



ORDINANCE NO. 28821

1 AN ORDINANCE relating to land use and zoning; amending various chapters in
2 Titles 11 and 13 of the Tacoma Municipal Code (“TMC”), relating to
3 Traffic and the Land Use Regulatory Code, to adopt minor plan and TMC
4 amendments as part of the proposed amendments to the Comprehensive
5 Plan and Land Use Regulatory Code for 2022, as recommended by the
6 Planning Commission.

7 WHEREAS the 2022 Annual Amendment to the One Tacoma
8 Comprehensive Plan and Land Use Regulatory Code (“2022 Amendment”)
9 includes four applications: (1) a change to the land use designation on the
10 NewCold site; (2) changes to the land use designations on several parcels owned
11 by South Sound Christian Schools and the CenterPoint Christian Fellowship;
12 (3) the work plan for Tacoma Municipal Code (“TMC”) amendments pertaining to
13 the South Tacoma Groundwater Protection District; and (4) minor plan and TMC
14 amendments, and

15 WHEREAS this application, proposed by the Planning and Development
16 Services Department, includes 17 technical amendments to the One Tacoma
17 Comprehensive Plan and the TMC that are intended to maintain consistency
18 with state and local laws, correct minor errors, address inconsistencies, keep
19 information current, and clarify and improve provisions that are found to be
20 unclear or not fully meeting their intent, and

21 WHEREAS the Planning Commission (“Commission”) completed its review
22 of the 2022 Amendment through an extensive and inclusive public engagement
23 process, including a public hearing on April 6, 2022, and
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WHEREAS the Commission has forwarded to the City Council, and filed with the City Clerk’s Office, the Planning Commission’s Findings of Fact and Recommendations Report for the 2022 Amendment (“Report”), along with a letter of recommendations, both dated May 4, 2022, incorporated herein by reference, and

WHEREAS the Report, as on file in the office of the City Clerk, documents the public review and community engagement process and the Commission’s deliberations and decision-making concerning the four applications, and

WHEREAS the Commission has recommended the proposed amendments of minor plan and TMC amendments included in this application, incorporated hereto as Exhibits “A” through “H,” be adopted by the City Council, and

WHEREAS the Commission’s recommendations are consistent with the Growth Management Act, the One Tacoma Comprehensive Plan, Tacoma 2025, and the City’s health, equity and sustainability policy, and

WHEREAS, pursuant to TMC 13.02.070.I.1, the City Council shall hold a public hearing before enacting any proposed amendments to the Comprehensive Plan and development regulations, as recommended by the Planning Commission, and

WHEREAS, on June 7, 2022, the City Council conducted a public hearing on all four applications for the 2022 Amendment; Now, Therefore,



BE IT ORDAINED BY THE CITY OF TACOMA:

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Section 1. That the recitals set forth above are hereby adopted as the Findings of the City Council and are by this reference incorporated herein as if set forth in their entirety.

Section 2. That the City Council hereby adopts the proposed updates to the Comprehensive Plan and the Land Use Regulatory Code, as recommended by the Planning Commission, as set forth in the attached Exhibits "A" through "H."

Section 3. 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



Index of Proposed Amendments

Application: “Minor Plan and Code Amendments”

Listed in the table below are the issues compiled in the “Minor Plan and Code Amendments” application for the 2022 Amendment and the corresponding sections of the Tacoma Municipal Code and elements of the Comprehensive Plan that are being amended.

This index summarizes the Planning Commission’s recommendations on the subject, as set forth in Attachment 4 to the Planning Commission’s Findings of Fact and Recommendations Report for 2022 Amendment, dated May 4, 2022.

