



**SUBSTITUTE
ORDINANCE NO. 28542**

1 AN ORDINANCE relating to zoning; approving a six-month extension of the
2 Tideflats Interim Regulations as originally approved by Amended Ordinance
3 No. 28470, passed November 21, 2017, and amending Exhibit "A," Table H;
4 and Exhibits "B" and "D" to require a conditional use permit process for the
5 expansion of existing non-industrial and heavy industrial uses when the
6 proposed expansion triggers review under Tacoma Municipal Code
7 Chapter 13.12, Environmental Code.

8 WHEREAS, on May 9, 2017, the City Council adopted Amended
9 Resolution No. 39723, initiating the subarea planning process for the Tideflats
10 area, and further, requesting that the Planning Commission consider the need for
11 interim regulations in the Tideflats subarea while the subarea planning process is
12 underway, and

13 WHEREAS the Planning Commission ("Commission") determined that
14 interim regulations were warranted, and on October 4, 2017 the Commission
15 forwarded its recommendation to the City Council for consideration, and

16 WHEREAS, in support of these deliberations, the Commission conducted
17 a public hearing, at which 81 people testified, and reviewed over 200 written
18 comments, and

19 WHEREAS, following its own public hearing and substantial community
20 input and deliberation, the City Council, on November 21, 2017, passed
21 Amended Ordinance No. 28470, which included the following elements:

- 22 • Category 1: Expanded public notification of heavy industrial use permits;
- 23 • Category 2: A temporary pause of certain new non-industrial uses in the Port of
24 Tacoma Manufacturing and Industrial Center;
- 25 • Category 3: A temporary pause of new residential development along Marine
26 View Drive and NE Tacoma slopes; and



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• Category 4: A temporary pause on certain types of new heavy industrial uses,
and
WHEREAS Amended Ordinance No. 28470 established the interim
regulations for an initial one-year period, and

WHEREAS the Tacoma Municipal Code (“TMC”), consistent with state law,
allows the City Council to consider reauthorization of the interim regulations every
six months subsequent to the initial one-year authorization period, and

WHEREAS the related Subarea Planning effort is ongoing and will likely
require multiple years to complete, and

WHEREAS the intent of the interim regulations was to implement a pause
on certain types of use and development while the Subarea Plan was under
development, and

WHEREAS, on October 23, 2018, pursuant to TMC 13.02.055, the City
Council conducted a public hearing on the proposed extension of the interim
regulations, and

WHEREAS the City Council determined that it is necessary to extend the
interim regulations for an additional a six-month period, and

WHEREAS, in the interim, the existing broadly permissive land use
regulations within the Tideflats area could allow substantial expansion of existing
uses, which might be subject to additional regulation under the completed Subarea
Plan, to vest in the current regulations and endure for decades, and



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WHEREAS the vesting of substantial expansion of existing uses in the Tideflats during the development of the Subarea Plan could have the effect of partially or wholly negating the effect of the Subarea Plan, and

WHEREAS, following the public hearing, the City Council has determined that in order to maintain a stable baseline for the area-wide environmental review to be conducted during the Subarea Planning process, it is in the best interests of the public to amend Exhibit "A," Table H; and Exhibits "B" and "D" to require a conditional use permit process for the expansion of certain existing non-industrial and heavy industrial uses when the proposed expansion triggers review under Tacoma Municipal Code Chapter 13.12, Environmental Code, and

WHEREAS this additional interim limitation on the expansion of certain non-industrial and heavy industrial uses is for the purpose of ensuring that expansions in the interim period do not partially or wholly negate the viability and effectiveness of the subarea planning process and its outcome, while accommodating reasonable investment and economic use in the interim period; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. Legislative Findings. The recitals set forth above, including the Findings of Fact and Recommendations of the Tacoma Planning Commission, Exhibit E, are hereby adopted as the City Council's legislative findings.



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Section 2. That a six-month extension of the Tideflats Interim Regulations, approved by Amended Ordinance No. 28470, passed November 21, 2017, **as further amended herein,** is hereby approved.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



Tideflats Interim Regulations

PROPOSED EXPANDED NOTIFICATION FOR HEAVY INDUSTRIAL USES

Note: These amendments show all of the changes to 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 has been deleted is shown as ~~strikethrough~~.

