

Proposed Amendments and Staff Analyses

Application #2012-07:

Minor Amendments and Refinement



2012 Annual Amendment Application No. 2012-07
Minor Amendments and Refinements

STAFF REPORT

Application #:	2012-07
Applicant:	City of Tacoma, Community & Economic Development Dept.
Contact:	Brian Boudet, Long-Range Planning Division
Type of Amendment:	Regulatory Code Text Changes Comprehensive Plan Map and Text Changes
Current Land Use Intensity:	Various
Current Area Zoning:	Various
Size of Area:	Not Applicable
Location:	City-wide
Neighborhood Council area:	City-wide
Proposed Amendment:	Various amendments to the Land Use Regulatory Code and Comprehensive Plan to address inconsistencies, correct minor errors, and provide additional clarity.

General Description of the Proposed Amendment:

The proposed amendments involve general text corrections to the Regulatory Code and removal of one outdated map and its associated policies from the Comprehensive Plan. These minor amendments are intended to address inconsistencies, correct minor errors, and improve provisions that, through administration and application of the Zoning Code and Comprehensive Plan, are found to be unclear or not fully meeting their intent.

A general summary of the proposed amendments is as follows:

Changes to Chapter 13.04 Platting and Subdivisions, including:

- Adding sections specifying the procedures for the vacation and alteration of subdivisions, along with appropriate definitions.

Changes to Chapter 13.05 Land Use Permit Procedures, including:

- Clarification and improvement of the code relating to the Reasonable Accommodation request and approval process.
- Modifying the process and qualification criteria for Development Regulation Agreements.

Changes to Chapter 13.06 Zoning, including:

Section 13.06.100 – Residential Zoning and Development Standards

- The replacement of the term ‘garage doors’ with the term ‘vehicular doors’ for consistency.

Section 13.06.150 – Accessory Dwelling Units

- Removal of a reference to a Concomitant Zoning Agreement (CZA) in the Requirements section as this is no longer a requisite of approval for an Accessory Dwelling Unit permit (was replaced with notice on title).

Section 13.06.300 – Mixed-Use Center Districts Zoning and Development Standards

- Revise the use table to permit a drive-through with any use under the “HMX” District subject to the development standards found in 13.06.510, Table 2 (Development Standards – Driveways). This change also involves an additional restriction in 13.06.510 to clarify that drive through driveways shall not directly connect to pedestrian streets.

Sections 13.06.520/521/522 – Sign Regulations

- The special section related to “marquee signs” has been deleted. Signs on marquees are either on the face of a marquee (and can be considered canopy/awning signs) or hanging from under a marquee (and can be considered under-canopy signs). There were different requirements for marquees that didn’t apply to canopy or awning signs, even though the definitions treated them equivalently and even though there is no clear distinction among the three in the building code. The new typology divides the signs into two categories: signs directly on or part of a rain-protection feature, and signs hanging beneath such features. Section “H” would remain as reserved for an eventual addition to the chapter (possibly for future discussions on digital sign standards).
- Blade signs are not set forth in the “regulations by type of sign” section of the TMC but are mentioned and given a signage allowance in the district sign tables. The proposal is to add them to section “I” of the regulations for each type of sign, and treat them similarly to under-canopy signs. This gets the performance standards for blade signs out of the tables and into the regulations for the specific type of sign, consistent with other types of signs.
- Regulations for signs on canopies and awnings (like those painted on the face of an awning) were commingled with regulations for signs under canopies and awnings, when the sign tables and definitions treat them differently. The regulations for under-canopy signs have been grouped together, and removed from the regulations for signs on canopies.
- Language for what kinds of signs are available to which kinds and sizes of conditional uses in residential districts have been clarified by reorganizing text and adding punctuation.
- The tables have been modified to add under-canopy signs as equivalent to blade signs, and reference the appropriate section of 13.06.521 rather than stating the size limitations, etc. in the table.
- The term “flood lighting” has been deleted throughout the sign tables since it is equivalent to indirect lighting, is not defined, and is not used elsewhere in the sign code.
- Animated signs are prohibited where flashing signs are prohibited, and mechanized signs are allowed where rotating signs are allowed.

Section 13.06.510 – Parking Regulations

- Reducing the required parking for eating and drinking establishments from 10 stalls per 1,000 square feet of building floor area to 6 parking stalls per 1,000 square feet of building floor area.

Section 13.06.630 – Nonconforming parcels/uses/structures

- Expanding the allowance for total replacement of a structure should it be completely destroyed (100 percent). The current code allows for replacement if the damage is no more than 75 percent of the current replacement cost.
- Clarifying that it is the applicant/property owner’s responsibility to demonstrate/establish nonconforming status and the information required to be submitted to verify nonconforming status.

Section 13.06.640 – Conditional Uses

- Allowing all pre-existing conditional uses which were not previously granted a conditional use permit (those that pre-dated the requirement to have a conditional use permit) to be treated as if a conditional use has been granted.

Section 13.06.700 – Definitions

- Providing that massage therapy is similar to other medical offices and that bank branches are considered a retail use instead of an office use.
- The definition of “canopy” sign now includes a “marquee” or similar feature provision.
- The definition of “animated” sign has been revised to refer to electronic animation, like a video screen.
- “Awning” sign has been revised to refer to a “canopy” sign.
- “Sign, Blade” has been revised to remove the pedestrian-oriented portion of the definition, since that terminology is not used anywhere else. However, a height limitation is added to affirm the pedestrian orientation.
- “Changing Message Center” sign has been revised to remove the content-based language and to add a screen in addition to a lamp bank
- The definition for “Hospital” has been revised for consistency with state law.

Changes to Chapter 13.07 – Landmarks and Historic Special Review Districts, including:

- Adding Section 13.07.100 – Criteria for the Relocation of a City Landmark, which was included in the Commission’s 2011 recommendations to the Council as part of the Historic Preservation Plan project but inadvertently left out of the final ordinance.

Changes to the Comprehensive Plan – Environmental Policy Element, including:

- Removing the Habitat Zones map and its associated policies, which are now outdated and were effectively replaced with the adoption of the new Habitat Corridors maps and policies in the Open Space Habitat and Recreation Element and subsequent changes to the Critical Areas Preservation regulations (TMC Chapter 13.11).

Project Background:

These amendments are being brought forward as part of staff’s efforts to improve the clarity and effectiveness of the Zoning Code and Comprehensive Plan by addressing inconsistencies, incorporating legislative revisions, correcting minor errors, and improving confusing or ineffective standards. The proposed amendments include issues that have been identified by staff as well as issues identified by the public and BLUS customers.

Additional Information:

While many of the code changes associated with this application are relatively minor, addressing things like code organization, terminology, and internal consistency, a few of the proposed changes are worth highlighting.

Platting

The proposed changes to the platting section are relatively minor and involve the inclusion of language specific to alterations, vacations and replats, which are addressed in state law but are not specifically addressed in Tacoma's Code. This will increase consistency with state regulations while ensuring regularity with current permit review and development processes.

Conditional Use Permits

The proposed amendments to the Conditional Use Permit section would allow all pre-existing conditional uses which were not previously granted a conditional use permit (those that predate the requirement to have a conditional use permit) to be treated as if a conditional use permit had been granted. This would align with amendments made previously which allowed all pre-existing parks, recreation, open space and school uses to be regarded as having been granted a conditional use permit. This clarifies that such uses are not to be considered nonconforming and that future changes that exceed the thresholds for a major modification, as outlined in *TMC* 13.05.080, would require a new conditional use permit.

Parking Requirements

The proposed amendments would also change the parking requirements for eating and drinking establishments. The required stalls (6 per 1,000 square feet of floor area) would still be higher than the parking requirement for eating and drinking establishments in other similar jurisdictions since the City's active residential parking permit program is not currently active. The City is exploring the program and may begin implementation as early as next year in conjunction with further citywide parking requirement revisions. However, to address some of the issues encountered by change of uses within existing structures, the proposed amendment would eliminate parking requirements for all structures in existence prior to May 18, 1953 though any existing parking could not be eliminated.

Reasonable Accommodations

Reasonable Accommodations are required by the Fair Housing Amendments Act of 1988 and by the Washington Law Against Discrimination (Chapter 49.60 RCW) and allow persons with verifiable handicaps to be excused from otherwise applicable requirements of the Land Use Code. Requests for Reasonable Accommodation are currently, and will continue to be, reviewed on a case-by-case basis however, there is need to clarify the existing process. The existing code provisions do not provide a clear purpose or administrative requirements or specifically require findings for reasonable accommodations. Under the direction of the Land Use Administrator and the City's legal department, additional language would be incorporated summarizing the purpose of the code and providing organization of the regulations in six main categories: purpose, application, application fee, review authority and procedure, findings and decision, and reasonable conditions.

Drive-Throughs

The proposal would allow drive-throughs in the "HMX" Hospital Medical Mixed-Use District while addressing their allowed location and design through enhanced development standards. Considering that drive-throughs have been incorporated along with other types of uses (such as pharmacies, banks, dry cleaners), it may not be necessary to completely prohibit drive-throughs within the "HMX" District and may be more appropriate to allow them subject to restrictions designed to ensure they do not significantly detract from the desired character of the Mixed-Use Centers.

Nonconforming Parcels/Uses/Structures

The current code alludes to the idea that the applicant should demonstrate proof of nonconforming rights but does not specify any procedure or criteria for review. The proposed changes would clearly identify that the property owner/applicant must demonstrate/establish nonconforming status and would establish submittal requirements and review criteria. As a note: many of these processes currently take place unofficially or informally and this would essentially formalize the process already in place, providing additional transparency for customers and ease of administration by staff.

In addition, this year's code amendments will provide that nonconforming uses and structures be allowed to be restored if completely damaged by fire, earthquake, or other natural calamity (the current limitation is based on the extent of such damage being less than 75 percent of the current replacement cost). Consideration of adjusting the percentage to 100 percent is recommended which would be in-line with most jurisdictions, consistent with recent changes recommended under the Shoreline Master Program Update, would afford more flexibility to the property owner, and is more easily administered.

Applicable Provisions of the Growth Management Act:

The Growth Management Act (GMA) requires that development regulations shall be consistent with and implement the Comprehensive Plan. Development regulations include, but are not limited to, zoning controls, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances. The proposed amendments are designed to improve consistency and compatibility within the development regulations and between the Comprehensive Plan, zoning classifications and development regulations.

Amendment Criteria:

Applications for amendments to the Comprehensive Plan and Land Use Regulatory Code are subject to review based on the adoption and amendment procedures and the review criteria contained in TMC 13.02.045.G. Proposed amendments are required to be consistent with or achieve consistency with the Comprehensive Plan and meet at least one of the ten review criteria to be considered by the Planning Commission. The following section provides a review of each of these criteria with respect to the proposal. Each of the criteria is provided, followed by staff analysis of the criterion as it relates to this proposal.

1. There exists an obvious technical error in the pertinent Comprehensive Plan or regulatory code provisions.

Staff Analysis: The general purpose of this application is to address technical errors that have been identified through administration and application of the code and plan. The proposed amendments are intended to address inconsistencies, correct minor errors, and improve provisions that are found to be unclear or not fully meeting their intent.

