

Conditional Use Permit (CUP)

WHAT IS A CONDITIONAL USE?

A Conditional Use is a use that may be essential or desirable to a particular community, but which is not allowed outright in a zoning district. Religious assemblies, educational institutions, day care centers, emergency or transitional housing, and wireless towers are common examples of conditional uses.

The Conditional Use Permit (CUP) allows for conditions of approval to be placed on a project that can safeguard the surrounding neighborhood from any possible negative impacts of the development.

REVIEW CRITERIA

As part of a CUP application, a written narrative is provided by the applicant that describes how the project meets each criterion for approval. The applicant will need to address the criteria as completely as possible, providing details and any important background information. All CUPs are held to the general criteria (below), and may also need to meet additional criteria depending on the use proposed.

1. There shall be a demonstrated need for the use within the community at large which shall not be contrary to the public interest.
2. The use shall be consistent with the goals and policies of the Comprehensive Plan and the TMC. The [Comprehensive Plan](http://www.cityoftacoma.org/planning) is available on-line: <http://www.cityoftacoma.org/planning>.
3. For proposals that affect properties that are listed individually on the Tacoma Register of Historic Places, or are within historic special review or conservation districts, the use shall be compatible and consistent with applicable historic preservation standards, and goals, objectives and guidelines of the historic or conservation districts. Proposed actions or alterations inconsistent with historic standards or guidelines as determined by the Landmarks Commission are a basis for denial.
4. The use shall be located, planned, and developed in such a manner that it is not inconsistent with the health, safety, convenience, or general welfare or persons residing or working in the community. The following shall be considered in making a decision on a conditional property use:
 - a. The generation of noise, noxious or offensive emissions, or other nuisances that may be injurious or to the detriment of a significant portion of the community.
 - b. Availability of public services that may be necessary or desirable for the support of the use. These may include, but shall not be limited to availability of utilities, transportation systems (including vehicular, pedestrian, and public transportation systems), educational, police and fire facilities, and social and health services.
 - c. The adequacy of landscaping, screening, yard setbacks, open spaces, or other development characteristics necessary to mitigate the impacts of the use upon neighboring properties.

CRITERIA FOR SPECIFIC DISTRICTS, STRUCTURES, AND USES

- Special Needs Housing (TMC 13.05.010.A.5)
- Two- and Three-family and Townhouse dwellings in R-2SRD and HMR-SRD (TMC 13.05.010.A.6)
- Two-family development on corner lots in R-2 (TMC 13.05.010.A.7.a)
- Multi-family development up to six units in R-3 (TMC 13.05.010.A.7.b)
- Affordable multi-family housing proposed by religious organizations and nonprofits to allow for increased density up to R-4L standards (TMC 13.05.010.A.23)
- Uses in Historic Structures (TMC 13.05.010.A.8)
- Uses in the South Tacoma M/IC Overlay District (TMC 13.05.010.A.9)
- Duplex, Triplex and Townhouse Development in NRX Districts (TMC 13.05.010.A.10)
- Pre-existing uses which were not required to obtain a CUP at the time they were developed but which have subsequently become conditional uses (TMC 13.05.010.A.11)
- Pre-existing uses which were not required to obtain a CUP at the time they were developed and are currently considered to be non-conforming sites (TMC 13.05.010.A.24)
- Large Scale Retail (TMC 13.05.010.A.12)
- Discontinued continued conditional uses (TMC 13.05.010.A.13)
- Master plan process for conditional uses (TMC 13.05.010.A.14)
- Wireless Conditional Use Permits (TMC 13.06.080.Q and TMC 13.05.010.A.22)
- Shoreline Conditional Use Permits (WAC 173-27-160 and TMC 19.2.3.7)
- Additional Criteria for increased height (TMC13.05.010.A.3)



Note: This Tip Sheet does not substitute for codes and regulations.

The applicant is responsible for compliance with all codes and regulations, whether or not described in this document.

More information: City of Tacoma, Planning and Development Services | www.tacomapermits.org (253) 591-5030

To request this information in an alternative format or a reasonable accommodation, please call 253-591-5030 (voice).

TTY or STS users please dial 711 to connect to Washington Relay Services.

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REUSE OF A HISTORIC STRUCTURE OR SITE AND PRE-EXISTING NON-RESIDENTIAL USES IN RESIDENTIAL DISTRICTS

The following uses may be allowed through a CUP to allow for the reuse or expansion of existing structures in a residential zone. If the site is greater than 1 acre in size, the structure and/or property must be individually listed on the Tacoma Register of Historic Places:

- Multi-family, continuing care retirement community, cultural institutions, extended care facility, group housing, intermediate care facility, retirement home
- Offices offering professional, dental, medical, legal, design services, charitable or philanthropic organizations, as well as community service organizations where it can be shown that there is limited contact with the general public
- Personal services (beauty shops, tailors, and shoe repair shops, etc.)
- Art/craft production, assembly facilities, retail as an accessory to one of the other listed uses
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- Eating and Drinking (Restaurants)
- [Live/Work](#) Uses

MAJOR AND MINOR MODIFICATIONS

The fee for a Major Modification to an existing CUP is reduced, but the permit process still allows the neighborhood the opportunity to comment on the proposal. If the proposal is a Minor Modification, no additional Land Use permitting is necessary and review can occur through other associated permitting. The following applies to a Minor Modification:

1. The modification will result in a change of use that is permitted outright in the current zoning classification.
2. The modification will not add more than a 10% increase in square footage to the site or approved structures.
3. If a modification in a special condition of approval imposed upon the original permit is requested, the proposed change does not modify the intent of the original condition.
4. The modification will not increase the overall impervious surface area of the site by more than 25%.
5. The modification is unlikely to result in a notable increase in or any new significant adverse effects on adjacent properties or the environment.

6. Any additions or expansions approved through a series of minor modifications that cumulatively exceed the requirements of this section shall be reviewed as a major modification.

PERMIT PROCESS

1. A pre-application meeting is required for major modifications and new CUP proposals. Meetings can be requested using the online portal Tacoma Permits (ACA). See [Pre-Application Meetings Tip Sheet](#).
2. After your pre-application meeting, you can submit the CUP application online or in person (see the Submittal Checklist below). If applying online, payment of the permit fee will be collected after submittal.
3. A Notice of Application sign is prepared by the City to be posted at the site.
4. Processing of the application takes approximately 90-120 days after the application is deemed complete. This time includes a 30-day public comment period for new proposals or a 14-day comment period for major modifications. A public meeting may be requested which could extend review time.
5. After the Decision is issued, there is an applicable 14-day appeal period. If an appeal is filed, this will be reviewed by the Hearing Examiner.

SUBMITTAL CHECKLIST

All application materials must be submitted in electronic PDF format on compact disc (CD) or online at TacomaPermits.org. See [Electronic File Standards Tip Sheet](#).

Completed Land Use Application (apply online at <https://aca.accela.com/tacoma/>)

- Site Plan (drawn to scale)
- Floor Plan (drawn to scale)
- Building Elevations (exterior view of all sides)
- Written Response to Applicable Criteria
- Application Fee
- Other permits and submittal items may be required for CUP projects. This could include SEPA, traffic study, variance, critical areas, building, site development and right-of-way permits.

REFERENCES

Tacoma Municipal Code Section: [13.05 – Land Use Permit Procedures](#), [13.06 - Zoning](#), [2.02 - Building Code](#), [19 – Shoreline Master Program](#)



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