



City of Tacoma  
Planning Commission

October 21, 2015

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am forwarding our recommendations regarding the proposed Land Use Regulations for Billboards, as outlined in the *Planning Commission's Findings of Fact and Recommendations Report, October 21, 2015* (attached).

The Planning Commission supports the City Council's intent to develop alternative regulations for the control and reduction of billboards in the City. This proposal focuses on the removal of pole-mounted freestanding billboards and incentivizes the use of wall-mounted billboards, especially in Downtown Tacoma. The proposed regulations endeavor to protect the quality of life in our neighborhoods, public spaces and the aesthetic qualities of the built environment and vistas in Tacoma.

The Planning Commission has long been involved with billboard regulations with a number of its current members being a part of previous efforts. From our perspective, nothing has changed in the intervening four years to cause the Commission to take a more relaxed position on billboards. However there have been planning policy changes that have inspired a more focused view, including the adoption of three sub-area plans for Downtown Tacoma and the review and recommendation for comprehensive plan amendments which cement a direction that most growth in Tacoma will occur Downtown and in the mixed-use centers while protecting the livability and neighborhood character of residential, downtown and mixed use centers.

In making this recommendation, the Commission also recognizes that:

1. Billboard owners have continued to manage and extract value from assets which were previously amortized and it is not our intension to restart an amortization clock, rather it is our desire to extend a grace period for the existing amortization;
2. Digital billboards and pole mounted billboards over 300 square feet in size (highway-style) are not compatible with the urban character envisioned for our City of Destiny;
3. This proposal continues to allow billboards, but results in fewer at the end of five years;
4. Of the existing billboard faces in the city, 21 would be made conforming with this proposal; and
5. There are outstanding legal questions on this topic, including how our proposed code changes and federal and state legislation such as "MAP 21" impact existing amortization provisions.

These regulations and new flexibility on wall signs appears consistent with the mission placed first in front of the Tacoma Billboards Community Working Group and then the Planning Commission.

The Planning Commission believes the proposed regulations support the City's strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity.

It is with that understanding and intent that the Planning Commission respectfully requests the City Council adopt the proposed regulations for Billboards, as recommended.

Sincerely,

*Stephen C. Wambach*  
*Vice-Chair, for*

CHRIS BEALE

Chair

Enclosure

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## BILLBOARD CODE AMENDMENTS

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### TACOMA PLANNING COMMISSION FINDINGS OF FACT AND RECOMMENDATIONS OCTOBER 21, 2015

#### A. SUBJECT:

Proposed Billboards Regulations.

#### B. SUMMARY OF PROPOSED AMENDMENT:

The proposed regulations, as shown in Exhibit “A”, would amend the Tacoma Municipal Code, Chapters 13.06.521- General Sign Regulations, 13.06.522 – District Sign Regulations, 13.06.700 – Definitions; 13.06A.050 – Additional use regulations and add new section 13.06.523 – Billboard Sign Regulations that includes the following provisions:

- Provides for relocation credits which emphasize removal of pole-mounted billboard signs in favor of billboard wall signs;
- Opens the following additional zones to billboard wall signs: DCC, DMU, WR, PDB, UCX, CCX, CIX and NCX;
- Allows billboard wall sign over 300 square feet with staff review;
- Increases the height limit to 35 feet in areas over 500 feet from areas not permitting billboards;
- Reduces the required distance between pole mounted billboards that are 300 square feet or less in size from 500 feet to 300 feet, with some additional reductions only within the downtown;
- Reduces the required distance between wall billboards from 500 feet to 200 feet;
- Reduces the required buffer distance from no-billboard zones and sensitive uses (such as schools, parks, historic properties) from 500 feet to 250 feet, with some additional reductions within the downtown;
- Reduces design standards while retaining the prohibition on pole-mounted billboards that are off-set, over-cantilevered, extend over buildings, and have more than one face per side of the billboard;
- Requires efficient lighting and illumination to be turned off between midnight and 5 am;
- Requires stricter enforcement for signs with graffiti; and
- Retains amortization as a means to remove non-conforming billboards.

#### C. BACKGROUND:

Billboard regulations have been a highly contentious issue in Tacoma for decades and the City’s billboard codes have evolved substantially over time. Based on the City’s current regulations,

only 3 of the 311 existing billboard faces in the City are compliant. The other 308 billboard faces are nonconforming because they are not consistent with the current code.

The City first adopted comprehensive billboard regulations in 1988, which sought to limit the number of billboards to those in place in April of that year, ban billboards from all parts of the City excepting industrial and some commercial zones, and adopt other regulations. After a 1996 moratorium, that code was significantly revised in 1997, adding provisions that made many more existing billboards nonconforming, and adopting an amortization provision that required nonconforming billboards to be brought into compliance or removed, at the cost of the owner, within 10 years. The rationale behind amortization was that the owner of the billboard structure would have been able to recoup its capital investment in the structure over the course of a decade. Clear Channel Outdoor has owned nearly all of the billboards in the City since the early 2000s.

When, in 2007, the City sought to enforce the 1997 code amortization provisions, Clear Channel Outdoor sued, leading to a proposed Settlement Agreement in 2010. The proposed Settlement Agreement would've recognized Clear Channel's vested rights in its conforming and legally nonconforming signs and relocation permits, and created an exchange program that would allow digital billboards. After widespread community opposition to digital billboards, the City did not adopt a digital ordinance as contemplated by the proposed Settlement Agreement, but instead passed the 2011 Code Amendments which retained an amortization provision as a way to reduce the number of billboards. The 2011 Code also banned digital billboards, expanded buffer and dispersal requirements, and instituted a number of design requirements. Following the adoption of the 2011 Code further legal disputes between the City and Clear Channel Outdoor ensued, which led to the current Standstill Agreement.

Per the Standstill Agreement, the 2011 Code remains in place, but is not enforced, and instead the 1997 code applies, except for the amortization provisions are not enforced. Under the 2011 Code, all but three of the current 311 billboard faces in the City are nonconforming, most for multiple reasons. Nearly ninety percent of the billboards do not comply with the buffer requirements in the current code. Also per the Standstill agreement, the City of Tacoma was to explore alternatives to its existing billboard regulations, with the goal of an overall reduction of billboards and protect neighborhoods and sensitive uses.

During the Standstill Period, the parties agreed to meet and confer to determine if a permanent solution could be reached to resolve the issues between the parties. The discussions were to focus on a sign consolidation program whereby a plan could be developed to remove specified signs from designated portions of the City in exchange for bulletin size (672 square feet) static billboards to be constructed or reconstructed in certain areas of the City which are mutually agreeable to the City and Clear Channel. These plans would also include a plan for vested rights for all constructed and newly constructed or reconstructed billboards. If the issues between the parties are not resolved during the Standstill Period, either party has the right to reengage in the legal process.

To start this process of looking at alternatives for a permanent solution (new regulations), the City formed the Tacoma Billboards Community Working Group (CWG). The CWG was a 17 member group representing neighborhood councils, business districts, Scenic and Historic Tacoma, commercial real estate, billboard owners, Port of Tacoma, the advertising industry, non-profits, the Planning Commission and Clear Channel Outdoor. Their mission was to develop at least two viable alternative regulatory approaches for billboards – with these regulatory approaches being different from current code, in favor of an approach that better balances the interests of all the various stakeholders.

The CWG’s work spanned six months, during which they conducted eleven public meetings and heard from billboard opponents, Clear Channel Outdoor, local firms and non-profits using billboards, City Legal and Planning staff and WSDOT staff. They also completed many hours of homework to augment the meetings, which were run by an independent facilitator. The facilitator also prepared the final report of recommendations and along with the co-chairs of the group, presented them to the City Council. The Council voted to send the recommendations to the Planning Commission for additional work and development of a code amendment recommendation.

#### **D. FINDINGS OF FACT:**

1. The *Comprehensive Plan*, adopted in 1993 by Ordinance No. 25360 and amended by ordinance once every year thereafter, is Tacoma's *Comprehensive Plan* as required by the Growth Management Act (GMA) and consists of several plan and program elements.
2. The Growth Management Act (GMA) requires any amendments to the *Comprehensive Plan* and development regulations conform to the requirements of the Act.
3. The GMA allows counties and cities to amend their comprehensive land use plans generally only once each year, except that amendments may be considered more frequently for a limited set of circumstances. These proposed amendments do not include any changes to the *Comprehensive Plan*.
4. The GMA further requires that any change to 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 fit within this definition of ‘development regulations’.
5. Chapter 13.02 of the *Tacoma Municipal Code (TMC)* sets forth the procedures and criteria for amending the *Comprehensive Plan* and development regulations and for area-wide zoning reclassifications.
6. Pursuant to *TMC* 13.02.040, the Planning Commission may review and make recommendations to formulate effective and efficient land use and development regulations and processes in order to implement the goals and policies of the *Comprehensive Plan*.
7. The City Council adopted Resolution No. 37070 on December 19, 2006, approving the four guiding principles for planning the future growth of the City of Tacoma: (1) to protect

neighborhoods; (2) to protect critical areas; (3) to protect port, industrial and manufacturing uses; and (4) to increase densities in the downtown and neighborhood business districts.

