



ORDINANCE NO. 28592

1 AN ORDINANCE relating to zoning; amending Chapter 13.06 of the Tacoma
2 Municipal Code by amending Sections 13.06.100, 13.06.200, 13.06.400,
3 and 13.06.535 thereof; and by adding a new Section 13.06.585, entitled
4 “Joint Base Lewis McChord Airport Overlay Compatibility Overlay District,”
5 for the purpose of establishing a Joint Base Lewis McChord (“JBLM”) Airport
6 Compatibility Overlay District which corresponds with JBLM’s designated
7 Accident Potential Zone II.

8 WHEREAS Joint Base Lewis McChord (“JBLM”) is a vital military and
9 economic asset that contributes approximately \$10 billion to the South Sound
10 economy and provides tens of thousands of jobs for the region, and
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12 WHEREAS the JBLM Joint Land Use Study (“Study”) is a collaborative
13 process among federal, regional, and local governments and agencies; tribes;
14 the public; and the south Puget Sound region’s military installations, JBLM and
15 Camp Murray, to promote safety and reduce the risk of loss of life should a
16 military aircraft accident occur, and
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18 WHEREAS the Study area generally encompasses those communities
19 within two miles of the JBLM boundary, which includes the City, and
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21 WHEREAS the City has been working on the Study, in collaboration with
22 other area jurisdictions, since at least 1992 in order to ensure that compatibility
23 between the City and JBLM is maintained, and
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25 WHEREAS, on January 16, 2019, after an approximately six-month public
26 planning process, the Planning Commission forwarded recommendations to the
27 City Council to establish the Airport Compatibility Overlay District (“ACOD”), and
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29 WHEREAS the proposed ACOD would implement the recommendations of
30 the JBLM Study and the U.S. Air Force’s Air Installations Compatible Use Zones
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Program, as well as implement policy direction from the City's Comprehensive
1 Plan, and

2 WHEREAS the policy documents call for the City to incorporate
3 considerations in local planning and permitting processes to address the health
4 and safety of residents within areas potentially impacted by JBLM aircraft
5 operations, and
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7 WHEREAS, within Accident Potential Zone II areas, the recommendation is
8 to institute changes to permitted land uses and development standards to prevent
9 significant increases in density in order to reduce risk of loss of life and damage on
10 the ground, should an air accident occur, and
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12 WHEREAS the proposed ACOD was presented to the Infrastructure,
13 Planning and Sustainability Committee at its meeting of March 27, 2019, and the
14 committee recommended one change to strengthen the intent language of the
15 proposed District, and further recommended that it be forwarded to the City
16 Council for consideration; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 13.06 of the Tacoma Municipal Code is hereby amended
as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

EXHIBIT "A"

CHAPTER 13.06 ZONING

Sections:

* * *

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.
13.06.585	Joint Base Lewis McChord Airport Compatibility Overlay District.

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13.06.100 Residential Districts.

The 100 series will contain regulations for all residential classifications, including the following:

R-1	Single-Family Dwelling District
R-2	Single-Family Dwelling District
R-2SRD	Residential Special Review District
HMR-SRD	Historic Mixed Residential Special Review District
R-3	Two-Family Dwelling District
R-4	Multiple-Family Dwelling District
R-4-L	Low-Density Multiple-Family Dwelling District
R-5	Multiple-Family Dwelling District
PRD	Planned Residential Development District (see Section 13.06.140)

* * *

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.100. All portions of 13.06.100 and applicable portions of 13.06.500 apply to all new development of any land use variety, including additions, and remodels, in all districts in Section 13.06.100, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.100.A through Section 13.06.100.C are not eligible for variances. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply. For individually designated properties listed on the Tacoma Register of Historic Places, and for contributing buildings within Historic Special Review Districts, where there is a conflict between the regulations of this chapter and historic guidelines and standards, the historic guidelines and standards shall prevail pursuant to TMC 13.05.046.

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2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as "Pedestrian Streets." The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

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.E.