2. Circumstances related to the proposed amendment have significantly changed, or a lack of change in circumstances has occurred since the area or issue was last considered by the Planning Commission.

Staff Analysis: Not applicable

3. The needs of the City have changed, which support an amendment.

Staff Analysis: Not applicable.

4. The amendment is compatible with existing or planned land uses and the surrounding development pattern.

Staff Analysis: Not applicable.

5. Growth and development, as envisioned in the Plan, is occurring faster, slower, or is failing to materialize.

Staff Analysis: Not applicable.

6. The capacity to provide adequate services is diminished or increased.

Staff Analysis: Not applicable.

7. Plan objectives are not being met as specified, and/or the assumptions upon which the plan is based are found to be invalid.

Staff Analysis: The proposed amendments will improve consistency within the Land Use Regulatory Code and between the Comprehensive Plan and Code.

8. Transportation and and/or other capital improvements are not being made as expected.

Staff Analysis: Not applicable.

9. For proposed amendments to land use intensity or zoning classification, substantial similarities of conditions and characteristics can be demonstrated on abutting properties that warrant a change in land use intensity or zoning classification.

Staff Analysis: Not applicable.

10. A question of consistency exists between the Comprehensive Plan and its elements and RCW 36.70A, the County-wide Planning Policies for Pierce County, Multi-County Planning Policies, or development regulations.

Staff Analysis: Not applicable.

Staff Recommendation:

Staff recommends forwarding the draft Land Use Regulatory Code and Comprehensive Plan clarifications and refinements for public review and comment.

Exhibits:

- A. Draft Land Use Regulatory Code Amendments
- B. Draft Comprehensive Plan Amendments



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DRAFT LAND USE REGULATORY CODE CHANGES
February 1, 2012

Chapter 13.04 – Platting and Subdivisions

- 13.04.040 – Definitions
- 13.04.070 – Alteration (*new section*)
- 13.04.075 – Vacation (*new section*)
- 13.04.105 – Replat or redivision of platted lots (*new section*)

Chapter 13.05 – Land Use Permit Procedures

- 13.05.030 – Land Use Administrator – Creation and purpose – Appointment – Authority.
- 13.05.095 – Development Regulation Agreements

Chapter 13.06 - Zoning

- 13.06.100 – Residential Development
- 13.06.145 – Small-Lot Single-Family Residential Development
- 13.06.150 – Accessory Dwelling Units
- 13.06.200 – Commercial Districts
- 13.06.300 – Mixed-Use Center Districts
- 13.06.510 – Off-Street Parking and Storage Areas
- 13.06.521 – General Sign Regulations
- 13.06.522 – District Sign Regulations
- 13.06.630 – Nonconforming Parcels/Uses/Structures
- 13.06.640 – Conditional Use Permit
- 13.06.700 – Definitions and Illustrations

Chapter 13.07 – Landmarks and Historic Special Review Districts

- 13.07.100 – Criteria for the Relocation of a City Landmark

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 13.04
PLATTING AND SUBDIVISIONS

Sections:

13.04.010	Title.
13.04.020	Intent and authority.
13.04.030	Policy.
13.04.040	Definitions.
13.04.050	Jurisdiction.
13.04.055	Platting on shorelines.
13.04.060	Exclusions.
<u>13.04.070</u>	<u>Alteration.</u>
<u>13.04.075</u>	<u>Vacation.</u>
13.04.085	Boundary line adjustment.
13.04.088	Binding site plan approval.
13.04.090	Short subdivisions and short plats.
13.04.095	Appeals.
13.04.100	Plat procedures.
<u>13.04.105</u>	<u>Replat or redivision of platted lots.</u>
13.04.110	General requirements and minimum standards.
13.04.120	Conformity to the Comprehensive Plan and the Major Street Plan.
13.04.130	Relation to adjoining street system.
13.04.140	Access.
13.04.150	Conformity to topography.
13.04.160	Street widths.
13.04.165	Streetlights.
13.04.170	Roadways.
13.04.180	Street design.
13.04.190	Dead-end streets.
13.04.200	Alleys.
13.04.210	Easements.
13.04.220	Blocks.
13.04.230	Lots.
13.04.240	Plats within Planned Residential Development Districts (PRD Districts).
13.04.250	Duplication of names.
13.04.260	Public open space.
13.04.270	Checking by the City Engineer – Charges.
13.04.280	Development of illegally divided land – Innocent purchaser for value.
13.04.290	Development of illegally divided land – Public interest determination.
13.04.300	Model home.
13.04.305	Temporary rental or sales offices, contractors’ offices, and signs.
13.04.310	Subdivisions.
31.04.315	<i>Repealed.</i>

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13.04.040 Definitions.

For the purpose of these regulations, certain words used herein are defined as follows:

A. "Alley" shall mean a public or private accessway which provides a means of vehicular access to abutting property.

B. "All weather surface" shall mean asphaltic concrete pavement conforming to the requirements of the "City of Tacoma Department of Public Works General Specifications for Street and Sewer Construction (Requirements for Private Permits – January 1963)," or as hereafter amended, with a standard thickness of three inches unless otherwise specified by the City Engineer, or portland cement concrete pavement conforming to the requirements of the "City of Tacoma Department of Public Works General Specifications for Street and Sewer Construction (Requirements for Private Permits – January 1963)," or as hereinafter amended, with a standard thickness of six inches unless otherwise specified by the City Engineer.

C. "Alteration" shall mean a change to a finalized binding site plan, plat, short plat, or portion thereof, that results in a modification to its exterior boundaries or the location and/or size of rights-of-way, utility easements, open space, park or other similar community amenities created as part of the binding site plan, plat, or short plat. An alteration does not include boundary line adjustments, replats or an allowable increase in short plat lots.

DC. "Binding site plan" shall mean a drawing to scale showing a plan for the development of a specific parcel of land, which drawing has been approved as applicable by the Building Official or designee and which, as a minimum:

1. Shows the areas and locations of all streets, public ways, lot lines, utilities, street improvements and open spaces, and, also, shall either show site development, driveways, parking layout, landscaping, lighting, signs, building perimeters and elevations, or shall carry a condition of general site plan approval that no development or building permit will be granted therefor until additional development plans are submitted to and approved by the body approving the general binding site plan;
2. Is filed of record in the Pierce County Auditor's office and is legally enforceable.

ED. "Building line" shall mean a line on a plat indicating the limit beyond which buildings or structures may not be erected.

EE. "Collector arterial" shall mean a highway whose function is to collect and distribute traffic from major arterial streets to access streets, or directly to traffic destinations; to serve traffic within a neighborhood; and to serve neighborhood traffic generators such as a small group of stores, an elementary school, church, clubhouse, small hospital, and small apartment area.

EF. "Comprehensive Plan" shall mean the official statement of the Tacoma City Council which sets forth its major policies concerning desirable future physical development.

EG. "Curb line" shall mean the line defining the limits of a roadway.

EH. "Dead-end street" or "cul-de-sac" shall mean a residential access street with only one outlet.

EJ. "Freeway" shall mean a highway the function of which is to permit unimpeded traffic flow through urban areas and between their major elements or most important traffic generators such as the central business district, major shopping areas, major university, civic center, or a major sports stadium or pavilion.

EK. "Official map" shall mean the map on which the planned locations, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisition or building restriction.

LK. “Plat” shall mean the map, drawing or chart on which the subdivider’s plan of subdivision is presented and which the subdivider submits for approval and intends to record in final form.

ML. “Primary arterial” shall mean a highway the function of which is to expedite movement of through traffic to a major traffic generator such as the central business district, a major shopping area, a commercial service district, a small college or university or a military installation; or to expedite movement of through traffic from community to community, to collect and distribute traffic from freeways to minor arterial streets, or directly to traffic destinations.

NM. “Residential access street” shall mean a highway the primary function of which is to provide access to residential property.

O. “Replat” or “Redivision” shall mean an action resulting in the division of a lot located within a previously recorded binding site plan, plat, or short plat.

PN. “Roadway” shall mean the portion or portions of a public or private street or way, or permanent access easement, improved with an all-weather surface, available for vehicular traffic or the portion or portions of a public or private street or way, or permanent access easement, improved with an all-weather surface, available for vehicular traffic between curbs where curbs are laid.

Q.O. “Secondary arterial” shall mean a highway the function of which is to collect and distribute traffic from a major arterial highway to minor streets or directly to traffic destinations; to serve traffic from neighborhood to neighborhood within a community center, athletic field, neighborhood shopping area, major park, golf course, important grouping of churches, multiple residence area, concentration of offices or clinics, major private recreation facility, or large hospital.

RP. “Short plat” shall mean the map or representation of a short subdivision.

SQ. “Short subdivision” shall mean the division of land into a maximum of four or fewer total lots, tracts, parcels, sites or subdivisions for the purpose of sale or lease.

TR. “Street width” shall mean the shortest distance between the lines which delineate the right-of-way of a street.

US. “Subdivision” shall mean the division of a lot, tract or parcel of land into five or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, lease or building development, including all changes in street or lot lines, and shall include all resubdivision of land. The division of contiguous parcels of land resulting in a five or more total lots, tracts, parcels, or sites, and which are served by a shared public and/or private street or way, and/or permanent access easement shall be deemed a subdivision.

VF. “Transit street” shall mean a street on which regularly scheduled bus service operates at frequencies of 15 minutes or less during peak travel periods. Transit streets are designated by the Director of Public Works in consultation with Pierce Transit and include streets designated in Section 11.05.492 of the Tacoma Municipal Code.

W. “Vacation” shall mean an action to extinguish the effect and force of a finalized binding site plan, plat, or short plat or portion thereof, such that the property reverts to its pre-subdivision parent parcel configuration.

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13.04.070 Alteration.

The alteration of any binding site plan, plat, short plat, or portion thereof, is subject to the procedures set forth in RCW 58.17 and applicable sections of the Tacoma Municipal Code, including Chapter 13.05 Land Use Permit Procedures.

13.04.075 Vacation

The vacation of any binding site plan, plat, short plat, or portion thereof, is subject to the procedures set forth in RCW 58.17 and applicable sections of the *Tacoma Municipal Code*, including Chapter 13.05 Land Use Permit Procedures.

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13.04.105 Replat or redivision of platted lots.

The division of a lot located within a recorded binding site plan, plat or short plat shall be processed as a new application in accordance with this chapter and other applicable sections of the *Tacoma Municipal Code*. Minor adjustments to existing lot lines within a recorded subdivision may be allowed in accordance with the procedures set forth in *TMC* 13.04.085 provided no new lots are created.

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Chapter 13.05

LAND USE PERMIT PROCEDURES

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13.05.030 Land Use Administrator – Creation and purpose – Appointment – Authority.

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F. Reasonable Accommodation. -Any person claiming to have a handicap, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC § 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Land Use Administrator with verifiable documentation of handicap eligibility and need for accommodation. The Administrator shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Administrator shall approve an accommodation, which may include granting an exception to the provisions of this Code. ~~The City shall not charge any fee for responding to such a request.~~

1. Purpose. This section provides a procedure for a request for reasonable accommodation made by any person with a disability, their representative or any entity, when the application of a land use regulation acts as a barrier to fair housing opportunities and must provide the Land Use Administrator with verifiable documentation of handicap eligibility and need for accommodation.