Full texts of the proposed amendments are as set forth in the following exhibits, compiled and organized by elements of the Plan and chapters of the Code:

- Exhibit A: (This Index of Proposed Amendments)
- Exhibit B: Comprehensive Plan, Future Land Use Map (Manitou Area Land Use)
- Exhibit C: Comprehensive Plan, Parks and Recreation Element (Park and Recreation Map)
- Exhibit D: Tacoma Municipal Code, Chapter 11.05
- Exhibit E: Tacoma Municipal Code, Chapter 13.01
- Exhibit F: Tacoma Municipal Code, Chapter 13.04
- Exhibit G: Tacoma Municipal Code, Chapter 13.05
- Exhibit H: Tacoma Municipal Code, Chapter 13.06

Issues	Tacoma Municipal Code Sections or One Tacoma Comprehensive Plan Elements Being Amended
1. Limitation on Residential Occupancy	• 13.01.060.F
2. Preliminary and Final Plats	• 13.04.090.F • 13.04.100.D
3. Residential Landscaping Requirements	• 13.06.090.J.5
4. Homeowners’ Association Owned Open Space & Other Tracts	• 13.04.090.H.20 • 13.04.100.F.20 • 13.06.070.C.10
5. Reference to Definition Section	• 13.06.080.A.5.c or 13.06.080.A.5.c(2)
6. Cultural Institutions and Public Benefit Use	• 13.01.060.C • 13.01.060.P
7. Efficiency Unit Parking Exemption	• 13.06.090.C.3.i(4)(f)
8. Single-family detached dwellings – Small Lots (Level 2)	• 13.06.020.F.1.k
9. Public Facility/Site and Public Safety/Services Facilities	• 13.01.060.P • 13.06.020.E.4 • 13.06.030.E.4 • 13.06.040.E.3 • 13.06.060.E.4
10. Street Level Uses and Design	• 13.06.100.D.3.b

Issues	Tacoma Municipal Code Sections or One Tacoma Comprehensive Plan Elements Being Amended
11. Infill Pilot Program Handbook	<ul style="list-style-type: none"> • 13.05.060.F • 13.05.060.G
12. Special Use Standards	<ul style="list-style-type: none"> • 13.06.080.C
13. Two-family and Townhouse Dwelling	<ul style="list-style-type: none"> • 13.05.010.A.7 • 13.05.060.C.1
14. Sign Code Update	<ul style="list-style-type: none"> • 13.01.060.S • 13.06.090.I.3.b • 13.06.090.I.3.k • Potential amendments to 2.05, to be considered through a separate legislative process
15. Manitou Annexation Area Land Use	<ul style="list-style-type: none"> • Future Land Use Map (Figure 2, Urban Form Element) and other appropriate maps in the Comprehensive Plan • Official Zoning Map in TMC Title 13
16. Removal of References to FWDA	<ul style="list-style-type: none"> • 11.15.060.D • Potential amendments to 19.05.050.B.4.c(2), 19.06.070.D.4.b, and 19.09.100.E.1.a(2), to be considered through a separate legislative process
17. Park and Recreation Map Update	<ul style="list-style-type: none"> • Park and Recreation Map (Figure 36, Parks + Recreation Element)

