



**EXHIBIT “C”**  
**2014 ANNUAL AMENDMENT**

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**Amendments to the Tacoma Municipal Code**

These amendments show all of the changes to the *existing* text of the Tacoma Municipal Code. The sections included are only those portions of the Code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

**Chapter 13.05**  
**LAND USE PERMIT PROCEDURES**

Sections:

- 13.05.005 Definitions.
- 13.05.010 Application requirements for land use permits.
- 13.05.020 Notice process.
- 13.05.030 Director Decision Making Authority.
- 13.05.040 Decision of the Director.
- 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.
- 13.05.049 Minimum buildings standards, historic.
- 13.05.050 Appeals of administrative decisions.
- 13.05.060 Applications considered by the Hearing Examiner.
- 13.05.070 Expiration of permits.
- 13.05.080 Modification/revision to permits.
- 13.05.090 Director approval authority.
- 13.05.095 Development Regulation Agreements.
- 13.05.100 Enforcement.
- 13.05.105 *Repealed.*
- 13.05.110 *Repealed.*

**13.05.005 Definitions.**

As used in this chapter, the following terms are defined as:

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13.05.005.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 his or her 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 Exempted Activities under Section 13.11.140~~ to activities allowed under 13.11.200 or 13.11.210.

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**13.05.020 Notice process.**

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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/EIS	Optional	Same as case type	Yes if no hearing required	Yes for EIS	Same as case type	Director	No	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	<sup>2</sup>	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	400 feet	Yes	Yes	21 days SEPA <sup>2</sup>	Hearing Examiner	Yes	Final Plat	5 years <sup>6</sup>
Rezones	Required	400 feet	No	Yes	21 days SEPA <sup>2</sup>	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance	Required	400 feet	No	Yes	30 days <sup>5</sup>	Director	No <sup>1</sup>	No	2 years/ maximum 6
Short plat (2-4 lots)	Required	No	No	No	No	Director	No	No	5 years <sup>5</sup>
Short plat (5-9 lots)	Required	400 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years <sup>6</sup>
Site approval	Optional	400 feet	No	Yes	30 days <sup>5</sup>	Director	No	No	5 years
Conditional use	Required	400 feet	No	Yes	30 days <sup>5</sup>	Director	No	No	5 years <sup>4</sup>
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days <sup>2</sup>	Hearing Examiner	Yes	No	5 years
<u>Conditional Use, Minor Modification</u>	<u>Optional</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Director</u>	<u>No</u>	<u>No</u>	<u>5 years</u>
<u>Conditional Use, Major Modification</u>	<u>Required</u>	<u>100 feet</u>	<u>No</u>	<u>Yes</u>	<u>14 days</u>	<u>Director</u>	<u>No</u>	<u>No</u>	<u>5 Years</u>
Temporary Homeless Camp Permit	Required	400 feet	Yes	Yes	14 days	Director	No	No	1 year
Minor Variance	Optional	100 feet <sup>7</sup>	No	No	14 days	Director	No <sup>1</sup>	No	5 Years
Variance	Optional	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years
Wetland/Stream/ FWHCA development permits	Required	400 feet	No	Yes	30 days	Director	No <sup>1</sup>	No	5 years* <u>with 5-year renewal option to a maximum of 20 years total</u>
Wetland/Stream/ FWHCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years* <u>with 5-year renewal option to a maximum of 20 years total</u>
Wetland/Stream/ FWHCA verification	Required	100 feet	No	Yes	14 days	Director	No <sup>1</sup>	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

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

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

<sup>1</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>2</sup> Comment on land use permit proposal allowed from date of notice to hearing.

<sup>3</sup> Must be recorded with the Pierce County Auditor within five years.

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

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

<sup>6</sup> Refer to Section 13.05.070 for preliminary plat expiration dates.

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

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### **13.05.050 Appeals of administrative decisions.**

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 Land Use Administrator. 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 Chapter 13.10. These provisions also do not apply to exemptions 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, ~~made by the Director~~. 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.

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### **13.05.070 Expiration of permits.**

(Refer to Table H in Section 13.05.020).

A. Expiration Schedule. The following schedule indicates the expiration provisions for land use permits within the City of Tacoma.

	Type of Permit	Maximum Duration
1.	Conditional Use Permit	5 years, possible 1-year extension <sup>1</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 . <u>Programmatic Restoration projects can apply for possible 5 year renewals, not to exceed 20 years total with 5 year renewal option to a maximum of 20 years</u>
5.	Wetland Delineation Verifications	5 years
6.	Preliminary Plat	5 years, 7 years, or <u>9-10</u> years to submit a final plat permit application, dependent on preliminary plat approval date per RCW 58 <sup>2</sup>
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-be renewed every five (5) years for a maximum total of 20 years to allow implementation of long-term habitat recovery, ~~that may be utilized as advanced mitigation for future impacts associated with public access and enjoyment.~~

In order to apply for a renewal-renew every 5 years, 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 13.05.070.)

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 13.05.080.B Minor Modifications.

<sup>2</sup> If the preliminary plat was approved on or before December 31<sup>7</sup>, 2007, the final plat must be submitted within ~~nine-ten~~ years of the preliminary plat approval. If the preliminary plat was approved after December 31<sup>1</sup>, 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.

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 13.05.020.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.

**13.05.080 Modification/revision to permits.**

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 affects 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 Conditional Use Permits shall be processed as a Process I permit, consistent with the regulations found in Section 13.05.020.C.

2. In addition to the standard decision criteria, the Director or Hearing Examiner shall, in his/her review and decision, address the applicability of any specific conditions of approval for the original permit.

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