2. Application. Requests for reasonable accommodation shall be submitted in the form of a letter to the Building and Land Use Services Division of the Community and Economic Development Department and shall include the following:

a. The applicant's name, address, and telephone number;

b. Address of the property for which the request is being made;

c. The current actual use of the property;

d. The basis for the claim that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person's medical, physical or mental limitations;

e. The zoning code provision, regulation or policy from which reasonable accommodation is being requested, including all applicable material necessary to reach a decision regarding the need for the accommodation, such as drawings, pictures, plans, correspondence or any other background information relevant to the request;

f. The type of accommodation being sought and why the reasonable accommodation is necessary to make the specific property accessible to the individual;

g. Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with the Acts; and

3. No application fee shall apply to a request for reasonable accommodation (unless the request is being made concurrently with an application for some other Land Use discretionary application, in which case the applicant shall pay only the required application fee for that other discretionary approval).

4. Review Authority and Review Procedure.

a. Review Authority. Requests for reasonable accommodation shall be reviewed by the Land Use Administrator, or his/her designee.

b. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another Land Use discretionary application shall be reviewed by the authority reviewing the discretionary land use application; further, a reasonable accommodation cannot waive a requirement for a Conditional Use Permit when otherwise required or result in approval of uses when otherwise prohibited by the City's land use and zoning regulations.

c. Review Procedure. The Land Use Administrator, or his/her designee, shall either grant, grant with conditions, or deny a request for reasonable accommodation in accordance with 13.05.030.F.5 (Findings and Decision).

d. The Land Use Administrator may require a Concomitant Zoning Agreement (CZA) be recorded with the Pierce County Auditor to ensure conditions of approval are met. The City will be responsible for creating the CZA and will provide it to the applicant. The CZA must be recorded prior to issuance of Certificate of Occupancy or Certificate of Completion for the associated building permit;

e. A notice of the Land Use Administrator's decision will be mailed to all property owners/taxpayers located within 100 feet of the site where the accommodation is requested.

5. Findings and Decision. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors, with or without conditions:

a. The requested accommodation is necessary to make specific housing available to a disabled person;

b. The housing will be used by a disabled person;

c. The requested accommodation would not require a fundamental alteration in the nature of a city program or law, including land use and zoning; and

d. The requested accommodation would not impose an undue financial or administrative burden on the City;

6. Reasonable Conditions. In granting a request for reasonable accommodation, the reviewing authority may further impose conditions of approval that are deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required under 13.05.030.F.5 above, such as removal of the improvements, where removal would not constitute an unreasonable financial burden and when the need for which the accommodation was granted no longer exists.

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13.05.095 Development Regulation Agreements.

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B. Applicability. Development Regulation Agreements shall only be allowed for one of the following project types:

1. Proposed projects located within the International Financial Services Area (IFSA), as defined in the City's Amended Ordinance No. 27825, with a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;

2. Proposed projects located within the ~~“Working Definition of Downtown,”~~ Downtown Regional Growth Center as set forth in ~~Figure 1 in the Downtown Element Growth Strategy and Development Concept Element~~ of the City Comprehensive Plan, provided that the real property involved is subject to a significant measure of public ownership or control, and provided that the project includes a building footprint of at least 15,000 square feet and a proposed height of at least 75 feet;

* * *

D. Review criteria. The City Manager, and such designee or designees as may be appointed for the purpose, shall negotiate acceptable terms and conditions of the proposed Development Regulation Agreement based on the following criteria:

1. The Development Regulation Agreement conforms to the existing Comprehensive Plan. Except for projects on a public facility site of at least five acres in size, conformance must be demonstrated by the project, as described in the Development Regulation Agreement, scoring 800 points out of a possible 1000 points, according to the following scoring system (based on the Downtown Element of the City Comprehensive Plan):

a. Balanced healthy economy. In any project where more than ~~60~~ 30 percent of the floorspace is ~~Class-A office space~~ office, commercial, or retail, one point shall be awarded for every 200 square feet of gross floorspace (excluding parking) up to a maximum of 290 points.

b. Achieving vitality downtown. Up to 40 points shall be awarded for each of the following categories: (i) CPTED design (“Crime Prevention Through Environmental Design”), (ii) sunlight access to priority public use areas, (iii) view maximization, (iv) connectivity, (v) quality materials and design, (vi) remarkable features, (vii) access to open space, and (viii) street edge activation and building ground orientation.

c. Sustainability. Up to 50 points shall be awarded for each of the following categories: (i) complete streets, (ii) transit connections, and (iii) energy conservation design to a L.E.E.D. (Leadership in Energy and Environmental Design) certification to a platinum level or certified under another well-recognized rating system to a level equivalent to certification to a platinum level.

d. Quality Urban Design. Up to 60 points shall be awarded for each of the following categories: (i) walk ability, (ii) public environment, (iii) neighborly outlook, and (iv) support for public art.

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**Chapter 13.06
ZONING**

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13.06.100 Residential Districts.

D. Lot size and building envelope standards.

	R-1	R-2	R-2SRD	HMR-SRD	R-3	R-4-L	R-4	R-5	
Setbacks (in feet)	<p>These residential setback requirements are designed to provide yard areas that help to minimize impacts between neighboring uses, allow space for recreational activities, allow access to light and air, serve as filtration areas for storm water run-off, provide a level of privacy and comfort, provide emergency and utility access around and into buildings, provide public view corridors, create a pleasing, rhythmic streetscape, promote consistency with existing development patterns, and promote the desired character of residential neighborhoods. Certain conditional uses may require different minimum setbacks. See Section 13.06.640.</p>								
Minimum Front Setback	25	20	20	20	20	20	15	10	
	<p>For townhouse dwellings, the minimum front yard setback shall apply only along the front property line of the development, and not to property lines internal to the development. For additional townhouse development requirements, see Section 13.06.100.G.</p>								
	<p>Garage doors Vehicular doors that face the front property line, where such property line abuts a public street or private road, shall be setback a minimum of 20 feet from the front property line or private road easement.</p>								
	<p>Pipestem lots shall provide the required front setback along one of the property lines that abut or are nearest to the accessway/lot extension. The accessway/lot extension shall not be included when measuring the setback. The front yard setback will determine the orientation of the other required setbacks.</p>								

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13.06.145 Small-lot single-family residential development.

* * *

E. Design Standards – Level 1. The following design standards shall be met for all new single-family dwellings on new lots that are up to 10% smaller than the applicable minimum lot size and/or width requirements in Section 13.06.100.D, and on all pre-existing lots that are smaller than the current, applicable minimum lot size and/or width requirements in Section 13.06.100.D:

1. Clear building entries. Dwellings shall provide a clearly defined building entrance that faces the street and provide weather protection that is at least 4 feet deep along the width of the building entry. A porch may serve to comply with this provision.

2. Garages:

a. The garage shall be located in the rear with rear access if suitable access is available, such as abutting right-of-way that is or can be practicably developed.

b. Where vehicular access is not available from an alley or side street, garages or carports shall be setback at least 5 feet behind the front facade of the house or the front of a covered porch (where the porch is at least 48 square feet and contains no dimension less than 6 feet). In addition, ~~garage doors~~ vehicular doors and carports (measurement based on width of canopy) shall not occupy more than 50% of the width of the front façade.

* * *

13.06.150 Accessory dwelling units.

* * *

C. Requirements. The creation of an ADU shall be subject to the following requirements, which shall not be subject to variance.

1. Number. One ADU shall be allowed per residential lot as a subordinate use in conjunction with any new or existing single-family detached dwelling in the City of Tacoma. The lot must meet the standard minimum lot size requirement for a single-family detached dwelling in the applicable zoning district (for example, in the R-2 zoning district a single-family lot must be at least 5,000 square feet to be eligible to have an ADU).

2. Occupancy. The maximum number of occupants in an ADU shall be 4 persons. Maximum occupancy may be further limited by the Minimum Building and Structures Code in Title 2.

3. Location. The ADU shall be permitted as a second dwelling unit added to or created within the main building or, when allowed, permitted as a detached unit preferably located in the rear yard and/or adjacent to alleys. A detached ADU shall not be located in front of the main building or in the side yard setback area.

4. Composition. The ADU shall include facilities for cooking, living, sanitation, and sleeping.

5. Size. The ADU, excluding any garage area and other non-living areas, such as workshops or greenhouses, shall not exceed 40 percent of the total square footage of the main building and the ADU combined, after modification or construction. In addition, the maximum square footage of a detached ADU shall not exceed 10% of the square footage of the lot. An ADU shall not contain less than 300 square feet or more than 1,000 square feet.

6. Height. The maximum height limit for detached ADUs shall be the same as for other detached accessory structures (see Section 13.06.100.D); provided that two-story structures, where a detached ADU is located on the second floor, may be allowed up to 25 feet in height with the approval of a conditional use permit.

7. Setbacks. Detached ADUs shall be setback a minimum of 5 feet from the side and rear property lines, except when the detached ADU abuts an alley where no setback along the alley shall be required.

8. Ownership. The property owner (i.e., title holder or contract purchaser) must maintain his or her occupancy in the main building or the ADU. Owners shall sign an affidavit which attests to their occupancy and attests that, at no time, shall they receive rent for the owner-occupied unit. Falsely attesting owner-residency shall be a misdemeanor subject to a fine not to exceed \$5,000, including all statutory costs, assessments, and fees. In addition, ADUs shall not be subdivided or otherwise segregated in ownership from the main building.

9. Design – Attached ADUs. An attached ADU shall be designed to maintain the architectural design, style, appearance, and character of the main building as a single-family residence. If an attached ADU extends beyond the current footprint or existing height of the main building, such an addition must be consistent with the existing facade, roof pitch, siding, and windows. Only one entrance for the main building is permitted to be located in the front facade of the dwelling. If a separate outside entrance is necessary for an attached ADU, it must be located either off the rear or side of the main building. Such entrance must not be visible from the same view of the building which encompasses the main entrance to the building and must provide a measure of visual privacy. For units with a separate exterior entrance, a pedestrian walkway, which shall be at least 4 feet wide and composed of materials that are distinct from any adjacent vehicle driving or parking surfaces, shall be provided between the ADU and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right-of-way.

10. Design – Detached ADUs. A detached ADU shall be designed to match the architectural design, style, appearance, and character of the main building by utilizing complimentary colors and finish materials, window styles, and a roof design similar to the main building. The entrance door to a detached ADU shall not face the same property line as the entrance door to the main building except when the entrance door to the ADU is located behind the rear wall of the main building. A pedestrian walkway, which shall be at least 4 feet wide and composed of materials that are distinct from any adjacent vehicle driving or parking surfaces, shall be provided between the detached ADU and the nearest public sidewalk, or where no sidewalk exists, the nearest public street right-of-way.

11. Parking. One off-street parking space shall be required for the ADU, in addition to the off-street parking required for the main building, pursuant to Section 13.06.510. Such parking shall be located in the rear portion of the lot and shall not be accessed from the front if suitable access to the rear is available, such as an abutting right-of-way that is or can practicably be developed. If access is not practicably available to the rear yard, subject to determination by the City Engineer, then vehicular access to the front may be developed subject to the limitations in Section 13.06.510.A.6.

12. Home occupations. Home occupations shall be allowed, subject to existing regulations, in either the ADU or the main building, but not both.