[a. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585, which shall prevail in the case of any conflict.](#)

4. Use table abbreviations.

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

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

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Uses³	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	Additional Regulations^{1,3}
Accessory uses and buildings	P	P	P	P	P	P	P	P	Subject to additional requirements contained in Section 13.06.100.F
* * *									
<p>Footnotes:</p> <p>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 for additional details, limitations and requirements.</p> <p>² Certain land uses, including two-family, townhouse, cottage housing, and Detached Accessory Dwelling Units in certain districts, are subject to the provisions of the Residential Infill Pilot Program. See Section 13.05.115.</p> <p>³ <u>Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585, which shall prevail in the case of any conflict.</u></p>									

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13.06.200 Commercial Districts.

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C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.200. All portions of Section 13.06.200 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels, in all districts in Section 13.06.200, unless explicit exceptions or modifications are noted. The requirements of Section 13.06.200.A through Section 13.06.200.C 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.

2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as "Pedestrian Streets." The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

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.E. Certain street level use restrictions may apply; see Section 13.06.200.C.4 below.

a. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585, which shall prevail in the case of any conflict.

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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 ⁴	T	C-1	C-21	PDB	Additional Regulations ^{2, 3, 4} (also see footnotes at bottom of table)
Adult family home	P	P	P	P	See definition for bed limit.

Eating and drinking	N	P/CU	P	P*/CU*	In the C-1 and PDB districts, restaurants are permitted outright while drinking establishments require a conditional use permit. See Section 13.06.700.E for the definitions of restaurants and drinking establishments. In the C-2 district, live entertainment is limited to that consistent with either a Class “B” or Class ”C” Cabaret license as designated in Chapter 6B.70. In all other districts, live entertainment is limited to that consistent with a Class “C” cabaret license as designated in Section 6B.70. *Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District and PDB Districts

Office	P	P	P	P	*Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District and PDB Districts

Retail	N	P	P/CU~	P*	~A conditional use permit is required for retail uses exceeding 45,000 square feet within the C-2 District. See Section 13.06.640. *Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District and PDB Districts

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Uses ⁴	T	C-1	C-21	PDB	Additional Regulations ^{2, 3, 4} (also see footnotes at bottom of table)
Footnotes:					
<ol style="list-style-type: none"> 1. Designated Pedestrian Streets – For segments here noted, additional use limitations apply to areas within C-2 Commercial District zoning to ensure continuation of development patterns in certain areas that enhance opportunities for pedestrian-based commerce. North 30th Street from 200 feet east of the Starr Street centerline to 190 feet west of the Steele Street centerline: street level uses are limited to retail, personal services, eating and drinking, and customer service offices. 2. 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 for additional details, limitations and requirements. 3. Commercial shipping containers shall not be an allowed type of accessory building in any commercial zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635. 4. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585, which shall prevail in the case of any conflict. 					

* * *

D. Building envelope standards.

	T	C-1	C-2	PDB
Minimum Lot Area	0 non-residential; 1,500 square feet per residential unit	0	0	0
Minimum Lot Width	0	0	0	0
Maximum Building Coverage – applies to single-use multi-family residential development only	None non-residential; Residential maximum building coverage in accordance with the R-4-L District	None non-residential; Residential maximum building coverage in accordance with the R-4-L District	None non-residential; Residential maximum building coverage in accordance with the R-4 District	None non-residential; Residential maximum building coverage in accordance with the R-4 District
Minimum Front Setback	In all districts listed above, 0 feet, unless abutting a residential zoning, then equal to the residential zoning district for the first 100 feet from that side. Maximum setbacks (Section 13.06.200.E) supersede this requirement where applicable. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Minimum Side Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Minimum Rear Setback	In all districts listed above, 0 feet, unless created by requirements in Section 13.06.502. Animal sales and service: shall be setback from residential uses or residential zoning district boundaries at least 20 feet.			
Maximum Setback from Designated Streets	See Section 13.06.200.E for application with any district listed above on designated segments of North 30th Street and 6th Avenue. Residential development shall meet the Build-to Area standard in 13.06.100.D.6.			