Chapter 13.05 Land Use Permit Procedures

13.05.020 Notice process.

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
Conditional use* (see TMC 13.05.020.I)	Required	400 feet; 1000 feet for development sites over 1 acre in size	No	Yes	30 days ³	Director	No	No	5 years ⁴
Conditional use, correctional facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, detention facilities (new or major modification)	Required	2,500 feet from the edge of the zone	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
<u>Conditional use, Tideflats Interim Regulations</u>	<u>Required</u>	<u>2,500 feet from the edge of the zone</u>	<u>Yes</u>	<u>Yes</u>	<u>30 days²</u>	<u>Hearing Examiner</u>	<u>Yes</u>	<u>No</u>	<u>5 years</u>
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days ²	Hearing Examiner	Yes	No	5 years
Conditional use, master plan	Required	1000 feet	Yes	Yes	30 days ²	Director	Yes	No	10 years
Conditional Use, Minor Modification	Optional	No	No	No	No	Director	No	No	5 years

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Conditional Use, Major Modification	Required	400 feet; 1000 feet for public facility sites and master plans	No	Yes	14 days ⁵	Director	No	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

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

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

- 1 Conditional use permits for wireless communication facilities, including towers, shall expire two years from the effective date of the Director’s decision and are not eligible for a one-year extension.
- 2 Comment on land use permit proposal allowed from date of notice to hearing.
- 3 Must be recorded with the Pierce County Auditor within five years.
- 4 Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director’s decision.
- 5 If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.
- 6 Refer to Section 13.05.070 for preliminary plat expiration dates.
- 7 Public Notification of Minor Variances may be sent at the discretion of the Director. There is no notice of application for Minor Variances.

I. Interim Expanded Notification for Heavy Industrial Projects

1. Per Ordinance No. 28470, on an interim basis, the following applies to all heavy industrial projects (as defined in TMC 13.06.700.I) and industrial uses identified in TMC 13.06.580, which require a discretionary permit (“designated projects”) or SEPA determination.
2. Notice for designated projects will be emailed to all Neighborhood Councils and Business Districts, as well as the Community Council. In addition, notice will be sent to the SEPA contact for all adjacent jurisdictions (Federal Way, Fife, Fircrest, Lakewood, Pierce County, and University Place). This is in addition to all typically-notified parties and the Puyallup Tribe of Indians.
3. Notification of designated projects will be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils and business districts; qualified neighborhood or community organizations; the Puyallup Tribe of Indians; Local Governments in Pierce County; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer.
4. Notification distance.
 - (a) The notification distance for a project within the Port of Tacoma Manufacturing/Industrial Center (M/IC) will be 2,500 feet from the boundaries of that center.
 - (b) Notification distance for a project within the South Tacoma Manufacturing/Industrial Overlay District, as set forth in TMC 13.06.400, will be 2,500 feet from the boundaries of the Overlay District.
 - (c) Notification distance for a qualifying industrial project in any other zoning district, outside either of the above areas, will be 2,500 feet from the boundaries of the project site.
5. Upon determination of a Complete Application, the City will hold a community meeting to provide notification to the community that a significant project has been applied for. Further, the meeting will provide clarity on the public process (from all permitting agencies) and opportunities for public review and comment.

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

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

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

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.



Tideflats Interim Regulations

PROPOSED SPECIAL USE RESTRICTIONS FOR NON-INDUSTRIAL USES IN THE PORT OF TACOMA MANUFACTURING AND INDUSTRIAL CENTER

Note: These amendments show all of the changes to 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 has been deleted is shown as ~~strickethrough~~.

Chapter 13.06 Zoning

13.06.400 Industrial Districts.

C. Land use requirements.

3. Use Requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed.

Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.C.

