



## Live/Work and Work/Live Code Amendments

### PROPOSED LAND USE REGULATORY CODE AMENDMENTS

*August 12, 2015*

These proposed amendments include modifications to the following Sections of TMC Title 13, the Land Use Regulatory Code:

#### **13.06 – Zoning**

- 13.06.100 – Residential Districts.
- 13.06.200 – Commercial Districts.
- 13.06.300 – Mixed-Use Center Districts.
- 13.06.400 – Industrial Districts.
- 13.06.570 – Live/Work and Work/Live. (new section)
- 13.06.700 – Definitions and illustrations.

#### **13.06A – Downtown Tacoma**

- 13.06A.050 – Additional use regulations.

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~. New text that has been added since the June 9, 2015 draft is highlighted.

**Chapter 13.06  
ZONING**

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**13.06.100 Residential Districts.**

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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 13.06.635.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
N = Prohibited use in this district.

4. District use table.

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
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Home occupation	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.E.
Hospital	N	N	N	N	N	CU	CU	CU	
Hotel/motel	N	N	N	N	N	N	N	N	
Industry, heavy	N	N	N	N	N	N	N	N	
Industry, light	N	N	N	N	N	N	N	N	
Intermediate care facility	N	N	N	N	P	P	P	P	Subject to additional requirements contained in Section 13.06.535.
Juvenile community facility	CU	CU	CU	CU	CU	CU	CU	CU	Subject to additional requirements contained in Section 13.06.530.
<u>Live/Work</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
***									
<u>Work/Live</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	

Uses	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations <sup>1</sup>
Work release center	N	N	N	N	N	N	N	N	Subject to additional requirements contained in Section 13.06.550.
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.									

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### 13.06.200 Commercial Districts.

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#### 3. Use table abbreviations.

P = Permitted use in this district.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU = Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N = Prohibited use in this district.

#### 4. District use table.

Uses	T	C-1	C-2 <sup>1</sup>	HM	PDB	Additional Regulations <sup>2,3</sup> (also see footnotes at bottom of table)
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Home occupation	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
Hospital	N	CU	CU	P	N	
Hotel/motel	N	N	P	P	P	
Industry, heavy	N	N	N	N	N	
Industry, light	N	N	N	N	N	
Intermediate care facility	P	P	P	P	P	See Section 13.06.535.
Juvenile community facility	N	N	N	N	N	Prohibited except as provided for in Section 13.06.530.

Uses	T	C-1	C-2 <sup>1</sup>	HM	PDB	Additional Regulations <sup>2, 3</sup> (also see footnotes at bottom of table)
Live- <del>Work-unit</del>	<del>NP</del>	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 13.06.570.
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<u>Work/Live</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570
Work release center	N	N	N	N	N	Prohibited except as provided for in Section 13.06.550.
Uses not prohibited by City Charter and not prohibited herein	N	N	N	N	N	

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### 13.06.300 Mixed-Use Center Districts.

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#### 2. Use table abbreviations.

P = Permitted use in this district.
CU = Conditional use in this district. Requires conditional use permit, consistent with the criteria and procedures of Section 13.06.640.
TU = Temporary use consistent with Section 13.06.635.
N = Prohibited use in this district.

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
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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 Sections 13.06.100.E and <del>13.06A.050</del>
Hospital	N	CU	CU	N	P	P	N	N	
Hotel/motel	P	P	P	N	P	P	N	N	
Industry, heavy	N	N	N	N	N	N	N	N	

Uses	NCX	CCX	UCX	RCX <sup>1</sup>	CIX	HMX	URX	NRX	Additional Regulations <sup>3, 4, 5</sup> (also see footnotes at bottom of table)
Industry, light	N	N	N	N	P	N	N	N	
Intermediate care facility	P	P	P	P	P	P	P	P	See Section 13.06.535. In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup>
Juvenile community facility	P	P	P	P/CU	P	N	P/CU	CU	In NCX and CCX Districts, prohibited at street level along frontage of designated core pedestrian streets. <sup>2</sup> See Section 13.06.530 for additional information about size limitations and permitting requirements.
<u>Live/Work</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.</u>
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Wholesale or distribution	N	N	N	N	P	N	N	N	
Work- <u>Live</u>	P	P	P	P	P	P	P	<del>NP</del>	<u>Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570. Not subject to minimum density requirements.</u>

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### 13.06.400 Industrial Districts.