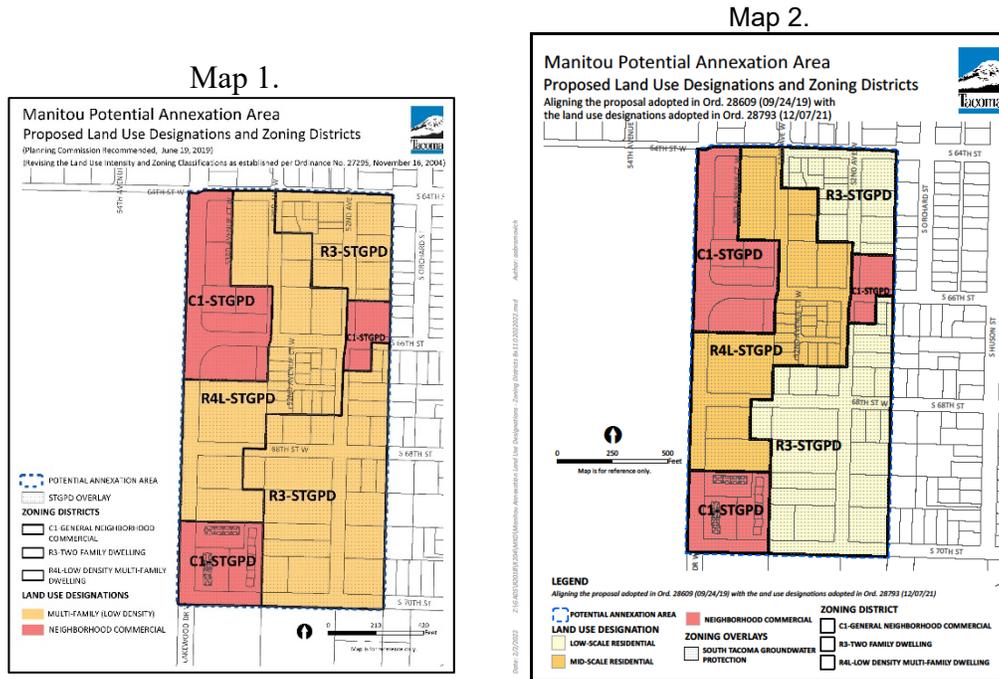
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Manitou Potential Annexation Area Modifications to Proposed Land Use Designations and Zoning Districts

The Proposed Land Use Designations and Zoning Districts for the Manitou Potential Annexation Area, as set forth in Exhibit A to Ordinance No. 28609, adopted by the City Council on September 24, 2019 and as incorporated in Exhibit B to Resolution No. 40848, adopted by the City Council on October 12, 2021, are hereby modified, to be aligned with the new residential land use designations established per Ordinance No. 28793, adopted by the City Council on December 7, 2021.

Land Use Types	Previously Proposed (as set forth in Ordinance No. 28609) (See Map 1)	As Modified (Changes shown in bold, underlined) (See Map 2)
Multi-family and Mobile Home	Designation: Multifamily (Low Density) Zoning: R4-L	Designation: <u>Mid-Scale Residential</u> Zoning: R4-L
Single-family	Designation: Multifamily (Low Density) Zoning: R3	Designation: <u>Low-Scale Residential</u> Zoning: R3
Commercial	Designation: Neighborhood Commercial Zoning: C-1	Designation: Neighborhood Commercial Zoning: C-1



The proposed land use designations and zoning districts for the Manitou Potential Annexation Area, as modified, will become effective upon the area’s annexation to the City of Tacoma and will be properly incorporated into the Future Land Use Map (Figure 2, Urban Form Element) and other appropriate maps in the *One Tacoma* Comprehensive Plan as well as the Official Zoning Map as referenced in Title 13 of the Tacoma Municipal Code.

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Park and Recreation Map

The Park and Recreation Map, i.e., Figure 36. Park + Recreation Facilities, as included in the Parks + Recreation Element of the One Tacoma Comprehensive Plan, on page 8-12, is hereby amended with the following two changes:

