28612, 28180, 21821, 22228, 22246, 22400, 22496, 22562, 22599, 22884, 23027, 23106, 23262, 23310, 23583, 23834, 23909, 25062, 25128, 25141, 25212, 26329, 27657, 25632, 25718, 25738, 25797, 25854, 25904, 26174, 26175, 26929, 26410, 26622, 26934, 27158, 27296, 27432, 27657, 28109.)

\* Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.



## CHAPTER 13.11

### CRITICAL AREAS PRESERVATION

## Sections:

13.11.100	General Provisions.
13.11.110	Purpose.
13.11.120	Intent.
13.11.130	Scope and Applicability.
13.11.140	Regulated Uses/Activities.
13.11.145	Pre-existing Uses/Structures.
13.11.150	<i>Repealed.</i>
13.11.160	Abrogation and Greater Restrictions.
13.11.170	Severability.
13.11.180	Critical Area Designation and SEPA.
13.11.190	Review Process.
13.11.200	Allowed Activities.
13.11.210	Activities Allowed with Staff Review.
13.11.220	Application Types.
13.11.230	Application Submittal Requirements.
13.11.240	Legal Test(s).
13.11.250	General Standards.
13.11.260	Residential Density Credits.
13.11.270	General Mitigation Requirements.
13.11.280	Conditions, Notice on Title, and Appeals.
13.11.290	Sureties.
<b>13.11.300</b>	<b>Wetlands.</b>
13.11.310	Wetland Classification.
13.11.320	Wetland Buffers.
13.11.330	Wetland Buffer Modifications.
13.11.340	Wetland Mitigation Requirements.
13.11.350	<i>Repealed.</i>
13.11.360	<i>Repealed.</i>
13.11.400	Streams and Riparian Habitats.
13.11.410	Stream Classification.
13.11.420	Stream Buffers.
13.11.430	Stream Buffer Modifications.
13.11.440	Stream Standards.
13.11.450	Stream Mitigation Requirements.
13.11.500	Fish and Wildlife Habitat Conservation Areas (FWHCAs).
13.11.510	Classification.
13.11.520	Standards.
13.11.530	<i>Repealed.</i>
13.11.540	<i>Repealed.</i>
13.11.550	FWHCA Modification.
13.11.560	FWHCA Biodiversity Area and Corridor Mitigation.
13.11.580	<i>Repealed.</i>
13.11.600	Flood Hazard Areas.
13.11.610	Classification.
13.11.620	Standards.
13.11.640	General Development Standards.
13.11.700	Geologically Hazardous Areas.
13.11.710	Designation.
13.11.715	Applicability.
13.11.720	Classification.
13.11.730	General Development Standards.
13.11.800	Aquifer Recharge Areas.
13.11.810	Classification.
13.11.820	Standards.
<b>13.11.900</b>	<b><i>Repealed.</i></b>

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### **13.11.100 General Provisions**

The 100 and 200 sections contain the general provisions.

(Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27912 Ex. A; passed Aug. 10, 2010: Ord. 27893 Ex. A; passed Jun. 15, 2010)

#### **13.11.110 Purpose.**

The purpose of this chapter is to protect the public health, safety, and welfare by establishing a regulatory scheme based on Best Available Science that classifies, protects, and preserves Tacoma's critical areas; by providing standards to manage development in association with these areas; and by designating some of these areas as environmentally sensitive in accordance with the State Environmental Policy Act (SEPA). Many critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the City and its residents, while others may pose a threat to human safety, or to public and private property.

(Ord. 27431 § 13; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

#### **13.11.120 Intent.**

A. Critical areas include critical aquifer recharge areas, fish and wildlife habitat conservation areas (FWHCAs), flood hazard areas, geologically hazardous areas, stream corridors, and wetlands. These critical areas serve many important ecological functions. Many of the critical areas in Tacoma have been lost or degraded through past development. Tacoma, as an urban growth area, is experiencing increasing growth and its land resource is diminishing. This increasing growth and diminishing land resource is creating pressure for the development of critical areas. New construction technology is also creating pressure on these sites by making development feasible on sites where it was formerly impractical to build.

B. Because of the ecological benefits of critical areas, their past destruction, and the increasing pressure to develop them, the intent of this chapter is to ensure that the City's remaining critical areas are preserved and protected and that activities in or adjacent to these areas are managed. The preservation standards are provisions designed to protect critical areas from degradation. These criteria and standards will secure the public health, safety, and welfare by:

1. Protecting members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, volcanic eruptions, flooding or similar events;
2. Maintaining healthy, functioning ecosystems through the protection of ground and surface waters, wetlands, and fish and wildlife and their habitats, and to conserve biodiversity of plant and animal species;
3. Preventing cumulative adverse impacts to Critical Areas including the prevention of net loss of wetlands.
4. Providing open space and aesthetic value;
5. Providing migratory pathways for fish and wildlife;
6. Giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries;
7. Providing unique urban wilds that serve as natural laboratories for schools and the general public;
8. Avoiding public expenditures to correct damaged or degraded critical ecosystems;
9. Alerting appraisers, assessors, owners, potential buyers, or lessees to the potential presence of a critical ecosystem and possible development limitations; and
10. Providing City officials with information, direction, and authority to protect ecosystems when evaluating development proposals.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 14; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

**13.11.130 Scope and Applicability.**

A. The provisions of this chapter apply to all lands and waters, all land uses and development activities, and all structures and facilities in the City, whether or not a permit or authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the City. This chapter applies to all critical areas outside of the Shoreline District. This chapter specifically applies to any activity which would destroy vegetation; result in a significant change in critical habitat, water temperature, physical, or chemical characteristics; or alter natural contours and/or substantially alter existing patterns of tidal, sediment, or storm water flow on any land which meets the classification standards for any critical area defined herein. In addition, this chapter applies to all public or private actions, permits, and approvals in or adjacent to a critical area and its buffer, management area, or geo-setback including, but not limited to, the following:

1. Building permits;
2. Clearing and grading permits;
3. Forest practices permits;
4. Land Use permits;
5. Subdivision and short subdivisions;
6. Binding site plans;
7. Zoning amendments;
8. Creation of tax parcels.

B. Critical areas outside a shoreline district that involve a development activity that is reviewed, pursuant to Section 13.05.050 TMC (Development Regulation Agreements), except for projects identified in subsection 13.05.050.B.4 TMC, shall be considered during the Development Regulation Agreement review process; a separate critical areas permit is not required. Any approval(s) pursuant to Section 13.05.050 TMC shall, to the maximum extent feasible, avoid potential impacts to critical areas, and any unavoidable impacts to critical areas shall be fully mitigated, either on- or off-site.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28230 Ex. F; passed Jul. 22, 2014: Ord. 28180 Ex. E; passed Oct. 15, 2013: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27877 Ex. A; passed Mar. 2, 2010: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 15; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

**13.11.140 Regulated Uses/Activities.**

Pursuant to the requirements of this chapter, a site review or permit shall be obtained prior to undertaking any of the following activities in or adjacent to Critical Areas and their associated buffer, geo-setback, or management area, unless otherwise covered under Sections 13.11.200 and 13.11.210.

- A. Filling, placing, or dumping any soil, loam, peat, sand, gravel, rock, chemical substance, refuse, trash, rubbish, debris, or dredge material;
- B. Excavating, dredging, grading or clearing any soil, loam, peat, sand, gravel, rock, vegetation, trees, or mineral substance;
- C. Discharge of hazardous substances, including, but not limited to heavy metals, pesticides, petroleum products, or secondary effluent;
- D. Any act which results in draining, flooding, or disturbing the water level or table;
- E. Exterior alteration, construction, demolition, or reconstruction of a building, structure or infrastructure, including driving pilings or placing obstructions;
- F. Destroying or altering vegetation through clearing, harvesting, shading, pruning, or planting vegetation that would alter the character of the site; and
- G. Any act or use which would destroy natural vegetation; result in significant change in water level, water temperature, physical, or chemical characteristics of the wetland or stream; substantially alter the existing pattern of tidal flow, obstruct the flow of sediment, or alter the natural contours of a site.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28335 Ex. A; passed Dec. 1, 2015: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27813 Ex. E; passed Jun. 30, 2009: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 16; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

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### **13.11.145 Pre-existing Uses/Structures.**

A. An established use or existing structure that was lawfully permitted prior to adoption of this chapter, but which is not in compliance with this chapter, may continue subject to the provisions of Tacoma Municipal Code (TMC) Chapter 13.11 Critical Areas Preservation and Section 13.06.010.L.

B. Except as otherwise required by law, a legal pre-existing use or structure may continue unchanged; or modified only where the use or structure becomes less non-conforming, and where the modification will increase the buffer, and increase the functions of the critical area.

C. All modifications for pre-existing uses/structures shall conform to the current code provision to the maximum extent possible as determined by the Director of Planning and Development Services.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. B; passed May 8, 2012)

### **13.11.150 Repealed by Ord. 27728. Allowed Activities.**

(Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 17; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.160 Abrogation and Greater Restrictions.**

A. It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, provisions of this chapter shall prevail.

B. Where one site is classified as containing two or more critical areas, the project shall meet the minimum standards and requirements for each identified critical area set forth in this chapter.

(Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 18; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.170 Severability.**

If any clause, sentence, paragraph, section, or part of this chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances, and to this end, the provisions of each clause, sentence, paragraph, section, or part of this chapter are hereby declared to be severable.

(Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27995 Ex. I; passed Jun. 14, 2011; Ord. 27813 Ex. E; passed Jun. 30, 2009; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 19; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.180 Critical Area Designation and SEPA.**

A. Pursuant to WAC 197-11-908 and Section 13.12.930 of the TMC, aquifer recharge areas, fish and wildlife habitat conservation areas (FWHCAs), flood hazard areas, geologically hazard areas, wetlands, and streams are hereby designated as critical areas. Many of these areas are mapped on Tacoma's Generalized Critical Areas Maps available in the Planning and Development Services Department or as defined by this chapter. The following SEPA categorical exemptions shall not apply within these areas, unless the changes or alterations are confined to the interior of an existing structure or unless the project does not require a permit under this chapter: Section 13.12.310 of the TMC and the following subsections of WAC 197-11-800(1)(b); (2)(d) excluding landscaping, (e), (f), and (g); (3); 24(a), (b), (c), and (d).

B. The scope of environmental review of actions within critical areas shall be limited to: (a) documenting whether the proposal is consistent with the requirements of this chapter; and (b) evaluating potentially significant impacts on the critical area resources not adequately addressed by development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27431 § 20; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

**13.11.190 Review Process.**

A. The Review Process is used to determine whether a critical area, buffer, management area, or geo-setback is present on or adjacent to a proposal, and whether additional review or permitting is required.

Critical area may be located through the use of information from the United States Department of Agriculture Natural Resource Conservation Service, the United States Geological Survey, the Washington Department of Ecology, the Coastal Zone Atlas, the Washington Department of Fish and Wildlife stream maps and Priority Habitat and Species maps, Washington DNR Aquatic Lands maps and geologic mapping, the National Wetlands Inventory maps, Tacoma topography maps, the City's Generalized Wetland and Critical Areas Inventory maps, and Pierce County Assessor's maps to establish general locations and/or verify the location of any critical area on site. The City's Generalized Wetland and Critical Area Inventory maps and other above-listed sources are only guidelines available for reference. The City maps are not exhaustive, and other areas meeting the definition or intent will be included. The actual location of critical areas must be determined on a site-by-site basis according to the classification criteria.

The City may utilize information from any source referred to above or available in order to establish general locations and/or to verify the location of any critical area.

**B. Site Review.**

In order to assist customers with potential proposals, City staff will provide an initial site review based on existing information, maps and a potential site visit to identify potential critical areas, and their associated buffers/geo-setbacks or management areas within 300 feet. The review area may be expanded where priority species or habitat are present. Site reviews are completed on a case by case basis and may require the applicant to submit a critical areas assessment.

Following the site visit and Review Process, a project may proceed without further critical area permitting if the applicant can demonstrate the following:

1. There are no adverse impacts to the critical area or buffer, geo-setback, or management area, and
2. Structures and alterations are all located outside the critical area and beyond the required buffers or management areas, and
3. Existing hydrology will be maintained to support critical areas, and
4. The proposed use or activity is consistent with WDFW priority species management recommendations.

C. In conjunction with the site review process, the Director of Planning and Development Services (the "Director"; see 13.01.110.D) may require additional information on the physical, biological, and anthropogenic features that contribute to the existing ecological conditions and functions to determine whether a formal critical area permit is required.

**D. Review, Assessment and Permit Requirements.**

1. Review of development activities within the jurisdiction of the Shoreline Management Act, including Puget Sound, Wapato Lake, or any stream where the mean annual flow is 20 cubic feet per second or greater are regulated under provisions of TMC Title 19<sup>1</sup> and the Tacoma Shoreline Master Program. Upon adoption of the new Shoreline Master Program on October 15, 2013, all code excerpts referring to the regulation of critical areas within the shoreline will no longer be valid and those critical areas shall be regulated under the new shoreline code TMC Title 19<sup>2</sup>.
2. Review of development activities outside the jurisdiction of the Shoreline Management Act.
  - a. Regulated activities that require a land use or building/site development permit do not require a separate Critical Area permit to review for potential impacts to a FWHCA Management Area, Geologically Hazardous Area, or Flood Hazard Area provided:
    - (1) There are no other critical areas, such as a wetlands, streams, or Biodiversity Areas/Corridors, or their associated buffers found on the site that would require a permit under this chapter, and
    - (2) If a FWHCA Management Area is found on the project site the applicant complies with applicable WDFW species management recommendation or with an approved Habitat Management Plan (HMP) submitted by the applicant.

<sup>1</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

<sup>2</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled "Shoreline Master Program", was enacted per Ordinance No. 28612.

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(3) If a Geologically Hazardous Area is found on the project site the applicant complies with applicable prescriptive requirements and minimum standards of TMC 13.11.700 and follows the recommendations of their geotechnical expert, or

(4) If a Flood Hazard Area is found on the project site the applicant complies with the applicable prescriptive requirements and minimum standards contained within TMC 13.11.600.

b. Regulated activities that do not require a land use or building/site development permit may require a separate Critical Area review and/or permit under this Chapter.

c. Per TMC 13.11.160, where multiple critical areas are present the project shall meet the minimum standards and requirements for each critical area including requirements for permitting. A separate critical area permit may be required when impacts cannot be avoided or the project cannot meet the standards of this chapter.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27431 § 21; passed Nov. 15, 2005)

### 13.11.200 Allowed Activities.

#### A. Purpose.

The purpose of this section is to allow certain activities that are unlikely to result in critical area impacts. The activities must comply with the protective standards of this chapter and provisions of other local, state, and federal laws. All activities shall use reasonable methods to avoid and minimize impacts. Any incidental damage to, or alteration of, a critical area, geo-setback, management area or buffer, shall be restored or replaced at the responsible party's expense.

#### B. The following activities may occur without City review or approval in compliance with the purpose stated above.

1. The maintenance and repair of legally existing utilities, roads, structures, or facilities used in the service of the public provided such work does not expand the footprint of the facility or right-of-way or alter any regulated critical area or buffer. Activities must be in compliance with the current City Stormwater Management Manual and Regional Road Maintenance Manual and provide all known and reasonable protection methods for the critical area.
2. The maintenance and repair of legally existing roads, structures, or facilities used in the service of the public to provide stormwater services may occur provided such work is in compliance with the current City Stormwater Management Manual and Regional Road Maintenance Manual and provides all known and reasonable protection methods for the critical area, and does not expand further into the critical area.
3. Holding basins and detention ponds that are part of the municipalities stormwater system are exempt from the permit provisions of this chapter when such holding basin or detention pond is controlled by an engineered outlet.
4. Maintenance of legally existing structures, accessways, trails, promenades, stairways, parking lots, and landscaping provided such work does not expand the foot print of the structure or right-of-way and does not alter any regulated critical area or buffer.
5. Passive recreational activities, educational activities and scientific research including, but not limited to, fishing, bird watching, walking or hiking and non-motorized boating.
6. The following can be removed by hand or hand-held light equipment provided that appropriate methods are used to protect native vegetation. Removal methods may be found in the Green Tacoma Partnership Habitat Steward Field Guide.
  - a. English Ivy may be removed from plants on which is adhered or rolled up off the ground provided ground disturbance is minimal and does not cause erosion.
  - b. Regulated noxious weeds as listed on the Pierce County noxious weed list that are required to be eradicated (Class A and Class B) as specified by the Pierce County Noxious Weed Board.
  - c. Invasive species removal in a critical area or buffer when the total area is 1,000 square feet or less and slopes are less than 25%.
  - d. Refuse and debris.
7. Native vegetation planting in a critical area buffer or Biodiversity Area/Corridor when the total area is 1,000 square feet or less, slopes are less than 25% and a City approved planting plan is utilized.
8. The following voluntary actions can be conducted by hand or with light equipment by Public Agencies with expertise in critical area restoration and enhancement:

a. Native planting and invasive species removal in a critical area or buffer when the total area is 5,000 square feet or less and slopes are less than 15%.

b. Native planting and invasive species removal in a critical area or buffer when the total area is 2,000 square feet or less and slopes are between 15% and 25%.

9. On-site response, removal or remedial action undertaken pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), or remedial actions undertaken pursuant to a state Model Toxics Control Act (MTCA) order, agreed order or consent decree, or a Department of Homeland Security order that preempt local regulations in the findings of the order. Any subsequent use or redevelopment of the property may be eligible for modification of requirements in this chapter when they are in conflict with the order, such as re-vegetation that would disturb a protective cap placed to contain contaminated soils.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 22; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.210 Activities Allowed with Staff Review.**

#### **A. Purpose.**

The purpose of this section is to allow City staff review to determine whether potential impacts to a critical area, buffer, management area, or geo-setback may occur, without requiring a critical area permit. The staff review will ensure the activity meets the specific criteria below.

B. The following activities require review by City staff. Review and authorization may occur over-the-counter or staff may issue a letter of approval with conditions. Additional information and studies may be requested. Activities must comply with the protective standards of this chapter and provisions of other local, state, and federal laws. Any incidental damage to, or alteration of, a critical area shall be restored or replaced at the responsible party's expense.

#### **1. Emergencies.**

Those activities necessary to prevent an immediate threat to public health, safety, or welfare or pose an immediate risk of damage to private property and that require remedial or preventative action in a timeframe too short to allow for normal processing. Emergency actions that create an impact to a critical area or its buffer shall use best management practices to address the emergency and, in addition, the action must have the least possible impact to the critical area or its buffer.

The person or agency undertaking such action shall notify the City within one (1) working day following the commencement of the emergency activity. The City shall determine if the action taken was within the scope of an emergency action and following that determination, may require the action to be processed in accordance with all provisions of this chapter including the application of appropriate permits within thirty (30) days of the impact. The emergency exemption may be rescinded at any time upon the determination by the City that the action was not, or is no longer necessary.

After the emergency, the person or agency undertaking the action shall fully fund and conduct necessary mitigative actions including, but not limited to, restoration and rehabilitation or other appropriate mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved mitigation plan. All mitigation activities must take place within one (1) year following the emergency action and impact to the critical area, or within a timeframe approved by the City and reflected within an approved schedule. Monitoring will be required as specified in the General Mitigation Requirements (Section 13.11.270).

2. Maintenance and repair of legally existing utilities, roads, structures, or facilities used in the service of the public may occur following review where alteration of the critical area or buffer is unavoidable. All activities must be in compliance with the current City Stormwater Management Manual and Regional Road Maintenance Manual and provide all known and reasonable protection methods for the critical area and shall not expand further into the critical area.

3. Isolated Category III or Category IV wetlands, which have been classified and identified as having a total cumulative area of less than 1,000 square feet, regardless of property lines are exempt from the provision of this Chapter provided they:

- a. Are of low habitat function (less than 20 points in the Washington Wetlands Rating System for Western Washington).
- b. Are hydrologically isolated and are not part of a mosaic wetland system.

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- c. Are not associated with a Shoreline of the state, or a wetland that is part of a riparian habitat area, or designated Biodiversity Area/Corridor, and
  - d. Are not critical habitat to local populations of priority species.
4. Geotechnical investigation activities may be performed, provided that an access plan, protection measures, best management practices, and restoration are utilized to protect and maintain the critical area where possible. These items must be included with the application.
5. Reconstruction or exterior remodeling, of existing structures and accessory structures provided that disturbance of native vegetation is kept to a minimum and any vegetation that is disturbed shall be replaced. This shall not apply to reconstruction which is proposed as a result of structural damage associated with a critical area, such as slope failure in a landslide hazard area or flooding in a flood hazard area.
6. One-time expansion of existing structures and accessory structures, provided that expansion of the developed footprint within the critical area or buffer does not increase by more than 25 percent and that the new construction or related use extends away from the critical area; keeps disturbance of native vegetation to a minimum; and replaces native vegetation that may be disturbed. This expansion may also occur in a direction parallel to the critical area if the expansion takes place upon existing impervious surfaces. A Notice on Title must be recorded to be eligible for staff review and approval.
7. Maintenance and repair of existing retaining walls and bioengineered stabilization measures designed to protect property from erosion.
8. Interrupted wetland, stream, FWHCA, or buffers.
- a. Where a legally established, pre-existing use of the critical area or buffer exists, those proposed activities that are within the critical area or buffer but are separated from the remaining critical area by a permanent substantial improvement, or are located in an existing permanent substantial improvement, may be allowed provided that the detrimental impact to the critical area does not increase. The permanent substantial improvement must serve to eliminate or greatly reduce the impact of the proposed activity upon the critical area. However, if the impacts do increase, the City shall determine if additional buffer may be required along the impact area of the interruption. Substantial improvements may include developed public infrastructure (roads, railroads, dikes, and levees) and buildings. Substantial improvements may not include paved trails, sidewalks, parking areas, or bulkheads. Review may require a functional analysis report for the type of critical area buffer that is affected. In determining whether a functional analysis is necessary, the City shall consider the hydrologic, geologic, and/or biological habitat connection potential and the extent and permanence of the interruption.
  - b. Where a legally established, pre-existing structure or use is located within a regulated biodiversity area/ corridor or buffer and where the area is fully paved and does not conform to the interrupted provision above, the biodiversity area/corridor or buffer will end at the edge of pavement.
9. Construction of pedestrian trails within the buffer of a Critical Area or within a Biodiversity Area/Corridor is permitted, subject to the following criteria:
- a. The trail is constructed of pervious material such as bark chip or equivalent.
  - b. The trail does not cross or alter any regulated drainage features or waters of the state.
  - c. The trail shall be located within the outer quarter ( $\frac{1}{4}$ ) edge of the buffer, where possible, with the exception for limited viewing platforms.
  - d. The trail system discourages pedestrians from using informal trails that are not part of the designated trail system.
  - e. The trail is designed to avoid human disturbance to priority species and priority habitat. Trails constructed in Biodiversity Areas/Corridors shall avoid the most sensitive areas and species and must maintain a contiguous and unfragmented corridor for wildlife movement. Expansion of existing trail systems must demonstrate that the expansion will not result in additional disruption of wildlife movement and will avoid the most sensitive areas and species.
  - f. Low impact trails shall not be later widened or upgraded to impervious trails that encourage activities with greater impacts without additional review and required permitting.
  - g. Informational signs are required at trail heads, at a minimum, and are subject to City approval.
10. Voluntary enhancement or restoration of a critical area or buffer that exceeds the provisions above in 13.11.200.B.6, 7, or 8 may be allowed if the activity meets the requirements of this section.
- a. Individual projects



- (1) Enhancement activities shall be limited to planting native vegetation, controlling noxious and invasive species and providing minor habitat structures such as nest boxes.
- (2) Activities shall not include grading or water control structures.
- (3) A planting plan containing information on vegetation species, quantities, and general location of planting areas including the identification of wetlands, streams, and their buffers, is required for review.
- (4) Proper erosion control measures are provided.
- (5) If equipment, other than hand-held equipment is utilized, list the type of equipment, methods and best management practices to prevent unnecessary impacts.

**b. Community Projects**

Multi-party projects are encouraged. These projects shall not include new destination facilities or high-intensity recreation facilities as described in 13.06.080.L. The applicants may propose a programmatic approach pertaining to multiple sites and on-going restoration and enhancement activities as well as maintenance. A City approved habitat management template or equivalent must be provided that has been reviewed and approved by all property owners. In addition, the project is subject to the following:

- (1) The primary focus is preservation and increase in biological functions through the preservation and improvement of habitat, species diversity and natural features.
- (2) Preserves and connects critical areas.
- (3) Includes goals, objectives, and measureable performance standards.
- (4) Includes a monitoring plan and contingency plan.
- (5) Trails shall comply with the provisions in Section 13.11.210.B.9.
- (6) Buildings and paved surfaces shall be located outside of wetlands and streams and their buffers. When located in a Biodiversity Area/Corridor, buildings or paved surfaces must be located in the least sensitive area and must maintain a contiguous and unfragmented corridor for wildlife passage.
- (7) Picnic Tables, benches, and signage are allowed when they are located to avoid and minimize impacts.
- (8) A maintenance plan that describes the proper techniques and methods used for on-going maintenance and preservation. The plan should address maintenance of any buildings and improvements such as picnic areas, as well as restoration and enhancement areas.
- (9) The identification of a trained habitat steward who will be responsible for overseeing volunteers, employees, and/or contractors for all aspects of the project.

**11. Hazard trees.**

The removal of hazard trees from the critical area or buffer/geo-setback that are posing a threat to public safety, or posing an imminent risk of damage to an existing structure, public or private road or sidewalk, or other permanent improvement, may be allowed following City staff review, or provided that a report from a certified arborist, landscape architect or professional forester is submitted to the City for review and approval. The report must include an evaluation for tree stabilization potential and removal techniques for the hazard tree and procedures for protecting the surrounding critical area and replacement of native trees. Where possible, the hazard tree shall be left as a standing snag and the cut portions shall be left within the critical area as habitat unless removal is warranted due to fire hazard, disease, or pest control.

**12. Tree Pruning.**

Tree pruning may be allowed provided a report from a certified arborist, landscape architect or professional forester regarding the health of the tree is submitted, and a functional impact analysis from a qualified professional evaluating the functions of the critical area as a result of the pruning, is also submitted to the City for review and approval. No topping, complete removal or impacts to the health of the tree shall be allowed.

13. Watershed restoration projects that conform to the provisions of RCW 89.08.460 shall be reviewed without fee and approved within 45 days per RCW 89.08.490.

14. Fish habitat enhancement projects that conform to the provision of RCW 77.55.181 shall be reviewed without fee and comments provided as specified in RCW 77.55.181.

15. Demolition of structures.

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(Ord. 28725 Ex. A; passed Dec. 8, 2020: Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28335 Ex. A; passed Dec. 1, 2015: Ord. 28230 Ex. F; passed Jul. 22, 2014: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 23; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

### 13.11.220 Application Types.

A. This chapter allows three types of Critical Area applications, which result in the issuance of an administratively appealable decision consistent with Chapter 13.05. After the appeal period expires, the Director's approved decision becomes the official permit. Programmatic Restoration Projects processed under either the Minor Development Permit or the Development Permit may qualify for additional time extensions according to 13.05.120.

B. The three types of permits are as follows:

#### 1. Verification. Critical Area Verification.

An applicant may request verification of a wetland, or stream, or FWHCA on the subject site or within 300 feet of the subject site without submitting plans for a specific project. A verification request may include presence, a boundary determination through wetland delineation or an Ordinary High Water Mark determination. A verification request may also include the jurisdictional status of a critical area.

#### 2. Minor Development Permit.

A Minor Development permit may be issued when an applicant cannot meet the minimum buffer requirements or where the Director determines that the proposal will result in temporary, minor, or de-minimis impacts to the buffer or critical area. The Director will consider the size of the area affected, the sensitivity of the critical area and/or presence of priority species and habitat when determining whether the impact is temporary, minor, or de-minimis. The project must comply with the following:

- a. The project will not result in a permanent impact to the critical area that would require compensatory mitigation; and
- b. Mitigation is provided to restore the site to pre-development conditions, including the maintenance of pre-development hydrological conditions and vegetation conditions.
- c. For buffer modification, the project meets the following:
  - (1) Buffer averaging as allowed within Sections 13.11.330 and 13.11.430; or
  - (2) Buffer reduction as allowed within Section 13.11.330.
- d. For FWHCA Biodiversity Areas/Corridors, the project meets the following:
  - (1) The project will meet the minimum standards in Section 13.11.550.E.1.

#### 3. Development Permit.

A decision will be issued where, the Director determines that avoidance and minimization have not eliminated all impacts and compensatory mitigation will be required as a result of the proposal.