4. Use table abbreviations.

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

5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Adult family home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Adult retail and entertainment	P	P	P	Subject to development standards contained in Section 13.06.525.
Agricultural uses	CU	CU/N*	CU/N*	Such uses shall not be located on a parcel of land containing less than 20,000 square feet of area. *Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Airport	CU	CU/N*	CU/N*	*Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.
Ambulance services	P	P	P	
Animal sales and service	P	P	N	
Assembly facility	P	P	N	
Brewpub	P	P	P	
Building material and services	P	P	P	
Business support services	P	P	P	
Carnival	P/TU*	N	N	*Temporary use only within the South Tacoma M/IC Overlay District
Cemetery/internment services	N	N	N	New facilities are not permitted. Enlargement of facilities in existence prior to the effective date of this provision (May 27, 1975) may be approved in any zoning district subject to a conditional use permit. See Section 13.06.640.
Commercial parking facility	P	P	P	
Commercial recreation and entertainment	P/CU*	P/CU*~	N	*Within the South Tacoma M/IC Overlay District, a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district. ~Per Ordinance No. 28470, on an interim basis, within the Port of Tacoma M/IC, a conditional use permit is required for facilities over 10,000 square feet of floor area in the M-2 district and over 15,000 square feet in the M-1 district.
Communication facility	P	P	P	
Confidential shelter	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Continuing care retirement community	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Correctional facility	N	CU	CU	Modifications or expansions to existing facilities that increase the inmate capacity shall be processed as a major modification (see Section 13.05.080). A pre-application community meeting is also required (see Section 13.06.640.Q).

Uses	M-1	M-2	PMI	Additional Regulations ¹
Craft Production	P	P	P	
Cultural institution	P/CU*	P/CU*/N~	N	*Conditional use within the South Tacoma M/IC Overlay District, unless an accessory use. ~Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.
Day care, family	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Day care center	P	P	N	Subject to development standards contained in Section 13.06.155.
Detoxification center	CU	CU	N	
Drive-through with any permitted use	P	P	P	Subject to the requirements of TMC 13.06.513.
Dwelling, single-family detached	P/N*~	N*	N*	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. *In all districts, quarters for caretakers and watchpersons are permitted as is temporary worker housing to support uses located in these districts. ~Not permitted within the South Tacoma M/IC Overlay District except for quarters for caretakers and watchpersons and temporary worker housing, as noted above. ~Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC except for quarters for caretakers and watchpersons and temporary worker housing to support uses located in these districts. See 13.06.400.G.
Dwelling, two-family	P/N*~	N*~	N*~	
Dwelling, three-family	P/N*~	N*~	N*~	
Dwelling, multiple-family	P/N*~	N*~	N*~	
Dwelling, townhouse	P/N*~	N*~	N*~	
Dwelling, accessory (ADU)	P/N~	N	N	Subject to additional requirements contained in 13.06.150. ~Not permitted within the South Tacoma M/IC Overlay District.
Eating and drinking	P	P	P	
Emergency and transitional housing	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008 the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Extended 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.
Foster home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District.
Fueling station	P	P	P	
Funeral home	P	P	N	
Golf course	P/N*	P/N*~	N	*Not permitted within the South Tacoma M/IC Overlay District. ~Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.
Group housing	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District.
Heliport	CU	CU	CU	
Home occupation	P	P	P	Subject to additional requirements contained in Section 13.06.100.E
Hospital	P/CU*	P/N~	N	*Conditional use within the South Tacoma M/IC Overlay District. ~Not permitted within the South Tacoma M/IC Overlay District. ~Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.
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	

Uses	M-1	M-2	PMI	Additional Regulations ¹
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/N~	See Section 13.06.530 for resident limits and additional regulations. *Not permitted within the South Tacoma M/IC Overlay District. ~Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.
Live/Work	P	N	N	Projects incorporating live/work in new construction shall contain no more than 20 live/work units. Subject to additional requirements contained in Section 13.06.570.
Marijuana processor, producer, and researcher	P	P	P	See additional requirements contained in Section 13.06.565
Marijuana retailer	P~	P~	N	~Within the South Tacoma M/IC Overlay District, and within the M-2 District of the Port of Tacoma M/IC on an interim basis per Ordinance No. 28470 (See 13.06.400.G.), limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district. See additional requirements contained in Section 13.06.565.
Microbrewery/winery	P	P	P	
Mobile home/trailer court	N	N	N	
Nursery	P	P	N	
Office	P*	P*	P	*Within the South Tacoma M/IC Overlay District, unless an accessory use, limited to 10,000 square feet of floor area per development site in the M-2 district and 15,000 square feet in the M-1 district.
Parks, recreation and open space	P	P/N*	P/N*	Subject to the requirements of Section 13.06.560.D. *Per Ordinance No. 28470, on an interim basis, High Intensity/Destination facilities (see 13.06.560) are not permitted in the Port of Tacoma M/IC. See 13.06.400.G.
Passenger terminal	P	P	P	
Personal services	P	P	P	
Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	P*	*Preferred use.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Public safety and public service facilities	P	P	P	
Religious assembly	P	P	P	
Repair services	P	P	P	
Research and development industry	P	P	N	
Residential care facility for youth	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Residential chemical dependency treatment facility	P/N*	N	N	See Section 13.06.535. *Not permitted within the South Tacoma M/IC Overlay District.
Retail	P~	P~	P*	*Limited to 7,000 square feet of floor area, per development site, in the PMI District. ~Within the South Tacoma M/IC Overlay District, and within the M-2 District of the Port of Tacoma M/IC on an interim basis per Ordinance No. 28470 (see 13.06.400.G.), 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. See Section 13.06.640.J.
Retirement home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
School, public or private	P/N*	P/N*~	P/N*~	*General K through 12 education not permitted in the PMI District or in the South Tacoma M/IC Overlay District. ~Per Ordinance No. 28470, on an interim basis, General K through 12 education is not permitted within the Port of Tacoma M/IC. See 13.06.400.G.
Seasonal sales	TU	TU	TU	Subject to development standards contained in Section 13.06.635.
Self-storage	P	P	P	See specific requirements in Section 13.06.503.B.
Short-term rental	N	N	N	