~~13. Concomitant Agreement. Upon issuance of an ADU permit by the City, a property owner must record with the Pierce County Auditor a concomitant agreement. Specific procedures are identified in subsection B.5.~~

~~14~~13. Legalization of Nonconforming ADUs. Nonconforming ADUs existing prior to the enactment of these requirements may be found to be legal if the property owner applied for an ADU permit prior to December 31, 1995, and brings the unit up to Minimum Housing Code standards. After January 1, 1996, owners of illegal ADUs shall be guilty of a misdemeanor and, upon conviction thereof, subject to a fine not to exceed \$1,000, including all statutory costs, assessments, and fees, plus \$75 per day after notice of the violation has been made. All owners of illegal ADUs shall also be required to either legalize the unit or remove it.

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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. 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.
3. Use table abbreviations.

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

4. District use table.

Uses	T	C-1	C-2¹	HM	PD B	Additional Regulations^{2,3} (also see footnotes at bottom of table)
Commercial parking facility	P	P	P	P	P	
Commercial recreation and entertainment	N	N	P	N	NP	
Communication facility	N	N	P	N	P	

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13.06.300 Mixed-Use Center Districts.

* * *

D. Land use requirements.

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 or provided for in Section 13.06.500 are prohibited, unless permitted via Section 13.05.030.E.

2. Use table abbreviations.

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

3. District use table.

Uses	NCX	CCX	UCX	UCX-TD	RCX ¹	CIX	HM X	URX	NRX	Additional Regulations ^{3, 4, 5} (also see footnotes at bottom of table)
Drive-through with any use	P	P	P	P	N	P	NP	N	N	See Section 13.06.510 Table 2 for <u>additional driveway and drive-through standards and restrictions.</u>
School, public or private	P	P	P	P	P	P	P	NP	NCU	Not subject to RCX residential requirement. ¹

Footnotes:

1. The floor area of any development in RCX must be at least 75 percent residential, unless otherwise noted.
2. For uses that are restricted from locating at street-level along designated pedestrian or core pedestrian streets, the following limited exception is provided. Entrances, lobbies, management offices, and similar common facilities that provide access to and service a restricted use that is located above and/or behind street-level uses shall be allowed, as long as they occupy no more than 50-percent or 75 feet, whichever is less, of the site's street-level frontage on the designated pedestrian or core pedestrian street. See Section 13.06.300.C. for the list of designated pedestrian and core pedestrian streets.
3. 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.
4. Commercial shipping containers shall not be an allowed type of accessory building in any mixed-use zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.635.
5. Additional restrictions on the location of parking in mixed-use zoning districts are contained in the parking regulations – see Section 13.06.510.A.1 Table 2.

* * *

13.06.510 Off-street parking and storage areas.

A. Purpose. To ensure the safe and adequate flow of traffic in public right-of-way, it is deemed in the interest of the public health, safety, and general welfare that off-street parking areas be required as a necessary part of the development and use of land, and to ensure that required parking areas are designed to perform in a safe and efficient manner. Additionally, to minimize impacts to adjacent uses from areas used for storage of vehicles and other materials, specific design and development standards for such areas are provided in Subsection D.

Minimum parking requirements are particularly important in order to ensure resident, visitor, customer, and employee parking within reasonable distance to the uses served, reduce congestion on adjacent streets; and to minimize, to the extent possible, spillover parking into adjacent residential areas. The requirements herein set forth are also established to discourage under-used parking facilities and to minimize the amount of land dedicated to parking, consistent with the Comprehensive Plan, that encourages economic development, transit use, carpooling, energy conservation, and air quality improvement by providing for: only the minimum number of stalls necessary, compact stalls, shared parking between uses, transportation demand management, and incentives for reducing the size of parking areas.

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:

1. 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.

b. Multiple uses. Where an establishment on a lot contains multiple types of uses, the required parking spaces shall be equal to the total spaces determined by computing each use type separately, except where specifically stated otherwise herein.

c. Use not listed. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be determined by the City Traffic Engineer. Such determination shall be based upon the requirements for the use specified in this section that is most nearly comparable to the unspecified use and traffic engineering principles and studies.

d. Historic buildings and sites. Structures and sites that are individually listed on the Tacoma Register of Historic Places shall be exempt from all parking quantity requirements. This provision does not apply to Historic Special Review District overlay zones.

e. No parking is required for any structure in existence prior to the adoption of the Tacoma Municipal Code on May 18, 1953. Existing parking shall not be eliminated or reduced below the parking requirements. New development shall provide parking as required.

TABLE 1 – Required Off-Street Parking Spaces ^{9, 14}		
Use	Unit	Required parking spaces (minimum)
* * *		
Retail ^{10 (View-Sensitive)}		
Retail commercial establishments, except as otherwise herein, less than 15,000 square feet of floor area	1,000 square feet of floor area.	2.50

TABLE 1 – Required Off-Street Parking Spaces ^{9, 14}		
Shopping Center	1,000 square feet of floor area.	4.00
Retail commercial establishments, except as otherwise herein	1,000 square feet of floor area.	4.00
Eating and drinking establishments ^{11 (View-Sensitive)}	1,000 square feet of floor area.	10.00 <u>6.00</u>
* * *		

TABLE 2 – Parking in Mixed-Use Center Districts
* * *
Development Standards – Drive-throughs in Mixed-Use Centers. The following standards apply to drive-throughs located in Mixed-use Centers. See section 13.06.300.D for permitted zones.
<p>1. <u>1.</u> Driveways that directly connect to any drive-through shall not be allowed along a designated pedestrian street or designated core pedestrian street.</p> <p>1.2. <u>1.2.</u> Drive-through driveways and stacking lanes must be located at least 150 feet from any bus stop or transit center, as measured along the curb line between the driveway and the bus stop or transit center</p> <p>2.3. <u>2.3.</u> All vehicle use areas associated with a drive-through shall be located at the side or rear of the building</p> <p>3.4. <u>3.4.</u> Drive-through windows shall not face a designated pedestrian street and stacking areas shall not lie between a building and a designated pedestrian street</p> <p>4.5. <u>4.5.</u> Drive-through stacking lane(s) and service window(s) shall be designed and screened from the view of adjacent properties with landscaping and/or structures</p> <p>5.6. <u>5.6.</u> Pedestrian paths that cross a drive-through aisle shall use a raised platform and be marked with symbols, signage and/or special painting.</p> <p>6.7. <u>6.7.</u> Within Mixed Use Centers, drive-throughs shall be limited to 1 stacking lane maximum unless the portion with multiple lanes is fully screened from public view.</p> <p>7.8. <u>7.8.</u> Drive-through uses that are not located within a building are prohibited from locating within 100 feet of a light rail station or streetcar station</p> <p>8.9. <u>8.9.</u> Driveways are also subject to the standards contained in Section 13.06.510</p>
* * *

13.06.521 General sign regulations.

* * *

~~H. (reserved). Marquee signs.~~

~~Special regulations governing marquees are as follows:~~

~~1. Signs may be placed on, attached to, or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height, and material, be considered a part of and shall meet the requirements for a marquee as specified in the applicable Building Code.~~

~~I. Under marquee signs. Special regulations governing under marquee signs are as follows:~~

- ~~1. Signs may be located under a marquee if a vertical clearance of eight feet is maintained between the sign and the grade below.~~
- ~~2. Under marquee signs shall be limited to a maximum vertical height of 12 inches and a maximum sign area of seven square feet.~~Under-Canopy and Blade Signs
1. Under-Canopy Signs shall be considered “blade signs” for the purposes of sign area calculation.
- ~~2. A sign below a fixed rain protection feature, such as a canopy or awning, may project the full width of such feature. Such a sign must clear the sidewalk by a minimum of eight feet, shall not exceed seven square feet in area unless otherwise allowed in the district, and be placed at a right angle to the sidewalk.~~
3. A blade sign may project a maximum of 3 ½ feet from the building face.
4. Both blade and under-canopy signs are limited to a maximum sign thickness of 12 inches.
5. Both blade and under-canopy signs must meet all minimum clearance requirements for projecting signs.

J. Canopy and awning signs. Special regulations governing canopy and awning signs are as follows:

1. Signs are permitted along the faces and edges of canopies and awnings; provided, they are printed, marked, stamped, or otherwise impressed upon the awning in a professional manner.
- ~~2. A sign below a fixed rain protection feature, such as a canopy or awning, may project the full width of such feature. Such a sign must clear the sidewalk by a minimum of eight feet, not exceed seven square feet in area, and be placed at a right angle to the sidewalk.~~
23. Signs designed as an integral part of a canopy or awning and located along the face or edge may be illuminated. Sign area calculation shall include all illuminated areas, except that area providing illumination to the sidewalk below.
34. Signs located on canopies and awnings shall designate only the name of the business and/or the place and kind of business. A decorative design and/or the emblem or initials of the business occupying the premises may be placed flat on the main portions of the canopy or awning.
45. Awnings and canopies may extend over public property, but no portion of any awning or canopy shall extend nearer than two feet to the face of the nearest curb line, measured horizontally. Awnings shall project a minimum of three feet and not more than seven feet, when over public property, from the face of the supporting building. Canopies shall not extend more than 11 feet, when over public property, from the face of the supporting building.
56. Awnings and canopies shall maintain a minimum clearance of eight feet and shall not extend above 15 feet in overall height from grade to top of awning or canopy. Awnings and canopies shall not rise above the wall, roofline, or parapet to which it is attached.
67. Awnings and canopies which have support systems attached to public property, right-of-way or sidewalk will require a Street Occupancy Permit.

* * *

13.06.522 District sign regulations.

A. R-1 Sign regulations. One non-illuminated sign, not exceeding 12 square feet in area shall be allowed pertaining to the lease, rental, or sale of a building or premises on which it is located. One non-illuminated nameplate, not exceeding one and one-half square feet in area, placed flat against the building, shall be allowed for each adult family home, staffed residential home, group home, residential care facility, and family day care home. One ground sign shall be allowed, with a maximum area of 30 square feet identifying a subdivision. A subdivision identification sign shall be approved by the Land Use Administrator. A 32-square-foot temporary sign advertising a subdivision during construction shall be allowed adjacent to each street abutting the site, in conformance with Chapter 13.04.

Parks, recreation and open space uses on sites that are under one acre in size or which have less than 100 feet of street frontage are allowed the following non-illuminated signs:

- One ground sign with a maximum area of 30 feet;
- Interpretive or directional signs not more than 7 feet in height and 20 feet in sign area.

Parks, recreation and open space uses on sites over one acre in area that have a minimum of 100 feet of street frontage shall be allowed the following:

- One freestanding sign, not exceeding 40 square feet in area per face and not greater than 8 feet in height (or, up to 15 feet in height in association with conditional parks and recreation uses);
- One building face sign, of the same maximum dimension. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.
- One additional ground sign with a maximum area of 30 square feet shall be allowed on each additional street frontage.
- Interpretive or directional signs, not to exceed 7 feet in height and 30 square feet in sign area.
- All signs shall meet the lighting, materials and location requirements applicable to signs for conditional uses in residential districts, as contained in this section.

* * *

I. Sign regulations for conditional uses in residential districts and specified uses in all districts.

1. Application. The following regulations apply to conditional uses as designated. These regulations also apply to the uses noted as permitted uses in any district when the provisions below provide the greater sign allowance, in whole or in part.