- a. The applicant must meet the requirements of one of three legal tests; No Practicable Alternatives, Public Interest or Reasonable Use, and
- b. Demonstrate Mitigation Sequencing, and
- c. Provide mitigation as required in accordance with this Chapter.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28335 Ex. A; passed Dec. 1, 2015: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 24; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

**13.11.230 Application Submittal Requirements.**

A. The purpose of information submittal and review is to require a level of study sufficient to protect critical areas and/or the public from hazards. All information submitted shall be reviewed as to its validity and may be rejected as incomplete or incorrect. Additional information or electronic copies of all information may be requested for review and to ensure compliance. In the event of conflicts regarding information submitted, the Director may, at the applicant's expense, obtain expert services to verify information.

B. The following items are required for permit review and approval, where applicable depending upon the critical area, the project and permit type, and as determined necessary by City staff.

1. A Joint Aquatic Resource Permit Application and vicinity map for the project.
2. A surveyed site plan that includes the following:
  - a. Parcel line(s), north arrow, scale and two foot contours.
  - b. Location and square footage for existing and proposed site improvements including, utilities, stormwater and drainage facilities, construction and clearing limits, and off-site improvements. Include the amounts and specifications for all draining, excavation, filling, grading or dredging.
  - c. The location and specifications of barrier fencing, silt fencing and other erosion control measures.
  - d. Base flood elevation, floodplain type and boundary and floodways, if site is within a floodplain.
  - e. Critical Areas including all surveyed, delineated wetland boundaries, and the ordinary high water mark of any stream and their buffers, and all Fish and Wildlife Conservation Areas (FWHCA), and any FWHCA Management Areas, as well as floodplain boundary, and top and toe of slopes related to geologically hazardous areas.
  - f. The square footage of the existing critical areas and buffers located on-site and the location and square footage of any impacted areas.
  - g. Locations of all data collection points used for the field delineation and general location of off-site critical areas and any buffer that extends onto the project site. Include location and dominant species for significantly vegetated areas and general location for habitat types.
  - h. The location and square footage of impact areas, mitigation areas and remaining critical areas and buffers, geo-setbacks or management areas; including areas proposed for buffer modification.
3. Critical Area report prepared by a qualified professional as defined in 13.01.110.Q. The analysis shall be commensurate with the sensitivity of the critical area, relative to the scale of potential impacts and consistent with best available science. The report must include the following where appropriate:
  - a. Delineation, characterization and square footage for critical areas on or within 300 feet of the project area and proposed buffer(s). Delineation and characterization is based on the entire critical area. The review distance may be expanded for priority species. When a critical area is located or extends off-site and cannot be accessed, estimate off-site conditions using the best available information and appropriate methodologies.
    - (1) Wetland Delineations will be conducted in accordance with the approved federal manual and applicable regional supplements.
    - (2) The wetland characterization shall include physical, chemical, and biological processes performed as well as aesthetic, and economic values and must use a method recognized by local or state agencies. Include hydrogeomorphic and Cowardin wetland type.
    - (3) Ordinary high water mark determination shall be in accordance with methodology from the Department of Ecology.
    - (4) Priority species and habitat identification shall be prepared according to professional standards and guidance from the Washington Department of Fish and Wildlife. Depending on the type of priority species, the review area may extend beyond 300 feet.
  - b. Field data sheets for all fieldwork performed on the site. The field assessment shall identify habitat elements, rare plant species, hydrologic information including inlet/outlets, water depths, and hydro-period patterns based on visual cues, and/or staff/crest gage data.

- c. Provide a detailed description of the project proposal including off-site improvements. Include alterations of ground or surface water flow, clearing and grading, construction techniques, materials and equipment, and best management practices to reduce temporary impacts.
  - d. Assess potential direct and indirect physical, biological, and chemical impacts as a result of the proposal. Provide the square footage for the area of impact with the analysis. The evaluation must consider cumulative impacts.
  - e. Identification of priority species/habitats and any potential impacts. Incorporate Washington State Department of Fish and Wildlife and/or US Department of Fish and Wildlife management recommendations where applicable. When required, plan shall include at a minimum the following:
    - (1) Special management recommendations which have been incorporated and any other mitigation measures to minimize or avoid impacts, including design considerations such as reducing impacts from noise and light.
    - (2) Ongoing management practices which will protect the priority species and/or habitat after development, including monitoring and maintenance programs.
  - f. A hydrologic report or narrative demonstrating that pre and post development flows to wetlands and streams will be maintained.
  - g. Runoff from pollution generating surfaces proposed to be discharged to a critical area shall receive water quality treatment in accordance with the current City's Stormwater Management Manual, where applicable. Water quality treatment and monitoring may be required irrespective of the thresholds established in the manual. Water quality treatment shall be required for pollution generating surfaces using all known, available and reasonable methods of prevention, control and treatment.
  - h. Studies of potential flood, erosion, geological or any other hazards on the site and measures to eliminate or reduce the hazard.
  - i. An assessment of native vegetation to include habitat types (i.e. coniferous forest, mixed coniferous-deciduous forest, scrub-shrub, meadow), species richness, and dominate species. Provide percent cover for ground, shrub, and canopy layers. Describe vertical structure. This can be done using a foliage height diversity index such as MacArthur and MacArthur (1961). Include an estimate for non-native species present.
  - j. Provide the species and size of trees. At a minimum the average diameter at breast height (DBH) for each species and the location of any conifers greater than 30 inches must be provided. Describe the coniferous component as dominant, codominant or sub-dominant. A tree survey may be required to identify the location of trees of local significance or tree groves.
  - k. Describe habitat elements that are present such as duff layer, cliffs, downed wood, and snags.
  - l. For Biodiversity Areas/Corridors provide the overall size of the area including off-site vegetated areas. Provide the average width for corridors.
4. A Compensatory mitigation plan shall be provided for all permanent impacts to critical areas and their buffers/management areas and will conform to the general mitigation requirements listed under Section 13.11.270 and any specific requirements identified in this chapter for the critical area. The plan shall include the following:
- a. The applicant must demonstrate that they meet one of three legal tests provided in 13.11.240.
  - b. Mitigation sequencing. The applicant shall demonstrate that an alternative design could not avoid or reduce impacts and shall provide a description of the specific steps taken to minimize impacts.
  - c. Assessment of impacts including the amount, existing condition and anticipated functional loss. Include probable cumulative impacts.
  - d. The amount and type of mitigation. Include goals, objectives, and clearly defined and measurable performance standards. Include contingency plans that define the specific course of action if mitigation fails. The Director may waive the requirement that a mitigation plan be prepared by a qualified professional when mitigation is limited to standard planting or enhancement activities. The waiver shall not be granted for creation or restoration activities.
  - e. A description of the existing conditions and anticipated future conditions for the proposed mitigation area(s) including future successional community types for years 1,5,10 and 25, future wildlife habitat potential, water quality and hydrologic conditions. Compare this to the future conditions if no mitigation actions are undertaken.
  - f. Specifications of the mitigation design and installation including construction techniques, equipment, timing, sequencing, and best management practices to reduce temporary impacts.

- g. A plant schedule including number, spacing, species, size and type, source of plant material, watering schedule and measures to protect plants from destruction;
- h. Monitoring methods and schedule for a minimum of five years.
- i. A maintenance schedule to include ongoing maintenance and responsibility for removal of non-native, invasive vegetation and debris after monitoring is complete;
- j. A hydrologic report including any mitigative measures for alterations of the hydroperiod. The City may require additional pre- and post-development field studies and/or monitoring to establish water levels, hydroperiods, and water quality. Water quality shall be required for pollution generating surfaces using all known, available, and reasonable methods of prevention, control, and treatment.
- k. When mitigation includes creation or restoration of critical areas, surface and subsurface hydrologic conditions including existing and proposed hydrologic regimes shall be provided. Describe the anticipated hydrogeomorphic class and illustrate how data for existing hydrologic conditions were utilized to form the estimates of future hydrologic conditions
- l. Existing topography must be ground-proofed at two foot contour intervals in the zone of any proposed creation or rehabilitation actions. Provide cross-sections of existing wetland and/or streams that are proposed to be impacted and cross-section(s) (estimated one-foot intervals) for the proposed areas of creation and/or rehabilitation.
- m. A bond estimate for the compensatory mitigation using a bond quantity sheet provided by the City, or a minimum of three bond estimates.
- n. An evaluation of potential adverse impacts on adjacent property owners resulting from the proposed mitigation and measures to address such impacts.

5. When the critical area is limited to a Geologically Hazardous Area, the purpose of the information submitted is to obtain a level of study sufficient to protect the public from hazards. The information and proposed mitigation will demonstrate that there is no significant risk to the public health and safety and that any risk that cannot be effectively mitigated is avoided

6. Programmatic Development Permit. In addition to the requirements above an application shall also include a Management Plan for the area using an approved template format or equivalent. The following information shall be included in the document;

- a. Explanation of the voluntary restoration and enhancement components including phasing.
- b. Identification of the qualified habitat steward who will be responsible for overseeing restoration and enhancement activities.
- c. Explanation of training provided to individuals involved in activities to ensure an understanding of how to perform in accordance with the terms of the permit.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28336 Ex C; passed Dec. 1, 2015; Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 25; passed Nov. 15, 2005; Ord. 27300 § 1; passed Dec. 14, 2004; Ord. 27294 § 2; passed Nov. 16, 2004:)

### 13.11.240 Legal Test(s).

#### A. No Practicable Alternatives.

An alternative is considered practicable if the site is available and the project is capable of being done after taking into consideration cost, existing technology, infrastructure, and logistics in light of overall project purposes. No practicable alternatives need be considered if the applicant can demonstrate all of the following:

- 1. The project cannot be reasonably accomplished using one or more other sites in the general region that would avoid or result in less adverse impacts to the Critical Area;
- 2. The goals of the project cannot be accomplished by a reduction in the size, scope, configuration or density as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the Critical Area; and

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3. In cases where the applicant has rejected alternatives to the project as proposed, due to constraints on the site such as inadequate zoning, infrastructure or parcel size, the applicant has attempted to remove or accommodate such constraints, unless the applicant can demonstrate that such attempt would be futile.

### B. Reasonable Use.

A Reasonable Use exists when the standards of this chapter deny all reasonable economic use of the property. To demonstrate Reasonable Use, the applicant must demonstrate all of the following:

1. There is no reasonable economic use or value with less impact on the Critical Area;
2. There are no feasible on-site alternatives to the proposed activity or use (e.g., reduction in density or use intensity, scope or size, change in timing, phasing or implementation, layout revision or other site planning considerations) that would allow reasonable economic use with less adverse impact;
3. The proposed activity or use will be mitigated to the maximum practical extent and result in minimum feasible alteration or impairment of functional characteristics of the site, including contours, vegetation, fish and wildlife habitat, groundwater, surface water and hydrological conditions;
4. The proposed activity or use complies with all local, state, and federal laws and will not jeopardize the continued existence of endangered, threatened, sensitive or priority habitat or species; and
5. The inability to derive reasonable economic use is not the result of any action, such as but not limited to, in segregating or dividing the property in a way that makes the property unable to be developed after the effective date of the ordinance codified in this chapter.

### C. Public Interest.

In determining whether a proposed use or activity in any Critical Area is in the public interest, the public benefit of the proposal and the impact to the Critical Area must be evaluated by the Director. The proposal is in the public interest if its benefit to the public exceeds its detrimental impact on the Critical Area. In comparing the proposal's public benefit and impact, the following should be considered:

1. The extent of the public need and benefit;
2. The extent and permanence of the beneficial or detrimental effects of the use or activity;
3. The quality and quantity of the Critical Area that may be affected;
4. The economic or other value of the use or activity to the general area and public;
5. The ecological value of the Critical Area;
6. Probable impact on public health and safety, fish, plants, and wildlife; and
7. The policies of the Comprehensive Plan.

(Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 26; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

## 13.11.250 General Standards.

### A. General permit standards.

No regulated activity or use shall be permitted in or adjacent to a Critical Area or buffer, management area, or geo-setback without prior approval and without meeting the provisions of this section.

1. The applicant has taken appropriate action to first, avoid adverse impacts, then minimize impacts and finally, compensate or mitigate for unavoidable impacts;
2. The result of the proposed activity is no net loss of Critical Area functions;
3. The existence of plant or wildlife species appearing on the federal or state endangered, sensitive, or threatened species list will not be jeopardized;
4. The proposal will not lead to significant degradation of groundwater or surface water quality; and
5. The proposal complies with the remaining standards of this chapter, which include those pertaining to compensation and the provision of bonds.

6. The alteration is the minimum necessary to allow reasonable use.

B. Low-impact uses and activities consistent with the critical area buffer/management area/geo-setback may be permitted within a buffer/management area/geo-setback that has not been reduced depending upon the sensitivity of critical area and intensity of activity or use. These may include pedestrian trails, viewing platforms, utility easements and storm water management facilities such as grass-lined swales that are used to sustain existing hydrologic functions of the critical area.

C. Yard Reduction.

In order to accommodate for the required buffer zone/geo-setback, the Director may reduce the front and/or rear yard setback requirements on individual lots. The front and/or rear yard shall not be reduced by more than 50 percent. In determining whether or not to allow the yard reduction, the Director shall consider the impacts of the reduction on adjacent land uses.

D. As an incentive, the buffer area between a wetland or stream and regulated activity may be reduced or averaged, not less than  $\frac{3}{4}$  of its standard regulated buffer width, depending upon the intensity of use and the wetland category or stream type, if the wetland or stream and its buffer area are dedicated to the public by deeding the property to the City, with City approval. The Director shall determine whether the dedication is of benefit to the City for protection of natural resources.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. E; passed Jun. 30, 2009; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 27; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.260 Residential Density Credits.**

A. For residential development proposals on lands containing fish and wildlife habitat conservation areas (FWHCAs), erosion hazard areas, landslide hazard areas or steep slopes, the density that would have been allowed in the critical area and buffer but for the provisions of this chapter is generally transferred to the remainder of the site not in the critical area or buffer. For residential development proposals on lands containing wetland or stream buffers, the density that would have been allowed in the buffer but for the provisions of this chapter is generally transferred to the remainder of the site not in the critical area or buffer. For wetlands and streams, density credits do not apply to the portion of the site occupied by the critical area. The allowable number of dwelling units shall be determined using the following formula, table, 125 percent maximum density rule and setback provisions.

B. The formula for determining the number of dwelling units allowed after the application of density credits is as follows:

Dwelling units allowed on site =  $(CA \times DC + DA) / MLS$ , where:

CA = Critical acreage: The amount of land on the project site which is located in the critical area and required buffer and in which no regulated activity is allowed. For wetlands, streams, and FWHCAs the critical acreage only includes the amount of land which is located in the required buffer and in which no regulated activity is allowed.

DC = Density credit: The percentage of the density that would have been allowed in the critical area and/or required buffer but for the provisions of this chapter that is allowed to be transferred to the remainder of the site. The density credit is based on the percentage of the site in the critical area and/or buffer and is determined using the table in subsection C below.

DA = Developable acreage: The amount of land on the project site which is not located in the critical area or the required critical area buffer.

MLS = Minimum lot size: The minimum amount of land required for a dwelling unit in a specific zoning district.

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### C. Table of density credits.

**Percentage of Site in Density  
Critical Area and/or Buffer Credit**

1 – 10%	100%
11 – 20%	90%
21 – 30%	80%
31 – 40%	70%
41 – 50%	60%
51 – 60%	50%
61 – 70%	40%
71 – 80%	30%
81 – 90%	20%
91 – 99%	10%

D. The 125 percent maximum density rule provides that the maximum number of dwelling units cannot exceed 125 percent of the allowed number of dwelling units without a density credit on the developable acreage of the site.

E. The minimum lot size under this provision shall be 3,000 square feet, unless a smaller lot size is permitted in the district. Front and Rear setbacks may be reduced by 50 percent. The Small Lot standards of Section 13.06.020.J shall apply.

F. The density credits can only be transferred within the same development proposal site.

(Ord. 28336 Ex. B; passed Dec. 1, 2015: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 28; passed Nov. 15, 2005: Ord. 27300 § 2; passed Dec. 14, 2004: Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.270 General Mitigation Requirements.**

A. Unless otherwise provided in this Title, if alteration to a Critical Area, or its buffer/management area/geo-setback is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated using the best available science, so as to result in no net loss of critical area functions and values and to ensure public health and safety. In making a determination as to whether such a requirement will be imposed, and if so, the degree to which it would be required, the Director may consider the following:

1. The long-term and short-term effects of the action and the reversible or irreversible nature of the impairment to or loss of the Critical Area;
2. The location, size, and type of and benefit provided by the original and altered Critical Area;
3. The effect the proposed work may have upon any remaining critical area or associated aquatic system;
4. The cost and likely success of the compensation measures in relation to the magnitude of the proposed project or violation;
5. The observed or predicted trend with regard to the gains or losses of the specific type of critical area; and
6. The extent to which the applicant has demonstrated a good faith effort to incorporate measures to minimize and avoid impacts within the project.

B. Mitigation projects shall not result in adverse impacts to adjacent property owners.

C. Mitigation shall be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area.

D. The Director may determine that higher mitigation ratios or mitigation performance standards may be required when the likely success of mitigation is low due to site conditions, difficulty of the type of mitigation, or sensitivity of the critical area.

E. Mitigation shall not be implemented until after permit approval of the Director and shall be in accordance with all reports and representations made therein.

F. Mitigation Sequencing.

When an alteration to a critical area or its buffer/management area/geo-setback is proposed, such alteration shall be avoided, minimized, or compensated for in the following order of preference.



1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations.
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitoring the required mitigation and taking remedial action where necessary.

G. Mitigation for Lost or Affected Functions.

Compensatory mitigation shall address the functions affected by the proposed project or alteration to achieve functional equivalency or improvement and shall provide similar critical area or buffer/management area/geo-setback functions as those lost, except when:

1. The lost critical area or buffer/management area/geo-setback provides minimal functions as determined by a site-specific functional assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or
2. Out of kind replacement of critical area type or functions will best meet watershed goals formally identified by the City, such as replacement of historically diminished critical areas.

H. Type and Location of Mitigation.

Unless it is demonstrated that a higher level of ecological functioning would result from an alternative approach, compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same stream reach, subbasin, or drift cell (if estuarine wetlands are impacted). Mitigation action shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:

1. There are no reasonable on-site or in subdrainage basin opportunities (e.g. on-site options would require elimination of high functioning upland habitat), or on-site and in subdrainage basin opportunities do not have a high likelihood of success based on a determination of the natural capacity of the site to compensate for impacts. Considerations should include: anticipated critical area mitigation ratios, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands, or streams when restored, proposed flood storage capacity, potential to mitigate riparian fish and wildlife impacts (such as connectivity);
2. Off-site mitigation has a greater likelihood of providing equal or improved critical area functions than the impacted critical area; and
3. Off-site locations shall be in the same sub-drainage basin unless established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site.

I. Wetland Mitigation Banks.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
  - a. The bank is certified under state rules;
  - b. The Director determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
  - c. The proposed use of credits shall be consistent with terms and conditions of the bank's certification.
2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

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### **J. In-Lieu Fee.**

To aid in the implementation of off-site mitigation, the City may develop a program which prioritizes wetland areas for use as mitigation and/or allows payment in lieu of providing mitigation on a development site. This program shall be developed and approved through a public process and be consistent with state and federal rules. The program should address:

1. The identification of sites within the City that are suitable for use as off-site mitigation. Site suitability shall take into account wetland functions, potential for wetland degradation, and potential for urban growth and service expansion, and
2. The use of fees for mitigation on available sites that have been identified as suitable and prioritized.

### **K. Timing of Compensatory Mitigation.**

It is preferred that compensation projects will be completed prior to activities that will disturb the on-site critical area. If not completed prior to disturbance, compensatory mitigation shall be completed immediately following the disturbance and prior to the issuance of final certificate of occupancy. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

The Director may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified professional as to the rationale for the delay (i.e. seasonal planting requirements, fisheries window).

### **L. Critical Area Enhancement as Mitigation.**

Impacts to critical area functions may be mitigated by enhancement of existing significantly degraded critical areas, but should be used in conjunction with restoration and/or creation where possible. Applicants proposing to enhance critical areas or their buffers must include in a report how the enhancement will increase the functions of the degraded critical area or buffer and how this increase will adequately mitigate for the loss of critical area and function at the impact site. An enhancement proposal must also show whether any existing critical area functions will be reduced by the enhancement action.

### **M. Innovative Mitigation.**

The Director may approve innovative mitigation projects that are based on best available science including but not limited to activities such as advance mitigation and preferred environmental alternatives. Innovative mitigation proposals must offer an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter. Such mitigation proposals must demonstrate special consideration for conservation and protection measures for anadromous fisheries. The Director shall consider the following for approval of an innovative mitigation proposal:

1. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
2. The applicant demonstrates that long-term protection and management of the habitat area will be provided;
3. There is clear potential for success of the proposed mitigation at the proposed mitigation site;
4. Mitigation according to TMC 13.11.270.E is not feasible due to site constraints such as parcel size, stream type, wetland category, or excessive costs;
5. A wetland of a different type is justified based on regional needs or functions and values;
6. The replacement ratios are not reduced or eliminated; unless the reduction results in a preferred environmental alternative; and
7. Public entity cooperative preservation agreements such as conservation easements are applied.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 35; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

## **13.11.280 Conditions, Notice on Title, and Appeals.**

A. The Director shall have the authority, in accordance with Chapter 13.05, to attach such conditions to the granting of any permit under this chapter deemed necessary to mitigate adverse impacts and carry out the provisions of this chapter. In addition, such conditions may include, but are not limited to, the following:

1. Placement of Notice on Title on the subject parcels;

In addition to provisions of Chapter 13.05, the owner of any property upon which approval under Title 13, Tacoma Municipal Code, or Chapter 2.02, Building Code, of the TMC, is sought with a critical area or critical area buffer/management area/geo-setback verified on site through a Critical Area or building permit, shall record with the Pierce County Auditor a notice of presence of the critical area and buffer/management area/geo-setback with the exception of protected information. Such recording shall contain notice of the critical area and buffer/management area/geo-setback and the applicability of this chapter to said property. Such notification shall be in a form as specified by Planning and Development Services. The notice shall be notarized and the applicant must submit proof that the notice has been legally recorded before the final approval for development is issued. The notice shall run with the land and failure to record such notice shall be in violation of this chapter.

2. Limitations on minimum lot size;
3. Provisions for additional vegetative buffer zones depending on the intensity of the use or activity;
4. Requirements that structures be elevated on piles, limited in size or located with additional setback requirements;
5. Dedication of utility easements;
6. Modification of waste disposal or water supply facilities;
7. Imposition of easement agreements or deed restrictions concerning future use including conservation easements within fish and wildlife habitat conservation area (FWHCA), wetland, stream, geologically hazardous areas, flood hazard areas, or other natural area tracts and subdivision of lands;
8. Limitation of vegetation removal;
9. Setting minimum open space requirements;
10. Erosion control and storm water management measures, including restrictions on fill and other activities in the Critical Area or buffer;
11. Development of a plan involving the creation or enhancement of a Critical Area or restoration of a damaged or degraded Critical Area to compensate for adverse impacts;
12. Permanent Signs may be required on each lot or FWHCA, wetland, stream or natural area tract, and shall be prepared in accordance with the approved City of Tacoma template for signs. Additional custom signs may be required for areas with sensitive species that require specific protection measures;
13. Fencing is required when the Director determines that a fence will prevent future impacts to a protected critical area or other natural habitat area. Fencing installed as part of a proposed activity shall not interfere with species migration, including fish runs, nor shall it impede emergency egress; and
14. Subdivisions. The subdivision and short subdivision of land in Critical Areas and associated buffers/management area/geo-setbacks are subject to the following and Section 13.04.310:
  - a. Land that is located partially within a Critical Area or its buffer/geo-setback may be subdivided provided that an accessible and contiguous portion of each new lot is located outside the Critical Area and its buffer/geo-setback.
  - b. Access roads and utilities serving the proposed subdivision may be permitted within the Critical Area and associated buffers/geo-setbacks only if the Director determines that no other feasible alternative exists and the project is consistent with the remaining provisions of this chapter.
  - c. A protection covenant such as a Conservation Easement shall be recorded with the Pierce County Assessor's Office for critical areas or natural area tracts that are created as part of the permitting process.

**B. Compensatory mitigation as a condition.**

As a condition of a permit or as an enforcement action under this chapter, the City shall require, where not in conflict with a reasonable economic use of the property, that the applicant provide compensatory mitigation to offset, in whole or part, the loss resulting from an applicant's or violator's action or proposal.

**C. Appeals.**

An appeal of a decision regarding a critical area, except for staff decisions regarding exemptions which are not subject to an administrative appeal, may be made in accordance with the provisions of Chapter 13.05 and Chapter 1.23 of the Tacoma Municipal Code.

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(Ord. 28518 Ex. 5; passed Jun. 26, 2018: Ord. 28335 Ex. A; passed Dec. 1, 2015: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27912 Ex. A; passed Aug. 10, 2010: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 28; passed Nov. 15, 2005: Ord. 27300 § 2; passed Dec. 14, 2004: Ord. 27294 § 2; passed Nov. 16, 2004)

### 13.11.290 Sureties.

The City will accept performance and monitoring and maintenance sureties in the form of bonds or other sureties in a form accepted in writing by the City. Sureties shall be posted prior to issuance of any development permits including, but not limited to, clearing and grading permits and building permits.

#### (1) Performance Surety.

Except for public agencies, applicants receiving a permit involving compensation for mitigation are required to post a cash performance bond or other acceptable security to guarantee compliance with this chapter prior to beginning any site work. The value of the surety shall be based on the average of three contract bids that establish all costs of compensation including costs relative to performance, monitoring, maintenance, and provisions for contingency plans. The amount of the surety shall be set at 150 percent of the average expected cost of the compensation project and include all review fees. The surety shall guarantee that work and materials used in construction are free from defects. All sureties shall be approved by the City Attorney. Without written release, the surety cannot be terminated or cancelled. The Director shall release the surety after documented proof that all plantings, structures and improvements have been shown to meet the requirements of this chapter.

#### (2) Monitoring and Maintenance Surety.

Except for public agencies, an applicant receiving a permit involving compensatory mitigation shall be required to post a cash maintenance bond or other acceptable security prior to beginning any site work guaranteeing that structures and improvements required by this chapter will perform satisfactorily for a minimum of five years after they have been constructed and approved. The value of the surety shall be based on the average or median of three contract bids that establish all costs of compensation, including costs relative to performance, monitoring, maintenance, and provision for contingency plans. The amount of the surety shall be set at 150 percent of the average expected cost of the compensation project and include all review fees. All sureties shall be on a form approved by the City Attorney. Without written release, the surety cannot be cancelled or terminated. The Director shall release the surety following a determination that the performance standards established for measuring the effectiveness and success of the project have been met.

(Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. B; passed May 8, 2012)

### 13.11.300 Wetlands.

The 300 section contains the regulations for wetlands, including the following:

- 13.11.310 Wetland Classification.
- 13.11.320 Wetland Buffers.
- 13.11.330 Wetland Buffer Modifications.
- 13.11.340 Wetland Standards.
- 13.11.350 Wetland Mitigation Requirements.
- 13.11.360 *Repealed.*

(Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 29; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

#### 13.11.310 Wetland Classification.

A. Wetlands shall be classified Category I, II, III, and IV, in accordance with the criteria from the 2014 Washington State Wetlands Rating System for Western Washington, Washington Department of Ecology Publication No. 14-06-029, published October 2014.

1. Category I wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions.

Category I wetlands include the following types of wetlands: Estuarine wetlands, Natural Heritage wetlands, Bogs, Mature and Old-growth Forested wetlands; wetlands in Coastal Lagoons; wetlands that perform many functions very well and that score between 23-27 or more points in the 2014 Washington Wetlands Rating System for Western Washington.

2. Category II wetlands are those that are difficult to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but still need a relatively high level of protection.

Category II wetlands include the following types of wetlands: Estuarine wetlands, Interdunal wetlands, and wetlands that perform functions well and score between 20-22 points.

3. Category III wetlands are those that perform functions moderately well and score between 16-19 points, and interdunal wetlands between 0.1 and 1 acre in size. These wetlands have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II.

4. Category IV wetlands are those that have the lowest levels of functions (between 9-15 points) and are often heavily disturbed. These are wetlands that may be replaced, and in some cases may be improved.

5. In addition, wetlands that require special protection and are not included in the general rating system shall be rated according to the guidelines for the specific characteristic being evaluated. The special characteristics that should be taken into consideration are as follows:

- a. The wetland has been documented as a habitat for any Federally listed Threatened or Endangered plant or animal species. In this case, “documented” means the wetland is on the appropriate state or federal database.
- b. The wetland has been documented as a habitat for State listed Threatened or Endangered plant or animal species. In this case “documented” means the wetland is on the appropriate state database.
- c. The wetland contains individuals of Priority Species listed by the WDFW for the State.
- d. The wetland has been identified as a Wetlands of Local Significance.

(Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 27431 § 30; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.320 Wetland Buffers.**

#### **A. General.**

A buffer area shall be provided for all uses and activities adjacent to a wetland area to protect the integrity, function, and value of the wetland. Buffers adjacent to wetlands are important because they help to stabilize soils, prevent erosion, act as filters for pollutants, enhance wildlife diversity, and support and protect plants and wildlife. A permit may be granted if it has been demonstrated that no adverse impact to a wetland will occur and a minimum buffer width will be provided in accordance with this section. The buffer shall be measured horizontally from the delineated edge of the wetland. The buffer shall be vegetated with the exception of areas that include development interruptions as described within this chapter.

#### **B. Minimum Requirement.**

##### **1. Wetlands.**

Wetland buffer widths shall be established according to the following tables which are based on wetland classification, habitat function, land use intensity, and local significance:

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<b>Table 1. Examples to minimize disturbance*</b>		
<b>Disturbance element</b>	<b>Minimum measures to minimize impacts</b>	<b>Activities that may cause the disturbance</b>
Lights	Direct lights away from wetland	Parking Lots, Warehouses, Manufacturing, High Density Residential
Noise	Place activity that generates noise away from the wetland	Manufacturing, High Density Residential
Toxic runoff	Route all new untreated runoff away from wetland, Covenants limiting use of pesticides within 150 feet of wetland	Parking Lots, Roads, Manufacturing, residential Areas, Application of Agricultural Pesticides, Landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from surface	Any impermeable surface, lawns, tilling
Pets and Human disturbance	Fence around buffer, Plant buffer with “impenetrable” natural vegetation appropriate for region	Residential areas
Dust	Best Management Practices for dust	Tilled fields
*Washington State Department of Ecology and Washington State Department of Fish and Wildlife’s Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3		

<b>Table 2.</b>	
<b>Level of Function</b>	<b>Habitat Score in Rating System</b>
High (H)	8-9
Medium (M)	5-7
Low (L)	3-4

<b>Table 3. Buffer width for all wetlands*</b>	
<b>Wetland Category</b>	<b>Buffer Width (feet)</b>
Category I	H and M - 200 L - 175
Category II	H and M - 150 L - 100
Category III	H,M,L - 75
Category IV	H,M,L - 50
*Best Available Science Review, City of Tacoma, Critical Areas Preservation Ordinance, Tacoma, Washington, June 15, 2004, prepared by GeoEngineers and modified by CAPO Focus Group, 2012.	

<b>Table 4. Wetlands of local significance*</b>	
<b>Site</b>	<b>Buffers (feet)</b>
Snake Lake	300
China Lake	300
Delong Park	300
Wapato Lake	300
McKinley Park	300
Puget Creek Park**	300
*Best Available Science Review Recommendation from City of Tacoma Critical Areas Task Force June 2004 and modified by CAPO Focus Group 2012.	
** Inclusion recommended by CAPO Focus Group, 2012.	

(Ord. 28335 Ex. A; passed Dec. 1, 2015: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 31; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

**13.11.330 Wetland Buffer Modifications.****A. Buffer Requirements.**

The standard buffer widths in Table 2 have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the Washington state wetland rating system for western Washington. The use of the standard buffer widths requires the implementation of the measures in Table 1, where applicable, to minimize the impacts of the adjacent land uses. The applicant shall demonstrate mitigation sequencing when using buffer averaging or buffer reduction.

**B. Buffer Increases.**

Buffer widths shall be increased on a case by case basis as determined by the Director when a larger buffer is necessary to protect wetland functions and values. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland. The documentation must include but not be limited to the following criteria:

- a. The wetland is used by a plant or animal species listed by the federal government or the state as endangered, threatened, candidate, sensitive, monitored or documented priority species or habitats, or essential or outstanding habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
- b. The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
- c. The adjacent land has minimal vegetative cover or slopes are greater than 30 percent.
- d. The adjacent land contains an identified connective corridor that should not be bisected.

**C. Buffer Averaging.**

The widths of buffers may be averaged if this will improve the protection of wetland functions, or if it is the only way to allow for use of the parcel. Averaging may not be used in conjunction with the provisions for buffer reductions.

1. Averaging to improve wetland protection may be permitted when all of the following conditions are met:
  - a. The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component adjacent to a degraded emergent component or a dual-rated wetland with a Category I area adjacent to a lower rated area, and
  - b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert; and
  - c. The buffer is increased adjacent to the high-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower-functioning or less sensitive portion; and
  - d. The total area of the buffer after averaging is equal to the area required without averaging; and
  - e. The buffer at its narrowest point is never less than  $\frac{3}{4}$  of the required width.
2. Averaging to allow a reasonable use of a legal lot of record may be permitted when all of the following are met:
  - a. There are no feasible alternatives to the site design that could be accomplished without buffer averaging; and
  - b. The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert;
  - c. The total area of the buffer after averaging is equal to the area required without averaging; and
  - d. The buffer at its narrowest point is never less than  $\frac{3}{4}$  of the required width.

**D. Buffer Reduction.**

Buffer widths can be reduced according to the following criteria:

1. The buffer for Category I and Category II wetlands that score moderate (5-7 points) or high for habitat (8-9 points) points or more may be reduced to the low habitat buffer; or up to no less than 60 feet for Category III wetlands or 40 feet for Category IV wetlands, if the following criteria are met;
  - a. A relatively undisturbed vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The corridor must be

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protected for the entire distance between the wetland and the Priority Habitat via some type of legal protection such as a conservation easement, or

b. The remaining buffer area on site shall be enhanced and/or restored by removing invasive species that do not perform needed functions and replanting with an appropriate plant community.

E. Buffer Averaging or Buffer Reduction beyond the minimum standards indicated above may be allowed to allow a reasonable use of a legal lot of record when all of the following criteria are met:

- a. There are no feasible alternatives to the site design that could be accomplished with the standard buffer averaging or buffer reduction provision above; and
- b. The averaged or reduced buffer will not result in degradation of the wetland's functions and values as demonstrated by a report from a qualified wetland expert, and
- c. The remaining buffer area on site shall be enhanced and/or restored by removing invasive species that do not perform needed functions and replanting with an appropriate plant community, and
- d. The project shall meet the requirements of one of the three legal tests; No Practicable Alternatives, Public Interest, or Reasonable Use.

(Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 32; passed Nov. 15, 2005)

### 13.11.340 Wetland Mitigation Requirements.

A. The applicant shall avoid all impacts that degrade the functions and values of wetland and their buffers. Unless otherwise provided in this Title, if alteration to the wetland or its buffer is unavoidable, all adverse impacts resulting from a development proposal or alteration shall be mitigated using the best available science, so as to result in no net loss of critical area functions and values.

B. All wetland mitigation will comply with applicable mitigation requirements specified in 13.11.270, including, but not be limited to, mitigation plan requirements, monitoring and bonding.

C. Preference of Mitigation Actions.

Methods to achieve compensation for wetland functions shall be approached in the following order of preference:

1. Restoration (re-establishment and rehabilitation) of wetlands on upland sites that were formerly wetlands.
2. Creation (Establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native introduced species. This should only be attempted when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive for the wetland community that is being designed.
3. Enhancement of significantly degraded wetlands in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area and meeting appropriate ratio requirements.

D. Mitigation ratios.

1. The ratios contained within Table 5 shall apply to all Creation, Re-establishment, Rehabilitation, and Enhancement compensatory mitigation.
2. Increased replacement ratios. The Director may increase the ratios under the following circumstances:
  - a. Uncertainty exists as to the probable success of the proposed restoration or creation;
  - b. A significant period of time will elapse between impact and replication of wetland functions;
  - c. Proposed mitigation will result in a lower category wetland or reduced function relative to the wetland being impacted; or
  - d. The impact was an unauthorized impact.



**Table 5. Mitigation ratios for projects in Western Washington that do not alter the hydro-geomorphic setting of the site\*\*\***

Category and Type of Wetland	Re-establishment or Creation	Rehabilitation	1:1 Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement only
All Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II Estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
Category II Interdunal	2:1 Compensation has to be interdunal wetland	4:1 compensation has to be interdunal	1:1 R/C and 2:1 E	8:1
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 E	16:1
Category I Natural Heritage site	Not considered possible	6:1	Case-by-case	Case-by-case
Category I Coastal lagoon	Not considered possible	6:1	Case-by-case	Case-by-case
Category I Bog	Not considered possible	6:1	Case-by-case	Case-by-case
Category I Estuarine	Case-by-case	6:1	Case-by-case	Case-by-case
<p>*Natural heritage site, coastal lagoons, and bogs are considered irreplaceable wetlands, and therefore no amount of compensation would replace these ecosystems. Avoidance is the best option. In the rare cases when impacts cannot be avoided, replacement ratios will be assigned on a case-by-case basis. However, these ratios will be significantly higher than the other ratios for Category I wetland.</p> <p>**Rehabilitation ratios are based on the assumption that actions judged to be most effective for that site are being implemented.</p> <p>**Rehabilitation ratios are based on the assumption that actions judged to be most effective for that site are being implemented.</p> <p>***Washington State Department of Ecology and Washington State Department of Fish and Wildlife's Wetlands in Washington State; Volume 2: Guidance for Protecting and Managing Wetlands, Buffer Alternative 3</p>				

#### E. Compensatory Mitigation Plan Requirements.

When a project involves wetland or buffer impacts, a compensatory mitigation report shall be required, meeting the following minimum standards:

1. Preparation by qualified Wetland Specialist. A compensatory mitigation report for wetland or buffer impacts shall be prepared by a qualified Wetland Specialist as specified in 13.01.110.W.
2. A Wetland Delineation Report must accompany or be included in the compensatory mitigation report.

(Ord. 28230 Ex. F; passed Jul. 22, 2014: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27431 § 33; passed Nov. 15, 2005)

#### **13.11.350 *Repealed by Ord. 28070.*<sup>1</sup> Wetland Mitigation Requirements.**

(Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 34; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

<sup>1</sup> See 13.11.340 Wetland Mitigation Requirements

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### **13.11.360 *Repealed by Ord. 27728.* Bonds.**

(Ord. 27728 Ex. A; passed Jul. 1, 2008: 27431 § 35; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.400 Streams and Riparian Habitats.**

The 400 section contains the regulations for streams, including the following:

- 13.11.410 Stream Classification.
- 13.11.420 Stream Buffers.
- 13.11.430 Stream Buffer Modification.
- 13.11.440 Stream Standards.
- 13.11.450 Stream Mitigation Requirements.

(Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27431 § 36; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

#### **13.11.410 Stream Classification.**

A. Streams shall be generally classified in accordance with the Washington State Water Typing System set forth in WAC 222-16-030 to describe Type “S,” “F,” “Np” and “Ns” streams. Additional criteria typing for “F1,” and “F2” and “Ns1” and “Ns2” streams are included within this section.

General descriptions of the water typing system are as follows:

1. Type “S” Water means all streams or rivers, within their bankfull width, inventoried as “shorelines of the state” or “shorelines of statewide significance” under the Tacoma Shoreline Management Program (TMC Title 19<sup>1</sup>) or chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, including periodically inundated areas of their associated wetlands.
2. Type “F” Water means segments of natural waters other than Type S Waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or as further described within WAC 222-16-030. Type “F1” Water means segments of natural waters containing salmonid fishes. Type “F2” Water means segments of natural water containing fish that are not salmonids.
3. Type “Np” Water means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall or as further described within WAC 222-16-030.
4. Type “Ns” Water means all segments of natural waters within the bankfull widths of the defined channels that are not Type S, F, or Np Water. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. “Ns1” Waters must be physically connected by an above ground channel system to Type, F, or Np Waters. “Ns2” Waters may not be physically connected by an above ground channel system to Type, F, or Np Waters.

(Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 37; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

#### **13.11.420 Stream Buffers.**

##### **A. General.**

A buffer area shall be provided for all uses and activities adjacent to a stream to protect the integrity and function of the stream. Buffers adjacent to streams are important because they help to stabilize soils, prevent erosion, act as filters for pollutants, enhance wildlife diversity, and support and protect plants and wildlife. The buffer shall be measured horizontally from the edge of the ordinary high water mark.

##### **B. Minimum Requirement.**

1. Streams. Stream buffer widths shall be established according to the following table which is based on stream classification:

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<sup>1</sup> Code reviser's note: Title 13.10 was repealed and a new Title 19, entitled “Shoreline Master Program”, was enacted per Ordinance No. 28612.

<b>Table 6. Stream Types</b>	
<b>Stream Type</b>	<b>Buffer (feet)</b>
Type S or Streams of local significance	150
Type F1 (Salmonids)	150
Type F2 (Non-Salmonids)	100
Type Np (No fish)	100
Type Ns1 (Connected to S, F, or Np)	75
Type Ns2 (Not connected to S, F, or Np)	25
<b>Streams of local significance</b>	
<b>Name</b>	<b>Buffer (feet)</b>
Puyallup River	150
Hylebos Creek	150
Puget Creek	150
Wapato Creek	150
Swan Creek	150

(Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 38; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.430 Stream Buffer Modification.**

#### **A. Stream Buffer Increase.**

The required buffer widths shall be increased as follows;

1. When the Director determines that the recommended width is insufficient to prevent habitat degradation and to protect the structure and functions of the habitat area;
2. When the frequently flooded area exceeds the recommended buffer width, the buffer area may extend to the outer edge of the frequently flooded area, where appropriate;
3. When a channel migration zone is present, the stream buffer area width shall be measured from the outer edge of the channel migration zone;
4. When the habitat area is in an area of high blowdown potential, the stream buffer area width shall be expanded an additional fifty feet on the windward side; or
5. When the habitat area is within an erosion or landslide area, or buffer, the buffer area width shall be the recommended distance, or the erosion or landslide hazard area or buffer, whichever is greater.

#### **B. Stream Buffer Averaging and Reduction.**

The Director may allow the recommended stream buffer width to be averaged or reduced in accordance with a stream habitat analysis report only if:

1. The stream buffer areas that are reduced through buffer averaging will not reduce stream or habitat functions, including those of nonfish habitat;
2. The stream buffer areas that are reduced will not degrade the habitat, including habitat for anadromous fish;
3. The total area contained in the stream buffer of each stream on the development proposal site is not decreased;
4. The recommended stream buffer width is not reduced by more than twenty-five (25%) percent in any one location;
5. The stream buffer areas that are reduced will not be located within another critical area or associated buffer; and
6. The stream buffer areas that are reduced and required mitigation are supported by best available science.
7. When averaging the stream buffer, the proposal will provide additional habitat protection by including more highly functioning areas and reducing the buffer only in the low functioning areas.
8. When reducing the stream buffer, with an existing buffer that is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the remaining buffer shall be planted to create the appropriate plant community.

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(Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27431 § 39; passed Nov. 15, 2005: Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.440 Stream Standards.**

A. Type F1, F2, Np, and Ns1, and Ns2 streams may be relocated or placed in culverts provided it can be demonstrated that:

1. There is no other feasible alternative route with less impact on the environment;
2. Existing location of the stream would prevent a reasonable economic use of the property;
3. No significant habitat area will be destroyed;
4. The crossing minimizes interruption of downstream movement of wood and gravel;
5. The new channel or culvert is designed and installed to allow passage of fish inhabiting or using the stream and complies with WDFW requirements;
6. The channel or culvert also complies with the City of Tacoma current Stormwater Management Manual.
7. The applicant will, at all times, keep the channel or culvert free of debris and sediment to allow free passage of water and fish;
8. Roads in riparian habitat areas or buffers shall not run parallel to the water body;
9. Crossing, where necessary, shall only occur as near to perpendicular with the water body as possible;
10. Road bridges are designed according to 2013 Washington Department of Fish and Wildlife Water Crossing Design Guidelines, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossing, 2000.

(Ord. 28336 Ex. C; passed Dec. 1, 2015: Ord. 28335 Ex. A; passed Dec. 1, 2015: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27431 § 40; passed Nov. 15, 2005)

### **13.11.450 Stream Mitigation Requirements.**

All proposed alterations in the buffer of a stream shall be in accordance with the standards for the applicable wetland category, where riparian wetland exists.

In the event stream corridor alterations or relocations, as specified above, are allowed, the applicant shall submit an alteration or relocation plan prepared in association with a qualified professional with expertise in this area. In addition to the general mitigation plan standards, the plan shall address the following information:

1. Creation of natural meander patterns and gentle side slope formations;
2. Creation of narrow sub channel, where feasible, against the south or west bank;
3. Provisions for the use of native vegetation;
4. Creation, restoration or enhancement of fish spawning and nesting areas;
5. The proposed reuse of the prior stream channel;
6. Provision of a qualified consultant, approved by the City, to supervise work to completion and to provide a written report to the Director stating the new channel complies with the provisions of this chapter; and
7. When streambank stabilization is necessary, bioengineering or soft armoring techniques are required, where possible.

The Washington Department of Fish and Wildlife has authority over all projects in State Waters which impact fish. Construction in State Waters is governed by Chapter 75.20 RCW, Construction Projects in State Waters.

(Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 28070 Ex. B; passed May 8, 2012: Ord. 27728 Ex. A; passed Jul. 1, 2008: Ord. 27431 § 41; passed Nov. 15, 2005)

### **13.11.500 Fish and Wildlife Habitat Conservation Areas (FWHCAs).**

The 500 section contains the regulations for fish and wildlife habitat conservation areas (FWHCAs), including the following:

- 13.11.510 Classification.
- 13.11.520 Standards.

13.11.530	<i>Repealed.</i>
13.11.540	<i>Repealed.</i>
13.11.550	FWHCA Modification.
13.11.560	FWHCA Biodiversity Area and Corridor Mitigation.
13.11.580	<i>Repealed.</i>

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 42; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.510 Classification.**

A. Fish and Wildlife Habitat Conservation Areas are areas identified as being of critical importance to the maintenance of fish and wildlife species. All Fish and Wildlife Habitat Conservation Areas (FWHCAs) are hereby designated as Critical Areas subject to the provisions of this Chapter, except for Shorelines of the State that are managed under the City's Shoreline Master Program. FWHCAs may also include other Critical Areas such as Geologically Hazardous Areas, Stream Corridors, Wetlands, and these Critical Areas' associative buffers.

B. The City seeks to identify and map the location of FWHCAs taking into account Washington Department of Fish and Wildlife (WDFW) mapping and other sources of information. However, City maps are not complete and other areas meeting the definition will be included.

Fish and Wildlife Habitat Conservation Areas (FWHCAs) include:

1. Lands and waters containing State Priority Habitats and Species. Priority habitat and species are classified by WDFW.

a. As of the date of this ordinance, the following State terrestrial Priority Habitat, and Species, and Features are known to be located in the City of Tacoma:

- (1) Great blue herons;
- (2) Mountain quails;
- (3) Pigeon guillemots;
- (4) Purple martins;
- (5) Seabird colonies;
- (6) Waterfowl concentrations;
- (7) Wood ducks;
- (8) Pacific (Western) pond turtle
- (9) Marbled Murrelet
- (10) Western grebes
- (11) Orcas (Killer whale);
- (12) Seals and sea lions;
- (13) Anadromous fish (including Bull Trout);
- (14) Reticulate sculpins
- (15) Wetlands
- (16) Streams and riparian areas
- (17) Oregon White Oak Woodlands
- (18) Old-Growth/Mature Forest
- (19) Biodiversity Areas and Corridors
- (20) Cliffs
- (21) Snags and Logs

b. In classifying an area as a Biodiversity Area or Corridor, the city will assess the functions and values of the existing habitat in the context of adjacent properties and the collective ecosystem services. An area which is already

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developed with legally established, pre-existing uses which serve to eliminate or greatly reduce the propensity of wildlife to use the area as habitat or a corridor will not be classified as a Biodiversity Area or Corridor. The following will be considered:

- (1) The presence of rare or uncommon plant species and associations designated by the City or identified by federal and state agencies such as the Department of Natural Resources Heritage Program.
  - (2) The presence of a vertically diverse assemblage of native vegetation containing multiply canopy layers and/or areas that are horizontally diverse with a mosaic of habitats and microhabitats.
  - (3) The Biodiversity Area/Corridor shall be a minimum size of two acres.
  - (4) The needs and requirements of species known or likely to occur must be considered as well as the ability of the habitat to provide wildlife access or movement.
  - (5) The following developments or uses may be considered as an elimination or significant reduction in the ability of an area to serve as a corridor for wildlife use. The permanence and extent of the use or development shall be considered.
    - (a) Multilane paved road(s) and their maintained rights-of-way.
    - (b) Permanent wildlife-impassible fence(s) and other permanent barriers that prevent wildlife movement.
    - (c) Areas where legally established structures and impervious surfaces are present for more than 65% of the area.
  - (6) The following are examples of uses that may not reduce or eliminate the use of the area by wildlife or as a corridor.
    - (a) Gravel road(s) and driveways
    - (b) Trails used for passive recreation
    - (c) Wildlife-passible fence(s)
    - (d) Unmaintained rights-of-way
2. Natural ponds under 20 acres and their submerged aquatic beds that provide critical fish or wildlife habitat.
3. Waters of the State, which are defined in WAC Title 222, Forest Practices Rules and Regulations. Waters of the State must be classified using the system in WAC 222-16-030. In classifying waters of the state as FWHCAs the following may be considered:
- (a) Species present which are endangered, threatened, sensitive, or priority;
  - (b) Species present which are sensitive to habitat manipulation;
  - (c) Historic presence of priority species;
  - (d) Existing surrounding land uses that are incompatible with salmonid habitat;
  - (e) Presence and size of riparian ecosystem;
  - (f) Existing water rights; and
  - (g) The intermittent nature of some of the higher classes of Waters of the State.
4. Lakes, ponds, streams and rivers planted with game fish, including those planted under the auspices of a federal, state, local, or tribal program and waters which support priority fish species as identified by the Washington Department of Fish and Wildlife.
5. Areas with which State or Federally designated endangered, threatened, and sensitive species have a primary association.
6. Habitats and species of local importance that have been identified as sensitive to habitat manipulation. Areas identified must represent either high-quality native habitat or habitat that has a high potential to recover and is of limited availability, highly vulnerable to alteration, or provides landscape connectivity that contributes to the integrity of the surrounding landscape. In designating habitat and species of local importance, the following characteristics will be considered:
- (a) Local population of native species that are in danger of extirpation or vulnerable and in decline.

- (b) The species or habitat has recreation, tribal, or other special value.
- (c) Long-term persistence of the species is dependent on protection, maintenance, or restoration of nominated habitat.
- (d) Protection by other county, state, or federal policies and laws is not adequate to prevent degradation of the species or habitat.
- (e) Without protection, there is a likelihood that the species or habitat will be diminished over the long term.

7. Area critical for habitat connectivity, including Open Space Corridors designated in the City's comprehensive plan.

8. State natural area preserves and natural resource conservation areas.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 43; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

### 13.11.520 Standards.

#### A. General Standards.

1. No development shall be allowed within a Fish and Wildlife Habitat Conservation Area with which state or federally endangered, threatened or sensitive species have a primary association without approval from the City of Tacoma and/or WDFW.
2. Preservation of FWHCAs are necessary to improve the likelihood that species will survive and or reproduce. Alteration of FWHCAs may reduce this likelihood. Activities allowed in FWHCAs shall be consistent with the species located there and all applicable state and federal regulations regarding that species. In determining allowable activities for FWHCAs that are known or that become known, the provisions of the Washington State Hydraulic Code, WDFW's Management Recommendations for Washington Priority Habitats and Species, best available science, and recommendations by other state or federal agencies with expertise for the species or habitat shall be reviewed. Development in these areas shall be in accordance with the requirements of the underlying zone and any overlapping critical area classification.
3. In accordance with TMC 13.11.160.B., where a designated FWHCA geographically coincides with another critical area, all appropriate critical area standards and associated buffer/management area/geo-setback requirements shall apply as described within this Chapter.

#### B. FWHCA Management Areas Standards.

1. FWHCA management areas are used to protect and manage activities in or adjacent to areas with a specific priority species. The location and dimensions of FWHCA Management Areas are dependent on the species and habitat and as defined by specific management recommendations established by the Washington Department of Fish and Wildlife and/or other state/federal agencies. While the standards for protection are species specific and established by other agencies, the FWHCA Management Areas remain subject to all applicable standards of this chapter.

If a proposal meets the standards of this chapter and demonstrates that they are meeting the management recommendations for the priority species and their management area, then a separate Critical Area permit may not be necessary (See TMC 13.11.190.D).

2. Typical standards may include seasonal restrictions for activities and required buffer widths from nesting sites. A Habitat Management Plan approved by WDFW may be required.

#### C. Biodiversity Areas and Corridors Standards.

1. In managing Biodiversity Areas and Corridors, the intent is to maintain rare and uncommon plant species and associations and large patches of native vegetation that provide habitat and connecting corridors for animal movement as well as general ecological services. Preservation of Biodiversity Areas and Corridors is necessary to minimize the impacts of development to wildlife and conserve the City's most diverse areas. The following standards apply:
  - a. Preserve existing native vegetation on the site to the maximum feasible extent, prioritizing the most valuable and sensitive environmental assets by developing the least impactful area.
  - b. Maintain biodiversity functions to prevent habitat degradation and fragmentation and preserve habitat for priority and common urban species, as supported by the Best Available Science.
  - c. The applicant shall avoid all actions that degrade the functions and values of a Biodiversity Area and Corridor. When impacts cannot be avoided, they should be minimized and mitigated by limiting overall vegetation clearance,

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maintaining corridors, protecting the most sensitive environmental features, and clustering development that does occur.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 44; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

### **13.11.530 *Repealed by Ord. 28230.* FWHCA's Shoreline – Marine Buffers.**

(Repealed by Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 45; passed Nov. 15, 2005)

### **13.11.540 *Repealed by Ord. 28230.* FWHCA's Marine Buffer Modifications.**

(Repealed by Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 27728 Ex. A; passed Jul. 1, 2008)

### **13.11.550 FWHCA Modification.**

A. All proposed modification in a FWHCA shall be in accordance with the standards of this Chapter, except where allowed through 13.11.200 or 13.11.210.

B. Modification and mitigation will comply with applicable General Standards of TMC 13.11.250 and mitigation requirements specified in 13.11.270, including, but not limited to, mitigation sequencing, mitigation plan requirements, monitoring and bonding.

C. Where a designated FWHCA geographically coincides with another Critical Area, modification and mitigation will comply with applicable requirements described within this chapter for each type of critical area and/or as recommended by state or federal agencies.

D. Habitat Management Plan.

If the critical area review process as described in this chapter (13.11.190) determines that the proposed project will adversely impact a FWHCA, a Habitat Management Plan shall be prepared as part of a development proposal, the following standards shall apply.

1. The Habitat Management Plan shall be prepared in coordination with the WDFW or federal agencies where appropriate and by a qualified professional. The professional must have an education and professional work experience relevant to the species and habitat being evaluated (See TMC 13.01.110 Qualified Professional).

2. The Habitat Management Plan may be included as part of a larger critical areas report and shall include all applicable requirements as listed in TMC 13.11.230 and, at a minimum, the following:

- a. Analysis and discussion on the project's effects on the FWHCA;
- b. An assessment and discussion on special management recommendations which have been developed for species or habitat located on the site by any federal or state agency;
- c. A discussion of mitigation sequencing and proposed mitigation measures which could avoid or minimize impacts;
- d. Assessment and evaluation of the effectiveness of mitigation measures proposed; and
- e. Assessment and evaluation of ongoing management practices which will protect the FWHCA after development of the project site, including proposed monitoring and maintenance programs.
- f. For Biodiversity Areas and Corridors a detailed description of vegetation on and adjacent to the project area is required and may include a surveyed site plan with the specific location and species name of trees with a 12-inch or greater Diameter at Breast Height (DBH).

E. The following shall apply for proposed modifications within or affecting Biodiversity Areas and Corridors.

1. In determining which areas are least sensitive to development impacts, the following criteria shall apply:

- a. A minimum of 65% of the Biodiversity Area and Corridor area shall be left in an undisturbed natural vegetated state. The undisturbed area set aside shall contain all other Priority Habitats, Priority Species, and Critical Areas and Buffers that may be present, per applicable standards.



(1) Legally created existing parcels 5,000 square feet in size or smaller must maintain an minimum of 40% of the Biodiversity Area and Corridor in an undisturbed natural vegetated state.

b. A contiguous Biodiversity Corridor with a width of 300-feet shall be retained connecting onsite and offsite Priority Habitats and Critical Areas including shorelines, as well as significant trees per the definition below. The minimum 300 feet shall be a contiguous area that enters and exits the property.

