



ORDINANCE NO. 28904

1 AN ORDINANCE relating to land use regulations; amending Chapters 13.01
2 and 13.06 of the Tacoma Municipal Code, relating to Definitions and
3 Zoning, to clarify delivery-only retail business use and standards, as part
4 of the 2023 Annual Amendment to the Comprehensive Plan and Land
5 Use Regulatory Code, as recommended by the Planning Commission.

6 WHEREAS the 2023 Annual Amendment to the One Tacoma
7 Comprehensive Plan and Land Use Regulatory Code (“2023 Amendment”) includes
8 the following six applications: (1) an amendment to the Future Land Use Map in the
9 One Tacoma Comprehensive Plan (“Comprehensive Plan”) for the Mor Furniture
10 site, (2) an amendment to the Land Use Regulatory Code (“Regulatory Code”) pertaining
11 to electric fences, (3) an amendment to the Regulatory Code pertaining
12 to shipping containers, (4) an amendment to the Regulatory Code pertaining to
13 delivery-only retail businesses, (5) an amendment to the Regulatory Code
14 pertaining to commercial zoning, and (6) minor amendments to the Comprehensive
15 Plan and Regulatory Code, and

16 WHEREAS this ordinance pertains to the proposed amendments to the
17 Regulatory Code pertaining to delivery-only retail businesses, and this application
18 was initiated in response to recent permits and development trends in the retail
19 sector, and

20 WHEREAS as proposed by the Planning and Development Services
21 Department, these amendments to the Tacoma Municipal Code (“TMC”), Title 13
22 Land Use Regulatory Code, would require retail uses on designated pedestrian
23 streets in mixed-use centers and include an in-person customer sale component,
24 incorporate commissary kitchens within the retail use definition and apply retail
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1 development standards to such uses, as well as include a size limitation for
2 commissary kitchens within mixed-use centers, and

3 WHEREAS the Planning Commission (“Commission”) completed its review
4 of the 2023 Amendment through an extensive and inclusive public engagement
5 process, including a public hearing on April 5, 2023, and the Commission
6 forwarded to the City Council, and filed with the City Clerk’s Office, the
7 Commission’s Findings of Fact and Recommendations Report for the 2023
8 Amendment along with a letter of recommendations, both dated May 17, 2023, and

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10 WHEREAS the report documents the public review and community
11 engagement process and the Commission’s deliberations and decision-making
12 amendments pertaining to delivery-only retail businesses, and the Commission’s
13 recommendations are consistent with the Growth Management Act, the
14 Comprehensive Plan, Tacoma 2025, and the City’s health, equity and sustainability
15 policy, and

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18 WHEREAS pursuant to TMC 13.02.070.I.1, the City Council shall hold a
19 public hearing before enacting any proposed amendments to the Comprehensive
20 Plan and the TMC, and the City Council has fulfilled said requirement by
21 conducting a public hearing on June 27, 2023, concerning all six applications for
22 the 2023 Amendment; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 13.01 of the Tacoma Municipal Code (“TMC”), relating to Definitions, is hereby amended by amending Section 13.01.060 entitled “Zoning Definitions,” and that Chapter 13.06 of the TMC relating to Zoning, is hereby amended by amending Section 13.06.040 entitled “Mixed-Use Center Districts,” to read as set forth in the attached Exhibit “A.”

Section 2. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT “A”

CHAPTER 13.01 DEFINITIONS

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13.01.060 Zoning Definitions.

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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13.01.060.R

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“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).

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**CHAPTER 13.06
ZONING**

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13.06.040 Mixed-Use Center Districts.

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.

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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.

* * *

3. District use table.

Uses	NCX	CCX	UCX	RCX ¹	CIX	HMX	URX	NRX	Additional Regulations ^{3,4,5} (also see footnotes at bottom of table)
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.

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. <u>*Commissary Kitchens are limited to 6,000 SF of net building area and exterior display or storage of equipment is prohibited.</u> <u>* Retail uses are required to primarily conduct in-person, direct customer sales along the designated pedestrian street storefront.</u>

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