2. For conditional uses in residential districts limited to public park facilities, public and private schools, and religious assembly facilities, which are on sites that are over one acre in area and have a minimum of 100 feet of street frontage, ~~one freestanding sign, not exceeding 40 square feet in area per face and not greater than 15 feet in height, and one building face sign, of the same maximum dimension, shall be allowed for each conditional use. One additional ground sign with a maximum area of 30 square feet shall be allowed on each additional street frontage. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.~~

3. For public and private schools, public park facilities, and churches which are on sites less than one acre or sites with less than 100 feet of frontage, as well as for all other conditional uses in residential districts, ~~other than public and private schools, public park facilities, and churches, and all conditional uses in residential districts, on sites less than one acre or sites with less than 100 feet of frontage,~~ one freestanding sign, not exceeding 30 square feet in area for all faces and not greater than six feet in height, and one building face sign, of the same maximum dimensions for each conditional use; provided, the total area for the freestanding and building face signs may not exceed 30 square feet. Building face signs shall not extend above or beyond the edge of any wall or other surface to which they are attached, nor shall they extend more than 12 inches beyond the surface to which they are attached.

4. Lighting. Indirect illumination, floodlighting, or internal illumination shall be the only allowable means of illumination of signs. All external lighting shall be directed away from adjacent properties to minimize the effects of light and glare upon adjacent uses. No bare bulb or neon illumination of signs shall be allowed. No flashing or animated signs shall be allowed. No electric wire or cable serving an electric or illuminated sign shall be laid on the surface of the ground.

5. All signs shall be of permanent materials (no cardboard, cloth, paper, etc.). No flags, banners, or other devices shall be displayed for the purpose of attracting attention to a development or site. No temporary or portable signs shall be allowed. The display of the national flag, state flag, and flags of other political subdivisions shall not be restricted.

6. No sign shall be placed in a location which obstructs sight distance for an adjacent driveway or street right-of-way. No signs for a development shall be placed in any public right-of-way. No sign shall be erected which imitates or resembles any official traffic sign, signal, or device. Incidental public service signs less than four square feet in area which contain no advertising, but are intended for the convenience of the public and provide such messages as “entrance,” “exit,” “emergency entrance,” “no parking,” or other incidental service messages, shall be allowed.

7. ~~Freestanding~~ For conditional uses in residential districts, freestanding signs larger than 30 square feet for all faces or taller than six feet shall be located a minimum of 50 feet from a lot occupied by a single-family residence. Freestanding signs for conditional uses may be constructed to the front property line.

8. In addition to the signage otherwise permitted, one sponsor identification logo sign may be included on a freestanding or wall sign for a conditional use. The sponsor identification logo shall not be internally illuminated and shall be limited to a maximum of one square foot per sign face.

[See next page for table.]

Section 13.06.522.J	DCC, DMU	WR	DR

Signs Attached to Buildings			
Maximum number	Each business allowed 2 signs per frontage, but no more than 3 signs total for the business, no maximum number for public facility over 5 acres.	Same as DCC.	Same as DCC.
Maximum area per sign	Non-residential, 150 square feet per sign. Public facility over 5 acres, 300 square feet. Residential, 20 square feet.	Non-residential, 200 square feet per sign. Residential, 20 square feet.	Non-residential, 100 square feet per sign. Residential, 20 square feet.
Minimum sign area	First floor, 30 square feet. Second floor, 25 square feet.	Same as DCC.	Same as DCC.
Wall	Provisions of Section 13.06.521.E shall apply. Shall not exceed 35 feet above grade level, except for 1 corporate logo sign of 150 square feet allowed per building above 35 feet. Public facility over 5 acres not limited to 35 feet above grade.	Same as DCC.	Same as WR, except no corporate logo allowed.
Awning, canopy, marquee, under marquee	Provisions of Sections 13.06.521.H, I, and J shall apply.	Same as DCC.	Same as DCC.
Projecting	Provisions of Section 13.06.521.F shall apply with one per building allowed if no freestanding sign exists on the same frontage, shall not extend above 35 feet. Public facility over 5 acres not limited to 35 feet above grade.	Same as DCC.	Same as DCC.
Blade, Under-Canopy	Provisions of Section 13.521.1 shall apply. 1 per business, shall not exceed 8 square feet per side, shall be illuminated only by indirect lighting, maximum projection of 3-1/2 feet, maximum wide thickness of 12 inches, and shall maintain a minimum clearance of 8 feet above the sidewalk. Area increase of 25% when using symbolic shape, rather than rectangle or square.	Same as DCC.	Same as DCC.
Roof top signs	Prohibited.	Prohibited.	Prohibited.
Billboards	Prohibited.	Prohibited.	Prohibited.

Section 13.06.522.J	DCC, DMU	WR	DR
Sign Features			
Lighting	Indirect, hood lighting , internal illumination, neon, and bare bulb allowed.	Same as DCC.	Bare bulb illumination prohibited.
Rotating, animated <u>mechanized</u>	Allowed.	Same as DCC.	Prohibited.
Flashing, <u>Animated</u>	Prohibited.	Prohibited.	Prohibited.
Changing message center	Allowed.	Same as DCC.	Same as DCC.
* * *			

Section 13.06.522.K	C-2, C1X, CCX, UCX, UCX-TD, M-1, M-2, PMI	C-1
* * *		
Signs Attached to Buildings		
Maximum number	3 per business, 25 percent allocation allowed on building wall(s) without a public entrance. (Note: 50 percent is allowed provided only 2 signs are installed at the business.) No maximum number for public facility over 5 acres.	Same as C-2.
Maximum area per sign	200 square feet. 400 square feet for public facility over 5 acres.	100 square feet.
Minimum sign area	Each business allowed 30 square feet regardless of frontage.	Same as C-2.
Wall	Provisions of Section 13.06.521.E shall apply.	Same as C-2.
Awning, canopy, marquee, under-marquee	Provisions of Section 13.06.521.H, I, and J shall apply.	Same as C-2.
Projecting	Provisions of Section 13.06.521.F shall apply, maximum projection 6-1/2 feet. Single business, in lieu of freestanding sign. Multi-business, not allowed.	Same as C-2.
<u>Blade, under-canopy</u>	<u>Provisions of Section 13.521.I shall apply.</u> 1 per business, maximum 8 square feet per side, illuminated only by indirect lighting, maximum projection of 3-1/2 feet, maximum wide thickness of 12 inches, and shall maintain a minimum clearance of 8 feet above the sidewalk. Area increase of 25% when using symbolic shape, rather than rectangle or square.	Same as C-2.
Roof signs	Prohibited.	Prohibited.
Billboards	Allowed only in C-2, M-1, M-2, and PMI. Provisions of Section 13.06.521.M shall apply.	Prohibited.
* * *		
Sign Features		
Lighting	Indirect, hood lighting , internal illumination, neon and bare bulb allowed.	Bare bulb illumination prohibited.
Rotating, animated <u>mechanized</u>	Allowed.	Prohibited.
<u>Flashing, animated.</u>	Not to exceed 15 percent of sign face, nor visible within 400 feet of residential zone. <u>Prohibited.</u>	Prohibited.
Changing message center	Allowed.	Same as C-2.
* * *		

13.06.522.L	T, NCX, URX, Non-Residential Districts with VSD	HM, HMX
* * *		
Signs Attached to Buildings		
Maximum number	2 per primary frontage (1 may be ground sign), 1 per perpendicular frontage(s), 1 per alley frontage with a public entrance.	One per elevation.
Maximum area per sign	Shall not exceed size allocation on primary frontage, 50 square feet on perpendicular frontage(s), 25 square feet on alley frontage, 10 square feet on upper story or basement uses.	Identification signs at 75 square feet. Directional signs at 25 square feet.
Minimum sign area	30 square feet, except for upper story or basement uses.	
Wall	Provisions of Section 13.06.521.E shall apply.	Same as T.
Awning, canopy	Provisions of Section 13.06.521.J shall apply.	Same as T.
Marquee Blade, under- Canopy marquee	Provisions of Section 13.06.521.H and I shall apply. <u>Indirect illumination only.</u>	Same as T.
Projecting	40 square feet with frontage of at least 25 feet and not allowed on alleys, provisions of Section 13.06.521.F shall apply.	Provisions of Section 13.06.521.G shall apply.
Roof signs	Prohibited.	Same as T.
Billboards	Prohibited.	Same as T.
* * *		
Sign Features		
Lighting	Indirect, hood lighting , or internal illumination allowed. No bare bulb illumination allowed. All external lighting to be directed away from adjacent properties to minimize effects of light and glare upon adjacent uses.	Same as T.
Rotating, animated mechanized	Prohibited.	Same as T.
Flashing, <u>animated</u>	Prohibited.	Same as T.
Changing message center	Allowed.	Same as T.
* * *		

Section 13.06.522.M	PDB	RCX
* * *		
Signs Attached to Buildings		
Maximum number	Single business, 1 per elevation, 2 total. Multi-business, 1 per business.	2 per primary frontage (1 may be a ground sign), 1 per perpendicular frontage(s), 1 per alley frontage with a public entrance.
Maximum area per sign	Single business, 75 square feet per elevation, total 150 square feet for all signs. Multi-business, 20 square feet.	30 square feet maximum on perpendicular frontage(s), but not to exceed size area allocation, 10 square feet on alley frontage, upper story and basement uses.
Minimum sign area	Single business, 30 square feet each business regardless of frontage. Multi-business, 20 square feet each business regardless of frontage.	20 square feet each business regardless of frontage.
Wall	Provisions of Section 13.06.521.E shall apply.	Same as PDB.
Awning, canopy, marquee , under- marquee canopy	Provisions of Section 13.06.521.H, I, and J shall apply .	Same as PDB.
Roof signs	Prohibited.	Prohibited.
Billboards	Prohibited.	Prohibited.
* * *		
Sign Features		
Lighting	Indirect, hood lighting , or internal illumination allowed. No bare bulb or neon illumination allowed. All external lighting shall be directed away from adjacent properties to minimize effects of light and glare upon adjacent uses.	Same as PDB.
Rotating, animated mechanized	Prohibited.	Same as PDB.
Flashing	Prohibited.	Same as PDB.
Changing message center	Allowed.	Prohibited.
* * *		

13.06.630 Nonconforming parcels/uses/structures.

A. Scope and purpose. Within the zones established by this title there exist parcels, uses, and structures which were lawful when established, but whose establishment would be prohibited under the requirements of this title. The intent of this section is to allow the beneficial development of such nonconforming parcel, to allow the continuation of such nonconforming uses, to allow the continued use of such nonconforming structures, and to allow maintenance and repair of nonconforming structures. It is also the intent of this section, under certain circumstances and controls, to allow the enlargement, intensification, or other modification of nonconforming uses and structures, consistent with the objectives of maintaining the economic viability of such uses and structures, and protecting the rights of other property owners to use and enjoy their properties. However, relief for nonconforming uses shall be narrowly construed, recognizing that nonconforming uses are disfavored by state law.

Parcels, uses, and/or structures shall be considered legally nonconforming if such parcel, uses, and/or structure were legally created prior to May 18, 1953, or if such legally created parcel, use, and/or structure became nonconforming by reason of subsequent changes in this chapter.