(1) Where a legally created existing parcel cannot accommodate the 300 foot width corridor due to parcel size or configuration, then the maximum feasible width shall be provided in conjunction with maintaining the designated minimum undisturbed gross site area for the size of parcel.

(2) Habitat corridor connections may be required to be wider when additional width is supported by the Best Available Science to support the function and values of species or habitat present.

c. Retain exceptional trees and rare or uncommon plant species or habitat types as identified by the City or by state or federal agencies. Conifers and Madrone are considered exceptional trees.

(1) Significant tree groves. Significant tree groves means a group of 8 or more trees 12- inches diameter or greater that form a continuous canopy. Trees that are less than 12-inch in diameter that are part of a grove's continuous canopy are also considered to be exceptional and cannot be removed if their removal may damage the health of the grove. Street trees shall not be included in determining whether a group of trees is a grove.

(2) Retain exceptional trees. "Exceptional tree" means a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is determined as such by the Director according to standards and procedures promulgated by the Department of Planning and Development.

d. Development must be clustered and located in the least sensitive areas and must use Low Impact Development practices where feasible.

2. Proposals that meet the minimum standards in 1 above may be reviewed under a Minor Development permit. See TMC 13.11.220.B.2. Other proposals will require review under a Development Permit and must also demonstrate the following:

a. The project cannot meet the minimum standards in 1 above due to site constraints such as parcel size or other physical conditions and the inability is not the result a self-created hardship.

3. In planning the development of the site, consideration shall also be given to ongoing and future management needs such as vegetation maintenance, generally favoring setting aside a large, connected, contiguous areas as feasible.

4. Buffer Averaging or reduction as described within section TMC 13.11.250.D., TMC 13.11.330, and TMC 13.11.430 for wetlands and streams can be utilized to average or reduce portions of buffers to accommodate development.

a. The standards for preservation of 65% of the gross site area and minimum 300 foot corridor width still apply.

5. Corridor width averaging. The width of the corridor may be averaged to allow for reasonable use of the property when the following are met:

a. The averaged corridor width will not result in degradation of the Biodiversity Corridor or its ability to facilitate wildlife movement;

b. The corridor width is increased adjacent to the high-functioning or more sensitive areas and decreased adjacent to lower-functioning or less sensitive portion;

c. The corridor at its narrowest point is never less than  $\frac{3}{4}$  of the required width; and

d. The total area of the corridor is equal to the area required without averaging.

F. Innovative mitigation per TMC 13.11.270.M.

When the project cannot meet the minimum standards of this section or the project proponent can demonstrate that a different method will achieve equivalent or better protections for the critical area, it will be reviewed per the standards in 13.11.270.M.

G. Protection covenant such as a conservation easement shall be recorded with Pierce County Assessor's Office for critical areas that are identified as part of the review process per 13.11.280 (Conditions, Notice on Title, and Appeals).

H. If mitigation is performed off-site, a conservation easement or other legal document must be provided to the City to ensure that the party responsible for the maintenance and monitoring of the mitigation has access and the right to perform these activities.

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(Ord. 28906 Ex. D; passed Aug. 15, 2023; Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008)

### 13.11.560 Biodiversity Area and Corridor Mitigation Requirements.

A. Mitigation must compensate for the adverse impacts and achieve equivalent or higher ecological functions including vegetation diversity and habitat complexity and connectivity.

B. Enhancement or Restoration requires the following ratios:

Onsite Mitigation	Offsite Mitigation
1.5:1 Enhancement or Restoration	3:1 Enhancement or Restoration

C. The protection covenant or conservation easement recorded with Pierce County Assessor's Office shall include all mitigation areas including those located off-site.

D. The following shall be incorporated to minimize disturbance:

1. Minimize light disturbance by directing lights away from critical areas.
2. Place activities that generate noise furthest from critical areas.
3. Limit disturbance from humans and pets with "impenetrable" natural vegetation between the development and critical areas.
4. Design infrastructure to minimize impacts through such steps as designing narrower streets or integrating LID approaches.
5. Seasonal restriction of construction activities.

(Repealed and reenacted by Ord. 28518 Ex. 5; passed June 26, 2018; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008)

### 13.11.580 *Repealed by Ord. 28070.* Habitat Zones.

(Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27728 Ex. A; passed Jul. 1, 2008)

### 13.11.600 Flood Hazard Areas.

The 600 section contains the regulations for flood hazard areas, including the following:

- 13.11.610 Classification.
- 13.11.620 Standards.
- 13.11.630 *Repealed.*
- 13.11.640 General Development Standards.

(Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27431 § 46; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

#### 13.11.610 Classification.

Classifications of flood hazard areas shall be consistent with the most recent official map of the Federal Insurance Administration that delineates areas of special flood hazards and includes the risk premium zones applicable to the City or as determined by the FIA. Also known as "flood insurance rate map" or "FIRM."

Where the flood insurance map and studies do not provide adequate information, the City, through Planning and Development Services, shall consider and interpret information produced by the Army Corps of Engineers, Natural Resource Conservation Service, Department of Housing and Urban Development, or any other qualified person or agency to determine the location of Flood Hazard Areas and Coastal High Hazard Areas.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27431 § 47; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

**13.11.620 Standards.**

All development proposals shall comply with Title 2 Building and Development Code regarding Flood Hazard and Coastal High Hazard Areas, and Title 12 for general and specific flood hazard protection. Development shall not reduce the base flood water storage ability. Construction, grading, or other regulated activities which would reduce the flood water storage ability must be mitigated by creating compensatory storage on- or off-site. Compensatory storage provided off-site for purposes of mitigating habitat shall comply with all applicable wetland, stream, and fish and wildlife habitat conservation area requirements. Compensatory storage provided off-site for purposes of providing flood water storage capacity shall be of similar elevation in the same floodplain as the development. Compensatory storage is not required in Coastal A and V Zone flood hazard areas or in flood hazard areas with a mapped floodway but containing no functional salmonid habitat on the site. For sites with functional connection to salmonid bearing waters that provide a fish accessible pathway during flooding, compensatory storage areas shall be graded and vegetated to allow fish refugia during flood events and their return to the main channel as floodwater recede without creating flood stranding risks. Base flood data and flood hazard notes shall be shown on the face of any recorded plat or site plan, including, but not limited to, base flood elevations, flood protection elevation, boundary of floodplain, and zero rise floodway.

(Ord. 28906 Ex. D; passed Aug. 15, 2023; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27431 § 48; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

**13.11.630 Deleted by Ord. 27431. General Development Standards.**

(Deleted by Ord. 27431 § 49; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

**13.11.640 General Development Standards.**

The owner of any property upon which new development occurs is required to record a Notice on Title according to Section 13.11.280 if the property contains land with the 100-year floodplain and/or the Riparian Buffer zone, before a permit may be issued.

Development within a flood hazard area that does not otherwise require a building permit, such as material storage or building of small accessory structures, must still obtain review and approval prior to development, and is subject to all applicable regulations including flood, Critical Areas, and Shoreline regulations.

Stormwater and drainage features shall incorporate low impact development techniques that the mimic pre-development hydrologic conditions, when technically feasible.

(Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 28070 Ex. B; passed May 8, 2012)

**13.11.700 Geologically Hazardous Areas.**

The 700 section contains the general provisions, including the following:

- 13.11.710 Designation.
- 13.11.715 Applicability.
- 13.11.720 Classification.
- 13.11.730 General Standards.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 27431 § 50; passed Nov. 15, 2005; Ord. 27300 § 3; passed Dec. 14, 2004; Ord. 27294 § 2; passed Nov. 16, 2004)

**13.11.710 Designation.**

A. Designation of Geologically Hazardous Areas. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. Areas susceptible to one or more of the following types of geo-hazards shall be designated as a geologically hazardous area:

1. Erosion hazard;
2. Landslide hazard;
3. Seismic hazard;
4. Mine hazard;

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5. Volcanic hazard; and
6. Tsunami hazard.

(Ord. 27431 § 51; passed Nov. 15, 2005)

### 13.11.715 Applicability.

Geologically Hazardous Areas are subject to all applicable provisions of this chapter and the following:

- A. When the Geologically Hazardous Area or geo-setback cannot be avoided by locating the development outside of the Geologically Hazardous Area and setback, the risk to public health and safety may be minimized by engineering, design, or modified construction practices.
- B. When technology cannot reduce the risk to acceptable levels the Geologically Hazardous Area and setback must be avoided.
- C. When other critical areas are present the standards specific to those critical areas also apply.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018)

### 13.11.720 Classification.

#### A. Classification of specific hazard areas.

##### 1. Erosion hazard areas.

Erosion hazard areas generally consist of areas where the combination of slope and soil type makes the area susceptible to erosion by water flow, either by precipitation or by water runoff. Concentrated stormwater runoff is a major cause of erosion and soil loss. Erosion hazard critical areas include the following:

- a. Areas with high probability of rapid stream incision, stream bank erosion or coastal erosion, or channel migration.
- b. Areas defined by the Washington Department of Ecology Coastal Zone Atlas as one of the following soil areas: Class U (Unstable) includes severe erosion hazards and rapid surface runoff areas, Class Uos (Unstable old slides) includes areas having severe limitations due to slope, Class Urs (Unstable recent slides), and Class I (Intermediate).
- c. Any area characterized by slopes greater than 15 percent; and the following types of geologic units as defined by draft geologic USGS maps: m (modified land), Af (artificial fill), Qal (alluvium), Qw (wetland deposits), Qb (beach deposits), Qtf (tide-flat deposits), Qls (landslide deposits), Qmw (mass-wastage deposits), Qf (fan deposits), Qvr and Qvs series of geologic material types (Vashon recessional outwash and Steilacoom Gravel), and Qvi (Ice-contact deposits).
- d. Slopes steeper than 25% and a vertical relief of 10 or more feet.

##### 2. Landslide Hazard Areas.

Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope, slope aspect, structure, hydrology, or other factors. Landslide hazard areas are identified as any area with all three of the following characteristics:

- a. Slopes steeper than 25 percent and a vertical relief of ten (10) or more feet.
- b. Hillsides intersecting geologic contacts that contain impermeable soils (typically silt and clay) frequently inter-bedded with permeable granular soils (predominantly sand and gravel), or impermeable soils overlain with permeable soils.
- c. Springs or groundwater seepage.
- d. Any area which has exhibited movement during the Holocene epoch (from 10,000 years ago to present) or that are underlain or covered by mass wastage debris of that epoch.
- e. Any area potentially unstable due to rapid stream incision stream bank erosion or undercutting by wave action.
- f. Any area located on an alluvial fan presently subject to, or potentially subject to, inundation by debris flows or deposition of stream-transported sediments.
- g. Any area where the slope is greater than the angle of repose of the soil.

h. Any shoreline designated or mapped as Class U, Uos, Urs, or I by the Washington Department of Ecology Coastal Zone Atlas.

### 3. Seismic hazard areas.

Seismic hazard areas shall include areas subject to severe risk of damage as a result of seismic-induced settlement, shaking, lateral spreading, surface faulting, slope failure, or soil liquefaction. These conditions occur in areas underlain by soils of low cohesion or density usually in association with a shallow groundwater table. Seismic hazard areas shall be as defined by the Washington Department of Ecology Coastal Zone Atlas (Seismic Hazard Map prepared by GeoEngineers) as: Class U (Unstable), Class Uos (Unstable old slides), Class Urs (Unstable recent slides), Class I (Intermediate), and Class M (Modified) as shown in the Seismic Hazard Map.

### 4. Mine Hazard Areas.

Mine hazard areas are those areas underlain by or affected by mine workings such as adits, gangways, tunnels, drifts, or airshafts, and those areas of probable sink holes, gas releases, or subsidence due to mine workings. Underground mines do not presently exist within City limits.

Note: An underground structure, consisting of a partially completed underground railroad tunnel, exists within City limits, as defined in the mine hazard areas map. The tunnel was constructed in 1909 and discontinued that same year due to excessive groundwater flows within the tunnel. The dimensions of the tunnel are presently unknown, and it was reportedly backfilled with wood, sand, and gravel in 1915.

### 5. Volcanic Hazard Areas.

Volcanic hazard areas are areas subject to pyroclastic flows, lava flows, debris avalanche, and inundation by debris flows, lahars, mudflows, or related flooding resulting from volcanic activity. The most likely types of volcanic hazard within the City are mudflows, lahars, or flooding relating to volcanic activity. The boundaries of the volcanic hazard areas within the City are shown in the volcanic hazard map.

### 6. Tsunami hazard areas.

Tsunami hazard areas are coastal areas and large lake shoreline areas susceptible to flooding and inundation as the result of excessive wave action derived from seismic or other geologic events. Currently, no specific boundaries have been established in the City limits for this type of hazard area.

(Ord. 27431 § 52; passed Nov. 15, 2005)

## 13.11.730 General Standards.

The standards in this section apply only to geologically hazardous areas. The following definitions apply to this section:

“Geo-setback” is the minimum building setback from the applicable geo-hazard area.

“Geo-buffer” is a zone within a geo-setback area required to be vegetated with either native or non-native vegetation.

### A. Erosion hazard areas.

1. Structures and improvements shall be required to maintain a minimum 50 foot geo-setback from the boundary of all erosion hazard areas (Note: where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops greater than 10 feet or more vertically within a horizontal distance of 25 feet). No geo-setback shall be required where the vertical relief of the slope is 10 feet or less. The geo-setback may be reduced to 30 feet where the vertical relief of the slope is greater than 10 feet but no more than 20 feet.

The 30-foot or 50-foot geo-setback may be reduced to a minimum of 10 feet for the following conditions:

- a. Construction of one-story detached accessory structures (garages, sheds, playhouses of similar structures not used for continuous occupancy) with less than 1,000 square feet of floor area, whichever is greater for existing residences.
- b. Addition to existing residences, including decks that have a maximum 250 square feet footprint of building, deck or roof area, whichever is greater, and are not closer to the top or bottom of the slope than the existing residence.
- c. Installation of fences where they do not impede emergency access.
- d. Clearing only up to 2,000 square feet during May 1 to October 1, if determined by the Building Official to not cause significant erosion hazard.

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e. Grading up to 5 cubic yards during April 1 to October 1 over an area not to exceed 2,000 square feet, if determined by the Building Official that such grading will not cause a significant erosion hazard.

f. Removal of noxious or invasive weeds, provided such areas are protected from erosion with either native vegetation or other approved erosion protection.

g. Forest practices regulated by other agencies.

h. The construction of public or private utility corridors; provided it has been demonstrated that such construction will not significantly increase erosion risks.

i. Trimming and limbing of vegetation for the creation and maintenance of view corridors, removal of site distance obstructions as determined by the City Traffic Engineer, removal of hazardous trees, or clearing associated with routine maintenance by utility agencies or companies; provided that the soils are not disturbed and the loss of vegetative cover will not significantly increase risks of landslide or erosion. See TMC 13.11.200 and 210.

j. The construction of approved public or private trails; provided they are constructed in a manner which will not contribute to surface water runoff.

k. Remediation or critical area restoration project under the jurisdiction of another agency.

l. Where it can be demonstrated through an erosion hazard analysis prepared by a geotechnical specialist that there is no significant risk to the development proposal or adjacent properties, or that the proposal can be designed so that any erosion hazard is significantly reduced, the geo-setback may be reduced as specified by the geotechnical specialist. This geo-setback may be increased where the Building Official determines a larger geo-setback is necessary to prevent risk of damage to proposed and existing development. The development must also comply with the Specific Development Standards for Erosion and Landslide Hazard Areas. The erosion hazard analysis shall provide the following information:

(1) Alternative setbacks to the erosion hazard area.

(2) Recommended construction techniques for minimizing erosional damage.

(3) Location and methods of drainage and surface water management.

(4) Recommended time of year for construction to occur.

(5) Permanent erosion control (vegetation management and/or replanting plan) to be applied at the site.

m. In addition to the erosion hazard analysis, a Construction Stormwater Pollution Prevention Plan shall be required that complies with the requirements in the currently adopted City Stormwater Management Manual. Clearing and grading activities in an erosion hazard area shall also be required to comply with the City amendments to the most recently adopted International Building Code.

2. Erosion hazard areas that are also landslide hazard areas shall be required to comply with all standards for landslide hazard areas as well.

### B. Landslide hazard areas.

1. Structures and improvements shall be required to maintain a minimum 50-foot geo-setback from the boundary of all landslide hazard area. (Note: where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops greater than 10 feet or more vertically within a horizontal distance of 25 feet). No geo-setback shall be required where the vertical relief of the slope is 10 feet or less. The geo-setback may be reduced to 30 feet where the vertical relief of the slope is greater than 10 feet but no more than 20 feet.

The 30-foot or 50-foot geo-setback may be reduced to a minimum of 10 feet for the following conditions:

a. Construction of one-story detached accessory structures (garages, sheds, playhouses of similar structures not used for continuous occupancy) with less than 1,000 square feet of floor area, whichever is greater.

b. Addition to existing residences, including decks that have a minimum 250 square feet footprint of building, deck or roof area, whichever is greater, and are not closer to the top or bottom of the slope than the existing residence.

c. Installation of fences where they do not impede emergency access.

d. Clearing only up to 2,000 square feet during May 1 to October 1, if determined by the Building Official to not cause significant landslide hazard.

e. Grading up to 5 cubic yards during April 1 to October 1 over an area not to exceed 2,000 square feet, if determined by the Building Official that such grading will not cause a landslide hazard.

- f. Removal of noxious or invasive weeds, provided such areas are protected from erosion with either native vegetation or other approved erosion protection.
- g. Forest practices regulated by other agencies.
- h. Slopes modified by an engineered cut or fill engineered retaining wall system, where setbacks, if any, were established by the previous engineered design.
- i. Steep slopes resulting for right-of-way improvements (streets, alleys, sidewalks, etc) may be exempted by the Building Official if improvements will not decrease slope stability on said property or adjacent properties.
- j. The construction of an approved public surface water conveyance, provided it will result in minimum vegetation removal and soil disturbance on the slope.
- k. The construction of approved public or private trails; provided they are constructed in a manner which will not contribute to surface water runoff.
- l. The construction of public or private utility corridors; provided it has been demonstrated that such construction will not significantly increase landslide risks.
- m. Trimming and limbing of vegetation for the creation and maintenance of view corridors, removal of site distance obstructions as determined by the City Traffic Engineer, removal of hazardous trees, or clearing associated with routine maintenance by utility agencies or companies; provided that the soils are not disturbed and the loss of vegetative cover will not significantly increase risks of landslide or erosion. See TMC 13.11.200 and 210.
- n. Remediation, critical area restoration, or mining and quarrying where local regulation is pre-empted by state or federal law.
- o. Where it can be demonstrated through a geotechnical analysis prepared by a geologic hazards specialist that there is no significant risk to the development proposal or adjacent properties, or that the proposal can be designed so that any landslide hazard is significantly eliminated, the geo-setback may be reduced as specified by the geotechnical engineer. The geo-setback may be reduced to no less than 10 feet where slopes are 40 percent or greater. This geo-setback may be increased where the Building Official determines a larger geo-setback is necessary to prevent risk of damage to proposed and existing development. The development must also comply with all applicable Development Standards. The geotechnical analysis report shall include the following:
  - (1) A description of the extent and type of vegetative cover.
  - (2) A description of subsurface conditions based on data from site-specific explorations.
  - (3) Descriptions of surface runoff and groundwater conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements.
  - (4) An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm.
  - (5) Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties.
  - (6) A study of the slope stability, including an analysis of proposed cuts, fills, and other site grading; and the effect construction and placement of structures will have on the slope over the estimated life of the structures.
  - (7) Recommendations for building site limitations, specifically, a recommendation for the minimum geo-buffer and minimum-setback.
  - (8) Recommendations for proposed surface and subsurface drainage, considering the soil and hydrology constraints of the site.

**C. Specific Standards for Erosion and Landslide Hazard Areas.**

- 1. The development shall not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions. Note that point discharges onto adjacent properties is not permitted without approved easements. Dispersed flows meeting pre-developed flows will be permitted provided other development standards can be met.
- 2. The development shall not decrease slope stability on adjacent properties.
- 3. Such alterations shall not adversely impact other critical areas.

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4. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code.
5. Structures and improvements shall minimize alterations to the natural contour of the slope, and the foundation shall be tiered where possible to conform to existing topography. Terracing of the land; however, shall be kept to a minimum to preserve natural topography where possible. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation.
6. Development shall be designed to minimize impervious lot coverage. All development shall be designed to minimize impervious lot coverage and should incorporate understructure parking and multi-level structures within the existing height limit.
7. Roads, walkways, and parking areas should be designed parallel to topographic contours with consideration given to maintaining consolidated areas of natural topography and vegetation.
8. Removal of vegetation shall be minimized and only that which is needed to accommodate a structure. Any replanting that occurs shall consist of trees, shrubs, and ground cover that is compatible with the existing surrounding vegetation, meets the objectives of erosion prevention and site stabilization, and does not require permanent irrigation for long-term survival.
9. The proposed development shall not result in greater risk or need for increased geo-buffers on neighboring properties.
10. Structures and improvements shall be clustered where possible. Driveways and utility corridors shall be minimized through the use of common access drives and corridors where feasible. Access shall be in the least sensitive area of the site.

### D. Seismic hazard areas.

1. A hazard analysis report will be required for structures and improvements in a seismic hazard area. All developments shall be required to comply with the requirements of the most recently adopted edition of the International Building Code. The following types of projects will not require a seismic hazardous analysis report;
  - a. Construction of new buildings with less than 2,500 square feet footprint of floor or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly.
  - b. Additions to existing residences, including decks that have a maximum 250 square feet footprint of building, deck or roof area, whichever is greater.
  - c. Installation of fences where they do not impede emergency access.
  - d. The exceptions above may not apply to areas that are also landslide hazard areas.
2. The hazard report shall include the following:
  - a. Known and mapped faults within 200 feet of the project area.
  - b. Analysis of the potential impacts of seismic activity on the site.
  - c. Evaluation of the physical properties of the subsurface soils and their liquefaction potential, and mitigation measures.
3. All developments shall be required to comply with the requirements of the most recently adopted edition of the International Building Code.

### E. Volcanic hazard areas.

Development in volcanic hazard areas shall comply with the zoning and Building Code requirements of the TMC. New developments in volcanic hazard areas shall be required to submit an evacuation and emergency management plan, with the exception of the following:

1. Construction of new buildings with less than 2,500 square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;
2. Additions to existing residences, including decks that have a maximum 250 square feet footprint of building, deck or roof area, whichever is greater; and
3. Installation of fences where they do not impede emergency egress.



## F. Mine hazard areas.

Critical facilities, as defined by the currently adopted version of International Building Code, are not permitted in the area of the former railroad tunnel. Other development within 50 feet of the mapped location of the former railroad tunnel shall be required to perform a hazard analysis that identifies the following:

1. Location of the development relative to the former tunnel.
2. Evaluation of the potential effects of tunnel subsidence on the proposed structures.
3. Recommendations for mitigation of any potential subsidence.

## G. Tsunami hazard areas.

Development in tsunami hazard areas shall comply with the zoning and Building Code requirements of the TMC. There are no other specific development standards for tsunami hazard areas.

(Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 27431 § 53; passed Nov. 15, 2005; Ord. 27294 § 2; passed Nov. 16, 2004)

**13.11.800 Aquifer Recharge Areas.**

The 800 section contains the regulations for aquifer recharge areas, including the following:

- 13.11.810 Classification.
- 13.11.820 Standards.

(Ord. 27431 § 54; passed Nov. 15, 2005)

**13.11.810 Classification.**

Classification of recharge areas as critical areas shall be based upon the susceptibility of the aquifer to degradation and contamination. High susceptibility is indicative of land uses which produce contaminants that may degrade groundwater and low susceptibility is indicative of land uses which will not. The following criteria should be considered in designating areas with critical recharging effects:

- A. Availability of adequate information on the location and extent of the aquifer;
- B. Vulnerability of the aquifer to contamination that would create a significant public health hazard. When determining vulnerability, depth of groundwater, macro and micro permeability of soils, soil types, presence of a potential source of contamination and other relevant factors should be considered; and
- C. The extent to which the aquifer is an essential source of drinking water.

(Ord. 27431 § 55; passed Nov. 15, 2005)

**13.11.820 Standards.**

Standards for development in aquifer recharge areas shall be in accordance with the provisions in Chapter 13.09, South Tacoma Groundwater Protection District, of the TMC and other local, state, and federal regulations.

(Ord. 27431 § 56; passed Nov. 15, 2005)

**13.11.900 Repealed by Ord. 28613. Definitions.**

*Relocated to 13.01.110.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019; Ord. 28518 Ex. 5; passed Jun. 26, 2018; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28335 Ex. A; passed Dec. 1, 2015; Ord. 28230 Ex. F; passed Jul. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. B; passed May 8, 2012; Ord. 27813 Ex. E; passed Jun. 30, 2009; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27431 § 57; passed Nov. 15, 2005)



## CHAPTER 13.12 ENVIRONMENTAL CODE

### Sections:

13.12.004	<i>Repealed.</i>
13.12.010	<i>Repealed.</i>
13.12.020	<i>Repealed.</i>
13.12.025	<i>Repealed.</i>
13.12.045	<i>Repealed.</i>
13.12.055	<i>Repealed.</i>

### **Part One – Purpose and Authority**

13.12.100	Purpose of this part and adoption by reference.
13.12.120	Authority.
13.12.130	Purpose, applicability, and intent.
13.12.140	Environmental policy.
13.12.150	Severability.

### **Part Two – General Requirements**

13.12.200	Purpose of this part and adoption by reference.
13.12.210	Lead agency – Responsibilities.
13.12.220	Designation of responsible official.
13.12.230	Designation and responsibility of the City’s SEPA public information center (SEPA PIC).
13.12.240	Timing of the SEPA process.

### **Part Three – Categorical Exemptions**

13.12.300	Purpose of this part and adoption by reference.
13.12.305	<i>Repealed.</i>
13.12.310	Flexible thresholds for categorical exemptions.
13.12.315	<i>Repealed.</i>
13.12.320	Emergencies.
13.12.340	<i>Repealed.</i>
13.12.350	<i>Repealed.</i>
13.12.355	<i>Repealed.</i>

### **Part Four – Categorical Exemptions And Threshold Determination**

13.12.400	Purpose of this part and adoption by reference.
13.12.408	<i>Repealed.</i>
13.12.410	Categorical exemptions.
13.12.420	Environmental checklist.
13.12.430	Determination of non-significance (DNS).
13.12.440	Mitigated DNS.
13.12.450	Optional DNS process.
13.12.460	<i>Repealed.</i>

### **Part Five – Environmental Impact Statement (EIS)**

13.12.500	Purpose of this part and adoption by reference.
13.12.510	Scoping.
13.12.520	Expanded scoping (optional).
13.12.530	EIS preparation.
13.12.540	Issuance of final environmental impact statement (FEIS).
13.12.550	SEPA Planned Action EIS.
13.12.560	Optional Plan Elements and Development Regulations.
13.12.570	Archaeological, Cultural, and Historic Resources.
13.12.580	Traffic Impact Assessment.

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### Part Six – Commenting

- 13.12.600 Purpose of this part and adoption by reference.
- 13.12.610 Public notice.
- 13.12.620 Responding to SEPA Requests for Comment from Other Lead Agencies.
- 13.12.660 *Repealed.*
- 13.12.680 *Repealed.*
- 13.12.685 *Repealed.*

### Part Seven – Using Existing Environmental Documents

- 13.12.700 Purpose of this part and adoption by reference.

### Part Eight – SEPA and Agency Decisions

- 13.12.800 Purpose of this part and adoption by reference.
- 13.12.801 *Repealed.*
- 13.12.810 Substantive authority and mitigation.
- 13.12.820 Appeals of SEPA threshold determination and adequacy of final environmental impact statement.
- 13.12.880 *Repealed.*

### Part Nine – *Repealed.*

### Part Ten – Agency Compliance

- 13.12.920 Purpose of this part and adoption by reference.
- 13.12.923 *Repealed.*
- 13.12.930 Critical areas.