8. The City of Tacoma made major amendments to its sign code for billboards in 1988. The number of billboards and their total square footage were capped at the amount in existence on April 12, 1988 including those for which permit applications were filed prior to April 13, 1988. No additional billboards were permitted; however, an existing billboard could be relocated to a location that meets certain zoning, buffer and dispersal requirements, as long as the total number and square footage of billboard signs was not exceeded.
9. Regulations regarding billboards were changed in 1997 to require all nonconforming billboards be made conforming or be discontinued and removed by August 1, 2007, in effect establishing a 10-year amortization program for nonconforming billboards.
10. After the proposed Settlement Agreement was dissolved, the City adopted new regulations in 2011 which prohibited digital billboards, created more stringent standards for the existing static billboards and provided a few months to bring the existing billboards into compliance or have them declared illegal. Clear Channel sued the City over these regulations.
11. In August 2012, the City entered into a Standstill Agreement to quell legal action between the City and Clear Channel Outdoor and to provide time to reach a comprehensive understanding on the appropriate regulation of outdoor advertising in Tacoma. The key tenets of the Standstill Agreement are: to stop enforcement of the existing code (Substitute Ordinance No. 28009); apply the July 1997 code (minus amortization provisions) to Clear Channel's billboards; explore alternatives that would reduce the number of existing billboards by establishing an exchange program which consolidates existing billboards (mostly poster sized – 288 square feet) onto bulletin sized (672 square feet) static billboards; and include a plan for vested rights for all constructed and newly constructed or reconstructed billboards. Clear Channel completed the removal of 31 billboard faces and repaired an additional 18 as part of the Standstill Agreement. Since the agreement, Clear Channel Outdoor has removed an additional 50 billboard faces for a total of 81, which is a reduction of over 21 percent of the inventory it had before the Standstill Agreement.
12. There are currently 311 billboard faces on 169 billboard structures in the City, of which Clear Channel Outdoor owns 302 and 165 respectively. Clear Channel Outdoor also possesses the rights to relocate the square footage of the 31 billboard faces removed as part of the Standstill Agreement.
13. Of the 311 existing faces, only three comply with the current code. The majority of the signs that do not comply are nonconforming because they are located in zones which do not allow billboards. A number of billboards are nonconforming solely because they are located too close to other billboards, in violation of the dispersal requirements. Others are nonconforming because they exceed the maximum size or height.
14. As proposed, 21 of the 311 existing billboards faces in the City would comply with the amended regulations.
15. Nothing in this recommendation should be construed to make an unlawful sign legal, or provide it with new rights.

16. The sign regulations are part of the Land Use Regulatory Code and thus are under the purview of the Tacoma Planning Commission.
17. The Planning Commission was asked by the City Council to formulate code amendments, using the work of the Tacoma Billboards Community Working Group as an initial framework, complete recommendations for issues that the CWG did not make a consensus recommendation (exchange mechanism, height, design standards, etc.), receive public comment on preliminary recommendations and additional standards, and provide a recommendation to the Council.
18. The general scope included development of regulations to address allowing static billboards in additional zoning districts of the city, as well as providing relief on performance standards for billboards, as well as conducting a public review process of those proposed changes. The overall goal was to achieve a substantial reduction in the number of nonconforming billboards in exchange for the allowance of a smaller number of larger billboards.
19. Draft amendments were prepared under the auspices of the Planning Commission with public participation consistent with GMA requirements and the procedures of *TMC* Chapter 13.02. The proposed amendments were presented to and discussed by the Planning Commission during their regular meetings, all of which are open to the public.
20. Public input was solicited at a meeting of the Community Council and at a meeting of the Cross-District Association. The primary concern noted was to have billboards maintained in good condition.
21. The Planning Commission began its review on June 3, 2015, when it established a draft schedule for review of the proposal and an overall scope for the project. The Planning Commission then held meetings on July 15, 2015 and August 5, 2015 to review and discuss the CWG recommendations and to start formulating ideas for a draft recommendation. At the August 5<sup>th</sup> meeting, because of the complexity of the issues, the Planning Commission voted to form a four member Task Force to work with staff at public workshops to prepare draft regulations for the entire Commission to consider. Five 2-3 hour Task Force workshops were held to complete a preliminary proposal. Key issues discussed during the Task Force meetings included:
  - Wall mounted vs. freestanding billboards
  - Amortization
  - Exchange program
  - Proposed new zones and criteria to allow new signs
  - Highway advertising control
  - Buffering and dispersal
  - Height and size
  - Analysis of the potential wall sign receiving areas
  - Considering the option of renewing court fight to remove the billboards through amortization

22. The Planning Commission discussed the amendments proposed by the Task Force at their September 16, 2015 meeting and set a public hearing for October 7, 2015 to consider the preliminary proposal.
23. Written and/or electronic notice of the Planning Commission's public hearing was provided to all recipients of the Planning Commission agenda, the Planning Commission's electronic mailing list, City Council members, Neighborhood Councils, business district associations, adjacent jurisdictions, other governmental agencies, the Puyallup Tribal Nation, City staff, City Commissions, environment, development, civic and social organizations, major institutions and employers, potentially affected property owners, and other interested individuals and groups. This notification included the distribution of more than 300 postcard mailers and 500 e-mail notifications. Notice was sent to all properties with existing billboards, billboard owners, business districts, neighborhood councils, and non-profits. Additionally, the public notice was posted on the bulletin boards on the first and second floors of the Tacoma Municipal Building.
24. The provided notice stated the time and place of the public hearing, the purpose of the hearing, information pertaining to the preliminary environmental determination, where and how additional information could be obtained, and how to provide comments.
25. Copies of the public review draft code amendments and staff report were forwarded to all branches of the Tacoma Public Library. In addition, an informational page was established on the City of Tacoma website ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)).
26. In accordance with *RCW 36.70A.106*, the City of Tacoma, on September 28, 2015, notified the State Department of Commerce and other required State agencies of its intent to amend the Land Use Regulatory Code. This notice included transmittal of the proposed amendments. On September 29, 2015 the Department of Commerce confirmed that the City had met the requirement of *RCW 36.70A.106* as to notice to State agencies. No comments were received from the Department of Commerce or other State agencies.
27. A notification was sent to Joint Base Lewis-McChord (JBLM) on September 28, 2015 (per *RCW 36.70A.530(4)*). No comments were received from JBLM.
28. Environmental Review – Pursuant to *WAC 197-11-340(2)* and the City's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) for the proposed regulations was issued on September 23, 2015 (SEPA File Number SEP2015-40000254986), based upon a review of an environmental checklist. The DNS and the environmental checklist have been provided or made available to appropriate entities that received the Planning Commission's public hearing notice. A legal notice concerning this environmental determination was advertised in the City of Tacoma's official newspaper, the Tacoma Daily Index, on September 28, 2015. This determination was not modified by the City, and became final on October 9, 2015.
29. The Planning Commission conducted a public hearing on October 7, 2015 on the proposed regulations and left public comment open until October 9, 2015.
30. Eleven individuals testified at the public hearing and 27 written comments were submitted by the comment deadline of October 9, 2015. Of the 34 persons that commented at the hearing and/or in writing, 10 were generally in favor of billboards and 24 were generally against

them. Those in favor noted the opportunity and positive impacts billboard advertising provides for small businesses in the community. Those opposed highlighted the negative impacts to the aesthetics of the community. Most of these people favor amortization and, if necessary, a court battle to enforce removal of signs. Five persons in opposition mentioned digital or electronic billboards, which are not being proposed.