Uses	M-1	M-2	PMI	Additional Regulations ¹
Staffed residential home	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District. See Section 13.06.535.
Student housing	P/N*	N	N	In M-1 districts, permitted only within residential or institutional buildings in existence on December 31, 2008, the effective date of adoption of this provision, or when located within a mixed-use building where a minimum of 1/3 of the building is devoted to industrial or commercial use. *Not permitted within the South Tacoma M/IC Overlay District.
Surface mining	CU	CU	CU	
Temporary uses	P	P	P	Subject to development standards contained in Section 13.06.635.
Theater	P/N*	N	N	*Not permitted within the South Tacoma M/IC Overlay District.
Transportation/freight terminal	P	P	P	
Urban Horticulture	P	P	P	
Utilities	P	P	P	
Vehicle rental and sales	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle service and repair	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle service and repair, industrial	P	P	P	Subject to development standards contained in Section 13.06.510.
Vehicle storage	P	P	P	Subject to development standards contained in Section 13.06.510.
Warehouse/storage	P	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	
Wireless communication facility	P*/ CU**	P*/ CU**	P*/ CU**	*Wireless communication facilities are also subject to Section 13.06.545.D.1. **Wireless communication facilities are also subject to Section 13.06.545.D.2.
Work/Live	P	N	N	Projects incorporating work/live in new construction shall contain no more than 20 work/live units. Subject to additional requirements contained in Section 13.06.570.

Uses	M-1	M-2	PMI	Additional Regulations ¹
Work release center	CU	CU/N*	P/N*	Subject to development standards contained in Section 13.06.550. *Per Ordinance No. 28470, on an interim basis, such uses are not permitted within the Port of Tacoma M/IC. See 13.06.400.G.
Uses not prohibited by City Charter and not prohibited herein	N	N	P	
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. Common requirements. To streamline the Zoning Code, certain requirements common to all districts are consolidated under Sections 13.06.500 and 13.06.600. These requirements apply to Section 13.06.400 by reference.

Refer to Section 13.06.500 for the following requirements for development in Industrial Districts:

- 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.
- 13.06.520 Signs.
- 13.06.602 General restrictions (contains certain common provisions applicable to all districts, such as general limitations and exceptions regarding height limits, yards, setbacks and lot area)

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

1. Per Ordinance No. 28470, on an interim basis, the intent of these special use restrictions is to place a pause on new non-industrial uses within the M-2 Heavy Industrial and PMI Port Maritime Industrial Zoning Districts of the Port of Tacoma M/IC, as specified in Table 13.06.400.C.5, and to limit expansion of existing such uses until such time as the Tideflats subarea plan is complete.

2. The establishment of certain new non-industrial uses, specified in Table 13.06.400.C.5, is prohibited on an interim basis.

3. Existing uses, legally permitted at the time of adoption of this code, are allowed. Expansion of existing such uses is allowed, subject to a conditional use permit when the proposed expansion triggers review under Tacoma Municipal Code Chapter 13.12, Environmental Code.



Tideflats Interim Regulations

PROPOSED HEAVY INDUSTRIAL SPECIAL USE RESTRICTIONS

Note: These amendments show all of the changes to 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 has been deleted is shown as ~~strikethrough~~.