### Part Eleven – Forms

- 13.12.940 Purpose of this part and adoption by reference.
- 13.12.950 *Repealed.*

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 27296 § 34; passed Nov. 16, 2004)

#### **13.12.004 *Repealed by Ord. 28011. Adoption of SEPA rules.*<sup>1</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 27296 § 35; passed Nov. 16, 2004: Ord. 25856 § 1; passed Jan. 27, 1996: Ord. 23262 § 8; passed Sept. 25, 1984)

#### **13.12.010 *Repealed by Ord. 28011. Authority.*<sup>2</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 23262 § 8; passed Sept. 25, 1984)

#### **13.12.020 *Repealed by Ord. 28011. Purpose, applicability, and intent.*<sup>3</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 23262 § 8; passed Sept. 25, 1984)

#### **13.12.025 *Repealed by Ord. 28011. Environmental policy.*<sup>4</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 27079 § 59; passed Apr. 29, 2003: Ord. 23826 § 1; passed Apr. 14, 1987: Ord. 23262 § 8; passed Sept. 25, 1984)

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<sup>1</sup> Divided and relocated to Sections 13.12.100, 13.12.200, 13.12.300, 13.12.400, 13.12.500, 13.12.600, 13.12.700, 13.12.800, 13.12.900, 13.12.920 and 13.12.940.

<sup>2</sup> Relocated to Section 13.12.120.

<sup>3</sup> Relocated to Section 13.12.130.

<sup>4</sup> Relocated to Section 13.12.140.

**13.12.045 *Repealed by Ord. 28011.* Additional definitions.<sup>1</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. F; passed Jun. 30, 2009; Ord. 27245 § 30; passed Jun. 22, 2004; Ord. 23262 § 8; passed Sept. 25, 1984)

**13.12.055 *Repealed by Ord. 28011.*<sup>2</sup> Timing of the SEPA process.**

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 27296 § 36; passed Nov. 16, 2004; Ord. 23262 § 8; passed Sept. 25, 1984)

**Part One – Purpose and Authority**

**13.12.100 Purpose of this part and adoption by reference.**

The purpose of this section is to set forth the purpose of this Chapter, the authority under which the City has adopted this Chapter, and to adopt the following section of the Washington Administrative Code by reference.

197-11-030 Policy.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.120 Authority.**

The following regulations concerning environmental policies and procedures are hereby established and adopted pursuant to Washington State law, Chapter 109, Laws of 1971, Extraordinary Session (Chapter 43.21C RCW) as amended, entitled the “State Environmental Policy Act of 1971,” (SEPA), and Washington State Administrative Code regulations, Chapter 197-11, entitled “SEPA Rules.”

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.130 Purpose, applicability, and intent.**

A. The purpose of this chapter is to provide City regulations implementing the State Environmental Policy Act of 1971 (SEPA).

B. This chapter is applicable to all City departments/divisions, commissions, boards, committees, and City Council.

C. The intent of this chapter is to govern compliance by all City departments/divisions, commissions, boards, committees, and City Council with the procedural requirements of the State Environmental Policy Act of 1971.

D. This chapter is not intended to govern compliance by the City with respect to the National Environmental Policy Act of 1969 (NEPA). In those situations in which the City is required by Federal law or regulations to perform some element of compliance with NEPA, such compliance will be governed by the applicable Federal statute and regulations and not by this chapter.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.140 Environmental policy.**

The environmental policies of the City of Tacoma are the policies set forth in the following documents and statute: the “comprehensive plan,” including all of its elements, the “Master Program for Shoreline Development,” and Chapter 43.21C RCW.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.150 Severability.**

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

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<sup>1</sup> Relocated to Section 13.12.910.

<sup>2</sup> Relocated to Section 13.12.240.

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(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **Part Two – General Requirements**

#### **13.12.200 Purpose of this part and adoption by reference.**

The purpose of this part is to set forth general requirements that apply to all environmental determinations and all environmental review responsibilities on the part of the City. The following sections apply to environmental review in general, and to specific regulations for cities planning under the Growth Management Act. They also describe the procedures when environmental review is applied in conjunction with other state environmental laws. It also incorporates the following sections of the Washington Administrative Code by reference:

197-11-050	Lead agency.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-158	GMA project review. Reliance on existing plans, laws, and regulations.
197-11-164	Planned actions. Definition and criteria.
197-11-168	Ordinance or resolution designating planned actions. Procedures for adoption.
197-11-172	Planned actions. Project review.
197-11-210	SEPA/GMA integration.
197-11-220	SEPA/GMA definitions.
197-11-228	Overall SEPA/GMA integration procedures.
197-11-230	Timing of an integrated SEPA/GMA process.
197-11-232	SEPA/GMA integration procedures for preliminary planning, environmental analysis, and expanded scoping.
197-11-235	Documents.
197-11-238	Monitoring.
197-11-250	SEPA/Model Toxics Control Act integration.
197-11-253	SEPA lead agency for MCTA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of non-significance for MCTA remedial action.
197-11-262	Determination of significance and EIS for MCTA remedial actions.
197-11-265	Early scoping for MCTA remedial actions.
197-11-268	MCTA interim actions.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

#### **13.12.210 Lead agency – Responsibilities.**

The City, when acting in the capacity of the lead agency, shall be the only agency responsible for complying with the threshold determination procedures of SEPA; and the responsible official of the City, as designated pursuant to Section 13.12.220 of this chapter, shall be responsible for the supervision, or actual preparation, of any draft EIS pursuant to this chapter, including the circulation of such statements and the conduct of any public hearings required by this chapter. The responsible official of the City shall also prepare or supervise preparation of any required final EIS pursuant to WAC 197-11 and this chapter. {13.12.923}

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

#### **13.12.220 Designation of responsible official.**

A. In instances in which the City is the lead agency, the responsible official as designated by subsections B, C, D and E of this section shall carry out such duties and functions assigned the City as a lead agency.

B. The responsible official for General Government shall be the department director for projects initiated by that department or processed by that department. However, a department director may designate an environmental officer to carry out the duties and responsibilities mandated by this chapter, except that all threshold determinations shall only be made with the express consent and approval of the director.

C. The responsible official for the Department of Public Utilities shall be the Director of Utilities or designee for projects initiated or processed by the Department of Public Utilities.

D. For proposals initiated jointly by several departments within General Government, designation of the responsible official shall be by common agreement among the directors of the involved departments. In the event such department directors are unable to agree on who shall be the responsible official for such matter, determination of the responsible official shall be made by the City Manager.

E. For proposals initiated jointly by General Government and Public Utilities, designation of the responsible official shall be by common agreement between the City Manager and the Director of Utilities.

F. City staff carrying out the SEPA procedures shall be different from the staff making the proposal. That is, the responsible official shall not be the staff person responsible for filling out and signing the environmental checklist.

G. The director of the department with appropriate expertise shall be responsible for preparation of written comments responding to a consultation request from another lead agency prior to a threshold determination, participation in scoping, and reviewing a DEIS.

H. The director shall be responsible for the City's compliance with WAC 197-11-550 whenever such department is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **13.12.230 Designation and responsibility of the City's SEPA public information center (SEPA PIC).**

A. The SEPA PIC shall maintain a DNS register.

B. The SEPA PIC shall maintain an EIS register including for each proposal the location, a brief description of the nature of the proposal, the date first listed on the register, and a contact person or office from which further information may be obtained.

C. The documents are required to be maintained at the information center for seven years, and shall be available for public inspection, and copies thereof shall be provided upon request. The City may charge for copies in the manner provided by Chapter 42.56 RCW (Public Records Act) and for the cost of mailing.

D. The SEPA PIC shall be the contact listed on the Department of Ecology's list of SEPA authorities. It shall receive and route consultation requests, information requests, checklists, threshold determinations, and all other SEPA materials to appropriate departments or divisions of the City.

E. The SEPA PIC shall maintain a listing of recommended Federal, State, regional, local and private agencies/organizations and their addresses for use by responsible officials of the City in making scoping requests and circulating draft EISs.

F. The SEPA PIC shall review all threshold determinations and final environmental impact statements submitted to the Information Center by departments of General Government and Tacoma Public Utilities and approve such determinations of nonsignificance as to form at the time of filing.

G. The SEPA PIC shall maintain a general mailing list for the threshold determination distribution.

H. The following location constitutes the SEPA public information center:

Planning and Development Services  
Tacoma Municipal Building  
747 Market Street  
Tacoma, Washington 98402

(Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. J; passed Jun. 14, 2011)

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### **13.12.240 Timing of the SEPA process.**

A. The SEPA process shall be integrated with City activities to ensure that planning and decisions reflect environmental values, avoid delays later in the process, and seek to resolve potential problems.

B. The responsible official shall prepare the threshold determination and environmental impact statement (EIS), if required, at the earliest possible point in the planning and decision making process, once the principal features of a proposal and its environmental impacts can be reasonably identified.

1. A proposal exists when:

- a. The responsible official is presented with an application; or
- b. The responsible official has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal; and
- c. The proposal is not otherwise exempt; and
- d. The environmental effects can be meaningfully evaluated.

The fact that proposals may require future City approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts.

2. The environmental process shall commence when the responsible official receives an environmental document and request for a determination.

3. Appropriate consideration of environmental information shall be completed before the responsible official commits to a particular course of action.

C. At the latest, the responsible official shall begin environmental review, if required, when the application for both SEPA and the underlying action is determined to be complete. The responsible official may initiate review earlier and may have informal conferences with applicants. A final threshold determination or Final Environmental Impact Statement (FEIS) shall precede or accompany the staff report, if any, in a public hearing on an application.

D. When the environmental effects can be meaningfully evaluated on a proposal, the responsible official shall begin the preparation of EIS on private proposals at the conceptual stage rather than the final detailed design stage.

1. If the responsible official's only action is a decision on a building permit or other license that requires detailed project plans and specifications, the responsible official shall provide applicants with the opportunity for environmental review under SEPA prior to requiring applicants to submit such detailed project plans and specifications.

2. The responsible official may specify the amount of detail needed from applicants for such early environmental review, consistent with WAC 197-11-100 and 197-11-335.

3. This subsection does not preclude the responsible official or applicants from preliminary discussions or exploration of ideas and options prior to commencing formal environmental review.

E. An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they should coordinate their SEPA processes wherever possible. The responsible official shall comply with lead agency determination requirements in WAC 197-11 and this chapter.

F. To meet the requirement to ensure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analyses shall be circulated and reviewed with other planning documents to the fullest extent possible.

G. For their own public proposals, lead agencies may extend the time limits prescribed in these rules.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

## **Part Three – Categorical Exemptions**

### **13.12.300 Purpose of this part and adoption by reference.**

This section sets forth the proposed actions which are exempt from SEPA threshold determination and EIS requirements. Certain exemptions apply only to certain state agencies. In addition, the City has the authority to adopt certain flexible



thresholds for proposals. This section describes those thresholds. It also incorporates the following sections of the Washington Administrative Code by reference:

197-11-800	Categorical exemptions.
197-11-810	Exemptions and non-exemptions applicable to specific state agencies.
197-11-820	Department of licensing.
197-11-825	Department of labor and industries.
197-11-830	Department of natural resources.
197-11-835	Department of fisheries.
197-11-840	Department of game.
197-11-845	Department of social and health services.
197-11-850	Department of agriculture.
197-11-855	Department of ecology.
197-11-860	Department of transportation.
197-11-865	Utilities and transportation commission.
197-11-870	Department of commerce and economic development.
197-11-875	Other agencies.
197-11-890	Petitioning DOE to change exemptions.

(Ord. 28088 Ex. C; passed Sept. 25, 2012; Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **13.12.305 *Repealed by Ord. 28011.* Categorical exemptions.<sup>1</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 25856 § 2; passed Jan. 27, 1996; Ord. 23262 § 8; passed Sept. 25, 1984)

### **13.12.310 Flexible thresholds for categorical exemptions.**

The City of Tacoma establishes the following exempt levels for minor new construction as allowed under WAC 197-11-800(1)(c), and RCW 43.21C.410 except when the action is undertaken wholly or partly on lands covered by water and the action requires a development permit under Chapter 13.11 of this title.

- A. The construction or location of any residential structure of twenty or fewer dwelling units;
- B. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 30,000 square feet or less, and to be used only by the property owner or their agent in the conduct of farming the property. This exemption shall not apply to feed lots;
- C. The construction of an office, school, commercial, recreational, service, or storage building with 12,000 square feet or less of gross floor area, and with associated parking facilities designed for no more than 40 automobiles;
- D. The demolition of an office, school, commercial, recreational, service, or storage building with 12,000 square feet or less of gross floor area;
- E. The construction of a parking lot designed for no more than 40 automobiles;
- F. Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.
- G. The construction of an individual battery charging station or an individual battery exchange station, that is otherwise categorically exempt shall continue to be categorically exempt even if part of a larger proposal that includes other battery charging stations, other battery exchange stations, or other related utility networks.

(Ord. 28088 Ex. C; passed Sept. 25, 2012; Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **13.12.315 *Repealed by Ord. 28011.* Environmental checklist.<sup>2</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 23262 § 8; passed Sept. 25, 1984)

<sup>1</sup> Relocated to Section 13.12.410.

<sup>2</sup> Relocated to Section 13.12.420.

**13.12.320 Emergencies.**

Actions which must be undertaken immediately, or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health and safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. The responsible official shall determine on a case-by-case basis emergency actions which satisfy the general requirements of this section.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.340 *Repealed by Ord. 28011.* Determination of nonsignificance (DNS).<sup>1</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 27296 § 37; passed Nov. 16, 2004: Ord. 25856 § 3; passed Jan. 27, 1996: Ord. 23262 § 8; passed Sept. 25, 1984)

**13.12.350 *Repealed by Ord. 28011.* Mitigated DNS.<sup>2</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 25856 § 4; passed Jan. 27, 1996: Ord. 23262 § 8; passed Sept. 25, 1984)

**13.12.355 *Repealed by Ord. 28011.* Optional DNS process.<sup>3</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 27296 § 38; passed Nov. 16, 2004)

**Part Four – Categorical Exemptions And Threshold Determination**

**13.12.400 Purpose of this part and adoption by reference.**

This part provides the rules for administering categorical exemptions, deciding on probable significant impacts on the environment, determining if mitigation is available, and integrating SEPA into the project review process. It also incorporates the following sections of the Washington Administrative Code by reference:

- 197-11-300 Purpose of this part.
- 197-11-310 Threshold determination required.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.408 *Repealed by Ord. 28011.* Scoping.<sup>4</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 25856 § 5; passed Jan. 27, 1996: Ord. 23262 § 8; passed Sept. 25, 1984)

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<sup>1</sup> Relocated to Section 13.12.430.

<sup>2</sup> Relocated to Section 13.12.440.

<sup>3</sup> Relocated to Section 13.12.450.

<sup>4</sup> Relocated to Section 13.12.510.

**13.12.410 Categorical exemptions.**

A. Those activities excluded from the definition of “action” in WAC 197-11-704, or categorically exempted by WAC 197-11-800, are exempt from the threshold determination. No exemption is allowed for the sole reason that actions are considered to be of a “ministerial” nature or of an environmentally regulatory or beneficial nature.

B. The applicability of the exemptions shall be determined by the responsible official.

C. The responsible official who is determining whether or not a proposal is exempt shall ascertain the total scope of the proposal and the governmental licenses, permits, or approvals required:

1. If a proposal includes a series of actions, physically or functionally related to each other, some of which are exempt and some of which are not, the responsible official shall determine the primary action.
2. If a proposal includes a series of actions, physically or functionally related to each other, some of which are exempt and some of which are not, the proposal is exempt if the action determined to be the primary action by the responsible official is exempt.
3. If the proposal includes a series of exempt actions which are physically or functionally related to each other, but which together may have a significant environmental impact, the proposal is not exempt. {13.12.305(2)-(6)}

D. Pursuant to RCW 36.70B.140(2) Local Project Review, categorically exempt proposals shall be exempt from the procedural requirements for complete application and public notice under SEPA. {13.12.305(7)}

(Ord. 27995 Ex. J; passed Jun. 14, 2011: Ord. 23262 § 8; passed Sept. 25, 1984)

**13.12.420 Environmental checklist.**

Any action or proposal which is not determined to be exempt shall require environmental review under SEPA, which shall commence with the filing of a SEPA checklist. However, a checklist is not needed if the responsible official has decided to prepare an EIS, or the responsible official and applicant agree an EIS is required; see section 13.12.400 for the requirements for an EIS.

A. The Environmental checklist form shall be the same as that on file with the SEPA Public Information Center, titled “Environmental Checklist,” which is incorporated by reference in this chapter.

B. The checklist shall be filed no later than the time an application is filed for a permit, license, certificate, or other approval. {13.12.315(1)}

C. For private proposals, the responsible official shall require the applicant to complete the environmental checklist, providing assistance as necessary. For public proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

D. The items in the environmental checklist are not weighted. The mention of one or many adverse environmental impacts does not necessarily mean that the impacts are significant or that the impacts cannot be mitigated. Conversely, a probable significant adverse impact on the environment identified in the checklist may result in the need for an EIS.

(Ord. 27995 Ex. J; passed Jun. 14, 2011: Ord. 23262 § 8; passed Sept. 25, 1984)

**13.12.430 Determination of non-significance (DNS).**

A. If the responsible official determines there will be no probable significant adverse environmental impacts from a proposal, the responsible official shall prepare and issue a determination of non-significance (DNS). If the City adopts another environmental document in support of a threshold determination as set forth in Part Six of this chapter, the City shall issue a notice of adoption and/or combine the documents.

B. A DNS issued under the provisions of this section shall not become effective until the expiration of the appeal period. The filing of an appeal shall stay the effect of the DNS and no major action in regard to a proposal may be taken during the pendency of an appeal and until all action regarding the appeal is final. A decision to reverse the determination of the responsible official and uphold the appeal shall further stay any decision, proceedings, or actions in regard to the proposal.

C. When a DNS is issued for any of the proposals listed below, the requirements in this subsection shall be met. The requirements of this subsection do not apply to a DNS issued when the optional DNS process is used (Section 13.12.450).

1. The City shall not act upon a proposal for 14 days after the date of issuance of a DNS if the proposal involves:
  - a. Another agency with jurisdiction;

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- b. Non-exempt demolition of any structure or facility;
- c. Issuance of clearing or grading permits not otherwise exempted; or
- d. A DNS when the applicant has changed the project in response to early review by the responsible official in order to avoid or withdraw a Determination of Significance; or
- e. A mitigated DNS.

2. The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the Department of Ecology, and affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal, and shall give notice as set forth in this chapter.

3. Any person, affected tribe, or agency may submit comments to the City within 14 days of the date of issuance of the DNS, or as may be extended by the planning and/or public hearing process for non-project actions.

4. The date of issuance for the DNS is the date the DNS is sent to the Department of Ecology and agencies with jurisdiction and is made publicly available.

5. An agency with jurisdiction may assume lead agency status only within this comment period.

6. The responsible official shall reconsider the DNS based on timely comments and may retain or modify the DNS or, if the responsible official determines that significant adverse impacts are likely, withdraw the DNS. When a DNS is modified, the responsible official shall send the modified DNS to agencies with jurisdiction.

D. The responsible official shall withdraw a DNS if:

- 1. There are substantial changes to a proposal so that the proposal is likely to have significant adverse environmental impacts;
- 2. There is significant new information regarding a proposal's probable significant adverse environmental impacts (this section shall not apply when a nonexempt license has been issued on a project); or
- 3. The DNS was procured by misrepresentation or lack of material disclosure; if the DNS resulted from such actions by an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the responsible official or their consultants at the expense of the applicant.

If the responsible official withdraws a DNS, a new threshold determination shall be made and other agencies with jurisdiction shall be notified of the withdrawal and new threshold determination.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### 13.12.440 Mitigated DNS.

A. The responsible official may issue a determination of nonsignificance based upon conditions attached to the proposal by the responsible official or upon changes to, or clarifications of, the proposal made by the applicant.

B. If an applicant requests early notice of whether a Mitigated Determination of Nonsignificance (MDNS) or a Determination of Significance (DS) is likely, the request must:

- 1. Be submitted in writing;
- 2. Follow submission of a completed environmental checklist for a nonexempt proposal for which the department is lead agency; and
- 3. Precede the department's actual threshold determination for the proposal.
- 4. The responsible official shall respond to the request in writing and shall state whether the responsible official is considering issuance of an MDNS or a DS and, if so, indicate the general or specific area(s) of concern that are leading to consideration of an MDNS or DS;
- 5. The response must also state that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications. {13.12.350.2 and 3}

C. As much as possible, the responsible official should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

D. If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the responsible official will make a threshold determination based on the changed or clarified proposal:

1. If the responsible official indicated specific mitigation measures in a response to the request for early notice that would allow him or her to issue a DNS, and the applicant changed or clarified the proposal to include those specific mitigation measures, the responsible official shall issue a determination of nonsignificance.
2. If the responsible official indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow a DNS to be issued, the responsible official shall make the threshold determination, issuing a DNS or DS as appropriate.
3. The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific.
4. Mitigation measures which justify issuance of a DNS shall be incorporated in the DNS by inclusion in the determination, or by reference to staff reports, studies or other documents.

E. Mitigation measures incorporated in the DNS or MDNS shall be deemed conditions of approval of the associated building, work order, land use, or other development permit or license, unless revised or changed by the decision maker, and shall be placed as conditions directly upon the permit decision. The conditions shall be incorporated into the permit and shall be enforced in the same manner as any term or condition of the permit. {13.12.350(7)}

F. If the tentative decision for an approval of a permit does not include mitigation measures that were incorporated in the SEPA determination for the proposal, the threshold determination should be evaluated to assure consistency with Section 13.12.430.D of this chapter (withdrawal of DNS).

G. The responsible official's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussions of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the responsible official to a mitigated DNS.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **13.12.450 Optional DNS process.**

A. The responsible official may use the optional DNS process if they have determined that significant adverse environmental impacts are unlikely, and a single integrated comment period is desired to obtain comments for the application and the likely threshold determination for the proposal. If this process is used, a second comment period will typically not be required when the DNS is issued.

B. If the optional DNS process is used, the following shall apply:

1. The notice shall state on the first page that the City expects to issue a DNS for the proposal, and that:
  - a. The optional DNS process is being used;
  - b. This may be the only opportunity to comment on the environmental impacts of the proposal;
  - c. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and
  - d. A copy of the subsequent threshold determination for the specific proposal may be obtained upon request.
2. The notice shall list the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected.
3. The City shall comply with the requirements for a notice of application and public notice in RCW 36.70B.110; and
4. The City shall send the notice and environmental checklist to:
  - a. Agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
  - b. Anyone requesting a copy of the environmental checklist for the specific proposal.

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C. If the City indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice.

D. The responsible official shall consider timely comments on the notice and either:

1. Issue a DNS or mitigated DNS with no comment period using the procedures in subsection (5) of this section;
2. Issue a DNS, or mitigated DNS with a comment period using the procedures in subsection (5) of this section, if the City determines a comment period is necessary;
3. Issue a DS, or
4. Require additional information or studies prior to making a threshold determination.

E. If a DNS or mitigated DNS is issued under subsection (4)(a) of this section, the City shall send a copy of the DNS or mitigated DNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be re-circulated.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **13.12.460 *Repealed by Ord. 28011. Issuance of final environmental impact statement (FEIS).***<sup>1</sup>

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 25856 § 6; passed Jan. 27, 1996: Ord. 23262 § 8; passed Sept. 25, 1984)

## **Part Five – Environmental Impact Statement (EIS)**

### **13.12.500 Purpose of this part and adoption by reference.**

The purpose of this part is to describe the process, content, and format of an EIS, and to set forth the procedures for two specific kinds of non-project EIS reviews. It also incorporates the following sections of the Washington Administrative Code by reference:

197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonprofit proposals.
197-11-443	EIS contents when prior non-project EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **13.12.510 Scoping.**

A. The responsible official shall narrow the scope of every EIS to the probable significant adverse impacts and reasonable alternatives, including mitigation measures. For example, if there are only two or three significant impacts or reasonable alternatives, the EIS shall be focused on those.

B. To ensure that every EIS is concise and addresses the significant environmental issues, the responsible official shall:

1. Invite agencies with jurisdiction, if any, affected tribes, and the public to comment on the DS (WAC 197-11-360). The responsible official shall require comments in writing. Agencies with jurisdiction, affected tribes, and the public shall be allowed 21 days from the date of issuance of the DS in which to comment, unless expanded scoping is used. The date of

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<sup>1</sup> Relocated to Section 13.12.540.

issuance for a DS is the date it is sent to the Department of Ecology and other agencies with jurisdiction, and is publicly available;

2. Identify reasonable alternatives and probable significant adverse environmental impacts;
3. Eliminate from detailed study those impacts that are not significant;
4. Work with other agencies to identify and integrate environmental studies required for other government approvals with the EIS, where feasible.

C. Meetings or scoping documents, including notices that the scope has been revised, may be used but are not required. The responsible official shall integrate the scoping process with the existing planning and decision making process in order to avoid duplication and delay.

D. The responsible official shall revise the scope of an EIS if substantial changes are made later in the proposal, or if significant new circumstances or information arise that bear on the proposal and its significant impacts.

E. DEISs shall be prepared according to the scope decided upon by the responsible official in the scoping process.

F. EIS preparation may begin during scoping.

(Ord. 27995 Ex. J; passed Jun. 14, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 25856 § 7; passed Jan. 27, 1996; Ord. 23262 § 8; passed Sept. 25, 1984)

### **13.12.520 Expanded scoping (optional).**

The responsible official may expand the scoping process to include any or all of the provisions found in WAC 197-11-410, which may be applied on a proposal-by-proposal basis.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **13.12.530 EIS preparation.**

For draft, final, and supplemental EISs:

A. Preparation of the EIS is the responsibility of the City, by or under the direction of its responsible official, as specified by Section 13.12.220 of this chapter. Regardless of who participates in the preparation of the EIS, it is the EIS of the responsible official. The responsible official, prior to distributing an EIS, shall be satisfied that it complies with these rules and the procedures of the City of Tacoma.

B. The responsible official may have an EIS prepared by City staff, an applicant or its agents, or by an outside consultant retained by either an applicant or the responsible official. The responsible official shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

C. If a person other than the responsible official is preparing the EIS, the responsible official or designee shall:

1. Coordinate any scoping procedures so that the individual preparing the EIS receives all substantive information submitted by any agency or person;
2. Assist in obtaining any information on file with another agency that is needed by the person preparing the EIS;
3. Allow any party preparing an EIS access to all public records of the City that relate to the subject of the EIS, under Chapter 42.56 RCW (Public Records Act);
4. Review and examine pertinent sections of the EIS to assure the completeness, accuracy, and objectivity of the EIS.

D. Any outside person, firm, or corporation assisting in the preparation of an EIS shall have expertise and experience in preparing environmental impact statements and shall be approved by the responsible official prior to participation in the EIS development process.

E. Field investigation or research by the applicant, reasonably related to determining the environmental impacts associated with the proposal, may be required, with the cost of such field investigation or research to be borne by the applicant.

(Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.540 Issuance of final environmental impact statement (FEIS).**

- A. A FEIS shall be issued by the responsible official and sent to the Department of Ecology (two copies), to all agencies with jurisdiction, to all agencies who commented on the DEIS, and to anyone requesting a copy of the FEIS. (Fees may be charged for the FEIS, see WAC 197-11-504)
- B. The responsible official shall send the FEIS, or a notice that the FEIS is available, to anyone who commented on the DEIS or scoping notice and to those who received but did not comment on the DEIS. If the responsible official receives petitions from a specific group or organization, a notice or EIS may be sent to the group and not to each petitioner. Failure to notify any individual under this subsection shall not affect the legal validity of the City's SEPA compliance.
- C. The responsible official shall make additional copies available for review in their office and in the SEPA Public Information Center.
- D. The date of issue is the date the FEIS, or notice of availability, is sent to the persons and agencies specified in the preceding subsections and the FEIS is publicly available. Copies sent to the Department of Ecology shall satisfy the statutory requirement of availability to the governor.
- E. The City shall not act on a proposal for which an EIS has been required prior to 15 days after issuance of the FEIS. Further, filing of an appeal of the adequacy of a FEIS pursuant to Section 13.12.xxx of this chapter shall stay the effect of such FEIS and no major action in regard to a proposal may be taken during the pendency of an appeal and until the appeal is finally disposed of by the Hearing Examiner. A decision that the FEIS is inadequate and upholding the appeal shall further stay any decision, proceedings, or actions in regard to the proposal.
- F. The responsible official shall issue the FEIS within 60 days of the end of the comment period for the DEIS, unless the proposal is unusually large in scope, the environmental impact associated with the proposal is unusually complex, or extensive modifications are required to respond to public comments.
- G. The form and content of the FEIS shall be as specified in WAC 197-11-400-460.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.550 SEPA Planned Action EIS**

- A. The Responsible Official may authorize preparation of a Planned Action for a specific type of development, other than for an essential public facility or facilities as defined in RCW 36.70A.200, or for a specific geographical area that is less extensive than the jurisdictional boundaries of the City. The Planned Action must have the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with a comprehensive plan, a comprehensive plan amendment, a subarea plan or for the phased project.
- B. Ordinance. A Planned Action must be designated by ordinance of the City Council. The adopting ordinance must describe the planned action projects and may establish a time period for completion of the planned action projects.
- C. Project actions must be included in the designated ordinance and impacts addressed in an EIS prepared in conjunction with a comprehensive plan, amendment thereto, a subarea plan or a phased project.
- D. Planned action project review. Projects developed within a planned action area shall be exempted from further environmental review. However, the project proponent shall describe the environmental mitigation to be provided by subsequent or implementing projects, and must include a checklist (not a SEPA Checklist, but as set forth in the planned action EIS) that is to be filed with the project application and used to verify that:
1. The project meets the description in, and will implement, any such mitigation and
  2. The probable significant adverse environmental impacts of the project have been adequately addressed in the EIS.
- E. The adopting ordinance will state that if notice is otherwise required for the underlying permit the notice shall state that the project has qualified as a planned action and that if notice is not otherwise required for the underlying permit no special notice is required. The adopting ordinance may limit a planned action to a time period identified in the ordinance.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)



### 13.12.560 Optional Plan Elements and Development Regulations

A. The City may adopt optional comprehensive plan elements and optional development regulations that apply within designated centers or for subareas within one-half mile of a major transit stop zoned for higher density housing consistent with RCW 43.21C.240.