Pre-existing uses or structures located within a wetland, stream or their associated buffers that were lawfully permitted prior to adoption of the Tacoma Municipal Code (TMC) Chapter 13.11, Critical Areas Preservation Ordinance (CAPO), but were not in compliance with the CAPO, shall be subject to the applicable provisions of this section and TMC Sections 13.11.140 and 13.11.160.

B. Nonconforming parcels. Except as otherwise required by law, a legal nonconforming parcel, which does not conform to the minimum lot area, minimum lot width, and/or minimum lot depth requirements of this title, nevertheless, may be developed subject to all other development standards, use restrictions, and other applicable requirements established by this title.

Parcel modifications, such as boundary line adjustments, property combinations, segregations, and short and long plats shall be allowed, without need for a variance, to modify existing parcels that are nonconforming to minimum lot size requirements, such as minimum area, width or frontage, and minimum dimensional requirements, such as setbacks, yard area, and lot coverage, as long as such actions would make the nonconforming parcel(s) more conforming to the existing requirements and would not create any new or make greater any existing nonconformities.

C. Nonconforming use.

1. Continuation of nonconforming use. Except as otherwise required by law, a legal nonconforming use, within a building or on unimproved land, may continue unchanged. In the event that a building, which contains a nonconforming use, is damaged by fire, earthquake, or other natural calamity, such use may be resumed at the time the building is ~~repaired~~restored; provided ~~that, the extent of such damage to the building is less than 75 percent of the current replacement cost, as set forth in Section 2.02.300~~restoration is commenced in accordance with applicable codes and regulations and that any degree of nonconformity is not increased. Further, such restoration shall be undertaken only under a valid building permit for which a complete application was submitted within 18 months following said damage, which permit must be actively pursued to completion.

The use of unimproved land which does not conform to the provisions of this chapter shall be discontinued one year from the adoption date of the change to this chapter that creates the nonconformity; provided, however, exception may be made for the nonconforming use of unimproved land abutting a lot occupied by a building containing a nonconforming use and which nonconforming use is continuous and entire in the building and over said abutting land, all being in one ownership, and such use shall have been legally established prior to the adoption date of the change to the chapter that creates the nonconformity.

2. Allowed changes to and expansions of nonconforming use. Changes to a nonconforming use shall be allowed only under the following circumstances:

a. A nonconforming use, or a portion of a nonconforming use, may be changed to a use that is allowed in the zoning district in which it is located.

b. A nonconforming use, or a portion of a nonconforming use, may be expanded or changed to another nonconforming use when nonconforming rights for the subject use have been verified by the City of Tacoma. The applicant must provide evidence to show that the subject use was lawfully permitted prior to May 18, 1953, or if such legal use became nonconforming by reason of subsequent changes in this chapter, prior to the date of the code change that made the use nonconforming. An application for a review of nonconforming rights shall include the following:

(1) The name, address and phone number of the applicant(s) or applicant's representative.

(2) The name address and phone number of the property owner, if other than the applicant.

(3) Location of the property. This shall, at a minimum, include the property address and/or parcel number.

(4) A general description of the proposed change of use(s) and associated activities necessary to accomplish the project.

(5) A general description of the property as it now exists including its physical characteristics and improvements and structures.

(6) A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information.

(7) Documenting evidence to prove that the nonconforming use was allowed when established and maintained over time, which may include: photographs, permit documentation, zoning codes or maps, tax/license/utility records, insurance maps, directories, inventories or data prepared by a government agency.

cb. If a determination of nonconforming rights concludes that a use is lawfully in existence then Aa nonconforming use may be changed to another nonconforming use or expanded if the proposed use is permitted outright within the lowest intensity zoning district to which the existing use has noneonforming rights is currently located, based on the records of the City's official files on determinations of noneonforming rights, and subject to the standards outlined below. If a change of use is proposed and a prior determination of noneonforming rights has not been made, the proposed nonconforming use shall be allowed if it is a permitted use in the lowest intensity zoning district where the current nonconforming use is permitted outright, and subject to the standards outlined below. In addition, an existing noneonforming use may be expanded to occupy a larger portion of its existing building, subject to the following standards:

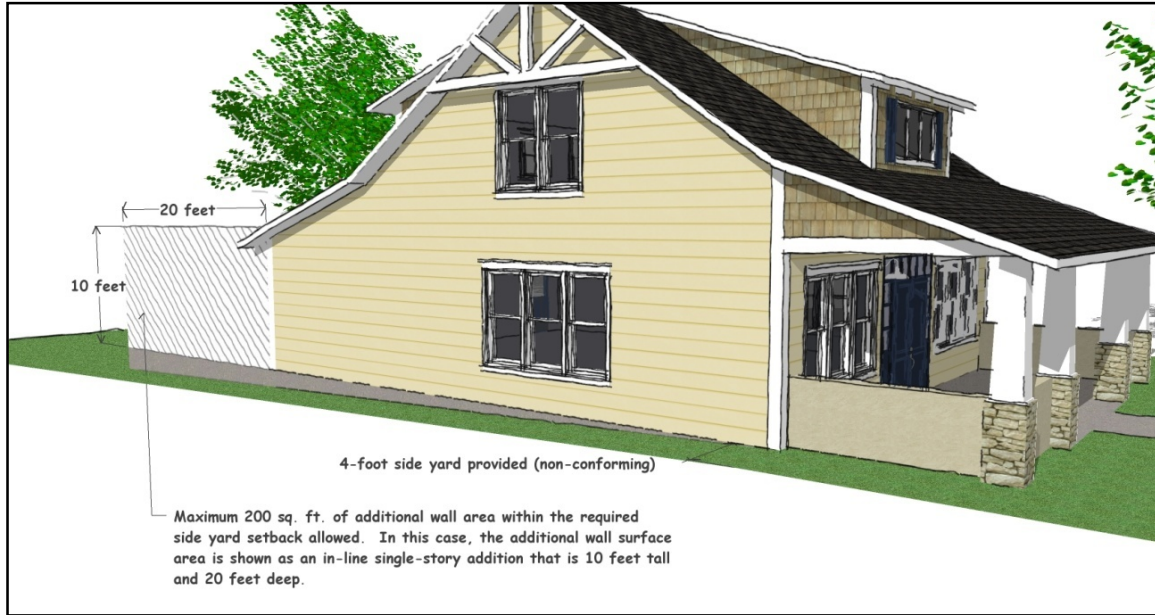
(1) The proposed change or expansion will not increase the cumulative generation of vehicle trips by more than 10 percent, as estimated by the City Traffic Engineer ~~using the most recent version of the Institute of Transportation Engineers Trip Generation Handbook~~; nor will the change or expansion result in an increase in the number of parking spaces that would be required by this chapter by more than 10 percent. In no event shall multiple changes or expansions be approved that would, in the aggregate, exceed the 10 percent requirement as calculated for the initial request for a change or expansion in use;

(2) The proposed change or expansion will not result in an increase in noise such that it exceeds maximum noise levels identified in WAC 173-60;

(3) The proposed change or expansion will not result in substantial additional light or glare perceptible at the boundary lines of the subject property;

(4) The proposed change or expansion will not result in an increase in the outdoor storage of goods or materials; and

(5) The proposed change or expansion will not result in an increase in the hours of operation.



de. Any change from one nonconforming use to another nonconforming use, as allowed herein, shall not be considered converting such nonconforming use to a permitted use.

3. Abandonment or vacation of nonconforming use. When a nonconforming use is vacated or abandoned for 12 consecutive months or for 18 months during any three-year period, the nonconforming use rights shall be deemed extinguished and the use shall, thereafter, be required to be in accordance with the regulations of the zoning district in which it is located.

D. Continued occupancy of nonconforming structure. Except as otherwise required by law and consistent with all other requirements of this chapter, a legal nonconforming structure may continue unchanged.

E. Nonconforming structure and nonconforming commercial, industrial, and institutional uses. A legal nonconforming structure, that is also nonconforming as to use, may only be expanded and/or modified in the following cases:

1. Ordinary repairs and maintenance, including painting, repair, or replacement of wall surfacing materials and the repair or replacement of fixtures, wiring, and plumbing are permitted; provided, such repair or maintenance will not result in noise exceeding levels identified in WAC 173-60, light, or glare at the boundary lines of the subject property.
2. The enlargement or modification is required for safety upon order of the City, or otherwise required by law to make the structure conform to any applicable provisions of law.
3. Such enlargement and/or modification does not result in an intensification of the use as addressed by Section 13.06.630.C.2.b.
4. Such enlargement and/or modification complies with the requirements of TMC Chapter 13.11.

F. Nonconforming structure and conforming commercial, industrial, and institutional uses. A legal conforming use located in a structure that is nonconforming as to setback, location, maximum height, lot coverage, or other development regulations may be replaced, enlarged, moved, or modified in volume, area, or space; provided, such replacement, enlargement, movement, or modification complies with all current development regulations as provided by this chapter, and with the requirements of TMC Chapter 13.11.

G. Nonconforming structure and nonconforming residential use. Nothing in this chapter shall prohibit the enlargement of a residential structure, which is nonconforming as to use and development regulations, if such expansion does not increase the number of dwelling units or reduce existing lot area or off-street parking. Such expansion, including the construction of accessory buildings, shall be limited to compliance with the setback, height, and location requirements of the zoning district in which the subject site is located, and with the requirements of TMC Chapter 13.11.

H. Nonconforming residential structures and conforming residential uses.

1. A legal nonconforming structure which is nonconforming as to setback, location, maximum height, lot area, lot coverage, or other development regulation may be replaced, enlarged, moved, or modified in volume, area, or space; provided, such replacement, enlargement, movement, or modification complies with the setback, height, and location requirements of the zoning district in which the subject site is located, and with the requirements of TMC Chapter 13.11.

2. Certain additions to existing, nonconforming single-, two-, three-, or multi-family or townhouse dwellings may extend into a required front, side, or rear yard setback when the existing dwelling is already legally nonconforming with respect to that setback. The nonconforming portion shall be at least 60 percent of the total width of the respective wall of the structure prior to the addition and any other additions added since May 18, 1953. Additions may extend up to the height limit of the zoning district and extend into the required front, side and/or rear yard setback as follows:

a. Front and rear yard setbacks: The addition may extend five feet into the required front or rear yard setback or to the extent of the setback line formed by the nonconforming portion, whichever is less.

b. Side yard setbacks: The addition may extend into the required side yard setback up to the setback line formed by the nonconforming wall, except in no case shall the addition be closer than 3 feet from the side property line. Furthermore, the size of the addition shall be limited to an additional wall surface area within the required side setback area of no more than 200 square feet. (See example on following page.) For purposes of this provision, "wall surface area" is defined as the length (measured parallel to the side property line) multiplied by the height of the vertical wall surface of any building addition within the required side yard setback area. Any windows, doors or architectural features present are counted toward the total permissible wall surface area. Additions below the current ground level finished floor will not be counted toward the maximum permissible wall surface area.