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Maximum Height Limit	35 feet	35 feet	45 feet	45 feet
	Height will be measured consistent with Building Code, Height of Building, unless a View Sensitive Overlay District applies. Height may be further restricted in View-Sensitive Overlay Districts, per Section 13.06.555. Certain specified uses and structures are allowed to extend above height limits, per Section 13.06.602.			
Maximum Floor Area	20,000 square feet per building	30,000 square feet per building	45,000 square feet per business for retail uses, unless approved with a conditional use permit. See Section 13.06.640.	7,000 square feet per business for eating and drinking, retail and personal services uses
<u>JBLM Airport Compatibility Overlay District</u>	<u>Within the JBLM Airport Compatibility Overlay District, see the provisions of TMC 13.06.585, including specific square footage limitations for certain uses.</u>			
Minimum Usable Yard Space – applies to single-use residential development only	Minimum usable yard space shall be provided in accordance with the residential building type requirements in 13.06.100.D.7. Duplex/triplex dwellings shall provide usable yard space in accordance with the R-3, R-4-L, R-4 and R-5 Districts.			

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13.06.400 Industrial Districts.

The 400 series contains regulations for all industrial classifications, including the following:

- M-1 Light Industrial District
- M-2 Heavy Industrial District
- PMI Port Maritime & Industrial District

* * *

C. Land use requirements.

1. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.400. All portions of Section 13.06.400 and applicable portions of Section 13.06.500 apply to all new development of any land use variety, including additions and remodels. Explicit exceptions or modifications are noted. When portions of this section are in conflict with other portions of Chapter 13.06, the more restrictive shall apply.

2. Pedestrian streets designated. Figure 7 of the Comprehensive Plan designates Corridors that are considered key streets for integrating land use and transportation and achieving the goals of the Urban Form and Design and Development Elements. These Corridors are herein referred to as “Pedestrian Streets.” The designation entails modified design requirements to improve building orientation, definition of the public realm, and pedestrian connectivity.

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.E.

[a. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585, which shall prevail in the case of any conflict.](#)

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 ²	M-1	M-2	PMI	Additional Regulations ^{1,2}
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.
* * *				
Eating and drinking	P	P	P	*Limited to 7,000 square feet of floor area, per business, in the HM, <u>JBLM Airport Compatibility Overlay District</u> , and PDB Districts.
* * *				

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Uses ²	M-1	M-2	PMI	Additional Regulations ^{1,2}
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. *Limited to 7,000 square feet of floor area, per business, in the HM, JBLM Airport Compatibility Overlay District , and PDB Districts

Retail	P~	P~	P*	*Limited to 7,000 square feet of floor area, per development site, in the PMI District, and JBLM Airport Compatibility Overlay 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.

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 for additional details, limitations and requirements.				
2. Within the JBLM Airport Compatibility Overlay District, the land use and development standards of this section are modified as specified in TMC 13.06.585, which shall prevail in the case of any conflict.				

13.06.535 Special needs housing.

A. Intent. It is found and declared that special needs housing facilities are essential public facilities which provide a needed community service. It is also recognized that these types of facilities often need to be located in residential neighborhoods. Thus, in order to protect the established character of existing residential neighborhoods, the public interest dictates that these facilities be subject to certain restrictions. The intent of these regulations is to minimize concentrations of certain types of facilities, mitigate incompatibilities between dissimilar uses, preserve the intended character and intensity of the City’s residential neighborhoods, and to promote the public health, safety, and general welfare.

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

[1. Within the JBLM Airport Compatibility Overlay District, maximum occupancy shall be limited to six residents.](#)

[13.06.585 Joint Base Lewis McChord Airport Compatibility Overlay District.](#)

[A. Purpose. The purpose and intent of the Joint Base Lewis McChord \(“JBLM”\) Airport Compatibility Overlay District \(“Overlay District”\) is to increase safety within the JBLM Accident Potential Zone II \(“APZ II”\), specifically as follows:](#)

[1. Prevent development conditions that could interfere with aircraft operations or increase the likelihood of an accident.](#)

[2. Reduce risk to life and property in the incidence of a crash, through the following strategies.](#)

[a. Limit increases in densities and congregations of people which are incompatible with the APZ II designation, which includes the density threshold goal of 50 people per acre maximum and strict limitation on any expansion of](#)

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occupancy capacity of public assembly, including, but not limited to, assembly facilities, schools, religious assembly, theaters, carnivals, and cultural institutions.

b. Prevent development that presents a higher risk in the incidence of a crash due to explosive or flammable characteristics.