B. Designation of areas:

The centers must be designated by the Puget Sound Regional Council as a Regional Growth Center or a Manufacturing-Industrial Center or be an area within one-half mile of a major transit stop that is zoned to have an average minimum density of fifteen dwelling units or more per gross acre.

C. The City shall prepare a non-project (as defined in WAC 197-11-774) environmental impact statement.

1. The EIS must assess and disclose probable adverse impacts of the optional comprehensive plan element and development regulations and of future development consistent with the plan and regulations.
2. The EIS may have appended to it an analysis of the extent to which the proposed plan may result in the displacement or fragmentation of existing businesses, existing residents, including people living with poverty, families with children, and intergenerational households, or cultural groups; the results of the analysis must be discussed at a community meeting that is separate from the EIS/plan public hearings.

D. Community Meeting.

1. At least one community meeting must be held on the proposed optional plan and development regulations before the scoping notice is issued. Notice of scoping and notice of the community meeting must be mailed to all taxpayers of record within the sub-area to be studied, and within four hundred feet of the boundaries of the subarea, to affected Tribes and to agencies with jurisdiction over the future development within the subarea. See Part Five for notice requirements.
2. Notice must also be mailed to all small businesses as defined in RCW 19.85.020 and to all community preservation and development authorities established under chapter 43.167 RCW. The process for community involvement must have the goal of fair treatment and meaningful involvement of all people with respect to the development and implementation of the subarea plan.
3. The notice of the community meeting must include general illustrations and descriptions of buildings generally representative of the maximum building envelope that will be allowed under the proposed plan and indicate that future appeals of proposed developments that are consistent with the plan will be limited. Notice of the community meeting must include signs located on major travel routes in the sub-area posted within 7 days of the mailing of the meeting notice. If the building envelope increases during the process, another notice complying with the requirements of this section must be issued before the next public involvement opportunity.

E. Appeal.

Any person that has standing to appeal the adoption of the sub-area plan or the implementing regulations under RCW 36.70A.280 has standing to bring an appeal of the non-project EIS as set forth in this chapter.

F. Transfer of Development Rights.

As an integral part of preparing a sub-area plan/non-project EIS the City shall consider establishing a transfer of development rights program in consultation with Pierce County, a program that that conserves county-designated agricultural and forest land of long-term commercial significance. If the city decides not to establish a transfer of development rights program, the city must state in the record the reasons for not adopting the program. The city's decision not to establish a transfer of development rights program is not subject to appeal. Nothing in this sub-section may be used as a basis to challenge the sub-area plan.

G. Fees for Environmental Review.

The City may recover its reasonable expenses of preparation of a non-project EIS prepared under this section through access to financial assistance under RCW 36.70A.490 or funding from private sources. In addition, the City is authorized to recover a portion of its reasonable expenses of preparation of such a non-project EIS by the assessment of reasonable and proportionate fees upon subsequent development that is consistent with the plan and development regulations adopted under this section as long as the development makes use of and benefits from the non-project EIS prepared by the City. Any assessment fees collected from subsequent development may be used to reimburse funding received from private sources. In order to collect such fees, the city must enact an ordinance that sets forth objective standards for determining how the fees to be imposed upon each development will be proportionate to the impacts of each development and to the benefits accruing to each development from the non-project EIS. Any disagreement about the reasonableness or amount of the fees imposed upon a development may not be the basis for delay in issuance of a project permit for that development. The fee assessed by the city may be paid with

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the written stipulation "paid under protest" and if the city provides for an administrative appeal of its decision on the project for which the fees are imposed, any dispute about the amount of the fees must be resolved in the same administrative appeal process.

### H. Additional Environmental Review.

If a proposed development is inconsistent with the subarea plan policies and development regulations, the City shall require additional environmental review in accordance with this chapter.

### I. Effective Dates.

1. Until July 1, 2018, a proposed development that is consistent with the sub-area plan policies and development regulations adopted under this section and that is environmentally reviewed under this section may not be challenged in administrative or judicial appeals for noncompliance with this chapter as long as a complete application for such a development that vests the application or would later lead to vested status under city or state law is submitted to the City within a time frame established by the City, but not to exceed ten years from the date of issuance of the final EIS.
2. After July 1, 2018, the immunity from appeals under this section of any application that vests or will vest under this subsection or the ability to vest under this subsection is still valid, provided that the final subarea EIS is issued by July 1, 2018. After July 1, 2018, a city may continue to collect reimbursement fees under this section for the proportionate share of a subarea EIS issued prior to July 1, 2018.

(Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 27995 Ex. J; passed Jun. 14, 2011)

## **13.12.570 Archaeological, Cultural, and Historic Resources.**

### A. Regional Growth Centers.

1. This section sets forth provisions for addressing archaeological, cultural, and historic resources for projects located within the Downtown Tacoma Regional Growth Center and within the Tacoma Mall Neighborhood Regional Growth Center in areas where a Subarea Plan and a companion area-wide, non-project Environmental Impact Statement ("EIS") have been completed. The Planning and Development Services Department will use this process and any required assessments to evaluate potential impacts and assist in identifying and establishing appropriate mitigation measures.

### 2. Cultural Site Assessment Requirements.

- a. All applications for a permit shall indicate whether the property is within 500 feet of a site known to contain an historic, cultural or archaeological resource(s) based upon historic registers and records. Locations of known archaeological sites are restricted and consultation with the Washington Department of Archaeology and Historic Preservation or a certified archaeologist will be required.

(1) If there are no known historically designated or significant sites within 500 feet of the subject property, a letter to the Historic Preservation Officer should be submitted with the development stating so, along with the research methods used and resources consulted.

(2) If the property is determined to be within 500 feet of a site known to contain historic, cultural, or archaeological resources, the City shall require a cultural resource site assessment; provided that, the provisions of this section may be waived if the Director determines that the proposed development activities do not include any ground disturbing activities and will not impact a known historic, cultural or archaeological site. The intent of the site assessment is to identify potentially affected historic or cultural significant properties near the project area, and to provide a general assessment of the potential impacts to these properties. The site assessment shall contain the following elements:

- (a) The Cultural Resource Assessment shall catalog known significant historic or cultural sites in the vicinity (500 feet) of the proposed project, and assess whether there are any probable impacts to those sites resulting from the development activity. This assessment shall include photographs and a brief description of significant sites, a description of anticipated impacts (if any) and a map showing locations relative to the proposed development.
- (b) Where there is a large planned development that may affect numerous historically significant properties, and for any project that includes demolitions of structures 50 years of age or older, the documentation of buildings must be conducted in accordance with Washington State Department of Archaeology and Historic Preservation guidelines for survey and site reporting. Such documentation must include an assessment of the historic significance or lack thereof, and the basis for this assessment.

(c) Demolition of historically significant structures or the disturbance of documented archaeological sites will automatically require the preparation of a Cultural Resource Management Plan (see below).

(d) Waivers of the Cultural Site Assessment. Applicants may request that the provisions of this section be waived by submittal of a written request stating the basis for such a waiver, including the resources consulted and research conducted.

(e) The fee for the services of the professional archaeologist or historic preservation professional shall be paid by the landowner or responsible party, if needed.

(3) From the date of receipt of the Cultural Resource Assessment, the Historic Preservation Officer shall have thirty (30) days to review the document. The Historic Preservation Officer may accept the assessment as presented, request additional information or clarification, or find that, due to likely adverse effects upon historically or culturally significant properties resulting from the development project, a Cultural Resource Management Plan should be completed.

### 3. Cultural Resource Management Plan.

a. If the cultural resource site assessment identifies the presence of significant historic or archaeological resources, for which there is an anticipated adverse effect resulting from the proposed development activity, a Cultural Resource Management Plan ("CRMP") shall be prepared by a professional archaeologist or historic preservation professional paid by the landowner or responsible party. In the preparation of such plans, the professional archaeologist or historic preservation professional shall solicit comments from the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe. Comments received shall be incorporated into the conclusions and recommended conditions of the CRMP to the maximum extent practicable.

b. The CRMP is intended to provide documentation that allows a thorough assessment of the anticipated adverse impacts to historic and culturally significant properties resulting from development activities within the regional growth center or subarea. The CRMP shall be prepared by a qualified cultural resources consultant, as defined by the Washington State Department of Archaeology and Historic Preservation, and shall contain the following minimum elements and information:

(1) A Description of the Area of Potential Effect ("APE") for the project, defined as geographic area or areas within which the development project may directly or indirectly cause changes in the character or use of historic or culturally significant properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of the project and may be different for different kinds of effects caused by the project. The justification for the APE shall include a general description of the scope of work for the project and the extent and locations of ground disturbing activities (ground disturbing activities include excavations for footings, pilings, utilities, environmental testing or sampling, areas to be cleared and/or graded, demolition, removal or relocation of any existing structures, and any other ground disturbances that may occur as a result of construction activities);

(2) An inventory and assessment of all historically and culturally significant/designated properties within the APE, including citations, with dates, of any previous written documentation on listed or known culturally significant sites. In compiling this information consultations with the following agencies shall be necessary, and a list of the agency officials that were consulted with shall be included, such as the Washington State Department of Archaeology and Historic Preservation, the City of Tacoma Historic Preservation Office, and the Puyallup Tribe of Indians;

(3) An assessment of probable direct and indirect impacts within the APE resulting from development activities, including:

(a) Demolition of any buildings or structures over 50 years of age.

(b) The potential for the site to contain historic or prehistoric archaeological materials, based on the topography of the property, historical literature, geological data, geographical context, or proximity to areas of known cultural significance.

(4) An examination of project on-site design alternatives, including an explanation of why the proposed activity requires a location on, or access across and/or through, a significant historic or archaeological resource; and

(5) A description of how potential adverse effects to cultural resources as a result of construction activities will be mitigated or minimized. Subject to review and approval of the City's Historic Preservation Officer, appropriate mitigation may include, but is not limited to:

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- (a) Additional consultation with federal, state, local and tribal officials or the Tacoma Landmarks Commission.
- (b) Additional studies such as pedestrian surveys, subsurface testing, remote sensing, phased or periodic testing as a part of any geotechnical assessment or soil testing required for the project, or monitoring during construction.
- (c) Avoidance of historic/cultural resources;
- (d) Retention of all or some of a historic structure into a new development;
- (e) Interpretive/educational measures;
- (f) Off-site/on site preservation of another historic resource;
- (g) Recording the site with the Washington State Department of Archaeology and Historic Preservation, or listing the site in the National Register of Historic Places, Washington Heritage Register, as applicable, or any locally developed historic register formally adopted by the City of Tacoma;
- (h) Preservation in place;
- (i) Reinternment in the case of grave sites;
- (j) Covering an archaeological site with a nonstructural surface to discourage pilferage (e.g., maintained grass or pavement);
- (k) Excavation and recovery of archaeological resources;
- (l) Inventorying prior to covering of archaeological resources with structures or development; and
- (m) Monitoring of construction excavation.

c. Upon receipt of a complete permit application in an area of known historic/archaeological resources, the City shall notify and request a recommendation from appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe. Recommendations of such agencies and other affected persons shall be duly considered and adhered to whenever possible and reasonable.

d. The recommendations and conclusions of the CRMP shall be used to assist the Director in making final administrative decisions concerning the presence and extent of historic/archaeological resources and appropriate mitigating measures. The Director shall consult with the Washington State Department of Archaeology and Historic Preservation and the Puyallup Tribe prior to approval of the CRMP.

e. The Director may reject or request revision of the conclusions reached in a CRMP when the Director can demonstrate that the assessment is inaccurate or does not fully address the historic/archaeological resource management concerns involved.

### B. Demolition of Historic Resources – Citywide.

#### 1. Scope and Applicability.

This section sets forth provisions for review of demolition permits that affect structures that are 50 years of age or greater at the time of permit application, and that involve demolition of 4,000 gross square feet or more on a parcel, or are located within designated Mixed Use Centers, or are properties listed on the National Register of Historic Places either as part of a district or individually listed. The following project types are exempt from this section:

- a. Demolition of single family homes that are not located within National Register Historic Districts or listed on the National Register of Historic Places;
- b. Demolitions of buildings that are less than 4,000 square feet in size that are not located within National Register Historic Districts or listed on the National Register of Historic Places, or located within Mixed Use Centers.

2. Demolitions affecting designated City Landmarks. All demolition permits affecting City Landmarks (either individually listed or within local historic special review districts) shall be reviewed pursuant to procedures outlined in TMC 13.05.040.E and TMC 13.07.110.

3. Requirements. Applications for a demolition permit shall include a summary report that identifies all affected structures that are fifty years of age or greater, and shall note any such structures that are listed on the National Register of Historic Places either individually or as part of a district. Submittal materials shall include at minimum:

- a. Current photographs of all elevations of all affected structures

- b. Historical photographs of the affected structures, if available from public sources
- c. Narrative of any known history of affected structures (construction date, architect, builder, occupants, associated events)

4. The summary demolition report shall be reviewed by the Historic Preservation Officer to determine whether the affected structures appear to be historically significant and should be referred to the Landmarks Preservation Commission for consideration of designation to the Tacoma Register of Historic Places. The Historic Preservation Officer may consider the summary demolition report for up to 30 days.

a. Demolition affecting properties that are listed on the National Register of Historic Places, either individually or as a contributing structure within a historic district, shall be referred to the Landmarks Commission for consideration of designation to the Tacoma Register of Historic Places, unless it is determined by the Historic Preservation Officer that such properties lack historic integrity of location, place, setting, materials, association or feeling to the extent that such properties would be unlikely to be eligible for designation to the Tacoma Register.

b. Demolition of all other properties shall be preliminarily assessed by the Historic Preservation Officer based upon the criteria for designation of a landmarks TMC 13.07.040.

5. If the Historic Preservation Officer determines that the affected structures possess historic integrity of location, design, setting, materials, workmanship, feeling, and association and are likely eligible for listing on the Tacoma Register of Historic Places, or if the affected properties are already listed on the National Register of Historic Places, the applicant will be directed to prepare a Historic Property Assessment Report, which shall be prepared at the expense of the applicant by a qualified historic preservation consultant, and which shall contain:

a. A narrative statement which assesses the historical or cultural significance of the property, in terms of the Designation Criteria listed in TMC 13.07.050; and

b. A narrative statement which assesses the physical condition of the property and includes an architectural description; and

c. Specific language indicating which improvements on the site are eligible for historic designation according to the Designation Criteria, including any significant interior features within publicly owned buildings; and

d. A complete legal description; and

e. A description of the character-defining features and architectural elements that contribute to the historic character of the property.

6. The Historic Property Assessment Report shall be forwarded to the Landmarks Preservation Commission for its review. If the Commission finds that the affected properties should be included in the Tacoma Register of Historic Places, it shall transmit such a recommendation to the appropriate Council Committee for concurrence.

7. If no concurrence from the Committee is received within 60 days of the Committee's initial consideration of the recommendation, the Commission's recommendation is rejected. In all cases, the Committee's concurrence by vote shall be required for further consideration by the Commission; however, this does not preclude consideration of the property for designation to the Tacoma Register of Historic Places if a formal nomination for the same property is received from a private individual.

8. Upon receiving concurrence from the Committee, the Landmarks Preservation Commission shall schedule a public hearing as soon as it is practical to solicit public comment on the potential designation, per the procedural requirements at TMC 13.07.050.

9. During the demolition review process, all requirements of TMC 13.05.040.C relating to the alteration of historic properties apply to the affected properties. If the demolition permit application is withdrawn, but the Commission or City Council is considering historic designation of the subject property, the historic designation review will continue regardless of the demolition permit status.

#### **C. Unanticipated Discovery of Archaeological, Cultural and Historic Resources.**

All permit applications shall prepare a plan for the possible unanticipated discovery of historic, cultural or archaeological resources, including a point of contact, procedure for stop-work notification, and for notification of appropriate agencies.

(Ord. 28725 Ex. A; passed Dec. 8, 2020; Ord. 28611 Ex. D; passed Sept. 24, 2019; Ord. 28511 Ex. B; passed May 15, 2018; Ord. 28222 Ex. C; passed May 13, 2014)

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### 13.12.580 Traffic Impact Assessment.

#### A. Purpose and Applicability.

1. This section sets forth provisions for Traffic Impact Assessments for projects located within the Downtown Tacoma Regional Growth Center and within the Tacoma Mall Neighborhood Regional Growth Center in areas where a Subarea Plan and a companion area-wide, non-project Environmental Impact Statement (“EIS”) have been completed.

Transportation impacts generally relate to the size of the development, the number of trips generated, and their effect on local and state streets and transportation facilities, transit operations, freight, and pedestrian and bicycling facilities and operations.

The Department of Public Works will use the Traffic Impact Assessment to evaluate impacts and assist in identifying and establishing mitigation measures that will address safety, circulation, and capacity issues; capacity will be addressed in terms of Level of Service established in the City Comprehensive Plan and applicable sub-area plans. In those cases where the Department of Public Works identifies potential impacts to State Highways, they will consult with the Washington State Department of Transportation (“WSDOT”) in identifying mitigation measures.

#### 2. Exemptions.

The Director of Public Works may be able to provide an exemption from this impact analysis if a proposal has no meaningful potential for significant and adverse transportation or traffic impacts. This may occur if the proposal has characteristics that may limit its net new vehicle traffic generation, or if only non-congested roadways and intersections are nearby, or if the net increase in traffic would not be significant compared to traffic from existing development.

#### B. Definitions.

For definitions, see Section 13.01.

#### C. Traffic Impact Assessments.

Transportation information is required to be prepared and submitted to the Public Works Department at the time of permit intake. If such information is not submitted, the Public Works Department may delay completing the application process until such time as the information is made available. After the application is accepted, permit review by Public Works Department staff may result in a request for additional information, which will be detailed in a correction notice. The type and extent of analysis required, which is outlined below, is based on the project size, as follows:

DOWNTOWN TACOMA RGC		
USE	“Level 1” Analysis	“Level 2” Analysis
Residential	100 to 199 dwelling units	Over 199 dwelling units
Commercial	30,000 – 59,999 sq. feet	Over 59,999 sq. feet
If the residential unit count in a mixed-use development is less than the listed size ranges, but the non-residential use exceeds 20,000 square feet:	20,000 – 59,999 sq. feet	Over 59,999 sq. feet

TACOMA MALL NEIGHBORHOOD RGC		
USE	“Level 1” Analysis	“Level 2” Analysis
Residential	Development that exceeds SEPA categorical exemptions as defined in TMC 13.12.310	Over 199 dwelling units
Commercial		Over 59,999 sq. feet
Mixed-use or industrial		Over 59,999 sq. feet
Large block developments as defined in TMC 13.05.010 Site Approval.	Optional: Analyze Site Approval connections as part of TIA	Required: Analyze Site Approval connections as part of TIA

1. Level 1: The following information must be provided by a qualified expert in the form of a transportation impacts study:

- a. Number of additional daily vehicle trips generated by the development as calculated using the ITE Trip Generation Manual, 8th Edition or successor edition.
- b. Number of additional “peak hour” vehicle trips generated by the development in the afternoon peak hours as calculated using the ITE Trip Generation Manual, 8th Edition or successor edition
- c. The proposed ingress/egress routes, such as alleys and streets, on which vehicles will enter and leave the site’s parking garage or lot, and whether or not new curb-cuts will be proposed.
- d. An estimate of what proportion of the development’s traffic is likely to use which streets.
- e. Identify whether the nearest intersections are controlled by stop signs, traffic lights, or other form of traffic control.
- f. Describe existing pedestrian and bicycle facilities in the immediate site vicinity, using the City’s Comprehensive Plan.
- g. Describe any pedestrian or bicycle facility improvements proposed.
- h. Describe any impacts to state highways.
- i. Summarize relationships and potential for impacts to transit service, passenger rail, and non-motorized facilities in the site vicinity, and traffic safety, to the extent affected by the proposed development.
- j. Assessment of existing transportation network conditions, level of service, planned capital improvement projects, and potential effect on mode choice shift in the Subarea.
- k. Additional information determined by the Public Works Department to be necessary to identify the impacts of the proposal and to determine the appropriate mitigation actions pursuant to City policies and standards.

2. Level 2: The following information must be provided by a qualified expert in the form of a transportation impacts study:

- a. Identification of existing conditions, future baseline conditions, and number of additional daily vehicle trips generated by the development, specifically:
  - (1) Information to describe the local streets and state highways, existing traffic volumes and turning movements, and traffic control devices on affected streets, state highways, and intersections;
  - (2) Level of service information or alternate equivalent measures of traffic operation, delay, volume-to-capacity (“v/c”) ratio for affected intersections and/or streets/highway;
  - (3) Traffic safety information – accident/collision history, latest 3 years;
  - (4) Trip Generation: use the ITE Trip Generation Manual, 8th Edition (or successor), or alternate method to provide the following:
    - (a) Calculate reductions from basic trip generation, for internal trips, pass-by trips, and mode choices (e.g., proportion likely to use modes other than single-occupant vehicle travel), at the applicant’s discretion.
    - (b) Calculate any other reductions justifiable due to the nature of the development or site.
    - (c) Summarize the resulting trip calculations for residential and commercial uses.
- b. Number of additional “peak hour” vehicle trips generated by the development in the afternoon peak hours, specifically:
  - (1) Using comparable methods described under Subsection C.1. above, calculate peak hour vehicle trip generation; and
  - (2) Providing the proposed ingress/egress routes, such as alleys and streets, on which automobiles will enter and leave the site’s parking garage or lot, and whether or not new curb-cuts will be proposed.
- c. The applicant’s estimate of “trip distribution” and assignment – what proportion of the development’s traffic is likely to use which streets.
- d. Identify the probable extent of traffic impacts on affected streets, highways, and intersections as follows:

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(1) Afternoon peak hour turning movement impacts on identified intersections, and interpretation of the potential magnitude of impact, including roadway level of service, intersection level of service, and/or other methods of evaluating impacts on street and intersection operations.

(2) Site access operations, including information such as peak hour volumes, delay and/or level of service, and relationship to freight operations if relevant.

e. Summarize relationships and potential for impacts to transit service, passenger rail, and non-motorized facilities in the site vicinity, and traffic safety, to the extent affected by the proposed development, including:

(1) Description of proposed bicycle, pedestrian, transit, and freight facilities and operations as provided for in existing multimodal plans. This should include whether there are gaps in pedestrian connections from the site to the nearest transit stop or gaps in continuity of bicycle facilities in the site vicinity.

(2) Describe whether the development would adversely affect sidewalks, bicycle lanes, transit facilities, and whether it would contribute traffic to a high accident location.

(3) Describe any planned improvements or reconstruction of sidewalks or streets adjacent to the development site.

f. Describe any impacts to state highways.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Ord. 28511 Ex. B; passed May 15, 2018: Ord. 28222 Ex. C; passed May 13, 2014)

## Part Six – Commenting

### 13.12.600 Purpose of this part and adoption by reference.

The purpose of this part of the Chapter is to provide the regulations for public notice and public availability of environmental documents, for circulation of environmental decisions to agencies and members of the public, public hearings and meetings, and response to comments received during the process. This section should be read in conjunction with the applicable administrative provisions in TMC 13.05 as they apply to land use permitting decisions. It also incorporates the following sections of the Washington Administrative Code by reference:

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA Register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### 13.12.610 Public notice.

A. When notice is required, the responsible official must use reasonable methods to inform the public and other agencies that an environmental document is being prepared or is available and that public hearing(s), if any, will be held.

B. Notice Requirements, DNS.

1. When a land use decision is required for a proposal, notice of the SEPA pre-threshold determination or the availability of the final environmental impact statement shall be provided in conjunction with notification of the proposed land use action. The notice shall inform recipients where the SEPA records are located and that a final environmental determination shall be made following a comment period.

2. Notice of the SEPA pre-threshold environmental determination for projects which do not require a land use decision shall be published in a newspaper of general circulation within the area in which the project is located, and shall include information as stated above.



3. Notice of the SEPA pre-threshold environmental determination for non-project actions shall be provided in conjunction with notification of the earliest hearing (e.g., Planning Commission). Such notice shall be published in a newspaper of general circulation within the area in which the project is located, and shall include information as stated above.

4. If an appeal is filed, notification of hearing such appeal shall be mailed to parties of record and to all parties who have indicated in writing an interest in the proposed land use action.

C. Notice Requirements, EIS.

1. Notice of determination of significance, scoping, and availability of draft and final EISs shall be published in a newspaper of general circulation within the area in which the project is located.

2. The determination of significance and scoping notice shall be mailed by first class mail to the applicant; property owner (if different from applicant); Neighborhood Councils, and qualified neighborhood or community organizations in the vicinity where the proposal is located; the Puyallup Tribal Nation for substantial actions 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 Property Owners," dated August 27, 1988; and to taxpayers as indicated by the records of the Pierce County Assessor, within 400 feet of the proposed action. Those parties who comment on the project shall receive notice of the draft and final EISs.

3. A public information sign shall be erected on the site by the applicant, in a location determined by the staff responsible for carrying out the SEPA responsibilities, within seven calendar days of the date of issuance of the determination of significance. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and where additional information can be obtained. The sign shall remain on the site until a final decision on the project is made.

D. Documents which are required to be sent to the Department of Ecology will be published in the SEPA register, which will also constitute a form of public notice. However, publication in the SEPA register shall not, in itself, meet the notice requirements.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.620 Responding to SEPA Requests for Comment from Other Lead Agencies**

A. The director of the department with appropriate expertise shall be responsible for preparation of written comments responding to a consultation request from another lead agency prior to a threshold determination, participation in scoping, and reviewing a DEIS.

B. The director shall be responsible for the City's compliance with WAC 197-11-550 whenever such department is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.660 *Repealed by Ord. 28011.* Substantive authority and mitigation.<sup>1</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 27296 § 39; passed Nov. 16, 2004: Ord. 25856 § 8; passed Jan. 27, 1996: Ord. 23262 § 8; passed Sept. 25, 1984)

**13.12.680 *Repealed by Ord. 28011.* Appeals of SEPA threshold determination and adequacy of final environmental impact statement.<sup>2</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011: Ord. 27893 Ex. A; passed Jun. 15, 2010: Ord. 25856 § 9; passed Jan. 27, 1996: Ord. 25738 § 10; passed Jul. 18, 1995: Ord. 23262 § 8; passed Sept. 25, 1984)

**13.12.685 *Repealed by Ord. 25856.* Appeal from denial or conditioning of an administrative permit.**

(Ord. 25856 § 10; passed Jan. 27, 1996: Ord. 23262 § 8; passed Sept. 25, 1984.)

<sup>1</sup> Relocated to Section 13.12.810.

<sup>2</sup> Relocated to Section 13.12.820.

