



ORDINANCE NO. 28014

1 BY REQUEST OF DEPUTY MAYOR WALKER AND COUNCIL MEMBERS
2 MELLO, FEY AND CAMPBELL

3 AN ORDINANCE adopting an immediate six-month moratorium relating to land use
4 and zoning, establishing a moratorium on the acceptance of applications for
5 new building or other development permits associated with the
6 establishment, location, or permitting of retail establishments that exceed
7 65,000 square feet in the aggregate, and establishing a plan and dates for
8 review and development of regulations relating to these types of large retail
9 establishments; referring the moratorium to the Planning Commission to
10 hold a public hearing to develop findings of fact and recommendations by
11 October 19, 2011, including the need for and the duration of the moratorium;
12 setting October 25, 2011 as the date for a public hearing on the moratorium;
13 declaring an emergency in the passage of this ordinance providing that the
14 moratorium will take effect immediately upon adoption and publication and,
15 unless extended, will sunset within six (6) months of the date of adoption;
16 and providing for severability.

17 WHEREAS large retail sales establishments of various formats may have
18 unintended and often unconsidered economic, environmental and social impacts
19 which outweigh or diminish the benefits of such establishments, and

20 WHEREAS such impacts may include the increased costs of public
21 infrastructure, such as roads, sewers, storm and water lines, increased costs for
22 public services, such as law enforcement, fire, and other emergency services, and
23 increased tolls on the environment, and such costs may diminish or exceed the
24 public revenue generated from such establishments, and

25 WHEREAS the City requires time to conduct appropriate research and
26 analysis of these types of uses and the impacts of this kind of development, and to
ensure that such uses are developed in a manner that is consistent with the
policies and intent of the Comprehensive Plan and in a manner that minimizes or
mitigates any community impacts, and



1 WHEREAS the citizens of Tacoma are concerned about potential negative
2 economic and environmental impacts of larger retail sales establishments on the
3 community and existing businesses, particularly smaller local businesses, both in
4 the retail sphere and in supporting areas, and

5 WHEREAS the City Council supports environmental responsibility and a
6 sustainable, local economy, and

7 WHEREAS the City Council believes in promoting competition to protect
8 and benefit the public interest, and such large retail sales establishments may limit
9 competition by causing the loss of existing, smaller businesses, and
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11 WHEREAS a moratorium on the issuance of permits for large retail sales
12 establishments is necessary to enable the City Council to consider whether to
13 amend the City's development regulations to formulate criteria which will address
14 economic, environmental and other impacts, and to hold a public hearing on the
15 moratorium within 60 days of the commencement of the moratorium, and
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17 WHEREAS, the potential adverse impacts on the economy, the
18 environment, public health, public safety, public property and public peace justify
19 the passage of an emergency ordinance, and

20 WHEREAS, pursuant to RCW 35.63.200 and RCW 36.70A.390, the City
21 may adopt an immediate moratorium for a period of up to six months, provided that
22 the City holds a public hearing on and adopts findings of fact related to the
23 proposed moratorium within 60 days after its adoption; Now, Therefore
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25 BE IT ORDAINED BY THE CITY OF TACOMA:
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1 Section 1. That pursuant to the provisions of RCW 36.70A.390, a
2 moratorium is hereby imposed on the filing, acceptance, and processing of
3 applications for land use, building permits or other development permits associated
4 with the establishment, location, or permitting of retail sales establishments with a
5 floor area greater than 65,000 square feet in size, unless complete applications
6 were filed with the City prior to the effective date of this ordinance.

7 Section 2. That this moratorium shall be in effect for six (6) months
8 following the effective date of this ordinance, and may be renewed as provided by
9 law.
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11 Section 3. That, pursuant to Section 13.02.055 of the Tacoma Municipal
12 Code, the City Council hereby refers the moratorium to the Planning Commission
13 for its review at its next available meeting on September 21, 2011, and to hold a
14 public hearing and develop findings of fact and recommendations, including the
15 need for and duration of the moratorium, by October 19, 2011.
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17 Section 4. That as required by RCW 36.70A.390, within sixty (60) days of
18 passage of this ordinance the City Council will hold a public hearing on this
19 moratorium and will adopt the necessary findings required by law.

20 Section 5. That during the moratorium, the City Manager is authorized to
21 direct City staff to study and report both to the Planning Commission and to the
22 City Council at appropriate times and places as to whether the City code should be
23 amended to address the impacts, particularly economic, environmental and social,
24 and/or to provide mitigation requirements for large retail sales establishments.
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Section 6. That this Ordinance shall be transmitted to Washington State Department of Commerce, pursuant to RCW 36.70A.106.

Section 7. That for the reasons set forth above, and to promote the objectives stated above, the City Council finds that a public emergency exists, necessitating that this ordinance take effect immediately upon its passage and publication unless repealed, extended, or modified by the Tacoma City Council after subsequent public hearings and entry of appropriate findings of fact pursuant to RCW 35.63.200.

Section 8. That if any section, subsection, paragraph, sentence, clause, or phrase of this ordinance, 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 ordinance or its application to any other person or situation.

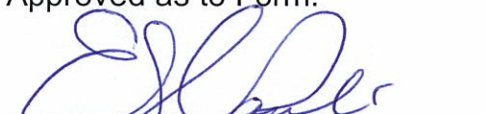
Passed AUG 30 2011


Mayor

Attest:


City Clerk

Approved as to Form:


City Attorney