1. Add Eastside Community Center to the map
2. Change “School (Public)” to “School” in the map’s legend

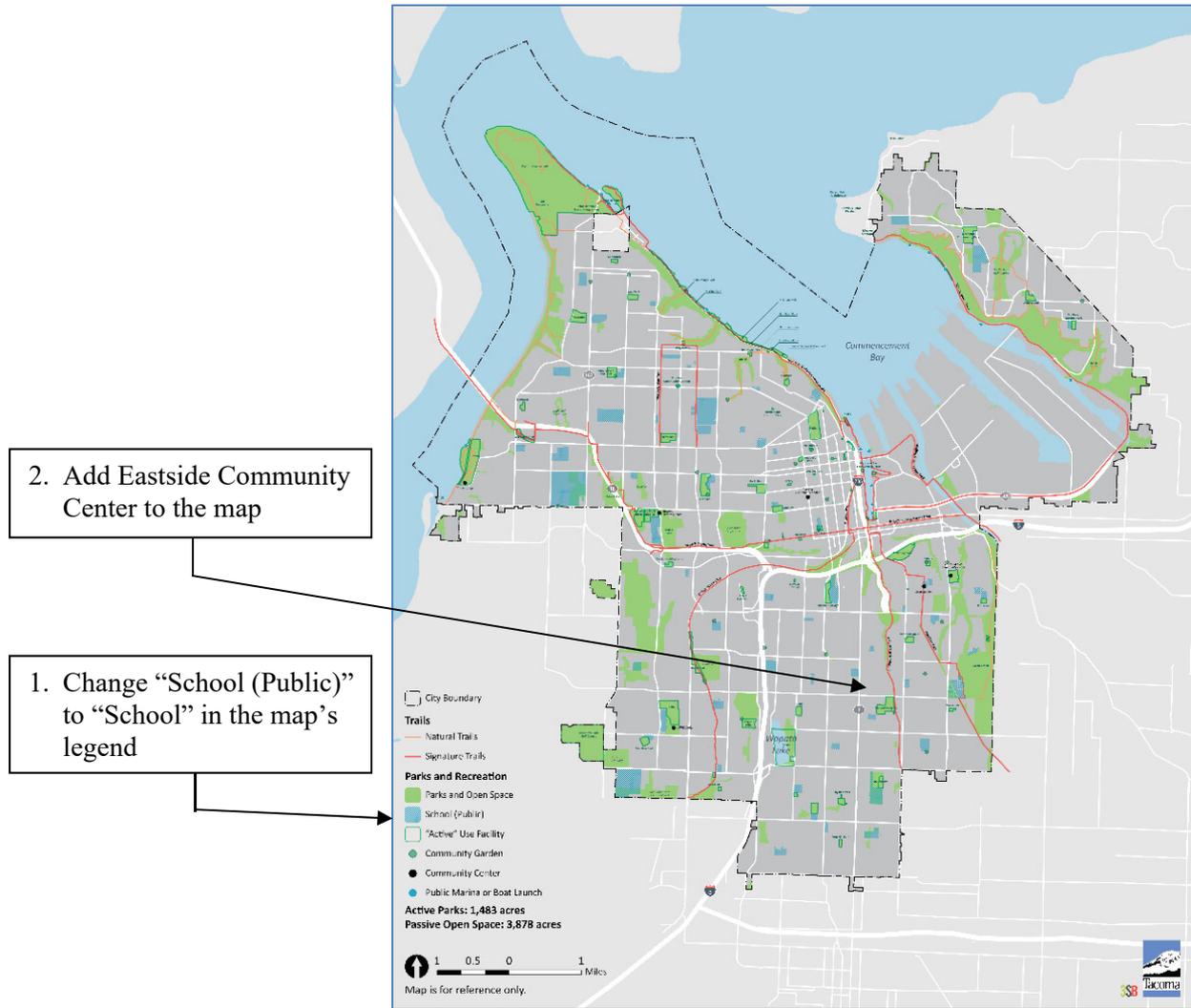


Figure 36. Park + Recreation Facilities

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**Proposed Amendments to
Tacoma Municipal Code, Chapter 11.15**

(Additions are shown as blue underlined and deletions are shown as ~~red strikethrough~~.)

CHAPTER 11.15

SPECIAL EVENTS PERMITTING CODE

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11.15.060 Time for filing application for special event permit.

The application process shall allow sufficient time for the applicant and/or its agents to notify the public, residents, and/or businesses which are identified by the Permitting Authority to be within a reasonable radius of the event venue, in a timely and effective manner. Therefore:

A. Application for a special event permit shall be filed with the Permitting Authority not less than 60 calendar days, nor more than two years, before the time when it is proposed to conduct the special event. Upon good cause shown and provided that no risk or burden to the City ensues, the Permitting Authority has discretion to allow a later filing.