I. Restoration of damaged or destroyed nonconforming commercial, industrial, institutional, and residential structures. Restoration of a legal nonconforming building or structure which has been damaged by fire, earthquake, or other natural calamity is permitted; provided, ~~that the restoration is commenced in accordance with applicable codes and regulations and that any degree of nonconformity is not increased. extent of such damage is less than 75 percent of the current replacement cost, as set forth in Section 2.02.300. In the event that the extent of such damage exceeds 75 percent of current replacement cost, the nonconforming building or structure may be restored or rebuilt only to an extent which complies fully with the property development and performance standards of the applicable zoning district, as provided by this title, and with the requirements of TMC Chapter 13.11. In either case, s~~Such restoration shall be undertaken only under a valid building permit for which a complete application is submitted within 18 months following said damage, which permit must be actively pursued to completion.

J. Nonconforming signs. Nonconforming signs shall be subject to the regulations found in Section 13.06.521.N. Signs for nonconforming commercial and/or industrial uses in a residential district shall be limited to the signage which existed at the time it became nonconforming or, in the event the sign is destroyed or removed, it may be replaced by a sign not to exceed 32 square feet.

* * *

13.06.640 Conditional use permit.

A. 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 (see Sections 13.06.100, -.200, -.300, and -.400). These uses may be authorized by the Land Use Administrator or Hearing Examiner in accordance with the procedures established in TMC 13.05 and the applicable criteria outlined below

* * *

I. Pre-existing ~~parks, recreation, open space and school~~ uses which were not required to obtain a Conditional Use Permit at the time they were developed, but which have subsequently become Conditional Uses, shall be viewed for zoning purposes in the same manner as if they had an approved Conditional Use Permit authorizing the extent of development as of August 1, 2011. If proposed modifications or expansions to such uses exceed the Major Modification thresholds of Section 13.05.080, or for park and recreation facilities the expansion/modification thresholds of Section 13.06.560.C.2, a Conditional Use Permit will be required for the new development activities proposed.

* * *

13.06.700 Definitions and illustrations.

* * *

Canopy (or marquee). An ornamental roof-like structure unenclosed on one or more sides and normally used for pedestrian protection and convenience and/or signage.

* * *

Hospitals. Medical facilities, licensed by the Department of Health Services, the Committee on Accreditation of Rehabilitation Facilities, the Department of Aging, or other similar organizations, for the provision of surgery, rehabilitation and physical care, acute psychiatric care, chemical dependency, and substance abuse on an out-patient basis, including ancillary nursing, training, and administrative facilities. Such facilities are generally licensed by the state under the provision of RCW 70.41.

* * *

Office. Offices of firms or organizations providing medical, professional, executive, management, or administrative services. This classification includes offices for a physician, dentist, ~~or~~ chiropractor, massage therapy, laboratory and acupuncture; laboratories; emergency medical care; architectural; computer software consulting; data management; engineering; interior design; graphic design; real estate; insurance; investment; banks and savings and loan associations; government offices; and law offices.

* * *

Personal services. Provision of recurrently needed services of a personal nature. This classification includes services such as barber and beauty shops, ~~massage~~, tanning, seamstresses, tailors, shoe repair, dry cleaning agencies (excluding plants), photocopying, and self-service laundries; provision of instructional services or facilities such as photography, fine arts, crafts, dance or music studios, driving schools, diet centers, reducing salons, and fitness studios.

* * *

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), 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).

* * *

Sign, animated. A sign that uses movement, ~~by either natural or mechanical~~electronic means, to depict action or create a special effect or scene, as with video or a series of moving lights.

Sign, ~~awning~~canopy (or awning). A sign affixed to the surface of an ~~awning~~canopy, awning, marquee, or similar feature and which does not extend vertically or horizontally beyond the limits of such ~~awning~~feature, but does not include a projecting roof.

Sign, blade—~~pedestrian-oriented~~. A double-faced sign intended for pedestrian viewing installed no higher than the top of the first floor of a building and generally perpendicular to the building facade for which it identifies.

Sign, changing message center. An electronically controlled sign, message center, or readerboard where copy changes ~~of a public service or commercial nature~~ are shown on the same lamp bank ~~(i.e., time, temperature, date, news, or commercial information of interest to the traveling public)~~ or screen.

~~Sign, marquee. A sign attached to and made part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.~~

~~Sign, mechanized. A sign which uses natural or mechanical means to physically move all or part of the sign structure.~~

~~Sign, readerboard. A sign consisting of tracks to hold letters, which allows for frequent changes of copy; usually such copy is not electronic.~~

Sign, under-~~marquee~~canopy. Signs or other information-conveying devices that are affixed to the underside of a ~~marquee~~canopy, awning, marquee, or similar feature and project down from the bottom of the ~~marquee~~feature.

Chapter 13.07

LANDMARKS AND HISTORIC SPECIAL REVIEW DISTRICTS

* * *

13.07.100 Criteria for the Relocation of a City Landmark. ~~Repealed by Ordinance 27795.~~

Relocating a historic structure usually diminishes its integrity, because the association with the original site is a key feature, and therefore it is not permitted in most cases. However, there may be extreme circumstances, in which a building is threatened in its present location and alternatives for preservation on site do not exist. In such a case, the following criteria should apply:

A. The structure is threatened by further deterioration or loss in its present location.

B. All alternatives to relocation have been reasonably considered.

C. The original building and site condition will be accurately recorded before removing the structure from the existing site.

D. Moving procedures are sufficiently planned to protect the key features of the structure.

E. The relocation site provides an appropriate context similar to that of the original.

F. A commitment is in place to complete the relocation and subsequent rehabilitation of the building.

G. There is adequate protection to assure continued preservation of the building at its relocated site.



**2012 Annual Amendment Application No. 2012-07
Minor Amendments and Refinements**

DRAFT COMPREHENSIVE PLAN CHANGES
February 1, 2012

These proposed amendments include modifications to the following Elements of the Comprehensive Plan:

ENVIRONMENTAL POLICY ELEMENT

Habitat Zones Map and Associated Policies

Note: The Habitat Zones map and associated policies are being removed as they are outdated and were effectively replaced with the adoption of the new Habitat Corridors maps and policies in the Open Space Habitat and Recreation Element and subsequent changes to the Critical Areas Preservation regulations (TMC Chapter 13.11).

*Note – These amendments show all of the changes to the *existing* Comprehensive Plan. The sections included are only those portions of the plan that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

Environmental Policy Element

* * *

Section III – Critical Areas

The City has designated certain lands as environmentally sensitive or critical areas. These areas include aquifer recharge areas, fish and wildlife habitat conservation areas, flood hazard areas, geologically hazardous areas, natural resource areas, stream corridors, and wetlands. Because of the growing pressures and the increased understanding of the value of critical areas, the City has drafted standards to manage development for their protection and preservation. Critical areas warrant protection because they maintain and protect surface and ground water quality, provide erosion and storm water control, and serve as an essential habitat for fish and wildlife.

* * *

Fish and Wildlife Habitat Conservation Areas

Background

In general, most of the land in Tacoma has been greatly affected by human activity. Consequently, native plant cover and its dependent wildlife species have been severely reduced and restricted to rather small, often steep-sloped or marshy areas. Because of steepness, unstable soil or water conditions, such areas are generally difficult and expensive to use for building purposes but lend themselves well to open space, greenbelt and wildlife preservation. Their relatively small area and lineal configuration, however, limit the type and amount of vegetation and wildlife able to exist there. Consequently, what is found in these areas is a complex of native and invasive species of plants and animals able to withstand exposure and competition with limited territorial requirements.

Plant life is dominated by evergreen and broadleaf trees with an understory and ground cover of broadleaf shrubs, vines, herbs and grasses. Fern, moss, fungus and lichen species are prevalent and, in open and marshy areas, cattails, horsetails, sedges and rushes prevail.

Seeping banks along the Point Defiance shoreline support a population of chain-fern. Ranging from British Columbia to South California, chain-fern is found in only a few scattered sites in Puget Sound and is listed as a sensitive plant species by the Washington Department of Ecology.

Around Point Defiance, steep slopes are backed by a considerable extent of mature upland forest approximating original conditions and providing range requirements for some larger species of wildlife. Along the shoreline, numerous water birds are resident and large numbers of migratory birds feed and rest. Offshore, large numbers of marine diving birds and several marine mammals occur in season. A large concentration of octopi occurs in the Narrows between Point Defiance and Titlow Beach. This area has been designated a critical biological area by the Washington State Department of Ecology.

Other protected species commonly found in the area include harbor seals, California and Steller sea lions, killer whales and other cetaceans, hawks, owls, songbirds, flying squirrels, chipmunks and turtles. Rare or endangered species occasionally found in shoreline areas are given special protection; examples are the peregrine falcon, sandhill crane, bluebirds, osprey, bald eagle and the western grey squirrel. Two reptile species, the sharp-tiled snake and the western pond turtle, may possibly occur, most likely in the Wapato Lake area. All of these require maximum protection wherever they chance to appear.

Intent

Land development projects will mean a loss of some natural habitats, which would result in the

elimination of wildlife in those habitats. Expanded development will invariably involve such construction modifications as clearing, grading and landscaping. Increased human activity will result in a loss or destruction of the existing natural vegetation and the reduction or elimination of resident fauna.

It is intended that removal of existing and native vegetation in fish and wildlife habitat conservation areas be carefully considered. Such practice destroys the benefits that green spaces provide and threatens the habitats of local wildlife. However, it is possible to accommodate development needs and, yet, retain important vegetation. Where significant wooded areas occur, the application of innovative development techniques that cluster dwellings and maximize the acreage of undisturbed areas is an appropriate alternative for conventional grid subdivisions. Such projects can be designed to provide a green space buffer or vegetated habitat that will provide important functions for wildlife. Where existing vegetation is removed, extensive landscaping should be installed in appropriate locations.

While the City should be considerate of general flora and fauna values, it must also recognize the significance of specific specimen trees. Protection of these trees, particularly those of historic merit or outstanding size, is intended.

It is recognized that the City's existing wildlife habitats are valuable for propagating and sheltering wildlife populations and for sustainable biodiversity, education, recreation and aesthetics. Wildlife habitats will undoubtedly be impacted by development; however, mitigation will be required.

Habitat improvement is encouraged to intentionally improve the overall processes, functions and values of critical habitats, including wetland, stream and aquatic habitats. Such actions may or may not be in conjunction with a specific development proposal, and include, but not be limited to, restoration, creation, enhancement, preservation, acquisition, maintenance and monitoring. Habitat improvement includes actions to acquire and preserve key natural areas that remain; and to improve existing environmental conditions, such as providing new or better habitat, better water quality or other supporting factors, or increasing the number or diversity of species.

It is important that the City and developers work with State and Federal agencies and land owners to identify, locate and protect habitats of endangered or threatened species. Development practices such as clustering, retention of native vegetation and protection of wetlands, ponds, streams and other water features are encouraged to protect habitats. It is also important to include habitats in lands designated for open space purposes to protect wildlife.

Issues

Fish and wildlife habitat conservation areas may contain priority species and priority habitats that may include a seasonal range or habitat element with which a given species has a primary association. These areas may include other critical ecosystems susceptible to alterations such as:

- a) slopes;
- b) landslide areas;
- c) geologically hazardous areas;
- d) shorelines, stream corridors and wetlands;
- e) natural resource areas; and
- f) these critical ecosystem's associative transitional areas or buffers.