31. On October 21, 2015 copies of all letters and e-mails submitted during the comment period were provided to the Planning Commission for their consideration, together with a summary of the oral testimony received during the public hearing.
32. Planning staff prepared a Comments and Responses Report, which summarized the key issues that were raised in public testimony and provided staff responses for consideration by the Commission. This report was presented to the Commission at their regular meeting on October 21, 2015.
33. In addition, the Commission reviewed supplemental information about the effects of various buffer options for schools, historic properties and no-billboard zones on the amount of receiving area within the downtown for wall mounted billboards. The Commission discussed these topics in depth, and discussed changes that would need to be made to their final recommendation to City Council.
34. Amortization has been upheld by courts in Washington and elsewhere as an appropriate method of ending non-conforming uses while allowing adequate return on investment.
35. Through this recommendation, the Commission does not intend to restart or extend the existing amortization period from the current Code, which has lapsed. The intent is to extend an additional grace period prior to enforcement of the existing amortization, which ended on March 1, 2012.
36. The Commission finds that the proposed amendments are consistent with the goals and policies of the *Comprehensive Plan* in several ways.
37. A primary goal of the *Comprehensive Plan* is the protection of neighborhoods. Allowing pole mounted billboards near residential neighborhoods is contrary to this goal because of the size, location, and unsightly support poles and catwalks, which in many cases would represent an unreasonable impact on adjacent neighborhoods, even considering controls on height, lighting and buffering from sensitive uses.
38. Mixed-Use Centers are addressed in the *Comprehensive Plan* as the focus area for the city's growth, where development is desired to be pedestrian-oriented. A strong desire is expressed for improved design, complete streets, and support of transit-oriented development. Allowing new pole mounted billboards in mixed-use districts would be in conflict with the stated policy intent of the *Comprehensive Plan*.
39. Based on these findings, the Commission also finds that allowing new pole mounted billboards in these areas would be inconsistent with the policy and procedural requirements of GMA whereby development regulations must be consistent with and implement the *Comprehensive Plan*.
40. In 1997, and again in 2011, the City Council made a strong policy and regulatory statement that billboards that are too big, too close to each other, or too close to sensitive uses should

not be allowed to remain. The City determined that existing nonconforming billboards at these locations should be removed, after a reasonable amount of time to recoup investment. The framework presented by the Community Working Group represents a dramatic shift in direction from that policy and regulatory statement, one that can not be consistent with the City's adopted policies unless a significant reduction in billboards can be achieved. Amortization is designed to ensure that desired reduction.

41. Receiving areas for wall-mounted billboard in the mixed-use districts proposed to allow billboards are limited due to the current lack of suitable buildings that are tall enough, have a blank side wall and are visible from the adjacent roadway. The minimum height above ground requirement necessitates a minimum two story building and side walls must be used because primary facades are not allowed to have billboards. Existing building setbacks and street tree landscaping also makes many buildings unsuitable for wall billboards.
42. Pursuant to *RCW 36.70A.370* and following the guidelines prepared by the Washington State Attorney General pursuant to *RCW 36.70A.370*, the proposed amendments were reviewed by the City Attorney to assure that adoption of the changes will not result in an unconstitutional taking of property. The current code contains amortization language which is not proposed to change. It has not been conclusively shown that this clause results in an unconstitutional taking of property.
43. The Planning Commission also finds that there are significant outstanding legal questions regarding billboard regulations in Tacoma, including how these proposed code changes and federal and state legislation, such as "MAP-21," impact both the existing and any modified amortization provisions.
44. Further, it became clear through the review of the billboard regulations that the City does not have adequate regulations for on-premise signage. Many of the same concerns and technical issues exist with them as well, including brightness, driver distraction, and size. A review of on-premises digital signage should be a high priority.
45. The Planning Commission reviewed various iterations of the proposed regulations for Billboards at the meeting on October 21, 2015. This meeting was open to the public. In response to the community input and further review by the Commission and staff, the Commission incorporated a number of modifications into this final recommendation, including:
  - Simplified the proposed, overall billboard cap
  - Reduced the threshold for substantial alterations to a site that would trigger the removal or correction of a nonconforming billboard on the site
  - Modified multiple buffering requirements within the downtown to better ensure that downtown is a viable receiving area for new wall-mounted billboards (to support billboard consolidation and removals from more sensitive areas)

## **E. CONCLUSIONS**

1. The Planning Commission concludes that freestanding pole-mounted billboards should be phased out in favor of wall mounted signs, which can be allowed in expanded zones in the city.
2. All illegal billboard signs should be removed through the City's code enforcement process.
3. The recommended land use code amendments are consistent with the Growth Management Act and other applicable state statutes, the County-wide Planning Policies for Pierce County and the multicounty policies for the Central Puget Sound region, and are consistent with and implement the City's *Comprehensive Plan*.
4. The Commission further concludes that the proposed amendments will benefit the City as a whole and are in the best interests of the citizens of Tacoma.

## **F. RECOMMENDATIONS**

The Planning Commission recommends that the City Council adopt the proposed Land Use Regulatory Code amendments regarding billboard regulations, as set forth in the enclosed Exhibit "A".

The Commission further recommends that the existing regulatory provisions for on-premises signs be reviewed and updated.

## **G. EXHIBITS**

- A. Recommended Code Amendments
- B. Billboard "receiving area" maps, by Council District
- C. Billboard "receiving area" map for Downtown Tacoma (*which reflects the final modifications to the standards proposed within the downtown area*)





## Billboard Code Amendments

### PROPOSED LAND USE REGULATORY CODE AMENDMENTS October 21, 2015

These proposed amendments include modifications to the following Sections of TMC Title 13, the Land Use Regulatory Code:

#### 13.06 – Zoning

- 13.06.521 – General Sign Regulations
- 13.06.522 – District Sign Regulations
- 13.06.523 – Billboard Sign Regulations (*proposed new section*)
- 13.06.700 - Definitions

#### 13.06A – Downtown Tacoma

- 13.06A.050 – Additional use regulations.

\*Note – These amendments show all of the changes to the *existing* land use regulations. The sections included are only those portions of the code that are associated with these amendments. Where existing text is being modified, new text is underlined and text that is deleted is shown in ~~strikethrough~~. However, the proposed new code section (13.06.523) represents entirely new text, so it is being shown without strikethroughs or underlines.

#### **Repeal the following Code Sections:**

- Sections 13.06.521.M (Billboards)
- Section 13.06.521.N.5 (Nonconforming Signs, Billboards)
- Section 13.06.521.N.6 (Amortization)
- Section 13.06A.050.B.5 (Downtown Billboards)
- And the portions of the tables in Sections 13.06.522.J, K and L that are specific to “Billboards”

#### **Modify the following Code Sections:**

##### 13.06.700 Definitions

\* \* \*

Billboard, standard. ~~An Any permanent~~ off-premises sign ~~greater than 72 square feet in size~~. This type of sign is generally composed of materials (panels or modules) mounted on a building wall or freestanding structure, or painted directly on the wall or freestanding structure, ~~that are changed on a regular basis~~.

Billboard, digital. ~~An Any permanent~~ off-premises sign ~~greater than 72 square feet in size~~, utilizing digital message technology capable of changing the message or copy on the sign electronically. Digital billboards are not considered under the definitions of animated sign, changing message centers, electrical signs, illuminated signs, or flashing signs.

\* \* \*

Sign, unlawful. Any sign which was erected in violation of any applicable ordinance or code governing such erection or construction at the time of its erection, which sign has never been in conformance with all applicable ordinances or codes or which exists contrary to a lawful requirement.

## **Enact the following new section:**

### **13.06.523 Billboards**

#### **A. New billboard faces.**

1. Any new billboard must be installed in compliance with this chapter. In no case shall the number of billboard faces and total square footage of billboards in the City of Tacoma exceed 311 billboard sign.
2. Installation/placement of any new or relocated billboard structure and/or face requires a sign permit.
3. New billboards shall only be allowed through an exchange program under which the removal of nonconforming billboards generates credits and the construction of new billboards consumes credits, based on the following structure:
  - a. Relocating from a nonconforming freestanding billboard in any zone to a wall-mounted billboard in a permitted downtown district (DCC, DMU, WR) or the UCX mixed-use district is allowed at a 2:1 exchange ratio (two square feet of new wall-mounted billboard sign area will be allowed for every one square foot of freestanding billboard signage removed).
  - b. Relocating from a nonconforming freestanding billboard to a wall-mounted billboard in the same district or the CCX, CIX, or PDB districts will result in an allowed 1.5:1 exchange ratio (One and a half square feet of new wall-mounted billboard sign area will be granted for every one foot of freestanding billboard signage removed).
  - c. All other freestanding billboard relocations in the C-2 and industrial zones will be allowed based on a 1:1.5 exchange ratio (one square foot of new freestanding billboard sign area will be granted for every one and a half square feet of nonconforming billboard area removed).
  - d. Relocation from nonconforming freestanding billboards to wall-mounted billboards in the NCX district will be allowed at a 1:1 ratio, but only after the R-2, R-4, RCX, CONS, S-10, and C-1 districts are free of nonconforming billboards.
4. Demolition. Removal of all faces from a billboard structure shall also require the issuance of a demolition permit for the structure itself and removal of billboard faces (and their associated structures, if necessary) shall be completed prior to the construction of new or relocated billboard faces. Structures removed shall be removed to grade and the grade restored at the site.