B. Application for a special event permit involving constitutionally protected activity shall be filed with the Permitting Authority not less than seven calendar days, nor more than two years, before the time when it is proposed to conduct the event. Upon good cause shown and provided that no risk or burden to the City ensues, the Permitting Authority has discretion to allow a later filing.

C. Application for a special event at City facilities, such as the Greater Tacoma Convention and Trade Center, the Tacoma Dome, the Broadway Center for the Performing Arts, or Cheney Stadium, shall be submitted to such officials and in accordance with such time limits and procedures as may be established for such facilities and are not subject to the provisions of this chapter.

~~D. Application for a special event to be held on the Thea Foss Waterway Esplanade shall be submitted to the Executive Director of the Foss Waterway Development Authority (“FWDA”) who, for a special event at that venue, shall have all authority granted to the Permitting Authority herein and shall process the application in accordance with this chapter. Appeals from a denial of a special event permit for the Thea Foss Waterway Esplanade shall be heard by the FWDA Board.~~

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Proposed Amendments to Tacoma Municipal Code, Chapter 13.01

(Additions are shown as blue underlined and deletions are shown as ~~red strikethrough~~.)

CHAPTER 13.01

DEFINITIONS

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13.01.060 Zoning Definitions.¹

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.C

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

~~“Cultural institutions.” Institutions displaying or preserving objects of interest in one or more of the arts or sciences. This classification includes museums.~~

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13.01.060.F

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“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. ~~One or more persons related either by blood, marriage, adoption, or guardianship, and including foster children and exchange students, or a group of not more than six unrelated persons, living together as a single nonprofit housekeeping unit; provided, however, any limitation on the number of residents resulting from this definition shall not be applied if it prohibits the City from making reasonable accommodations to disabled persons in order to afford such persons equal opportunity to use and enjoy a dwelling as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. 3604(f)(3)(b).~~

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13.01.060.P

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“Public benefit use.” ~~As used in Section 13.06.050—Downtown, public~~ 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. ~~Art gallery or museum~~ Cultural institutions
6. Drop-in centers for youth or seniors

~~“Public facility.” Any facility funded in whole or part with public funds, which provides service to the general public, including, but not limited to, public schools, public libraries, community centers, public parks, government facilities, or similar uses.~~

~~“Public facility site.” An existing public or quasi-public site developed with an existing public or quasi-public facility, including, but not limited to, substations, water reservoirs, or standpipes; police or fire stations; sewer or refuse utility facilities; other governmental facilities, parks, or open space areas; hospitals; public or private schools; and churches.~~

“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 safety facilities.” Facilities for public safety and emergency services, including facilities that provide police and fire protection and ambulance services.~~

“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, ~~and~~ 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, ~~public safety facilities,~~ and utilities.

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13.01.060.S

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~~“Sign, off-premises open house or directional sign.” A sign advertising a transaction involving:~~

- ~~1. A product sold in a residential zone;~~
- ~~2. A product that cannot be moved without a permit; and/or~~
- ~~3. A product with a size of at least 3,200 cubic feet.~~

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

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~~“Sign, real estate.” Any sign which is only used for advertising the sale or lease of ground upon which it is located or of a building located on the same parcel of ground.~~

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“Sign, temporary.” ~~An on-premises~~ 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.

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Proposed Amendments to Tacoma Municipal Code, Chapter 13.04

(Additions are shown as blue underlined and deletions are shown as ~~red strikethrough~~.)

CHAPTER 13.04

PLATTING AND SUBDIVISIONS

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13.04.090 Short plat/short subdivision procedures.

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F. 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. ~~The approved short subdivision decision, however, shall be assurance to the subdivider that the short plat will be recorded,~~ 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, storm-drainage facilities, 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. 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.

* * *

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 homeowners' association or~~ 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.

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13.04.100 Plat/subdivision procedures.

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D. 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 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, ~~shall be assurance to the subdivider that the final plat~~ will be approved; provided, that:

- a. The final plat substantially conforms to the approved preliminary plat.
- 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. 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.