Alteration of these critical ecosystems may reduce the likelihood that the species will survive or reproduce. Activities allowed in fish and wildlife habitat conservation areas must be consistent with the species classification located there and any applicable State and Federal guidelines or standards, including Best Available Science with special consideration given to anadromous fisheries. Standards for development in these areas must be in accordance with the requirement for development in the underlying zone or critical area classification.

Habitat Zone

~~Habitat Zones are areas locally designated and mapped that depict high quality, relatively undisturbed natural open spaces that provide valuable functions and values beyond the individual natural habitats that may be contained within the zone. It is intended that the mapped Habitat Zone will include areas of biological diversity that are an important community resource.~~

~~Identification of the habitat zone will assist land owners, City officials and citizens in determining priority areas for protection, enhancement and restoration. Initially, the Habitat Zone will include areas that are designated as Wetlands and/or Streams of Local Significance. Other areas as they are identified, designated and mapped will be added, including Habitats of Local Importance which are areas that include a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will remain and reproduce over the long term. These might include areas of high relative density or species richness, breeding habitat, winter range and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alternations, such as cliffs, talus, and wetlands. An assessment of the biological diversity and habitat value is needed to designate these areas. The Habitat Zone may also include other areas where habitat protection is desired, including corridors upon completion of a biological diversity assessment.~~

~~It is intended that development proposals within the designated Habitat Zone will be subject to greater scrutiny to ensure valuable habitats are protected. Enhancement and restoration activities should be prioritized and directed to areas within the designated Habitat Zone.~~

Applicable Law

The Endangered Species Act of 1972 addresses the protection of rare, endangered and threatened plant and animal species. Title 77 RCW revises and reorganizes the game code of the State of Washington to clarify and improve the administration of the state's game laws. Title 75 RCW addresses food fish and shellfish management in the State of Washington. Chapter 13.08 of the Official Code of the City of Tacoma addresses the maintenance, preservation and conservation of open space lands within the city.

The Growth Management Act declares that cities shall develop comprehensive plans that address "critical areas" management for preservation and protection. Engrossed Substitute House Bill 1933 that became effective on July 27, 2003, clarifies the relationship between the Growth Management Act and the Shoreline Management Act as it pertains to critical areas

and it states that "the legislature intends that critical areas within the jurisdiction of the shoreline management act shall be governed by the shoreline management act and that critical areas outside the jurisdiction of the shoreline management act shall be governed by the growth management act." Fish and wildlife habitat conservation areas are one of several critical areas designated by the City.

Policies

The following policies support and strengthen the City's intent relative to fish and wildlife habitat conservation areas.

E-FW-1 Wildlife and Natural Environment
Support and enforce laws, regulations and programs designed to protect wildlife and natural resources.

E-FW-2 Retain Vegetation
Encourage the retention of native vegetation and the installation of landscaping designed to complement local wildlife and native vegetation and help mitigate the loss of wildlife habitat areas that results from development.

E-FW-3 Landscaping Stabilization
Ensure that sufficient and appropriate native landscaping be installed to stabilize and beautify areas and improve habitat where extensive removal of vegetation has occurred.

E-FW-4 Specimen Trees
Encourage the identification and preservation of specimen trees of historic merit and/or outstanding size.

E-FW-5 Removal of Native Vegetation
Discourage the indiscriminate removal of native vegetation to preserve green space and protect habitats.

E-FW-6 Innovative Development Techniques
Encourage innovative development techniques such as clustering to maximize the amount of open space and preserve habitats.

E-FW-7 Habitat Protection
Identify, locate and protect habitats of endangered, threatened, priority or sensitive species.

E-FW-8 Maintain Habitat Diversity

Encourage the preservation of large blocks of land around critical areas to ensure maximum habitat diversity.

E-FW-9 Strengthen Habitat Connections

Encourage actions which protect and improve natural resources in both the upper and lower areas of the Puyallup River watershed and strengthen connections within and between them.

E-FW-10 Integrate Development Projects

Promote the integration of development projects into their surrounding environments, promoting a "greenbelt natural corridor" for movement and use by species.

E-FW-11 Estuary Ecosystem

Promote a functioning and sustainable ecosystem with a diversity of habitat types in the industrialized estuary of the Commencement Bay environment.

E-FW-12 Protect in Perpetuity

Encourage the protection of habitat improvement project sites in perpetuity.

E-FW-13 Benefit Injured Resources

Encourage actions to restore various habitat components of the Commencement Bay ecosystem that benefit natural resources injured by releases of hazardous substances.

E-FW-14 Commencement Bay Habitat Planning

Encourage habitat preservation and improvement actions within Commencement Bay that reflect the historical functions and current physical conditions of the estuary, the needs of a variety of selected species or groups of species, the consideration of strategically located habitats in the estuary, the concept of diversity on an ecosystem basis, and bay-wide planning and siting criteria.

E-FW-15 Improve Altered Habitats

Encourage the improvement of habitat along the edges of shorelines and creeks, migration corridors, and productive areas that have been altered by past shoreline activities.

E-FW-16 Sustainable Habitat

Encourage acquisition, preservation and restoration of remaining sustainable habitat and improvement of existing habitat corridors.

E-FW-17 Diversity of Habitat Types

Encourage, through restoration, a diversity of sustainable habitat types and species within the Commencement Bay ecosystem to improve fish and wildlife resources.

E-FW-18 Performance Standards

Encourage design and performance standards that promote source control and habitat restoration efforts.

E-FW-19 Integrate Improvement Actions

Encourage the integration of habitat improvement actions with other regulatory efforts, including environmental remediation, source control, and site development actions, as well as long range planning activities.

E-FW-20 Habitat Improvement Actions

Encourage new development to provide or incorporate habitat improvement actions as appropriate.

E-FW-21 Locating Habitat Improvement Actions

Focus habitat improvement actions on sites with low possibilities of contamination.

E-FW-22 Public Access

Encourage public access provisions in all habitat improvement projects where such access will complement, not disrupt, the habitat improvement action.

E-FW-23 Superfund Cleanups

Encourage the integration of habitat improvement actions into source control and sediment remedial actions as part of federal and state Superfund cleanups.

E-FW-24 Private Conservation Efforts

Encourage community based or nonprofit local and regional trusts and private conservation efforts.

E-FW-25 Cleanup Coordination

Promote coordination among diverse cleanup and regulatory programs and agencies.

E-FW-26 Strengthen Working Relationship

Strengthen working relationships among citizens, agencies, tribes, and companies to plan and implement bay-wide habitat improvement efforts.

E-FW-27—Habitat Zones

~~Adopt a Habitat Zones map to identify locally important habitat areas in order to provide greater scrutiny and review of development proposals and to identify priority areas for restoration and enhancement programs and activities.~~

E-FW-278 Habitats of Local Importance

Establish regulations that will provide greater protection to areas designated as habitats of local importance.

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Section IV – Appendices

Glossary

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Habitat - The specific area or type of environment in which a particular type of animal lives.

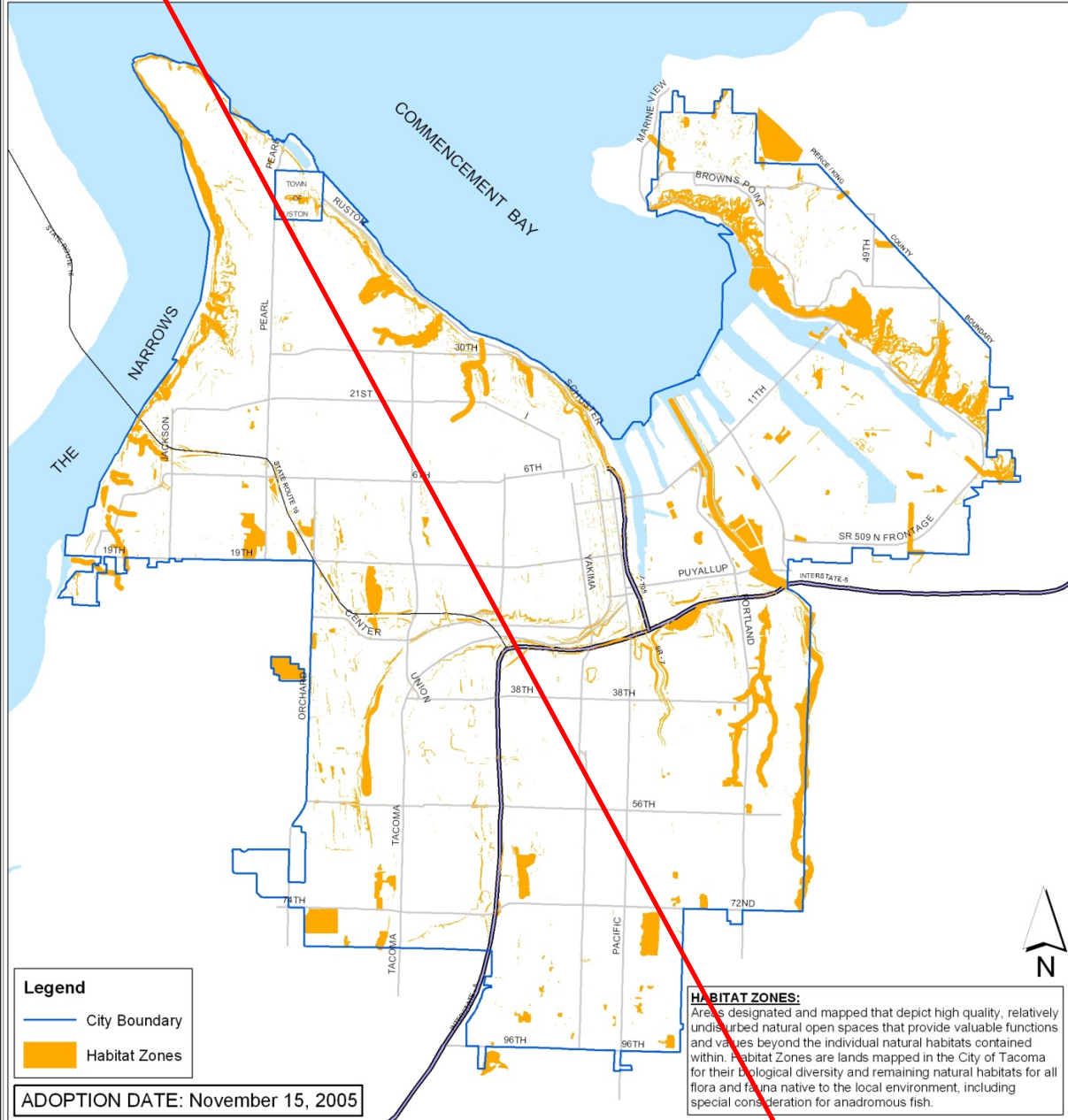
Habitat conservation areas - Areas designated as fish and wildlife habitat conservation areas.

Habitats of local importance - Those areas that include a seasonal range or habitat element with which a given species has a primary association, and which, if altered may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors. These might also include habitats that are of limited availability or high vulnerability to alternations such as cliffs, talus, and wetlands.

~~**Habitat Zones**—Areas designated and mapped that depict high quality, relatively undisturbed natural open spaces that provide valuable functions and values beyond the individual natural habitats contained within.~~

Habitat Zones

Environmental Policy Element



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City of Tacoma
Tacoma Economic Development Department



NOTE: This map is for reference only.