#### **B. Location.**

1. Billboards shall only be allowed per the following table. (*see next page*)

**Billboard Use Matrix**

Size (Sq. Ft.)	Type of Sign	Zones											
		PMI	M2	M1	C2	CIX	UCX	NCX	CCX	DCC	DMU	WR	PDB
≤ 72	Wall Mounted	P	P	P	P	P	P	P+	P	P	P	P	P
	Freestanding	P	P	P	P	N	N	N	N	N	N	N	N
73 to 300	Wall Mounted	P	P	P	P	P	P	P+	P	P	P	P	P
	Freestanding	P	P	P	P	N	N	N	N	N	N	N	N
> 300	Wall Mounted	P	P	P	P	P	P	P+	P	P	P	P	P
	Freestanding	N	N	N	N	N	N	N	N	N	N	N	N

P = permitted

P+= permitted once all billboards are removed from R, SHR, CONS, RCX and C-1 Districts

N = not permitted

2. Billboards are prohibited in all zoning districts not shown in the above table.
3. Billboards are also prohibited in the following overlay zoning districts: the HIST Historic and CONS Conservation, and VSD View Sensitive districts.
4. Digital billboards are prohibited in the City of Tacoma.

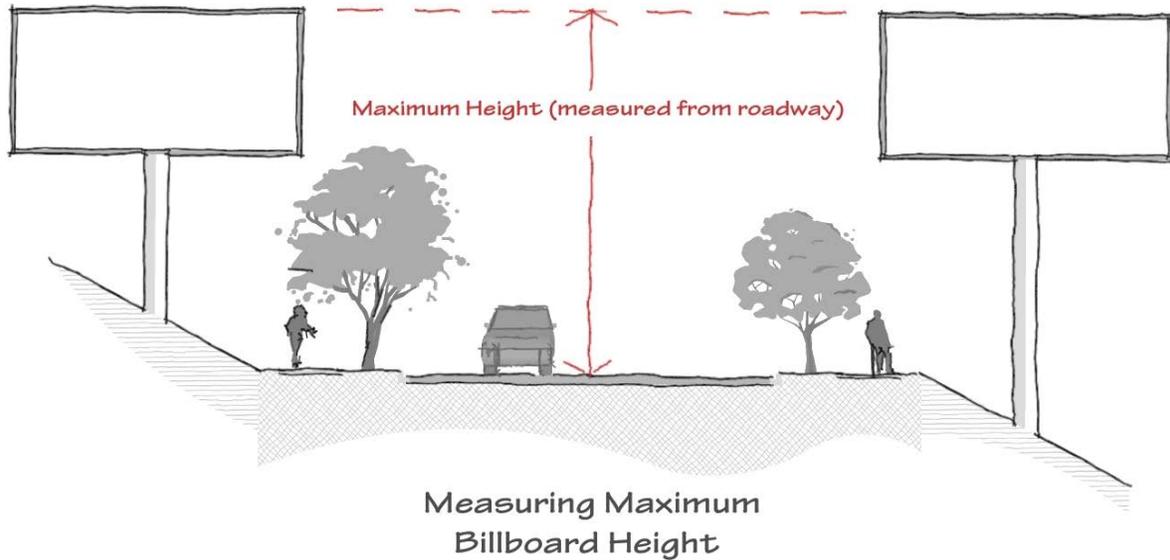
**C. Size.**

1. The maximum area of any one freestanding billboard sign shall be 300 square feet, with a maximum vertical sign face dimension of 12 feet and maximum horizontal sign face dimension of 25 feet, inclusive of any border and trim, but excluding the base or apron, supports, and other structural members; provided, cutouts and extensions may add up to 20 percent of additional sign area.
2. Existing 672 square foot billboards shall have a maximum vertical sign face dimension of 14 feet and maximum horizontal sign face dimension of 48 feet, inclusive of any border and trim, but excluding the base or apron, supports, and other structural members.
3. Wall-mounted billboard faces are not subject to specific height or width limitations, and may be larger than 300 square feet in area, subject to staff review to ensure that any larger billboard will not create significant impacts on surrounding uses, the desired character of the area, or the architecture of the building to which it is attached.
4. Legally-established freestanding billboards larger than 300 square feet in area that were in existence on the date of adoption of this section are permitted in the industrial districts.

**D. Height.**

1. The maximum height of all billboard signs shall be as follows:
  - a. 30 feet for freestanding billboards located within 500 feet of any boundary of residential, shoreline, view-sensitive, historic, or conservation districts;
  - b. 35 feet for freestanding billboards located more than 500 feet from residential, shoreline, view-sensitive, historic, and conservation districts;
  - c. Wall-mounted billboards may extend higher than 35 feet, subject to staff review to ensure that any additional height will not create significant impacts on surrounding uses, the desired character of the area, or the architecture of the building to which it is attached; and

d. For the purpose of this section, height shall be the distance to the top of the normal display face from the established grade of the road from which the billboard is to be viewed (see diagram below).



2. The bottom edge of the sign face of freestanding billboards shall be at least 10 feet above the established grade of the road from which the billboard is to be viewed.

3. The bottom edge of the sign face of wall-mounted billboards shall be at least 8 feet above the ground level at the base of the wall.

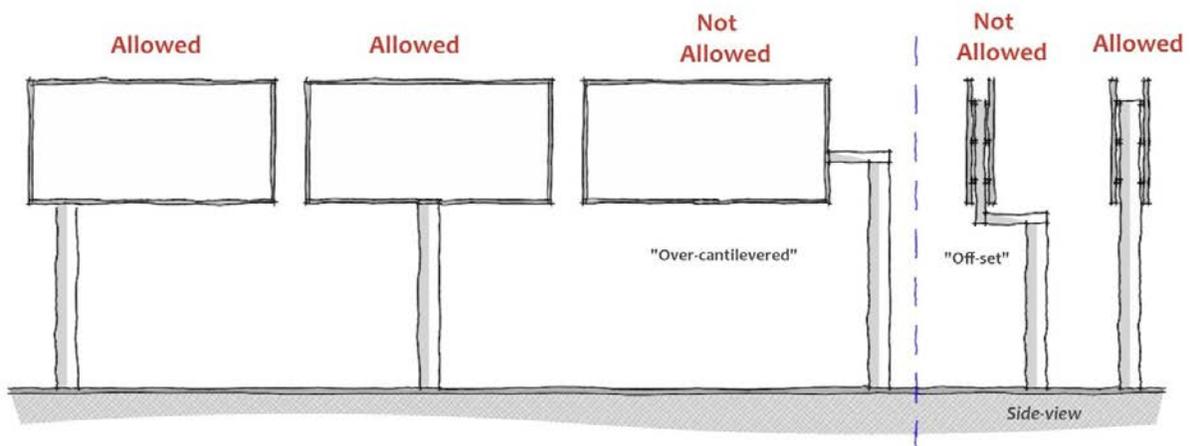
**E. Design standards.**

1. Freestanding billboard signs

a. Billboard sign structures must, at all times, include a facing of proper dimensions to conceal back bracing, electrical equipment, and framework of structural members to present an attractive and finished appearance. During periods of repair, alteration, or copy change, such facing may be removed for a maximum period of 48 consecutive hours.

b. No more than two billboard faces shall be located on a single structure. Billboard faces located on the same structure shall be positioned back-to-back (i.e., their backs shall be parallel to each other).

c. Billboard faces must be in line with the support structure; offset or over-cantilevered structure designs are not allowed. (see illustration below)



- d. No billboard can be located in a manner that positions any portion of the sign face or structure above a building.
- e. No freestanding billboard may be constructed on a site where there is a freestanding on-premises sign.
- f. Freestanding billboard signs must also meet the requirements for freestanding on-premises signs in TMC Section 13.06.521.G.

2. Wall-mounted billboard signs. Wall-mounted billboards must also meet the requirements for wall signs in TMC Section 13.06.521 E.

**F. Lighting.**

- 1. No internally illuminated billboards are allowed.
- 2. All billboard lighting shall be directed toward the billboard face and utilize cutoff shields or other means to prevent spillover onto adjacent properties or skyward.
- 3. No flashing billboards shall be permitted.
- 4. Signs shall not imitate or resemble traffic control devices.
- 5. Lighting must utilize LED or equivalently efficient lighting.
- 6. All billboard lights must be turned off during daylight hours and from midnight to 5 a.m.