* * *

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 homeowners' association or~~ 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.

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Proposed Amendments to Tacoma Municipal Code, Chapter 13.05

(Additions are shown as blue underlined and deletions are shown as ~~red strikethrough~~.)

CHAPTER 13.05

LAND USE PERMITS AND PROCEDURES

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13.05.010 Land Use Permits.

A. Conditional Use Permits.²

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.

* * *

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 safety and public~~ Public services 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.

* * *

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 ~~lot~~ 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.

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13.05.060 Residential Infill Pilot Program

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.

* * *

C. Applicability.

The provisions of this section apply to the following categories of residential infill:

1. Two-family dwelling or two townhouse dwelling units ~~development~~ 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.

* * *

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:

* * *

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.

* * *

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.](#)

[G.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.

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Proposed Amendments to Tacoma Municipal Code, Chapter 13.06

(Additions are shown as blue underlined and deletions are shown as ~~red strikethrough~~.)

CHAPTER 13.06

ZONING

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13.06.020 Residential Districts.¹

A. Applicability.

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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.

* * *

4. District use table. (see next page for table)

Uses ³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations ^{1,3}
* * *									
Public safety and <u>Public service</u> 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.

* * *

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.								
* * *								
k. Single-family detached dwellings – Small Lots (Level 2): Additional exceptions to Minimum Lot Area Requirements	One of the following exceptions may be applied per parcel to allow for reductions in minimum lot area below the Single-family Level 1 <u>achieve Level 2</u> Small Lot minimum size. Except in the case of a Planned Residential District no new lot shall be smaller than the following without grant of a variance <u>without a variance, to the following minimum lot sizes:</u> 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>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> <p>Level 2 Small Lots must meet the Level 2 Small Lot Design Standards of Section 13.06.100.F.</p> <p>Small lot exceptions are not applicable to pipestem lots.</p>
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13.06.030 Commercial Districts.¹

A. Applicability.

* * *

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.

* * *

4. District use table.

Uses ⁴	T	C-1	C-2 ¹	PDB	Additional Regulations ^{2,3,4} (also see footnotes at bottom of table)
* * *					
Public safety and p Public service facilities	P	P	P	P	

* * *
* * *

13.06.040 Mixed-Use Center Districts.¹

A. Applicability.

* * *

E. District use restrictions.

1. Use requirements.

* * *

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)
* * *									
Public safety and 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. ¹

* * *
* * *

13.06.060 Industrial Districts.¹

A. Applicability.

* * *

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.

* * *

4. District use table.

Uses	M-1	M-2	PMI	Additional Regulations ¹
* * *				
Community and Civic Facilities				
* * *				
Public safety and Public service facilities	P	P	P	

* * *
* * *

13.06.070 Overlay Districts.

A. View-Sensitive Overlay District.¹

* * *

C. PRD Planned Residential Development District.¹

1. Applicability.

2. Purpose.

* * *

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.

* * *

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 homeowners association or~~ 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.

* * *
* * *

13.06.080 Special Use Standards

A. Accessory dwelling units.¹

1. Applicability.

The following standards apply to accessory dwelling units within Residential Zoning Districts in 13.02.020.

* * *

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.

* * *

c. Height.

(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.

* * *

C. Cottage Housing.²

1. Applicability.

Cottage housing developments may be proposed in all residential districts [except HMR-SRD](#).

* * *

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 ~~and~~ 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 ~~10,000~~7,000 square feet.

c. Number of units.

Cottage housing developments may contain from four to twenty-four cottage dwellings, with a maximum of twelve cottages per cluster.

* * *
* * *

13.06.090 Site Development Standards.

A. Drive-throughs.¹

* * *

C. Off-street parking areas.³

1. Applicability.

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.

* * *

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.

* * *

i. Required off-street parking for Downtown Districts.¹

(1) Applicability.

The following standards apply within the Downtown Zoning Districts in 13.06.050.