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3. Use table abbreviations.

P	=	Permitted use in this district.
CU	=	Conditional use in this district. Requires conditional use permit consistent with the criteria and procedures of Section 13.06.640.
TU	=	Temporary Uses allowed in this district subject to specified provisions and consistent with the criteria and procedures of Section 13.06.635.
N	=	Prohibited use in this district.

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations <sup>1</sup>
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Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
Hospital	P/CU*	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District. ~Not permitted within the South Tacoma M/IC Overlay District.
Hotel/motel	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Industry, heavy	N	P	P	Animal slaughter, fat rendering, acid manufacture, smelters, and blast furnaces allowed in the PMI District only.
Industry, light	P	P	P	
Intermediate care facility	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Juvenile community facility	P/N*	P/N*	P	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District.
Live- <del>Work-unit</del>	P	N	N	<u>Projects incorporating live/work in new construction shall contain no more than 20 live/work units.</u> <u>Subject to additional requirements contained in Section 13.06.570</u>
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<u>Work/Live</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>Projects incorporating work/live in new construction shall contain no more than 20 work/live units.</u> <u>Subject to additional requirements contained in Section 13.06.570</u>
Work release center	CU	CU	P	Subject to development standards contained in Section 13.06.550.

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**13.06.500 Requirements in all preceding districts.**

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### 13.06.570 Live/Work and Work/Live

A. Purpose and Intent: 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 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.

#### B. Live/Work

1. Applicability. Live/work units shall be permitted in accordance with Section 13.06A.050 as well as the district use tables in Sections 13.06.100, 13.06.200, 13.06.300, and 13.06.400, 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.

2. Requirements. The following requirements shall apply to live/work units:

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 operator or an employee 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.

3. Exemptions from development standards.

a. No additional parking shall be required for live/work units within buildings lawfully in existence prior to December 5, 1989.

b. 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 13.06.500 and TMC 13.06A, 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.

### C. Work/Live

1. Applicability. Work/live units shall be permitted in accordance with Section 13.06A.050 as well as the district use tables in Sections 13.06.100, 13.06.200, 13.06.300, and 13.06.400, 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 work/live units, provided that a Conditional Use Permit is authorized.

2. Requirements. The following requirements shall apply to work/live units:

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 operator or an employee 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.

3. Exemptions from development standards.

a. No additional parking shall be required for work/live units within buildings lawfully in existence prior to December 5, 1989.

b. 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 13.06.500 and TMC 13.06A, 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.

## **13.06.700 Definitions and illustrations.**

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

Live/work. A residential unit that is intended to function predominantly as a living space with incidental accommodations for work-related activities that are beyond the scope of a home occupation.

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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 non-residential use that includes a subordinate residential component consisting of at least a kitchen, bathroom and sleeping quarters.

## Chapter 13.06A

### DOWNTOWN TACOMA

#### 13.06A.050 Additional use regulations.

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

~~1. Purpose and Intent: The purpose of this Section is to assist with the revitalization of Downtown Tacoma and the City's other Mixed Use Centers and with the implementation of the City's Comprehensive Plan by facilitating additional economic activity in conjunction with residential uses. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past and encourage the development of a live work and residential community Downtown, thus creating a more balanced ratio between housing and jobs in the region's primary employment center. This revitalization will also facilitate the development of a "24 hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other. Adding a home occupation does not trigger change of use requirements under the City's land use codes.~~