**G. Dispersal.**

- 1. Freestanding billboard signs shall be located a minimum of 300 feet from other billboard signs that are 300 square feet or less in area, and 500 feet from other billboard signs that are more than 300 square feet in area. This standard does not apply to multiple billboard faces located on the same freestanding billboard structure.
- 2. Wall-mounted billboards shall not be located within 200 feet of another billboard visible along the same road corridor.
- 3. These requirements also apply to any billboards within City limits that would be too close, per these standards, to any billboard located outside the City limits.

**H. Buffering.**

- 1. Sensitive uses/areas. No billboard shall be located in or within 250 feet of the following, whether within or outside the Tacoma City Limits:
  - a. A residential district (as listed in Section 13.06.100);
  - b. The RCX, NRX, URX, and HMX mixed-use districts;
  - c. Any shoreline district;
  - d. Any view sensitive district;
  - e. Any designated historic or conservation district or individually-listed historic property, whether on the federal, state, or local register of historic places, except in Downtown zones, where the buffer to conservation districts does not apply and the buffer to individually-listed historic properties is reduced to 100 feet;
  - f. Any publicly-owned open space, playground, park, or recreational property, as recognized in the adopted Open Space Habitat and Recreation Element, as amended;
  - g. Any primary or secondary school, except within the Downtown zones, where this buffer does not apply; or
  - h. Any religious institution located in a structure that is eligible to be listed on either the federal, state or local register of historic properties, based on the opinion of the Historic Preservation Officer.

**I. Landscaping.**

- 1. No required landscaping may be diminished for the installation of a billboard, unless equivalent replacement landscaping is provided.
- 2. Any alteration to any street tree (removal or pruning) is subject to City review and approval.

## **J. Maintenance.**

1. All billboards, including paint and structural members, shall be maintained in good repair and in compliance with all applicable building code requirements. Billboards shall be kept clean and free of debris.
2. Failure to maintain a billboard or its structure, including exterior painting, shall constitute a violation of this section and be subject to strict enforcement under the Land Use Code Enforcement procedures and penalties (TMC Section 13.05.100), which may include removal by the City at the expense of the property owner, sign owner, or permittee.
3. Graffiti on billboard sign faces or structures shall be abated by the property owner within 48 hours of notification or fines prescribed in TMC Section 13.05.100 for non-compliance will be levied against the property owner.

## **K. Nonconforming Billboards**

1. All billboards within the City which are not in compliance with the requirements of this section are considered to be nonconforming billboards. In addition to the provisions of TMC 13.06.523.L, nonconforming billboards shall be made to conform with the requirements of this section under the following circumstances:
  - a. When any substantial alteration is proposed on a property upon which a nonconforming billboard is located, the billboard shall be removed or brought into conformance with this section. For purposes of this provision, “substantial alteration” means all alterations within a two-year period whose cumulative value exceeds 100% of the value of the existing development or structure, as determined by the applicable Building Code, excluding purchase costs of the property and/or structure.
  - b. Whenever a building, or portion thereof, that has a nonconforming wall-mounted billboard (such as upon the roof or attached to a wall) is proposed to be expanded and/or remodeled, all nonconforming billboards shall be removed or brought into compliance with this section if the value of the alterations within any two-year period is greater than or equal to 50% of the value of the existing building, as determined by the Building Code, excluding purchase costs of the property and/or structure.

## **L. Amortization.**

1. All nonconforming billboard signs shall be discontinued and removed or made conforming according to the following schedule (collectively the “amortization period”):
  - a. All nonconforming billboards within the R-2, R-4, S-10, C-1, RCX zoning districts and the CONS overlay district, shall be discontinued and removed within three years after (*the date of adoption*).
  - b. All other nonconforming billboards (those not within the R-2, R-4, S-10, C-1, RCX zoning districts or the CONS overlay district) shall be discontinued and removed or made conforming within five years after (*the date of adoption*).
2. Nonconforming billboards that are not made conforming or removed by the above dates will result in enforcement action being taken pursuant to TMC Section 13.05.100.

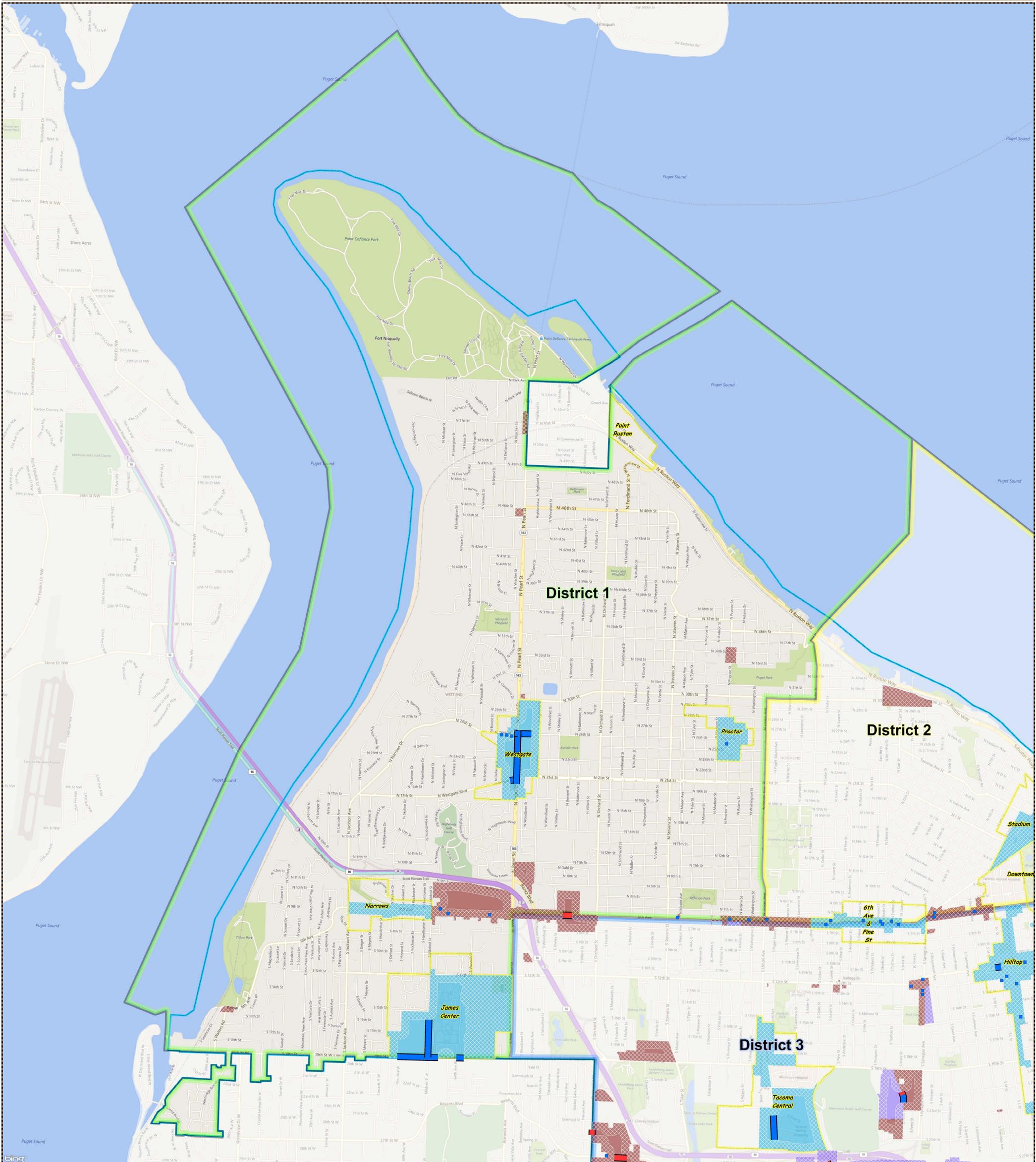
## **M. Severability.**

1. If any section, subsection, paragraph, sentence, clause or phrase of this Chapter or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Chapter or its application to any other person or situation.

# Billboards - 250' Option

## City of Tacoma By Councilmanic District

### District: 1



- Non-conforming Billboards (234 within 250' sensitive use buffer)
- Conforming Billboards (77 outside 250' sensitive use buffer)
- Arterials Available for Wall Billboards Only (DCC, DMU, WR, UCK, CCX, CIX, NCX, PDB; 250' sensitive use buffer - 6.2 total miles)
- Arterials Available for All Billboards (C2, M1, M2, PM1; 250' sensitive use buffer - 16.3 total miles)
- Downtown (DCC, DMU, WR - 4 billboards, 1.4 miles available)
- Mixed Use (CCX, CIX, NCX, UCK - 8 billboards, 4.7 miles available)
- Commercial (C2; PDB - 8 billboards, 0.8 miles available)
- Industrial (M1; M2; PM1 - 57 billboards, 15.5 miles available)
- Buffer Area within Inclusion Zone (250' sensitive use; 300' & 500' billboard dispersal)
- Mixed Use Centers

**NOTE:** This map represents a preliminary analysis of the proposed buffering standards. It is not 100% accurate and is subject to further review and refinement. Verification of the availability of a particular site may necessitate more detailed analysis to ensure the accurate location of buffered uses in the particular area.