* * *

(4) Parking Quantity Standards Outside of the RPA.

* * *

(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.

* * *

(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:

~~• A minimum of 0.75 bicycle spaces per dwelling or unit are provided in an indoor, locked location.~~

• Within a single building, no more than 20 dwelling units, ~~or 50% of the total dwelling units (whichever is greater)~~, may utilize this bonus. For buildings that are greater than 40 dwelling units, 50% of the total dwelling units may utilize this bonus.

* * *

I. Sign Standards.¹

1. Applicability.

* * *

3. General sign regulations.¹

a. Administration.

* * *

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.

* * *

(12) Window sign.

~~(13) Political signs, as set forth in Title 2.~~

~~(14) Real estate signs, 12 square feet or less, located on the site. Condominiums or apartment complexes shall be permitted one real estate sign with up to 12 square feet per street frontage. Such sign(s) may be used as a directory sign that advertises more than one unit in the complex.~~

~~(15)~~ (13) Temporary on-premise or off-premise signs ~~Off premises open house or directional signs,~~ subject to the ~~following~~ regulations in TMC 13.06.090.1.3.k:

~~(a) The signs may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owner. 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.~~

~~(b) Signs shall not be fastened to any utility pole, street light, traffic control device, public structure, fence, tree, shrub, or regulatory municipal sign.~~

~~(c) A maximum of three off premises open house or directional signs will be permitted per single-family home. One additional open house or directional sign identifying the open house shall be permitted at the house being sold.~~

~~(d) Signage shall not exceed four square feet in area per side (eight square feet total) and three feet in height. Off premises open house or directional signs shall not be decorated with balloons, ribbons, or other decorative devices.~~

~~(e) Signage shall only be in place between the hours of 11:00 a.m. and 6:00 p.m., when the seller of the product, or the seller's agent, is physically present at the location of the product.~~

~~(f) Each off premises open house or directional sign that is placed or posted shall bear the name and address of the person placing or posting the sign in print not smaller than 12 point font. The information identifying the name and address of the person placing or posting the sign is not required to be included within the content of the speakers' message, but may be placed on the underside of the sign or in any other such location.~~

~~(g) New plats may have up to a maximum of eight plat directional signs for all new homes within the subdivision. New plat directional signs shall identify the plat and may provide directional information but shall not identify individual real estate brokers or agents. New plat directional signs shall be limited in size and manner of display to that allowed for off premises open house or directional signs. Off premises open house or directional signs shall not be permitted for new homes within new plats.~~

~~(h) A maximum of three off premises open house or directional signs shall be allowed per condominium or apartment complex.~~

~~(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.

* * *

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.

~~(1) The duration of display of a temporary sign shall not exceed six months in any 12-month period, unless otherwise noted.~~

~~(2) No flashing temporary signs of any type shall be permitted.~~

~~(3) All temporary signs must be authorized by the public or private property owner.~~

(4) 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) All temporary signs shall meet vehicular sight distance requirements established by the Traffic Engineer.~~

~~(7) The regulations governing the size, number, and type of temporary signs are located in Section 13.06.090.I.4.~~

(6) Temporary signs are prohibited in a median, 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.

* * *

J. Residential transition standards.1

1. Applicability.

* * *

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.

* * *

(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.

* * *
* * *

13.06.100 Building design standards.1

A. Commercial District Minimum Design Standards.

* * *

D. Downtown District Minimum Building Design Standards.1

1. Applicability.

* * *

3. Street Level Uses and Design.

a. General Standard.

* * *

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~~Any~~ new building, the addition to any building, or any substantially altered building fronting on a Primary Pedestrian Street shall comply with ~~either subparagraphs (1) or (2)~~the design requirements below:

(1) The floor area abutting at~~At~~ least 25 percent of the linear sidewalk level frontage shall incorporate these elements, along with any other required basic or additional design standards. ~~consist of 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 25 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 by any use allowed in the zoning district. The area 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 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.

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