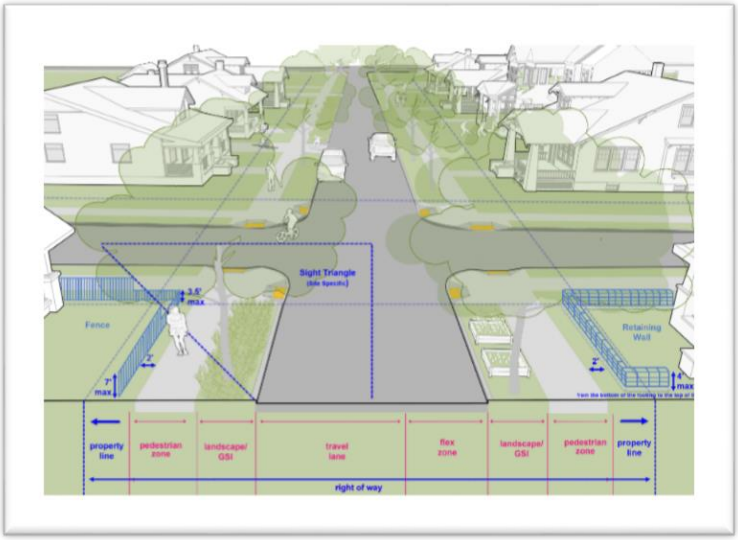
Right-of-Way Occupancy Permit Exemptions

A Right-of-Way Occupancy (ROCC) Permit, previously referred to as a Street Occupancy Permit (SOP), is a provision of Tacoma Municipal Code (TMC) 9.08 Right-of-Way Occupancies. It is a permit that allows for private use of the public right-of-way.



RIGHT-OF-WAY OCCUPANCY - TMC 9.08

In April of 2018, the City of Tacoma updated the Tacoma Municipal Code (TMC) 9.08 Right-of-Way Occupancies. This update includes exemptions for both residential and commercial developments. Additionally a nonconforming component was added for residential developments.

INTENSION OF THE EXEMPTIONS

The residential exemptions noted below are meant to provide property owners the ability to take advantage of the yardspace and planter strip abutting their property without the requirement for a permit. These exemptions are meant to cover private property placed in, or private use of, the public Right-of-Way (ROW). These items and/or uses should adhere to the requirements provided in the Right-of-Way Design Manual and any other applicable codes which may regulate the ROW. These regulations are designed to promote unencumbered safe travel for pedestrian and vehicular circulation, and provide for required utility separation and access.

Commercial exemptions require adherence to these same regulations, however specific items and/or uses have been specifically identified in order to support current and future development within the City.

PERMIT(S) REQUIRED

The objecgtive of a ROCC permit is to review the long term impacts of a proposed use or occupancy of the ROW. Use or occupancies exempt from a ROCC permit will still require the appropriate Right-of-Way Work permit.

RIGHT-OF-WAY WORK

Any use of, or work performed in, the ROW will require one of the following permits:

- Right-of-Way Use and Barricading (RUSE)
- Right-of-Way Construction (RCON)
- Work Order (WO)
- ROW Tree Work (RTRE)
- ROW Utility (RUTI)

RESIDENTIAL EXEMPTIONS

Located in the Right of Way adjacent to a single family residence or duplex.

Right-of-Way Occupancies adjacent to residential uses, that do not otherwise require a permit, shall not require a Right-of-Way Occupancy Permit, provided they meet standards such as, but not limited to:

1. Fences must be no taller than seven feet; must comply with the Public Works Design Manual related to setback from sidewalk and site distance at intersections and driveways. This does not include fences crossing/blocking unimproved rights-of-way.

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.

Right-of-Way Occupancy Permit Exemptions

2. Retaining walls no taller than four feet in height must comply with the Public Works Design Manual related to setback from sidewalk and site distance at intersections and driveways.
3. At-grade stairs.
4. Above-grade stairs, provided they meet the Public Works Design Manual.
5. Garden activities, provided the activity meets the Public Works Design Manual.
6. Required Utility installations.

Right-of-Way Occupancies adjacent to residential uses, that do not meet the above standards, will be reviewed under the associated building permit and will not require a separate Right-of-Way Occupancy Permit application. They will require proof of insurance as set forth in Section 9.08.080.

NONCONFORMING DEVELOPMENT

Except for provisions set forth in Section 9.08.070, Right-of-Way Occupancies adjacent to **residential uses** are nonconforming and not subject the standards set forth in this chapter. The adjacent property owner continues to be responsible for maintaining the development in a safe manner. If the Director of Planning and Development Services determines the development poses a danger to the general public, such occupancy must be removed. If the occupancy has become a nuisance, it will be subject to enforcement.

COMMERCIAL EXEMPTIONS

Located in the Right of Way adjacent to a triplex, multi-family unit, or commercial building.

Right-of-Way Occupancies adjacent to commercial uses, when such use and/or development is a requirement of the Tacoma Municipal Code, such as, but not limited to, alternative materials for sidewalks, street trees, benches, and bike racks. (Does not include items such as private utilities.)

Also specifically exempted is irrigation, and awnings meeting adopted vertical clearances of 8' clear height above grade and permanently affixed to the structure without stanchions.

REVOCATION OF PERMITS AND REMOVAL OF DEVELOPMENT - SECTION 9.08.070

All permits and/or development granted under the provisions of this chapter may, in any case, be revoked by Planning and Development Services, or designee, upon 30 days' notice, or without notice in case any such use or occupation shall become dangerous or any structure or obstruction permitted shall become insecure or unsafe, or shall not be constructed, maintained, or used in accordance with the provisions of this chapter. The development shall be removed at the expense of the permittee and/or adjacent property owner. If any such structure, obstruction, use, or occupancy is not discontinued on notice to do so by the Director of Planning and Development Services, the City may forthwith remove such structure or obstruction from such place, or make such repairs upon such structure or obstruction as may be necessary to render the same secure and safe, at the expense of the permittee or successor, and such expense, together with the cost of its collection, may be collected in the manner provided by law. As an alternative, the City may enforce under Title 8.

RESOURCES

TIP SHEETS

Right-of-Way Occupancy Permits (website)
Right-of-Way Occupancy – Design Guide
Example – Raised Bed Planters
Example – Fences & Retaining Walls

CODE REFERENCES

TMC - Chapter 8.30 Public Nuisances
TMC - Chapter 9.08 Right-of-Way Occupancies
TMC – Chapter 10.22 Rights-of-Way
Right-of-Way Design Manual

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