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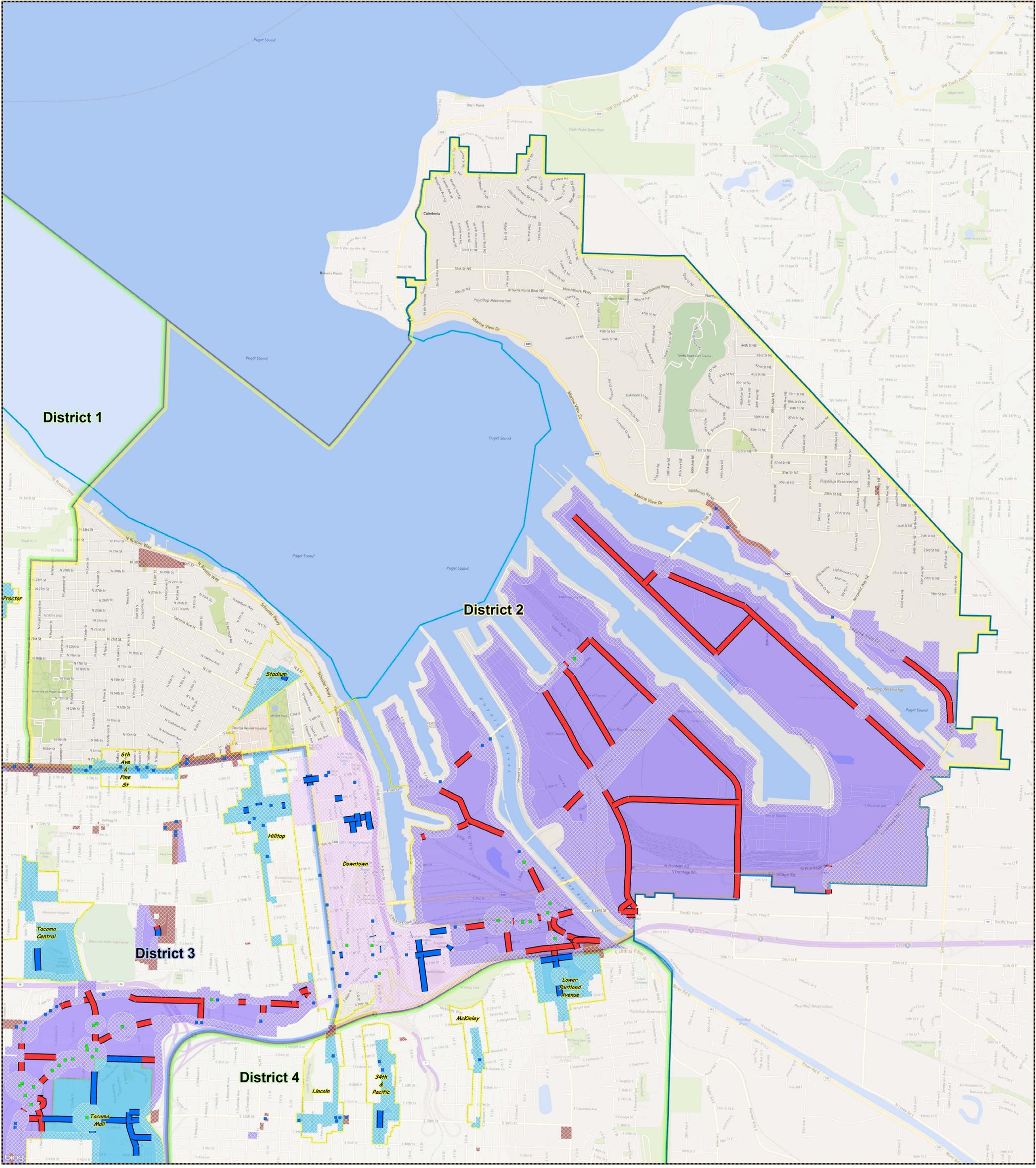
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This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. It is to be used for reference purposes only.

# Billboards - 250' Option

## City of Tacoma By Councilmanic District

### District: 2



- Non-conforming Billboards (234 within 250' sensitive use buffer)
- Conforming Billboards (77 outside 250' sensitive use buffer)
- Aerials Available for Wall Billboards Only (DCC, DMU, WR, UCX, CCX, CIX, NCX, PDB; 250' sensitive use buffer - 6.2 total miles)
- Aerials Available for All Billboards (C2, M1, M2, PM1; 250' sensitive use buffer - 16.3 total miles)
- Downtown (DCC, DMU, WR - 4 billboards, 1.4 miles available)
- Mixed Use (CCX, CIX, NCX, UCX - 8 billboards, 4.7 miles available)
- Commercial (C2, PDB - 8 billboards, 0.8 miles available)
- Industrial (M1, M2, PM1 - 57 billboards, 15.5 miles available)
- Buffer Area within Inclusion Zone (250' sensitive use; 300' & 500' billboard dispersal)
- Mixed Use Centers

**NOTE:** This map represents a preliminary analysis of the proposed buffering standards. It is not 100% accurate and is subject to further review and refinement. Verification of the availability of a particular site may necessitate more detailed analysis to ensure the accurate location of buffered uses in the particular area.



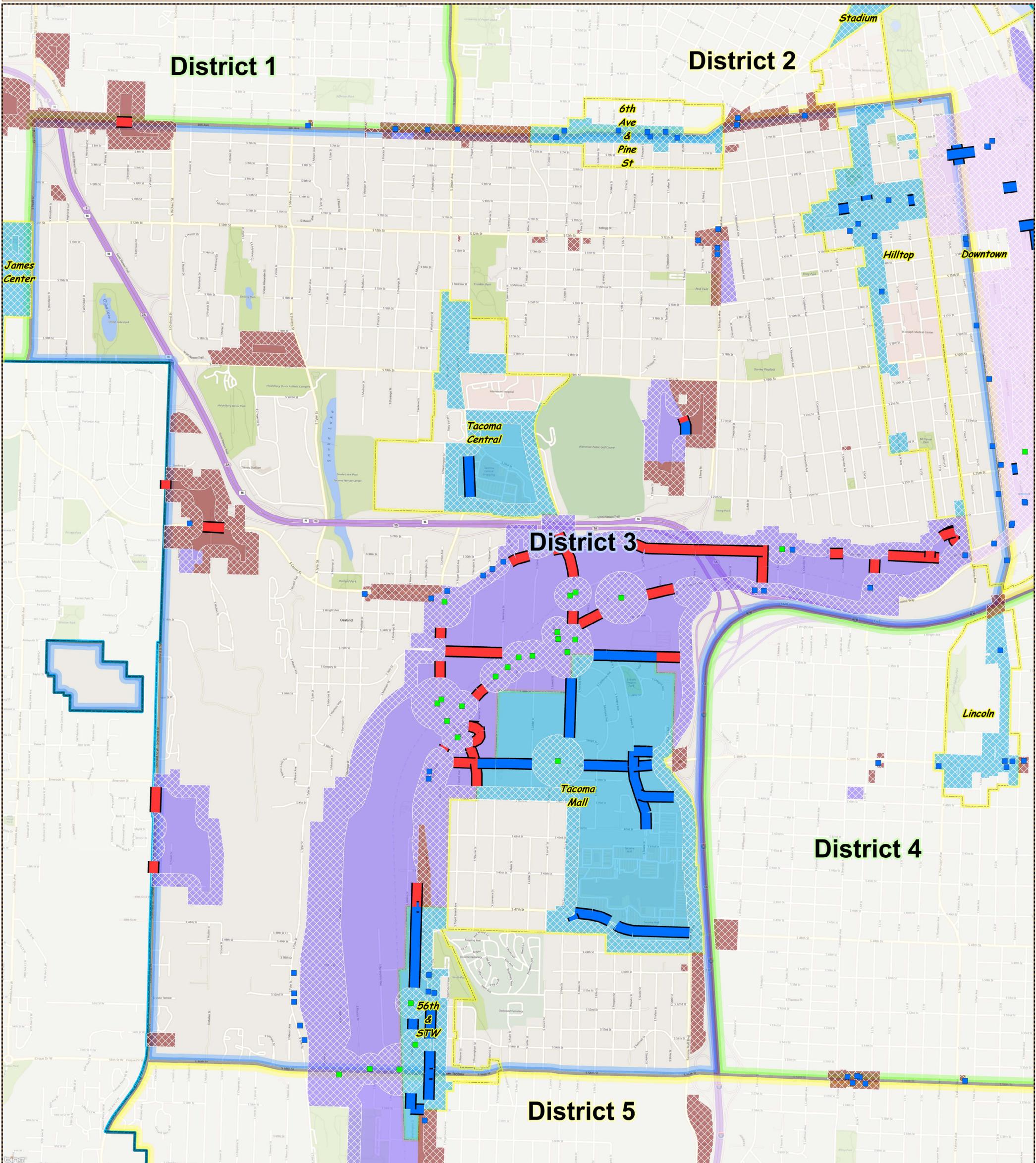
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# Billboards - 250' Option