3. Implement the City's policies calling for collaboration and compatibility with JBLM Airfield.

4. Increase knowledge of aircraft accident risks in order to inform public and private decision-making.

5. Recognize existing uses and avoid undue impacts to residents, property owners, businesses, and institutions.

B. Scope and Applicability. The Overlay District applies to an approximately 200-acre area located in South Tacoma corresponding with the JBLM APZ II.

C. Definitions.

1. Joint Base Lewis McChord ("JBLM") Joint Land Use Study: A collaborative process among local, state, and regional jurisdictions; the public; federal, state, and regional agencies; and military installations within the South Puget Sound region that presents recommendations for consideration by local and state governments that promote development compatible with military presence and protecting public health, safety, and welfare while also protecting the ability of the military to accomplish its vital training and operational missions presently and over the long-term.

2. JBLM Accident Potential Zone II ("APZ II"): Clear Zones and Accident Potential Zones ("APZs") are areas where the potential for aircraft accidents has been identified through the Air Installation Compatible Use Zone ("AICUZ") program of the U.S. Air Force. The APZ II designation has a lower accident potential than either the Clear Zone or APZ I, but still is considered high enough to warrant land use restrictions to promote public safety.

D. General provisions.

1. Proposed zoning changes and Conditional Use Permit ("CUP") applications, or major modifications to previously approved rezones and CUPs, shall demonstrate consistency with the intent of the Overlay District. If approved, such applications shall be conditioned to record Notice on Title acknowledging the presence and restrictions of the Overlay District.

2. For parcels located partially within the Overlay District, only that portion within the Overlay District shall be subject to these provisions.

E. Land Uses.

1. The land use standards of the underlying zoning districts apply within the Overlay District, except that the following land uses are prohibited.

PROHIBITED LAND USES WITHIN THE JBLM AIRPORT COMPATIBILITY OVERLAY DISTRICT

a. Residential uses: The following residential uses are prohibited:

(1) Special Needs Housing with more than six residents.

(2) Two-family, three-family, townhouse, group housing, multifamily, mobile home, student housing, mixed-use, or other development incorporating more than one dwelling unit.

b. Non-residential uses: The following non-residential uses are prohibited:

(1) Airports;

(2) Assembly facilities;

(3) Brewpubs;

(4) Carnivals;

(5) Commercial recreation and entertainment;

(6) Correctional facilities;

(7) Cultural institutions;

(8) Day care centers with more than 12 children;

(9) Detention facilities;

(10) Heliports;

(11) Hospitals;

(12) Hotels/motels;

(13) Industry, heavy;

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(14) Parks, recreation and open space uses identified in TMC 13.06.560.C.1 as requiring a Conditional Use Permit;
(15) Public assembly;
(16) Religious assembly;
(17) Schools; and
(18) Theaters.

2. Existing residential uses. Lawfully existing residential uses (at the time of Overlay District adoption) which do not meet the provisions of the Overlay District are permitted, and may be modified or expanded, provided there is no increase in the number of dwellings.

3. Existing non-residential uses. Non-residential lawfully existing uses (at the time of Overlay District adoption) which are prohibited under the Overlay District are Non-conforming, and subject to the following limitations:

a. Minor modifications under TMC 13.05.080 are allowed to existing discretionary land uses; however, major modifications must come into compliance with the Overlay District for approval.

F. Development Standards.

1. The following characteristics, when proposed as part of any development, are not allowed in the Overlay District:

a. Generation of air pollution, electronic interference, or glare that could negatively affect pilots or aircraft.

b. Structures taller than permitted outright in the base zoning districts (i.e., no height variances).

c. Manufacturing or processing of apparel, chemicals, petroleum, rubber, or plastic.

* * *