~~a. All legal residential uses within buildings lawfully in existence on September 25, 2012 in Downtown and the other mixed use centers may, as a matter of right, add a home occupation pursuant to TMC 13.06.100 E without being subject to the limitation in TMC 13.06.100 E(6) that no employees outside the members of the family residing on the premises be involved in the home occupation.~~

~~b. No additional parking spaces are required.~~

~~c. Up to 10% of new floor area may be added, either internally or externally, for the purposes of creating living or working space without triggering a change in use.~~

~~d. External additions are exempt from all prescriptive design standards contained within TMC 13.06.300 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building.~~

~~e. Non conforming floor area, Floor Area Ratio (FAR), setbacks, height, and site landscaping are "grandparented in", meaning that a variance is not required for development that does not increase the degree of non conformity.~~

~~f. Mezzanine spaces may be added so long as they do not exceed a 10% increase in floor area or one third the area of the floor below.~~

~~g. These provisions do not extend to adaptive reuses that involve more than 20 dwelling units or more than 12,000 square feet of commercial space in a particular building.~~

~~E. Work Live.~~

~~1. Purpose and Intent: The purpose of this Section is to assist with the revitalization of Downtown Tacoma and with the implementation of the City's Comprehensive Plan by facilitating the conversion of older, economically distressed, or historically significant buildings to work live units. This will help to reduce vacant space as well as preserve Downtown's architectural and cultural past and encourage the development of a work live and residential community Downtown, thus creating a more balanced ratio between housing and jobs in the region's primary employment center. This revitalization will also facilitate the development of a "24 hour city" and encourage mixed commercial and residential uses in order to improve air quality and reduce vehicle trips and vehicle miles traveled by locating residents, jobs, hotels and transit services near each other. Adding a minor residential component to an existing or historic building does not trigger change of use requirements under the City's Land use codes.~~

~~a. A work live unit is a combined living and work unit that includes a kitchen and a bathroom. The residential portion of the unit, including the sleeping area, kitchen, bathroom, and closet areas, occupies no more than 33 percent of the total floor area of the legal non residential use, and the living space is not separated from the work space. It must be located within buildings lawfully in existence on September 25, 2012 in Downtown.~~

~~b. The requirements for the "work live" units are as follows:~~

- ~~i. The residential use must be clearly incidental and subordinate to the work space.~~
  - ~~ii. Buildings containing “work live” units shall not generate additional impacts to any greater extent than what is usually experienced in the surrounding area.~~
  - ~~iii. The Director may attach additional conditions to permits that are required for “work live” units to ensure that the criteria set forth above are met.~~
  - ~~c. For the purposes of this chapter, 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.~~
  - ~~d. No additional parking spaces are required.~~
  - ~~e. Up to 10% of new floor area may be added, either internally or externally, for the purposes of creating living or working space without triggering a change in use.~~
  - ~~f. External additions are exempt from all prescriptive design standards contained within TMC 13.06.300 and TMC 13.06A, but external additions shall be in conformance with the character of the existing building.~~
  - ~~g. Non-conforming floor area, Floor Area Ratio (FAR), setbacks, height, and site landscaping are "grandparented in", meaning that a variance is not required for development that does not increase the degree of non-conformity.~~
  - ~~h. Mezzanine spaces may be added so long as they do not exceed a 10% increase in floor area or one third the area of the floor below.~~
  - ~~i. New roof structures shall not be considered as adding new floor area or trigger change of use requirements provided that: such structures are not used for living or working quarters; and, such structures are used solely for accessory uses or in conjunction with open space amenities.~~
  - ~~j. Adding a "work live" unit is not subject to density requirements in the underlying zone.~~
  - ~~k. These provisions do not extend to adaptive reuses that involve more than 20 dwelling units or more than 12,000 square feet of commercial space in a particular building.~~
- FE.** Marijuana uses (marijuana producer, marijuana processor, and marijuana retailer). Marijuana retailers shall be allowed in all downtown districts, subject to the additional requirements contained in Section 13.06.565. Marijuana producers and marijuana processors shall be prohibited in all downtown districts.