## City of Tacoma By Councilmanic District

### District: 3



- Non-conforming Billboards (234 within 250' sensitive use buffer)
- Conforming Billboards (77 outside 250' sensitive use buffer)
- Aerials Available for Wall Billboards Only (DCC, DMU, WR, UCX, CCX, CIX, NCX, PDB; 250' sensitive use buffer - 6.2 total miles)
- Aerials Available for All Billboards (C2, M1, M2, PM1; 250' sensitive use buffer - 16.3 total miles)
- Downtown (DCC, DMU, WR - 4 billboards, 1.4 miles available)
- Mixed Use (CCX, CIX, NCX, UCX - 8 billboards, 4.7 miles available)
- Commercial (C2, PDB - 8 billboards, 0.8 miles available)
- Industrial (M1, M2, PM1 - 57 billboards, 15.5 miles available)
- Buffer Area within Inclusion Zone (250' sensitive use; 300' & 500' billboard dispersal)
- Mixed Use Centers

**NOTE:** This map represents a preliminary analysis of the proposed buffering standards. It is not 100% accurate and is subject to further review and refinement. Verification of the availability of a particular site may necessitate more detailed analysis to ensure the accurate location of buffered uses in the particular area.



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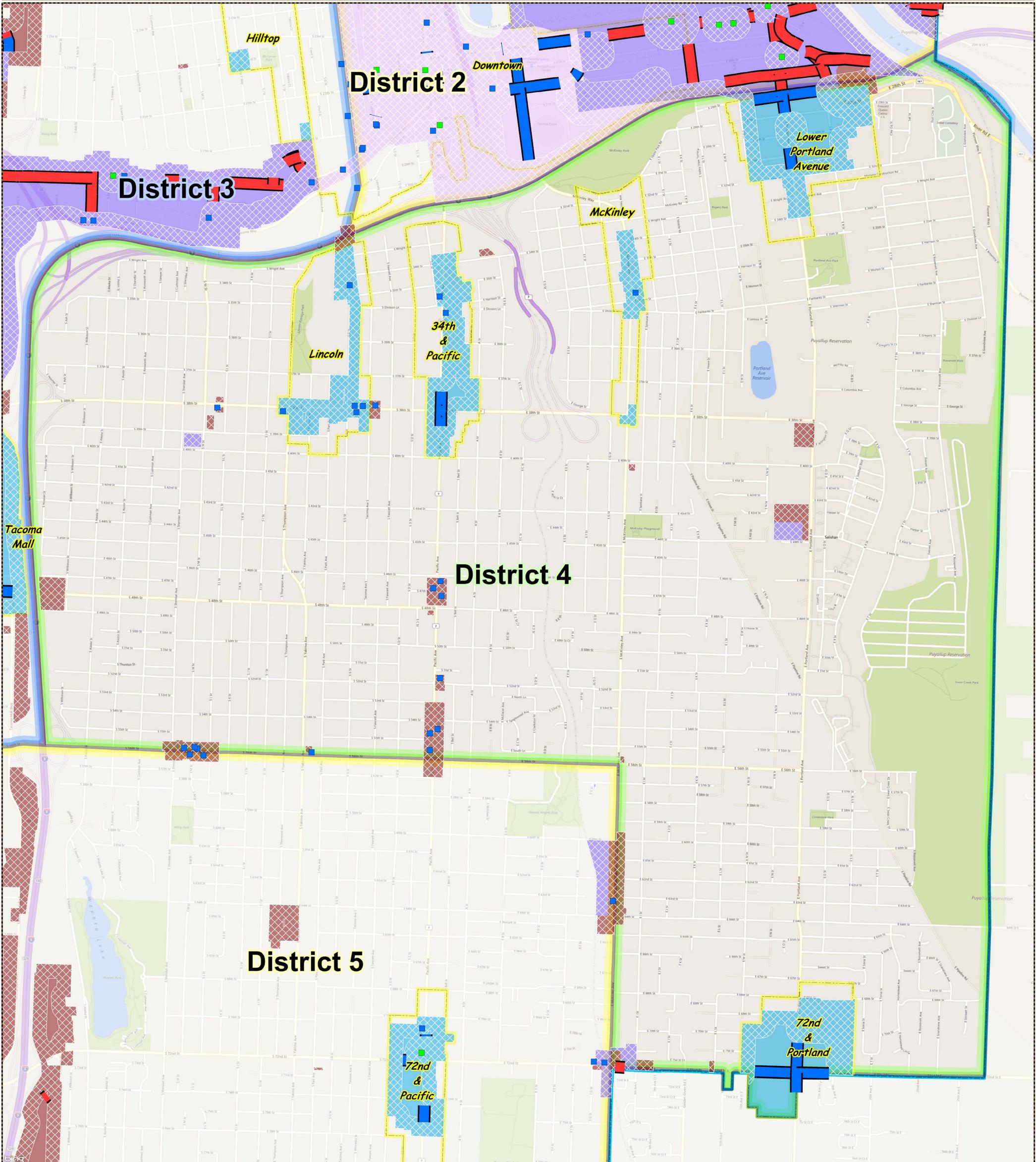
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# Billboards - 250' Option

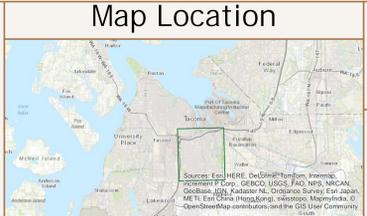
## City of Tacoma By Councilmanic District

### District: 4



- Non-conforming Billboards (234 within 250' sensitive use buffer)
- Conforming Billboards (77 outside 250' sensitive use buffer)
- Aerials Available for Wall Billboards Only (DCC, DMU, WR, UCC, CCX, CIX, NCX, PDB; 250' sensitive use buffer - 6.2 total miles)
- Aerials Available for All Billboards (C2, M1, M2, PM1, 250' sensitive use buffer - 16.3 total miles)
- Downtown (DCC, DMU, WR - 4 billboards, 1.4 miles available)
- Mixed Use (CCX, CIX, NCX, UCC - 8 billboards, 4.7 miles available)
- Commercial (C2, PDB - 8 billboards, 0.8 miles available)
- Industrial (M1, M2, PM1 - 57 billboards, 15.5 miles available)
- Buffer Area within Inclusion Zone (250' sensitive use; 300' & 500' billboard dispersal)
- Mixed Use Centers

**NOTE:** This map represents a preliminary analysis of the proposed buffering standards. It is not 100% accurate and is subject to further review and refinement. Verification of the availability of a particular site may necessitate more detailed analysis to ensure the accurate location of buffered uses in the particular area.