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### **Part Seven – Using Existing Environmental Documents**

#### **13.12.700 Purpose of this part and adoption by reference.**

This part of the Chapter sets forth the rules for using existing environmental documents. It describes the process, noticing procedures, and appeal provisions when existing environmental review is used to fulfill all or part of the City's SEPA responsibilities. It also incorporates the following sections of the Washington Administrative Code by reference:

- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement – Procedures.
- 197-11-625 Addenda – Procedures.
- 197-11-630 Adoption – Procedures.
- 197-11-635 Incorporation by reference – Procedures.
- 197-11-640 Combining documents.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **Part Eight – SEPA and Agency Decisions**

#### **13.12.800 Purpose of this part and adoption by reference.**

This section of the Chapter is intended to ensure that complete, quality information is used in the SEPA process, that SEPA is incorporated with other laws and decisions, and provide a clear, concise, description of the City's substantive authority under SEPA. The section includes appeal provisions for SEPA determinations. It also incorporates the following sections of the Washington Administrative Code by reference:

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

#### **13.12.801 *Repealed by Ord. 28011.* Flexible thresholds for categorical exemptions.<sup>1</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 27296 § 40; passed Nov. 16, 2004; Ord. 25856 § 11; passed Jan. 27, 1996; Ord. 23262 § 8; passed Sept. 25, 1984)

#### **13.12.810 Substantive authority and mitigation.**

A. Any action by the City of Tacoma on public or private proposals that is not exempt may be conditioned or denied under SEPA to mitigate the environmental impact subject to the following limitations:

1. Mitigation measures or denials shall be based on the policies, plans, rules, or regulations formally designated by the City as a basis for the exercise of substantive authority and in effect when a complete SEPA checklist is submitted.
2. Mitigation measures shall be related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal and shall be stated in writing by the responsible official. The responsible official shall cite the City's SEPA policy that is the basis of any condition or denial under this chapter. The responsible official shall make available to the public, in their office, a document that states the decision. The document shall state the mitigation measures, if any, that will be implemented as part of the decision, including any monitoring of environmental impacts. Such a document may be the permit itself, or may be combined with other City documents, or may reference relevant portions of environmental documents.
3. Mitigation measures shall be reasonable and capable of being accomplished.
4. Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of its proposal. Voluntary additional mitigation may occur.

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<sup>1</sup> Relocated to Section 13.12.310.

5. Before requiring mitigation measures, the responsible official shall consider whether local, State, or Federal requirements and enforcement would mitigate an identified significant impact.

6. To deny a proposal under SEPA, the decision maker must cause an EIS to be prepared and subsequently find that:

- a. The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and
- b. Reasonable mitigation measures are insufficient to mitigate the identified impact.

7. If, during project review, the responsible official determines that the requirements for environmental analysis, protection, and mitigation in the City's development regulations, or comprehensive plan, or in other applicable local, state, federal laws, or rules, provide adequate analysis of, and mitigation for the specific adverse environmental impacts of the project action, the responsible official shall not impose additional mitigation under this chapter.

B. The decision maker should judge whether possible mitigation measures are likely to protect or enhance environmental quality. The EIS should briefly indicate the intended environmental benefits of mitigation measures for significant impacts. An EIS is not required to analyze in detail the environmental impacts of mitigation measures, unless the mitigation measures:

1. Represent substantial changes in the proposal so that the proposal is likely to have significant adverse environmental impacts, or involve significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; and
2. Will not be analyzed in a subsequent environmental document prior to their implementation.

C. The City has prepared the comprehensive plan, which contains agency SEPA policies and has further set them forth in this chapter for the information of the public and of other agencies. This document includes by reference the regulations, plans, or codes formally designated under this section and RCW 43.21C.060 as possible bases for conditioning or denying proposals. This document is available to the public in the SEPA PIC and shall be available to applicants prior to preparing a draft EIS.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **13.12.820 Appeals of SEPA threshold determination and adequacy of final environmental impact statement.**

A. All appeals under this chapter shall be conducted in accordance with RCW 43.21C.075 concerning appeals of Environmental Determinations. Except in the following cases, appeals on Environmental Determinations shall be heard at the same time as appeals on the underlying governmental action:

1. An appeal of a determination of significance;
2. An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under this chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;
3. An appeal of a procedural determination made by an agency on a nonproject action; or
4. An appeal to the local legislative authority under RCW 43.21C.060 or other applicable state statutes.

B. Appeal to the Hearing Examiner.

#### **1. Initiating an Appeal**

a. Threshold determination or adequacy of a final environmental impact statement for a proposed land use action shall be appealable to the Hearing Examiner. All other appeals under this chapter, other than appeals of environmental reviews associated with Shoreline Substantial Development Permits, shall be made as set forth below.

b. Appeal Procedure/Fee. A notice of appeal, together with a filing fee as set forth in Section 2.09 of the Tacoma Municipal Code, shall be filed with Planning and Development Services. Planning and Development Services shall process the appeal in accordance with Chapter 13.05 of this title.

c. Time Requirement. An appeal shall be filed within 14 calendar days after issuance of the determination by the responsible official. If the last day for filing an appeal falls on a weekend day or holiday, the last day for filing shall be the next working day.

d. Content of the Appeal. Appeals shall contain:

- (1) The name and mailing address of the appellant and the name and address of their representative, if any;

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- (2) The appellant's legal residence or principal place of business;
- (3) A copy of the decision which is appealed;
- (4) The grounds upon which the appellant relies;
- (5) A concise statement of the factual and legal reasons for the appeal;
- (6) The specific nature and intent of the relief sought;
- (7) A statement that the appellant has read the appeal and believes the contents to be true, followed by their signature and the signature of their representative, if any. If the appealing party is unavailable to sign the appeal, it may be signed by their representative.

e. Dismissal of Appeal. The Hearing Examiner may summarily dismiss an appeal without hearing when such appeal is determined by the Examiner to be without merit on its face, frivolous, or brought merely to secure a delay, or that the appellant lacks legal standing to appeal.

f. Effect of Appeal. The filing of an appeal of a threshold determination or adequacy of a final environmental impact statement (FEIS) shall stay the effect of such determination or adequacy of the FEIS and no major action in regard to a proposal may be taken during the pendency of an appeal and until the appeal is finally disposed of by the Hearing Examiner. A decision to reverse the determination of the responsible official and uphold the appeal shall further stay any decision, proceedings, or actions in regard to the proposal.

### 2. Withdrawal of Appeal.

An appeal may be withdrawn, only by the appellant, by written request filed with Planning and Development Services. Planning and Development Services shall inform the Hearing Examiner and responsible official of the withdrawal request. If the withdrawal is requested before the response of the responsible official, or before serving notice of the appeal, such request shall be permitted and the appeal shall be dismissed without prejudice by the Hearing Examiner, and the filing fee shall be refunded.

### 3. Response of responsible official.

The responsible official shall respond in writing to the appellant's objections. Such response shall be transmitted to Planning and Development Services. Planning and Development Services shall forward all pertinent information to the Hearing Examiner, appellant, and responsible official no later than seven days prior to hearing. The official's response shall contain, when applicable, a description of the property and the nature of the proposed action. Response shall be made to each specific and explicit objection set forth in the appeal, but no response need be made to vague or ambiguous allegations. The response shall be limited to facts available when the threshold determination was made. In the case of a response to an appeal of the adequacy of a final environmental impact statement, the response shall be limited to facts available when the final environmental impact statement is issued. No additional environmental studies or other information shall be allowed.

### 4. Hearing.

- a. The hearing of an appeal of a determination of nonsignificance or adequacy of an environmental impact statement on a proposed land use action which requires a hearing shall be held concurrently with the hearing on the application request.
- b. The hearing of an appeal of a determination of nonsignificance or adequacy of the final environmental impact statement for a proposal which requires an administrative land use decision shall be expeditiously scheduled upon receipt of a valid appeal. If the SEPA determination and land use decision are appealed, the SEPA appeal and the land use hearing shall be held concurrently.
- c. The hearing of an appeal by a project sponsor of a determination of significance issued by the responsible official shall be expeditiously scheduled upon receipt of a valid appeal.
- d. The public hearing shall be conducted in accordance with the provisions of Chapter 1.23 of the Tacoma Municipal Code.
- e. The Hearing Examiner may affirm the decision of the responsible official or the adequacy of the environmental impact statement, or remand the case for further information; or the Examiner may reverse the decision if the administrative findings, inferences, conclusions, or decisions are:
  - (1) In violation of constitutional provisions as applied; or
  - (2) The decision is outside the statutory authority or jurisdiction of the City; or

(3) The responsible official has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure; or

(4) In regard to challenges to the appropriateness of the issuance of a DNS clearly erroneous in view of the public policy of SEPA; or

(5) In regard to challenges to the adequacy of an EIS shown to be inadequate employing the “rule of reason.”

f. Evidence – Burden of Proof. In each particular proceeding, the appellant shall have the burden of proof, and the determination of the responsible official shall be presumed prima facie correct and shall be afforded substantial weight. Appeals shall be limited to the records of the responsible official.

g. Continuation of Hearing.

(1) Cause. A hearing may be continued by the Hearing Examiner with the concurrence of the applicant for the purpose of obtaining specific pertinent information relating to the project which was unavailable at the time of the original hearing.

(2) Notification. The Hearing Examiner shall announce the time and place of a continued hearing at the time of the initial hearing or by written notice to all parties of record.

5. The Examiner’s decision for an appeal shall be made in accordance with Chapter 1.23 of the Tacoma Municipal Code.

C. Appeals of non-land use, shoreline, and other actions.

1. Appeals for environmental determinations which are not related to land use actions (i.e., permits issued pursuant to TMC 13.05), including building permits, shall be made to Superior Court.

a. The SEPA appeal period commences upon issuance of the underlying permit, not with the issuance of the SEPA determination.

b. Appeals shall be made to Superior Court within 21 days of the action.

2. Appeals of non-project actions (e.g., decisions made in the course of planning under the Growth Management Act/GMA or the Shoreline Management Act/SMA) shall be appealable to the Growth Management Hearings Board.

a. Appeals of GMA actions shall be made within 60 days of the City’s publication of the adopting ordinance;

b. Appeals of SMA actions shall be made within 60 days of the City’s publication of the Department of Ecology’s approval of the adopted document.

3. Appeals of SEPA associated with Shoreline Substantial Development Permits shall be made to the Shoreline Hearings Board in accordance with the Tacoma Shoreline Master Program Section 2.7.

4. Appeals of other actions shall be processed in accordance with the appeal provisions of the underlying action.

D. Notice of Action.

Pursuant to RCW 43.21C.080, notice of any action taken by a governmental agency may be publicized by the applicant for, or proponent of, such action in the form as provided by Planning and Development Services and WAC 197-11-990.

The publication establishes a time period wherein any action to set aside, enjoin, review, or otherwise challenge any such governmental action on grounds of noncompliance with the provisions of SEPA must be commenced, or be barred. Any subsequent action of the City for which the regulations of the City permit use of the same detailed statement to be utilized and as long as there is not substantial change in the project between the time of the action and any such subsequent action, shall not be set aside, enjoined, reviewed, or thereafter challenged on grounds of noncompliance with RCW 43.21C.030(2)(c).

(Ord. 28230 Ex. G; passed Jul. 22, 2014; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. J; passed Jun. 14, 2011)

**13.12.880 *Repealed by Ord. 28011. Emergencies.***

*Relocated to Section 13.12.320.*

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 23262 § 8; passed Sept. 25, 1984)

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### **Part Nine – Repealed by Ord. 28613. Definitions.**

#### **13.12.900 Repealed by Ord. 28613. Purpose of this part and adoption by reference.**

*Relocated to 13.01.120.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019; Ord. 27995 Ex. J; passed Jun. 14, 2011)

#### **13.12.905 Repealed by Ord. 28011. Responsibility of the City’s SEPA public information center (SEPA PIC).<sup>1</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 25856 § 12; passed Jan. 27, 1996; Ord. 23262 § 8; passed Sept. 25, 1984)

#### **13.12.908 Repealed by Ord. 28011. Critical areas.<sup>2</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 25856 § 13; passed Jan. 27, 1996; Ord. 25060 § 12; passed Feb. 25, 1992; Ord. 24083 § 2; passed May 10, 1988; Ord. 23262 § 8; passed Sept. 25, 1984)

#### **13.12.910 Repealed by Ord. 28613. Additional definitions.**

*Relocated to 13.01.120.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27995 Ex. J; passed Jun. 14, 2011; Ord. 23262 § 8; passed Sept. 25, 1984)

#### **13.12.911 Repealed by Ord. 28011. Designation of the SEPA public information center.<sup>3</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 23262 § 8; passed Sept. 25, 1984)

#### **13.12.914 Repealed by Ord. 25856. SEPA fees and costs.**

(Ord. 25856 § 14; passed Feb 27, 1996; Ord. 24827 § 9; passed Jan. 29, 1991; Ord. 23909 § 17; passed Aug. 4, 1987; Ord. 23262 § 8; passed Sept. 25, 1984)

### **Part Ten – Agency Compliance**

#### **13.12.920 Purpose of this part and adoption by reference.**

This section responds to the state’s requirement that the City adopt its own SEPA rules and procedures to carry out its environmental responsibilities. It sets forth the responsibilities of staff and officials within the City in fulfilling SEPA duties, identifies agencies with expertise, provides for public availability of SEPA documents, and provides rules for determination of lead agency. It also incorporates the following sections of the Washington Administrative Code by reference:

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-904 Agency SEPA procedures.
- 197-11-906 Content and consistency of agency procedures.
- 197-11-912 Procedures on consulted agencies.
- 197-11-914 SEPA fees and costs.
- 197-11-916 Application to ongoing actions.
- 197-11-917 Relationship to Chapter 197-10 WAC.
- 197-11-918 Lack of agency procedures.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determination of lead agency – Procedures.
- 197-11-926 Lead agency for governmental proposals.

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<sup>1</sup> Relocated to Section 13.12.230.

<sup>2</sup> Relocated to Section 13.12.930.

<sup>3</sup> Relocated to Section 13.12.230.

197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses for more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.
197-11-955	Effective date.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

### **13.12.923 *Repealed by Ord. 28011.* Lead agency – Responsibilities.<sup>1</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 23262 § 8; passed Sept. 25, 1984)

### **13.12.930 Critical areas.**

A. The City may, at its option, designate areas within its jurisdiction which are environmentally sensitive areas pursuant to WAC 197-11-908.

B. The South Tacoma Groundwater Protection District, as described in Section 13.06.070 of this title, is hereby designated a critical area, subject to the requirements set forth in this title.

C. Fish and wildlife habitat conservation areas, erosion hazard areas, landslide hazard areas, steep slopes, wetlands and streams, as described in Chapter 13.11 of this title, are hereby designated critical areas, subject to the requirements set forth in Chapter 13.11 of this title.

D. The scope of environmental review of actions within these areas shall be limited to:

1. Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and
2. Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

## **Part Eleven – Forms**

### **13.12.940 Purpose of this part and adoption by reference.**

This section adopts the following forms, unchanged except as to formatting, and sets forth the official forms for use with SEPA.

197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of non-significance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

(Ord. 27995 Ex. J; passed Jun. 14, 2011)

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<sup>1</sup> Relocated to Section 13.12.210.

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### **13.12.950   *Repealed by Ord. 28011. Severability.*<sup>1</sup>**

(Ord. 28011 Ex. A; passed Aug. 23, 2011; Ord. 23262 § 8; passed Sept. 25, 1984)

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<sup>1</sup> Relocated to Section 13.12.150.



**CHAPTER 13.13**

***REPEALED***

**SOLAR LOT DEVELOPMENT STANDARDS**

*Repealed by Ord. 25988*

*(Ord. 25988 § 1; passed Dec. 12, 1989)*

**CHAPTER 13.14**

***REPEALED***

**ENVIRONMENTAL COMMISSION**

*Repealed by Ord. 27378*

(Ord. 27378 § 1; passed Jul. 12, 2005)

## CHAPTER 13.15

### COMMUTE TRIP REDUCTION

Repealed and Reenacted by Ord. 27771 Ex. D, passed Dec. 9, 2008

Sections:

13.15.010	Purpose and intent.
13.15.020	<i>Repealed.</i>
13.15.030	Commute Trip Reduction Plan.
13.15.040	Responsible City of Tacoma agency.
13.15.050	Applicability.
13.15.060	Notification of applicability.
13.15.070	Requirements for employers.
13.15.080	Review and modifications of CTR programs.
13.15.090	Exemptions.
13.15.100	Enforcement and penalties.
13.15.110	Appeals.
13.15.115	<i>Repealed.</i>
13.15.120	<i>Repealed.</i>
13.15.130	<i>Repealed.</i>

#### **13.15.010 Purpose and intent.**

The purpose of this chapter is to promote public health, safety, and general welfare by establishing goals and requirements for employers to implement commute trip reduction programs in accordance with RCW 70.94.521-551. The City of Tacoma recognizes the importance of increasing citizens' awareness of climate change, air quality, energy consumption, and traffic congestion and the contribution employers and individual actions can make toward addressing these issues. The intent of this chapter is to achieve the following objectives:

1. To improve air quality, reduce traffic congestion, and reduce the consumption of petroleum fuels through employer-based programs that encourage the use of alternatives to driving alone for the commute trip.
2. To ensure consistency, cooperation and coordination with Pierce County, Pierce Transit and appropriate jurisdictions within the county in fulfilling the requirements as set forth in RCW 70.94.521-551.
3. To make optimal use of existing and planned transportation facilities to minimize development costs and preserve business opportunities in Tacoma, consistent with the goals and policies of the Comprehensive Plan as set forth in Chapter 13.02.060.

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 26215 § 1; passed Apr. 7, 1998: Ord. 25258 § 1; passed Feb. 2, 1993)

#### **13.15.020 *Repealed by Ord. 28613.* Definitions.**

*Relocated to 13.01.150.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019: Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 25258 § 1; passed Feb. 2, 1993)

#### **13.15.030 Commute Trip Reduction Plan.**

The City of Tacoma Commute Trip Reduction Plan, as adopted by the City Council on July 10, 2007, per Resolution No. 37220, establishes commute trip reduction goals for the city and affected employers, pursuant to RCW 70.94.521-551 and WAC 468-63, and shall provide the guidelines for implementing this chapter (as set forth in Chapter 13.02.060).

(Ord. 28725 Ex. A; passed Dec. 8, 2020: Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 27296 § 42; passed Nov. 16, 2004: Ord. 26215 § 2; passed Apr. 7, 1998: Ord. 25258 § 1; passed Feb. 2, 1993)

#### **13.15.040 Responsible City of Tacoma agency.**

The Planning and Development Services Department will be responsible for implementing this chapter.

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(Ord. 28109 Ex. O; passed Dec. 4, 2012; Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 27466 § 39; passed Jan. 17, 2006; Repealed and reenacted by Ord. 27296 § 43, 44; passed Nov. 16, 2004: Ord. 26386 § 35; passed Mar. 23, 1999: Ord. 26215 § 3; passed Apr. 7, 1998: Ord. 25258 § 1; passed Feb. 2, 1993)

### **13.15.050 Applicability.**

#### **A. Affected Employer.**

The provisions of this chapter shall apply to any affected employer at any single worksite within the limits of the City of Tacoma, or located in the city limits of jurisdictions where the City of Tacoma has entered into an interlocal agreement to administer CTR.

#### **B. Change in Status as an Affected Employer.**

Any of the following changes in an employer's status may change the employer's CTR Program requirements:

1. Change from Affected to Non-affected Status. If an employer initially designated as an affected employer no longer employs 100 or more affected employees and expects not to employ 100 or more affected employees for the next 12 months, that employer is no longer an affected employer. It is the responsibility of the employer to notify the City of Tacoma in writing that it is no longer an affected employer and provide supporting evidence.
2. Change in Status within a 12-month Period. If an employer drops below the threshold and then returns to the threshold level of 100 or more affected employees within the same 12 months, that employer will be considered an affected employer for the entire 12 months, and will be subject to the program requirements as other affected employers.
3. Change in Status after a 12-month Period. If an employer drops below the threshold and then returns to the threshold level of 100 or more affected employees 12 or more months after its change in status to an "unaffected" employer, that employer shall be treated as a newly affected employer.

#### **C. Newly Affected Employers.**

1. Identification. Employers meeting the definition of "affected employer" in this chapter must identify themselves to the City of Tacoma within 30 days of either moving into the boundaries of the City of Tacoma or growing in employment at a worksite to 100 or more affected employees. It is the responsibility of the employer to notify the City of its affected employer status.
2. Survey. Newly affected employers, upon receiving written notification that they are subject to this chapter, shall have 90 days to perform a baseline measurement. The employer shall utilize the State provided survey measurement tool or State approved equivalent format and strive to achieve at least a 70% response rate from employees at the worksite.
3. Program Development. Not more than 60 days after receiving written notification of the results of the baseline measurement, the newly affected employer shall develop and submit a CTR Program to the City of Tacoma, utilizing the format provided by the City. The program will be developed in consultation with the City to be consistent with the goals of the CTR Plan.
4. Program Implementation. The employer's CTR Program shall be implemented not more than 90 days after approval by the City of Tacoma.

#### **D. City of Tacoma Employees.**

The City of Tacoma, including General Government and the Public Utilities, is required to implement a Commute Trip Reduction Program in accordance with this chapter for its employees.

(Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 27296 § 45; passed Nov. 16, 2004: Ord. 26215 § 4; passed Apr. 7, 1998: Ord. 25258 § 1; passed Feb. 2, 1993)

### **13.15.060 Notification of applicability.**

#### **A. Notice to Known Affected Employers.**

Known affected employers located in the City of Tacoma, or within the jurisdictions for which the City of Tacoma administers the CTR programs, will receive written notification that they are subject to this chapter and any revisions or amendments to this chapter. Such notice shall be addressed to the company's chief executive officer, senior official, or CTR manager at the worksite. Such notification shall be delivered within 30 days of the adoption of this chapter or any revisions.

**B. Self-identification of Affected Employers.**

Employers that, for whatever reasons, do not receive notice within 30 days of the adoption or amendment of this chapter shall identify themselves to the City of Tacoma within 60 days of the adoption of this chapter.

**C. Notification of Non-applicability.**

It is the responsibility of the employer to provide the City of Tacoma with information, in writing, regarding the non-applicability of this chapter to their worksite.

(Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 27296 § 46; passed Nov. 16, 2004: Ord. 26215 § 5; passed Apr. 7, 1998: Ord. 25258 § 1; passed Feb. 2, 1993)

**13.15.070 Requirements for employers.**

An affected Employer is required to make a good faith effort as defined in RCW 70.94.534(2) and this chapter to develop and implement a CTR program for their employees that will encourage their employees to reduce VMT per employee and drive alone commute trips. The employer shall provide effective staffing levels and financial resources to fulfill the following program requirements:

**A. Employee Transportation Coordinator (ETC).**

The employer shall designate an employee transportation coordinator (ETC) to administer the CTR Program. The ETC or designee's name and telephone number must be displayed prominently at each affected worksite. The ETC shall oversee all elements of the employer's CTR Program and act as liaison between the employer and the City of Tacoma. Employers with multiple affected worksites shall have effective program administration at each affected worksite. An employer may utilize the employee transportation coordinator services of a transportation management organization/association (TMO/TMA). If a TMO/TMA is utilized, the employer will still be held responsible for meeting all the requirements of RCW 70.94.521-551 and this chapter.

**B. Information Distribution.**

General information about alternatives to drive alone commuting, ride matching service, as well as a summary of the employer's CTR Program shall be provided to employees at least once a year and to new employees at the time of hire or during the new hire orientation. Specific information about commute options, employer program elements, or countywide/statewide commuter services, programs and events shall be provided to employees at least once a month. A transportation event or promotional campaign shall be conducted at least once a year.

**C. Emergency Ride Home.**

The employer shall offer to its employees an emergency ride home program which guarantees employees a free ride home in emergency situations when they use alternative commute modes.

**D. Additional Program Elements to Achieve CTR Goals.**

In addition to the specific program elements described above, employer CTR programs shall include, but are not limited to, one or more of the following measures:

- a. Provide preferential parking for high-occupancy vehicles;
- b. Reduce parking charges for high-occupancy vehicles;
- c. Institute or increase parking charges for drive alone commuters;
- d. Eliminate free parking;
- e. Decrease the number of parking stalls within the constraints of the parking code regulations;
- f. Provide a parking incentives program such as a rebate for employees who do not use the parking facilities;
- g. Provide commuter ride matching services to facilitate employee ride-sharing for commute trips;
- h. Provide subsidies for transit, rail, or vanpool fares and/or passes;
- i. Provide subsidies for carpools, walking, bicycling, teleworking/telecommuting or alternative work schedules;
- j. Provide incentives for employees who do not drive alone to work;
- k. Provide vans for vanpools;

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- l. Permit the use of the employer's vehicles for carpooling or vanpooling;
- m. Permit the use of the employer's vehicles for emergency ride home or personal errands;
- n. Establish a flex-time policy;
- o. Establish an alternative work schedule policy;
- p. Establish a teleworking/telecommuting policy;
- q. Cooperate with transit providers to provide additional regular or express service to the worksite;
- r. Construct special loading and unloading facilities for transit, carpool, and vanpool users;
- s. Provide bicycle parking facilities, changing areas, showers and clothes lockers for employees who bicycle or walk to work;
- t. Implement other measures designed to facilitate the use of high-occupancy vehicles, such as on-site day care or cafeteria facilities.

### E. CTR Program Reporting.

1. Quarterly Reporting. Each affected employer shall submit to the City of Tacoma a quarterly progress report in accordance with the format provided by the City.
2. Due Dates for Quarterly Reporting. For the First Quarter (January, February and March), the Second Quarter (April, May and June) and the Third Quarter (July, August and September), quarterly progress reports shall be due 10 calendar days past the end of the respective quarter. For the Fourth Quarter (October, November and December), quarterly progress reports shall be due the second Wednesday in December.
3. Annual Reporting. Each affected employer shall review its program and implementation progress by submitting an annual report to the City of Tacoma in accordance with the format provided by the City. The annual report outlines the strategies that were undertaken by an employer to achieve CTR goals for the reporting period. It also outlines the strategies to be undertaken for the next reporting year. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. Employers are further encouraged to cooperate with each other to implement program elements.
4. Due Date for Annual Reporting. All annual reports shall be due by the second Wednesday of December.
5. Annual Reporting Extension. An employer may request an extension of up to 30 days for submitting the annual report. The request shall be made in writing to the City of Tacoma no less than 15 days prior to the due date.

### F. Biennial Survey Measure of Employee Commute Behavior.

In addition to the baseline measurement, employers shall conduct a program evaluation as a means of determining worksite progress toward meeting CTR goals. As part of the program evaluation, the employer shall utilize the State provided survey measurement tool or State approved equivalent format and strive to achieve at least a 70% response rate from employees at the worksite. The City of Tacoma will establish a measurement schedule, in coordination with the countywide schedule, that will require employers to conduct the measurement survey on a two-year cycle. Depending on when a newly affected employer is identified, a baseline survey and measurement survey may be required during the established measurement schedule. For the purposes of this chapter, an employer shall not be required to survey more than once in a 12-month period.

### G. Record Keeping.

Affected employers shall maintain a copy of official correspondences with the City of Tacoma, their measurement results and all supporting documentation for the descriptions and assertions made in any CTR report to the City for a minimum of 48 months. The City and the employer shall agree on the record keeping requirements as part of the accepted CTR Program.

(Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 27296 § 47; passed Nov. 16, 2004: Ord. 26215 § 6; passed Apr. 7, 1998: Ord. 25258 § 1; passed Feb. 2, 1993)<sup>1</sup>

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<sup>1</sup> Ord. 26215 contained two sections numbered 6 – see also Section 13.15.090.

**13.15.080 Review and modifications of CTR programs.****A. Newly Affected Employers.**

The first annual report submitted by a newly affected employer shall be accepted by the City of Tacoma as long as it addresses necessary baseline information and all required elements including elements likely to result in reduction in drive alone trips or reduction in average VMT.

**B. Review and Evaluation.**

The City of Tacoma's review and evaluation will address the employer's good faith efforts toward meeting the CTR goals. Consequently, programs may be deemed acceptable or unacceptable based on the employer's progress in reducing commute trips, as measured by reduction in drive alone trips or reduction in average VMT. The employer shall provide adequate information and documentation of program implementation when requested by the City.

**C. Document review.**

Within 90 days of receipt of an employer's CTR Program, the City of Tacoma shall provide the employer with written notification of the acceptability of the CTR Program. If the CTR Program is deemed unacceptable, the notification must give cause for the rejection. The City may extend the review period up to 90 days. If the review period is extended, the implementation date for the employer's CTR Program will be extended an equivalent number of days.

**D. Review Criteria.**

The City of Tacoma shall use the following criteria in determining whether an affected employer shall be required to make modifications to its CTR Program:

1. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, and meets or exceeds either the applicable drive alone trips or VMT reduction goal, the employer has satisfied the objectives of this chapter, and will not be required to modify its CTR Program.
2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this chapter, but fails to meet both the applicable drive alone trips and VMT reduction goals, the City shall work collaboratively with the employer to implement program modifications likely to result in improvements to the program over an agreed upon length of time.
3. If an employer fails to make a good faith effort, as defined in RCW 70.94.534(2) and this chapter, and fails to meet both the applicable drive alone trips and VMT reduction goals, the City shall work collaboratively with the employer to identify modifications to the CTR Program and shall direct the employer to revise its program accordingly and submit the revised program to the City within 30 days.