Chapter 13.06 Zoning

Sections:

- 13.06.400 Industrial Districts.**
- 13.06.400.A Industrial district purposes.
 - 13.06.400.B Districts established.
 - 13.06.400.B.1 M-1 Light Industrial District.
 - 13.06.400.B.2 M-2 Heavy Industrial District.
 - 13.06.400.B.3 PMI Port Maritime & Industrial District.
 - 13.06.400.B.4 ST-M/IC South Tacoma Manufacturing/Industrial Overlay District.
 - 13.06.400.C Land use requirements.
 - 13.06.400.D Building envelope standards.
 - 13.06.410 *Repealed.*
 - 13.06.420 *Repealed.*
 - 13.06.430 *Repealed.*
- 13.06.500 Requirements in all preceding districts.**
- 13.06.501 Building design standards.
 - 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.
 - 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.
 - 13.06.555 View-Sensitive Overlay District.
 - 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.

13.06.400 Industrial Districts.

C. Land use requirements.

3. Use Requirements. The following use table designates all permitted, limited, and prohibited uses in the districts listed.

Use classifications not listed in this section or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.C.

4. Use table abbreviations.

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

5. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹

Industry, heavy	N	P/N*	P/N*	Animal slaughter, fat rendering, smelters, and blast furnaces allowed in the PMI District only. *See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.
Industry, light	P	P	P	

Port, terminal, and industrial; water-dependent or water-related (as defined in Chapter 13.10)	N	N	P*/N~	*Preferred use. ~See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.

Warehouse/storage	P	P/N*	P/N*	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. *See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.
Wholesale or distribution	P	P/N*	P/N*	*See section 13.06.580 Interim Industrial Use Restrictions for interim regulations.

Uses not prohibited by City Charter and not prohibited herein	N	N	N	

Uses	M-1	M-2	PMI	Additional Regulations ¹
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.				

13.06.580 Interim Industrial Use Restrictions.

A. Purpose: Per Ordinance No. 28470, on an interim basis, the purpose of this section is to pause the establishment of certain new industrial uses and limit the expansion of existing uses until such time as the Tideflats Subarea Plan is complete.

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

1. Coal terminals or bulk storage facilities;
2. Oil, or other liquefied or gaseous fossil fuel terminals, bulk storage, manufacturing, production, processing or refining of oil or other liquefied or gaseous fossil fuels;
3. Chemical manufacturing;
4. Mining and quarrying;
5. Smelters.

C. Use Restrictions.

1. New uses. The establishment of new uses as specified in 13.06.580.B are prohibited on an interim basis.
2. Existing uses. Legally permitted uses, listed in as specified in 13.06.580.B, at the time of adoption of this code are allowed. Expansion of existing such uses is subject to a conditional use permit when the proposed expansion triggers review under Tacoma Municipal Code Chapter 13.12, Environmental Code.

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

a. Coal terminals and bulk storage facilities.

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

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

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

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

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

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

c. Chemical manufacturing. The Chemical Manufacturing subsector is based on the transformation of organic and inorganic raw materials by a chemical process and the formulation of products. This subsector distinguishes the

production of basic chemicals that comprise the first industry group from the production of intermediate and end products produced by further processing of basic chemicals that make up the remaining industry groups. For the purposes of these special use restrictions, this definition will apply to all industries classified as subcategories of NAICS Code 325 Chemical Manufacturing.

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

e. Smelters.

(1) Primary Smelting and Refining of Copper. This industry comprises establishments primarily engaged in (1) smelting copper ore and/or (2) the primary refining of copper by electrolytic methods or other processes. Establishments in this industry make primary copper and copper-based alloys, such as brass and bronze, from ore or concentrates. NAICS Code 331411.

(2) Alumina Refining and Primary Aluminum Production. This industry comprises establishments primarily engaged in one or more of the following: (1) refining alumina (i.e., aluminum oxide) generally from bauxite; (2) making aluminum from alumina; and/or (3) making aluminum from alumina and rolling, drawing, extruding, or casting the aluminum they make into primary forms. Establishments in this industry may make primary aluminum or aluminum-based alloys from alumina. NAICS Code 331313

(3) Nonferrous Metal (except Aluminum) Smelting and Refining. This industry comprises establishments primarily engaged in (1) smelting ores into nonferrous metals and/or (2) the primary refining of nonferrous metals (except aluminum) by electrolytic methods or other processes. NAICS Code 331410.

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