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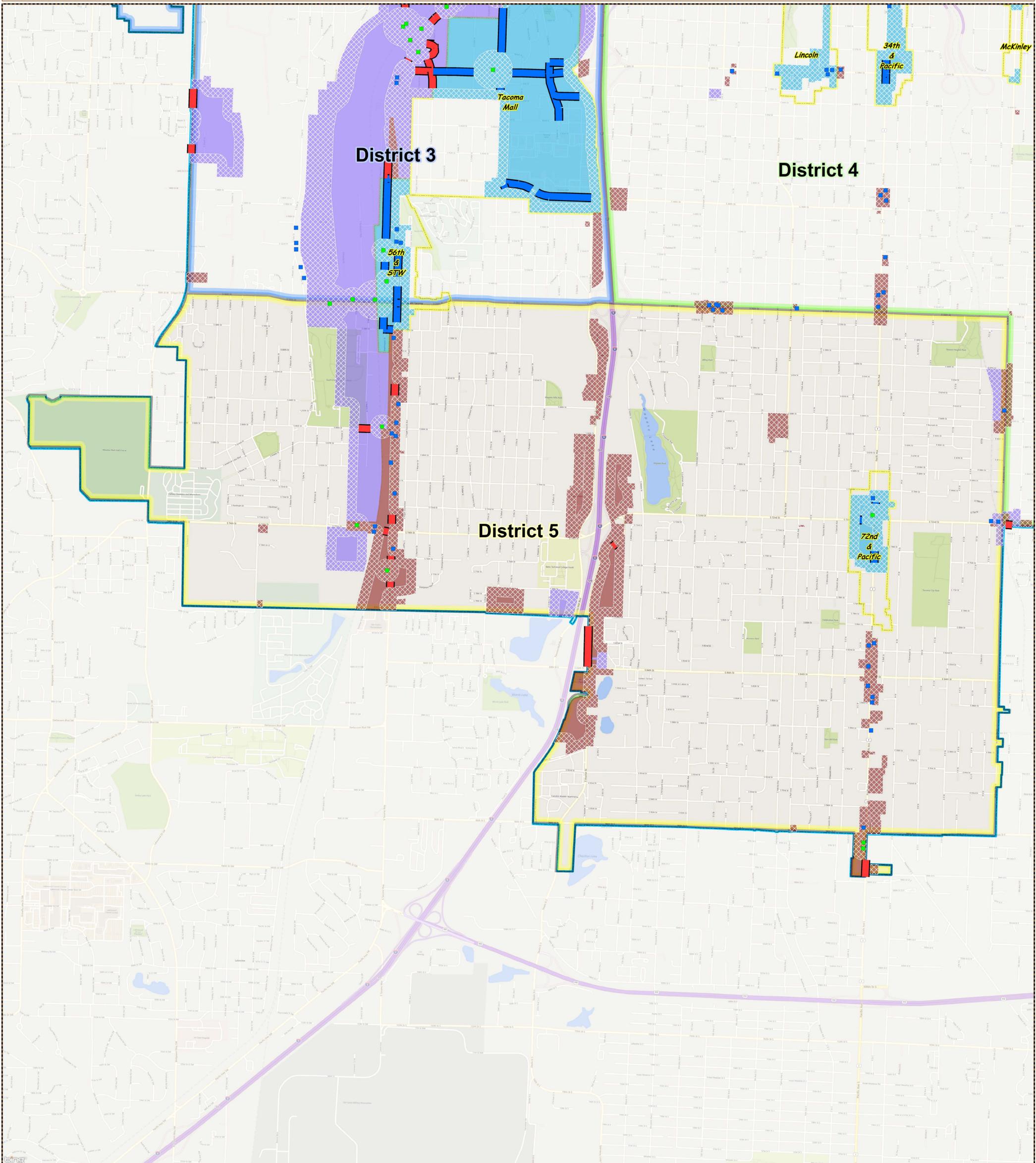
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# Billboards - 250' Option

City of Tacoma By Councilmanic District

*District: 5*



- Non-conforming Billboards (234 within 250' sensitive use buffer)
- Conforming Billboards (77 outside 250' sensitive use buffer)
- Arterials Available for All Billboards Only (DCC; DMU; WR; UCX; CCX; CIX; NCX; PDB; 250' sensitive use buffer - 6.2 total miles)
- Arterials Available for All Billboards (C2; M1; M2; PM1; 250' sensitive use buffer - 16.3 total miles)
- Downtown (DCC; DMU; WR - 4 billboards, 1.4 miles available)
- Mixed Use (CCX; CIX; NCX; UCX - 8 billboards, 4.7 miles available)
- Commercial (C2; PDB - 8 billboards, 0.8 miles available)
- Industrial (M1; M2; PM1 - 57 billboards, 15.5 miles available)
- Buffer Area within Inclusion Zone (250' sensitive use; 300' & 500' billboard dispersal)
- Mixed Use Centers

**NOTE:** This map represents a preliminary analysis of the proposed buffering standards. It is not 100% accurate and is subject to further review and refinement. Verification of the availability of a particular site may necessitate more detailed analysis to ensure the accurate location of buffered uses in the particular area.

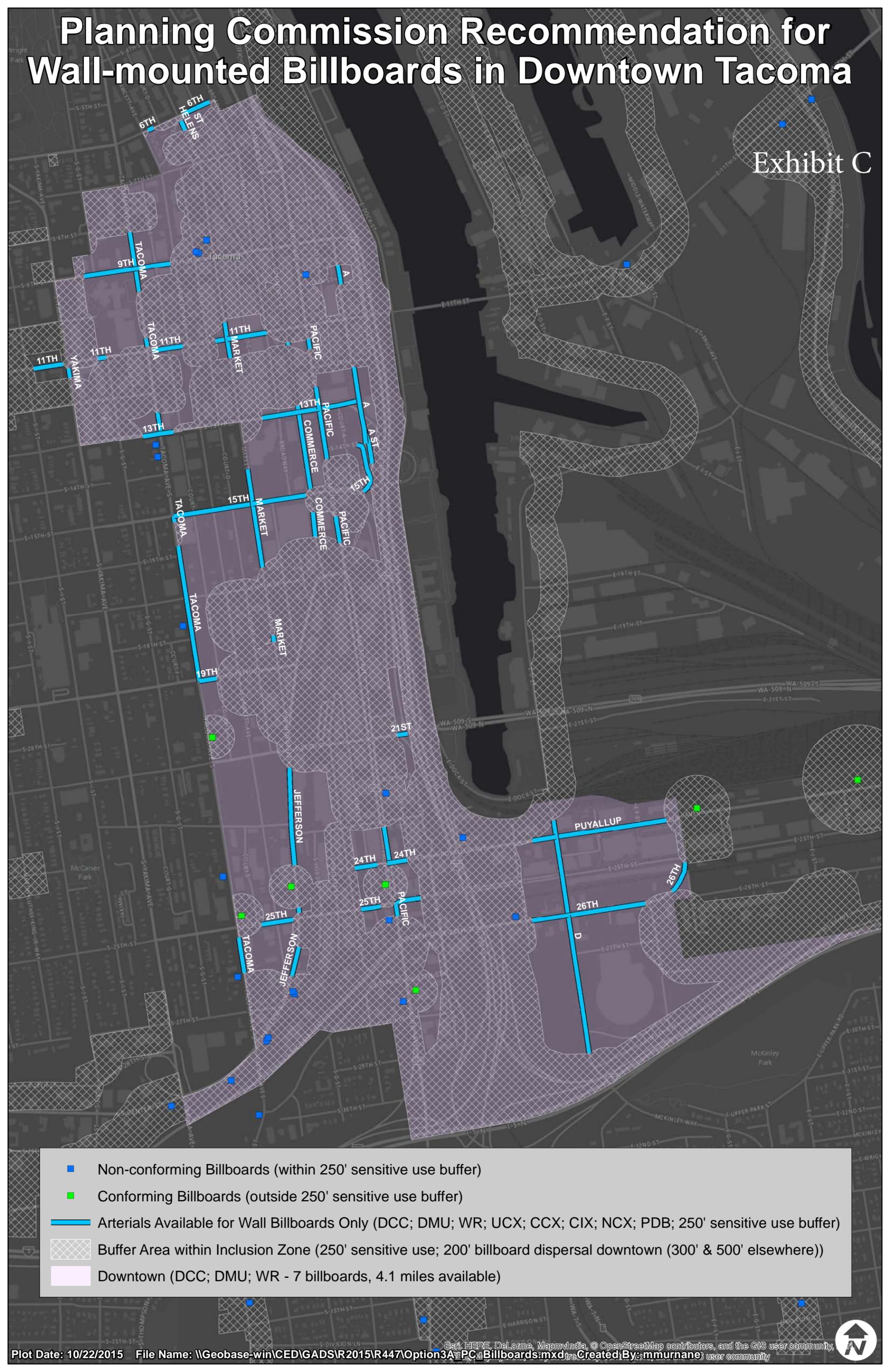


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# Planning Commission Recommendation for Wall-mounted Billboards in Downtown Tacoma

Exhibit C



- Non-conforming Billboards (within 250' sensitive use buffer)
- Conforming Billboards (outside 250' sensitive use buffer)
- Arterials Available for Wall Billboards Only (DCC; DMU; WR; UCX; CCX; CIX; NCX; PDB; 250' sensitive use buffer)
- Buffer Area within Inclusion Zone (250' sensitive use; 200' billboard dispersal downtown (300' & 500' elsewhere))
- Downtown (DCC; DMU; WR - 7 billboards, 4.1 miles available)