**E. Request for Conference.**

Within 10 days of receipt of written notice for an unacceptable CTR Program, the City of Tacoma or employer may request a conference to discuss the City's decision. This conference shall be scheduled during the City's official hours.

**F. Request for Program Modifications.**

Any affected employer may make a request, in writing, to the City of Tacoma for modification of its CTR Program elements, other than the mandatory designation of the employee transportation coordinator, information distribution, survey, and quarterly and annual reports. The City shall review such request and notify the employer of its decision in writing within 30 days upon receipt of the request. The employer's request for program modifications may be granted if one of the following conditions exist:

1. The employer can demonstrate it would be unable to comply with the CTR Program elements for reasons beyond the control of the employer; or
2. The employer can demonstrate that compliance with the CTR Program elements would constitute an undue hardship.

**G. Implementation of Program Modifications.**

If the City of Tacoma proposes modifications to an affected employer's CTR Program due to the program's unacceptability or in response to the employer's request for modifications, the employer shall have 30 days to submit a revised program that includes the proposed or other mutually agreed modifications. The City shall also review annually all modifications and determine whether they will remain in effect during the following program year.

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(Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 27296 § 48; passed Nov. 16, 2004: Ord. 26215 § 6; passed Apr. 7, 1998: Ord. 25258 § 1; passed Feb. 2, 1993)<sup>1</sup>

### 13.15.090 Exemptions.

#### A. Worksite Exemption.

An affected employer may make a request, in writing, to the City of Tacoma for granting an exemption from all CTR program requirements or penalties for a particular worksite. The employer must demonstrate that it would experience undue hardship in complying with the requirements of this chapter as a result of the characteristics of its business, its work force, or its location(s). A one-year exemption may be granted if and only if the affected employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of drive alone trips or average VMT per employee. The City shall grant or deny the request within 30 days of receipt of the request. The City shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following program year.

#### B. Employee Exemption.

Groups of employees who are required to drive alone to work as a condition of employment may be exempted from a worksite's CTR Program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. Affected employees who are exempted from a worksite's CTR Program shall be counted when determining the total number of affected employees at the worksite. The City of Tacoma shall grant or deny the request within 30 days of receipt of the request. The City shall review annually all employee exemption requests, and shall determine whether the exemption will be in effect during the following program year.

(Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 27466 § 40; passed Jan. 17, 2006: Ord. 27296 § 49; passed Nov. 16, 2004: Ord. 26386 § 36; passed Mar. 23, 1999: Ord. 26215 § 7; passed Apr. 7, 1998: Ord. 25258 § 1; passed Feb. 2, 1993)

### 13.15.100 Enforcement and penalties.

#### A. Compliance.

For purposes of this chapter, compliance shall mean fully implementing all provisions in an approved CTR Program or being determined to have made a good faith effort as defined in RCW 70.94.534(2) and this chapter.

#### B. Violations.

The following constitute violations of this chapter:

1. Failure of an affected employer to identify itself to the City of Tacoma within 60 days of the effective date of this chapter;
2. Failure of a newly affected employer to identify itself to the City of Tacoma within 30 days of becoming an affected employer;
3. Failure to develop and/or submit a complete CTR Program by the applicable deadlines as stated in this chapter;
4. Failure to implement an approved CTR Program by the applicable deadlines as stated in this chapter;
5. Failure to modify an unacceptable CTR Program by the applicable deadlines as stated in this chapter;
6. Failure to submit quarterly and annual reports to the City of Tacoma by the applicable deadlines as stated in this chapter;
7. Failure to complete the survey measurement by the applicable deadlines as stated in this chapter;
8. Failure to maintain agreed-upon CTR Program records;
9. Intentionally submitting fraudulent or false information, data, and/or survey results.

#### C. Penalties.

1. Civil Infraction. Any affected employer violating any provision of this chapter shall be deemed to have committed a civil infraction, and shall be subject to civil penalties pursuant to RCW 7.80.

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<sup>1</sup> Ord. 26215 contained two sections numbered 6 – see also Section 13.15.080.



2. Violation Notification. Upon making a determination that an affected employer is in violation of this chapter, the City of Tacoma shall issue a written notice and order to the affected employer. The notice and order shall contain:

- a. A brief and concise description of the affected employer's conditions found to be in violation;
- b. A statement of the corrective action required to be taken and when such corrective action shall be completed;
- d. A statement specifying the amount of any civil penalty assessed on account of the violation; and
- e. A statement advising that the order shall become final unless, no later than 30 days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the City of Tacoma Hearing Examiner.

3. Penalty Amount. The penalty for violation shall be \$250 per day.

4. Penalty Accrual. Penalties will begin to accrue following the official date of notice from the City of Tacoma. In the event that an affected employer appeals the imposition of penalties, the penalties will not accrue during the appeals process. Should the Hearing Examiner decide in favor of the appellant, all or a portion of the monetary penalties will be dismissed.

5. Union Negotiations. An employer shall not be liable for civil penalties if failure to implement an element of a CTR Program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:

- a. Propose to a recognized union any provisions of the employer's CTR Program that is subject to bargaining as defined by the National Labor Relations Act; and
- b. Advise the union of the existence of the statute and the mandates of the CTR Program approved by the City of Tacoma and advise the union that the proposal being made is necessary for compliance with the CTR Law (RCW 70.94.521-551) and this chapter.

6. Notification to Jurisdiction. If the affected employer found in violation is located within a jurisdiction for which the City of Tacoma administers the CTR Program, as per Section 13.15.050.A, the City will send written notice to the jurisdiction. It is the responsibility of the jurisdiction to issue written notice to the employer and assess a penalty.

(Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 27466 § 41; passed Jan. 17, 2006: Ord. 27296 § 50; passed Nov. 16, 2004: Ord. 26386 § 37; passed Mar. 23, 1999: Ord. 26215 § 8; passed Apr. 7, 1998: Ord. 25258 § 1; passed Feb. 2, 1993)

### **13.15.110 Appeals.**

#### **A. Appeals.**

Any affected employer may appeal administrative decisions regarding modification of CTR Program elements and penalties to the City of Tacoma Hearing Examiner. Appeals shall be filed within 30 days of the administrative decision. Appeals shall be heard pursuant to those applicable procedures found in Chapter 1.23. Such appeals to the Hearing Examiner shall be de novo. The Hearing Examiner will evaluate employers' appeals of administrative decisions by determining if the decisions were consistent with the CTR Law (RCW 70.94.521-551), WAC 468-63 and this chapter.

#### **B. Judicial Appeal.**

The decision of the Hearing Examiner shall be considered a final decision, appealable only to the Superior Court of Washington for Pierce County. Appeals to the Superior Court shall be made within 30 days of the final action of the Hearing Examiner.

(Repealed and reenacted by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 27296 § 51; passed Nov. 16, 2004: Ord. 26215 § 9; passed Apr. 7, 1998)

### **13.15.115 Repealed by Ord. 27771. Enforcement.**

(Repealed by Ord. 27771 Ex. D; passed Dec. 9, 2008: Ord. 27466 § 42; passed Jan. 17, 2006: Ord. 27296 § 52; passed Nov. 16, 2004: Ord. 26386 § 38; passed Mar. 23, 1999: Ord. 26215 § 10; passed Apr. 7, 1998: Ord. 25258 § 1; passed Feb. 2, 1993)

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### **13.15.120 *Repealed by Ord. 27771. Appeals.***

(Repealed by Ord. 27771 Ex. D; passed Dec. 9, 2008; Ord. 27296 § 53; passed Nov. 16, 2004; Ord. 25258 § 1; passed Feb. 2, 1993)

### **13.15.130 *Repealed by Ord. 27771. Review of local parking policies and ordinances.***

(Repealed by Ord. 27771 Ex. D; passed Dec. 9, 2008; Ord. 27296 § 54; passed Nov. 16, 2004)

## CHAPTER 13.16

### CONCURRENCY MANAGEMENT SYSTEM

#### Sections:

13.16.010	Intent.
13.16.020	<i>Repealed.</i>
13.16.030	Concurrency test.
13.16.040	Certificate of capacity.
13.16.050	Exemptions.
13.16.060	Facility capacity fees.
13.16.070	Appeals.

#### **13.16.010 Intent.**

Pursuant to the State Growth Management Act, Chapter 36.70A RCW, after the adoption of its Comprehensive Plan, the City of Tacoma is required by RCW 36.70A.070(6)(e) to ensure that transportation improvements or strategies to accommodate the impacts of development are provided concurrent with the development. In the same vein, the City is bound by the planning goals of RCW 36.70A.020 to ensure that public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards, hereinafter “concurrency.”

The intent of this chapter is to establish a concurrency management system to ensure that concurrency facilities and services needed to maintain minimum level of service standards can be provided simultaneous to, or within a reasonable time after, development occupancy or use. Concurrency facilities are roads, transit, potable water, electric utilities, sanitary sewer, solid waste, storm water management, law enforcement, fire, emergency medical service, schools, parks and libraries. This chapter furthers the goals, policies, implementation strategies and objectives of the Comprehensive Plan.

The concurrency management system provides the necessary regulatory mechanism for evaluating requests for development to ensure that adequate concurrency facilities can be provided within a reasonable time of the development impact. The concurrency management system also provides a framework for determining facilities and services needs and provides a basis for meeting those needs through capital facilities planning.

(Ord. 27079 § 61; passed Apr. 29, 2003; Ord. 25646 § 3; passed Dec. 13, 1994)

#### **13.16.020 *Repealed by Ord. 28613.* Definitions.**

*Relocated to 13.01.160.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019; Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. G; passed Jun. 30, 2009; Ord. 27245 § 31; passed Jun. 22, 2004; Ord. 25646 § 3; passed Dec. 13, 1994)

#### **13.16.030 Concurrency test.**

##### **A. Application.**

All development permit applications are subject to a concurrency test except those exempted in Section 13.16.050. If a concurrency test is conducted for the preliminary plat application, no concurrency test shall be required for the final plat application.

##### **B. Procedures.**

The concurrency test will be performed in the processing of the development permit and conducted by Planning and Development Services and the facility and service providers.

1. Planning and Development Services shall provide the overall coordination of the concurrency test by notifying the facility and service providers of all applications requiring a concurrency test as set forth in subsection A above; notifying the facility and service providers of all exempted applications which use capacity as set forth in Section 13.16.050; notifying the applicant of the test results; notifying the facility and service providers of the final outcome (approval or denial) of the development permit; and notifying the facility and service providers of any expired development permits or discontinued certificates of capacity.

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2. All facility and service providers shall be responsible for maintaining and monitoring their available and planned capacity by conducting the concurrency test, for their individual facility, for all applications requiring a concurrency test as set forth in subsection A above; reserving the capacity needed for each application; accounting for the capacity for each exempted application which uses capacity as set forth in Section 13.16.050; notifying Planning and Development Services of the results of the tests; and reinstating any capacity for an expired development permit, discontinued certificate of capacity, or other action resulting in an applicant no longer needing capacity which has been reserved.
3. The facility and service providers shall be responsible for annually reporting to the City of Tacoma the total, available and planned capacity of their facility or service as of the end of each calendar year. Such reporting shall be made before January 31st for inclusion in the amendment process of the Capital Facilities Program.

### C. Test.

Development applications that would result in a reduction of a level of service below the minimum level of service standard cannot be approved. For potable water, electric utilities, sanitary sewer, solid waste and storm water management only available capacity will be used in conducting the concurrency test. For roads, transit, law enforcement, fire, emergency medical service, schools, parks and libraries, available and planned capacity will be used in conducting the concurrency test.

1. If the capacity of concurrency facilities is equal to or greater than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is passed. A certificate of capacity will be issued according to the provisions of Section 13.16.040.
2. If the capacity of concurrency facilities is less than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is not passed. The applicant may:
  - a. Accept 90-day reservation of concurrency facilities that exist and modify the application to reduce the need for concurrency facilities that do not exist;
  - b. Accept 90-day reservation of concurrency facilities that exist and demonstrate to the service provider's satisfaction that the development will have a lower need for capacity than usual and, therefore, capacity is adequate;
  - c. Accept 90-day reservation of concurrency facilities that exist and arrange with the service provider for the provision of the additional capacity of concurrency facilities required; or
  - d. Appeal the results of the concurrency test to the Hearing Examiner in accordance with the provisions of 13.16.070.

### D. Concurrency Inquiry Application.

An applicant may inquire whether or not concurrency facilities exist without an accompanying request for a development permit. As set forth in Tacoma Municipal Code Chapter 2.09, Fee Code, a fee may be charged for such concurrency test. Any available capacity cannot be reserved. A certificate of capacity will only be issued in conjunction with a development permit approval as outlined in 13.16.040.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 25646 § 3; passed Dec. 13, 1994)

## **13.16.040 Certificate of capacity.**

### A. Issuance.

A certificate of capacity shall be issued at the same time the development permit is issued and upon payment of any fee and/or performance of any condition required by a service provider.

B. A certificate of capacity shall apply only to the specific land uses, densities, intensities and development project described in the application and development permit.

C. A certificate of capacity is not transferable to other land, but may be transferred to new owners of the original land.

### D. Life Span of Certificate.

A certificate of capacity shall expire if the accompanying development permit expires or is revoked. A certificate of capacity may be extended according to the same terms and conditions as the accompanying development permit. If the development permit is granted an extension, so shall the certificate of capacity. If the accompanying development permit does not expire, the certificate of capacity shall be valid for three years from issuance of the certificate.

### E. Unused Capacity.

Any capacity that is not used because the developer decides not to develop or the accompanying development permit expires shall be returned to the pool of available capacity.

(Ord. 25646 § 3; passed Dec. 13, 1994)

### **13.16.050 Exemptions.**

#### **A. No Impact.**

Development permits for development which creates no additional impacts on any concurrency facility are exempt from the requirements of this chapter. Such development includes, but is not limited to:

1. Any addition or accessory structure to a residence with no change in use or increase in the number of dwelling units;
2. Interior renovations with no change in use or increase in number of dwelling units;
3. Interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use;
4. Replacement structure with no change in use or increase in number of dwelling units;
5. Temporary construction trailers;
6. Driveway resurfacing within the right-of-way, driveway and/or parking lot maintenance;
7. Reroofing of structures;
8. Demolitions.

#### **B. Exempt Permits.**

The following development permits are exempt from the requirements of this chapter:

1. Boundary line adjustment;
2. Final plats, (if a concurrency test was conducted for the corresponding preliminary plat permit);
3. Variance;
4. Waiver;
5. Shoreline substantial development permit/variance.

#### **C. Application Filed Before January 1, 1995.**

Complete development permit applications that have been submitted before the effective date of the ordinance codified in this chapter are exempt from the requirements of this chapter.

#### **D. Pre-existing Use Rights.**

Development permits that were issued before January 1, 1995 shall be considered to have capacity as long as the accompanying development permit is valid. If the accompanying development permit does not expire, capacity shall be considered to exist for three years after the effective date of the ordinance codified in this chapter.

#### **E. Single-family Homes and Duplexes.**

Building permits for single-family homes and duplexes are exempt from the requirements of this chapter.

#### **F. Interior Renovations.**

Interior renovations that only add one additional dwelling unit are exempt from the requirements of this chapter.

#### **G. Accessory Dwelling Units.**

All accessory dwelling units, as defined in Section 13.01 are exempt from the requirements of this chapter.

#### **H. Accounting for Capacity.**

The capacity for development permits exempted under subsections C, D, E, F, and G above shall be taken into account.

(Ord. 28725 Ex. A; passed Dec. 8, 2020; Ord. 28336 Ex. C; passed Dec. 1, 2015; Ord. 27245 § 32; passed Jun. 22, 2004; Ord. 26934 § 21; passed Mar. 5, 2002; Ord. 25646 § 3; passed Dec. 13, 1994)

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### **13.16.060 Facility capacity fees.**

Facility and service providers may continue to charge fees based on their existing fee schedules. This chapter does not independently authorize the collection of any new fees. Any new capacity fees must be authorized through another authority. All such concurrency fees are to be paid in full upon approval of and prior to issuance of the certificate of capacity.

(Ord. 26934 § 21; passed Mar. 5, 2002; Ord. 25646 § 3; passed Dec. 13, 1994)

### **13.16.070 Appeals.**

#### **A. Procedures.**

The applicant may appeal the results of the concurrency test based on three grounds: (1) a technical error; (2) the applicant provided alternative data or a traffic mitigation plan that was rejected by the City; or (3) unwarranted delay in review that allowed capacity to be given to another applicant. The applicant must file a notice of appeal with Planning and Development Services within 15 days of the notification of the test results. The notice of appeal must specify the grounds thereof, and must be submitted on the forms authorized by Planning and Development Services. Each appeal shall be accompanied by a fee as set forth in Chapter 2.09, Fee Code, with said fee refunded to the appellant should the appellant prevail. Upon filing of such appeal, Planning and Development Services shall notify the appropriate facility and service provider(s) of such appeal.

#### **B. Hearing Scheduling and Notification.**

When the appeal has been filed within the time prescribed, in proper form, with the required data and payment of the required fee, Planning and Development Services shall place such appeal upon the calendar to be heard. Notice of such public hearing shall be given to the applicant and the appropriate facility and service provider(s), at least 15 days prior to the hearing date.

#### **C. Record.**

The Director and appropriate service provider(s) shall transmit to the Hearing Examiner all papers, calculations, plans, and other materials constituting the record of the concurrency test, at least seven days prior to the scheduled hearing date. The Examiner shall consider the appeal upon the record transmitted, supplemented by any additional competent evidence which the parties in interest may desire to submit.

#### **D. Burden of Proof.**

The burden of proof shall be on the appellant to show by a preponderance of the evidence that the Director was in error.

#### **E. Hearing and Decision.**

The Examiner shall conduct the hearing and render the decision in accordance with the provisions of Sections 1.23.100 and 1.23.110.

#### **F. Reconsideration and Appeal of Examiner Decision.**

Reconsideration of the Examiner's decision shall be allowed as set forth in Section 1.23.120. The decision of the Examiner shall be considered a final decision, appealable only to the Superior Court of Washington for Pierce County.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27017 § 10; passed Dec. 3, 2002; Ord. 25646 § 3; passed Dec. 13, 1994)

## CHAPTER 13.17

### RESIDENTIAL TARGET AREAS

#### Sections:

- 13.17.010      *Repealed.*
- 13.17.020      Residential target area designation and standards.
- 13.17.030      Tax exemptions for multi-family housing in residential target areas.

#### **13.17.010    *Repealed by Ord. 28613.* Definitions.**

*Relocated to 13.01.170.*

(Repealed and relocated by Ord. 28613 Ex. G; passed Sept. 24, 2019: Ord. 28109 Ex. O; passed Dec. 4, 2012: Ord. 27710 Ex. A; passed Apr. 29, 2008: Ord. 27466 § 43; passed Jan. 17, 2006: Ord. 26386 § 39; passed Mar. 23, 1999: Ord. 25789 § 3; passed Nov. 21, 1995)

#### **13.17.020    Residential target area designation and standards.**

##### A. Criteria.

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

1. As outlined in subsection C below, the target area is located within a designated mixed-use center, a designated Neighborhood Commercial Node along Transit, an Existing Mid-Scale Residential on Corridors, or a site that is approved by the City Council for a Development Regulatory Agreement meeting the provisions of TMC 13.05.050.B.6 and also approved by the City Council as a residential target area;
2. The target area lacks sufficient available, desirable, and convenient residential housing to meet the needs of the public who would likely live in the residential target area if desirable, attractive, and livable places were available; and
3. The providing of additional housing opportunity in the target area will assist in achieving the following purposes:
  - a. Encourage increased residential opportunities within the target area; or
  - b. Stimulate the construction of new multi-family housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing.

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

##### B. Target Area Standards and Guidelines.

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

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

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

##### C. Designated Target Areas.

1. The proposed boundaries of the "residential target areas" include the boundaries of the 16 mixed-use centers listed below and as indicated on the Mixed-use Centers Map of the Comprehensive Plan and in the Comprehensive Plan legal descriptions which are incorporated herein by reference and on file in the City Clerk's Office.

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

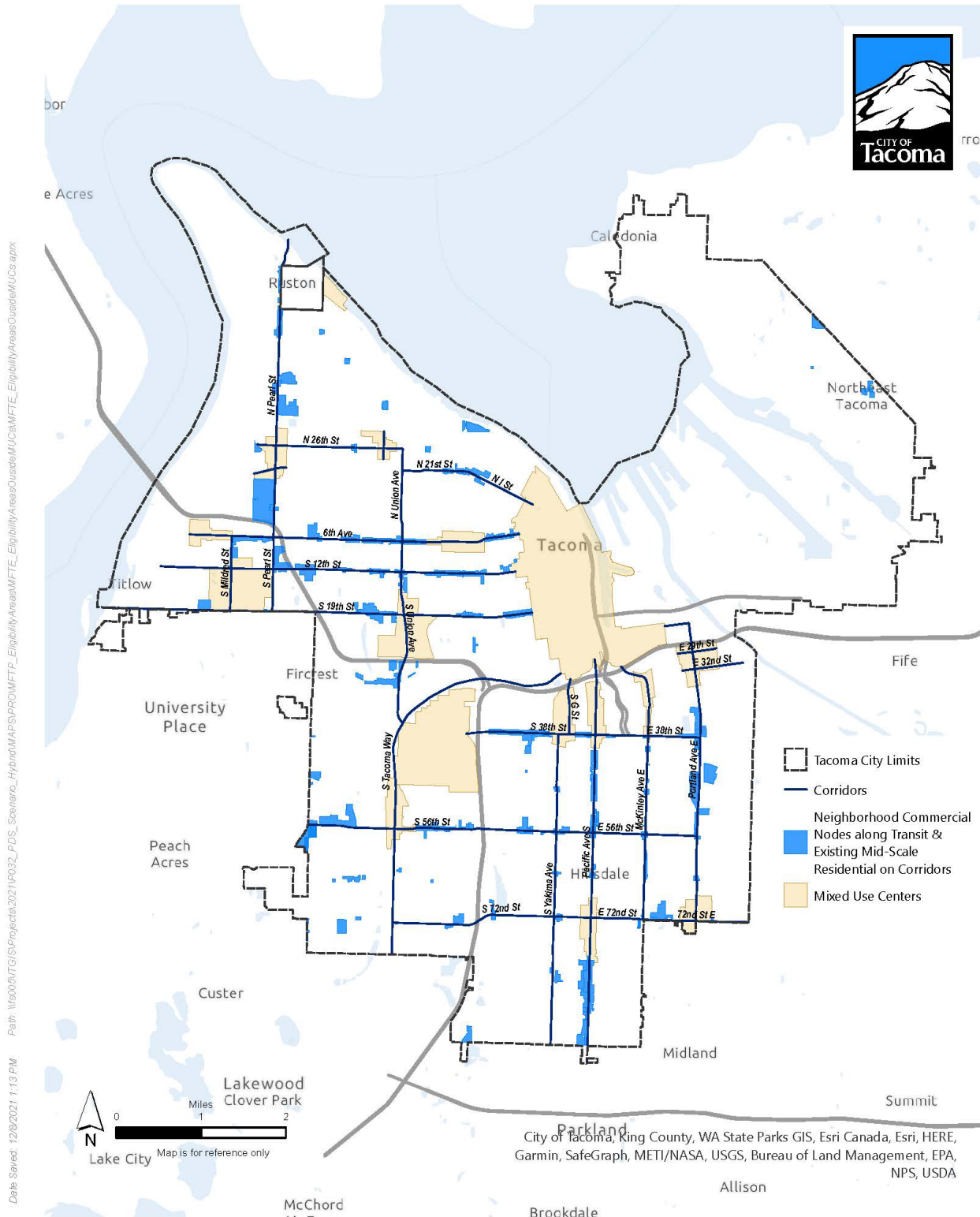
<b>MIXED-USE CENTER</b>	<b>CENTER TYPE</b>	<b>ORIGINALLY ADOPTED</b>
South Tacoma Way	Neighborhood	November 21, 1995
Downtown Tacoma (including Stadium and Hilltop)	Regional Growth Center	November 21, 1995
Proctor	Neighborhood	November 21, 1995
Tacoma Mall	Regional Growth Center	November 21, 1995
Westgate	Crossroads	November 21, 1995
Lincoln	Neighborhood	November 21, 1995
6th Avenue	Neighborhood	November 21, 1995
Tacoma Central	Crossroads	November 21, 1995
Upper Pacific	Crossroads	November 21, 1995
Upper Portland Avenue	Crossroads	November 21, 1995
James Center	Crossroads	November 21, 1995
Lower Portland Avenue	Crossroads	January 16, 1996
Lower Pacific	Crossroads	December 11, 2007
McKinley	Neighborhood	December 11, 2007
Narrows	Neighborhood	December 11, 2007
Point Ruston	Crossroads	July 1, 2014

2. Designated Neighborhood Commercial Nodes along Transit outlined in the map below.



3. Existing Mid-Scale Residential on Corridors as outlined in the map below.

## Residential Target Areas



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(Ord. 28798 Ex. B; passed Dec. 14, 2021: Ord. 28376 Ex. E; passed Aug. 16, 2016: Ord. 28230 Ex. H; passed Jul. 22, 2014: Ord. 28222 Ex. D; passed May 13, 2014: Ord. 27818 Ex. B; passed Jul. 28, 2009: Ord. 27813 Ex. J; passed Jun. 30, 2009 (South Tacoma Mixed Use Center amended, Ex. J is for illustrative purposes ): Ord. 27710 Ex. A; passed Apr. 29, 2008: Ord. 27663 Ex. A; passed Dec. 11, 2007: Ord. 25823 § 1; passed Jan 16, 1996: Ord. 25789 § 3; passed Nov. 21, 1995)

### **13.17.030 Tax exemptions for multi-family housing in residential target areas.**

A. The application, review, and decision guidelines and procedures for multi-family housing property tax exemptions are contained in TMC Title 6, Tax and License Code, Section 6A.110.

(Reenacted by Ord. 27818 Ex. B; passed Jul. 28, 2009: Ord. 27710 Ex. A; passed Apr. 29, 2008; Ord. 27466 § 44; passed Jan. 17, 2006; Ord. 27321 § 1; passed Mar. 1, 2005; Ord. 26492 § 1; passed Aug. 10, 1999; Ord. 26386 § 40; passed Mar. 23, 1999; Ord. 25789 § 3; passed Nov. 21, 1995)

## CHAPTER 13.18

### AFFORDABLE HOUSING INCLUSIONARY DEVELOPMENT AREAS

#### Sections:

- 13.18.010 Purpose.  
 13.18.020 Incentives and standards.  
 13.18.030 Target Area designation.

#### **13.18.010 Purpose.**

A. The Growth Management Act (“GMA”) requires Tacoma to make adequate provisions for existing and projected housing needs of all economic segments of the community. This chapter designates areas where affordable housing is a high priority due to one or more factors, including a risk of involuntary displacement of current residents, or a deficit in affordable housing supply to adequately meet the community’s or future housing needs, and where the City’s growth vision creates opportunities to meet housing goals. By designating affordable housing target areas, the City can prioritize and target inclusionary zoning and other actions to effectively meet the community’s housing needs.

(Ord. 28511 Ex. B; passed May 15, 2018)

#### **13.18.020 Incentives and standards.**

The following incentives and standards are applicable within designated affordable housing target areas:

1. The inclusionary housing requirement and a range of housing incentives set forth in Tacoma Municipal Code (“TMC”) 1.39, Affordable Housing Incentives and Bonuses Administrative Code.

(Ord. 28511 Ex. B; passed May 15, 2018)

#### **13.18.030 Target Area designation.**

##### A. Criteria.

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

1. The target area has a demonstrated affordable housing need, such as a current deficiency of affordable housing supply to meet community demand; a risk of involuntary displacement due to increasing housing costs; or projected future need for housing affordability to serve planned residential growth.
2. The target area is designated for substantial residential or mixed-use development, has ample development capacity to accommodate growth, benefits from market conditions conducive to high-density development, and provisions are in place to ensure that growth will be consistent with the community’s vision for the area, will be served by adequate infrastructure and services, and will benefit from transportation options and neighborhood amenities.
3. The City shall provide for increased development capacity and other incentives to promote the construction and offset the cost of affordable housing development, consistent with RCW 36.70A.540, which establishes the legal basis for affordable housing incentives and requirements.

##### B. Designated Affordable Housing Inclusionary Areas.

The proposed “affordable housing target areas” are included herein:

Target Area	Future Land Use Designation	Development incentives	Effective Date
Tacoma Mall Neighborhood Subarea: Madison District Inclusionary Housing Pilot Area	Regional Growth Center	Maximum height increase; Financial incentives	May 27, 2018

(Ord. 28511 Ex. B; passed May 15, 2018)

