



ORDINANCE NO. 27982

1 AN ORDINANCE relating to land use and zoning; adopting an immediate
2 moratorium on the acceptance of applications for the installation,
3 erection, construction, replacement, modification, or improvement of
4 static or changing electronic, digital, or changeable message billboards
5 in all zoning districts, such moratorium to be effective for a period of
6 six months; referring the moratorium to the Planning Commission to
7 develop findings of fact and recommendations by June 1, 2011, on the
8 need for and duration of the moratorium; setting July 12, 2011, as the
9 date for the public hearing on the moratorium; declaring an emergency in
10 the passage of this ordinance to become effective immediately upon
11 publication; and providing for severability.

12 WHEREAS the City regulates signs and displays on signs in all zoning
13 districts to reduce potential traffic safety hazards and visual blight, and

14 WHEREAS billboards are currently permitted in several zoning districts
15 in the City, and

16 WHEREAS digital signs and billboards or electronic variable message
17 signs are being installed throughout the United States that include digital
18 technology, light-emitting diodes ("LEDs"), and electronic graphic displays that
19 permit signs to display an electronic image similar to a color television set and
20 that permit a displayed image to quickly change from one image to another,
21 and

22 WHEREAS changeable electronic variable message signs, which allow
23 operators to change content from remote locations in a matter of seconds, are
24 erected for the purpose of trying to get the attention of pedestrians and
25 motorists by changing messages and pictures for short durations using a series
26 of contrasting images produced mainly via LED technologies, and



1 WHEREAS the City is currently engaged in an extensive process to
2 study and evaluate modifications to its billboard regulations for both static and
3 digital billboards, and

4 WHEREAS, at the direction of the City Council, the City's Planning
5 Commission has spent significant time considering proposed billboard
6 regulations and receiving public comment, and

7 WHEREAS, through the public process for the proposed billboard
8 regulations, the City has received citizen, business interest, and sign industry
9 input regarding the proposed changes, and

10 WHEREAS, based upon the Planning Commission's work and public
11 input, the City Council desires to study the issues further and engage
12 stakeholders in order to fully explore the impacts of the proposed regulations,
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15 WHEREAS it is necessary to adopt a moratorium ordinance for all
16 zoning districts within the City to preserve the status quo and prevent significant
17 investment pending the outcome of the above work, and
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19 WHEREAS, pursuant to RCW 35.63.200 and RCW 36.70A.390, the City
20 may adopt an immediate moratorium for a period of up to six months, provided
21 that the City holds a public hearing on and adopts findings of fact related to the
22 proposed moratorium within 60 days after its adoption; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the "WHEREAS" clauses above are hereby adopted by reference as the City Council's findings of fact, as if fully set forth herein.

Section 2. That a moratorium is hereby adopted on the permitting, installation, erection, or construction of any new billboard or digital billboard or the alteration, modification, or replacement of any existing billboard, so that the new or existing billboard (as altered or modified) uses static or changing electronic, digital, or video display or flashing, motion, animated, or changeable electronic variable message copy. The moratorium applies in all zoning districts. Static copy on existing billboards may continue to be changed.

Section 3. For purposes of this moratorium, "billboard" means an off-premises sign greater than 72 square feet in size. This type of sign is generally composed of poster panels or bulletins mounted on a building wall or free-standing structure, or painted directly on the wall or free-standing structure, and is also referred to as a static billboard.

Section 4. That for purposes of this moratorium, "digital billboard" means an 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.

Section 5. That an off-premises sign is a permanent sign not located on the premises of the use or activity to which the sign pertains.



1 Section 6. That, pursuant to Section 13.02.055 of the Tacoma Municipal
2 Code, the City Council hereby refers the interim moratorium to the Planning
3 Commission to develop findings of fact and recommendations by June 1, 2011,
4 on the need for and duration of the moratorium.

5 Section 7. That notice of and hearing on this ordinance, in the normal
6 course, would undermine effective City planning by allowing the establishment
7 of or the submittal of permit applications between the time notice was published
8 and the time the ordinance was passed to vest to City regulations which may be
9 inadequate to protect the public health, safety, and general welfare. Therefore,
10 for this reason, the City Council hereby finds and declares that an emergency
11 exists and that the 180-day interim moratorium imposed by this ordinance shall
12 become effective immediately upon passage of this ordinance and its
13 publication, unless repealed, extended, or modified by the City Council after
14 subsequent public hearings and entry of appropriate findings of fact pursuant to
15 RCW 35.63.200. Pursuant to Matson v. Clark County Board of Commissioners,
16 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support
17 this emergency declaration are included in the "WHEREAS" clauses, above, all of
18 which are adopted by reference as findings of fact, as if fully set forth herein.
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21 Section 8. That, pursuant to RCW 35.63.200, the City Council will hold a
22 public hearing on this moratorium on July 12, 2011.

23 Section 9. That, if any section, subsection, paragraph, sentence, clause,
24 or phrase of this ordinance or its application to any person or situation should
25 be held to be invalid or unconstitutional for any reason by a court of competent
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jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
constitutionality of the remaining portions of this ordinance or its application to
any other person or situation.

Passed MAY 17 2011


Mayor

Attest:


City Clerk

Approved as to Form:


Deputy City Attorney