

## Members

Jeremy C. Doty, Chair  
Thomas C. O'Connor, Vice-Chair  
Chris Beale  
Peter Elswick  
Donald Erickson  
Sean Gaffney  
Scott Morris  
Ian Morrison  
Matthew Nutsch

## Community and Economic Development Department

Ryan Petty, Director  
Peter Huffman, Assistant Director  
Charles Solverson, P.E., Building Official

## Public Works and Utilities Representatives

Jim Parvey, City Engineer/Assistant Director, Public Works Department  
Heather Pennington, Resource Planning Manager, Tacoma Water  
Diane Lachel, Community and Government Relations Manager, Click! Network, Tacoma Power



# Agenda

## Tacoma Planning Commission

747 Market Street, Room 1036  
Tacoma, WA 98402-3793  
253-591-5365 (phone) / 253-591-2002 (fax)  
[www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)

(Agenda also available online at: [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) > "Planning Commission" > "Agenda Packets")

**MEETING:** Regular Meeting

**TIME:** Wednesday, May 18, 2011, 4:00 p.m.

**PLACE:** Room 16, Tacoma Municipal Building North  
733 Market Street, Tacoma, WA 98402

### A. CALL TO ORDER

### B. QUORUM CALL

**C. APPROVAL OF MINUTES** – Regular Meeting of April 6, 2011 (as amended on 5-4-11)  
Regular Meeting of April 20, 2011  
Regular Meeting of May 4, 2011

### D. GENERAL BUSINESS

#### (4:05 p.m.) 1. Billboard Regulations

Description: Complete the review of the proposed code revisions for billboards and consider making a recommendation to the City Council

Actions Requested: Recommendation

Support Information: See "Agenda Item GB-1"

Staff Contact: Shirley Schultz, 591-5121, [shirley.schultz@cityoftacoma.org](mailto:shirley.schultz@cityoftacoma.org)

#### (5:00 p.m.) 2. Downtown Parking Requirements

Description: Review the proposed scope of work for considering the elimination of off-street parking requirements in the Downtown Commercial Core zone and historic districts

Actions Requested: Review; Discussion; Direction

Support Information: See "Agenda Item GB-2"

Staff Contact: Chelsea Levy, 591-5393, [clevy@cityoftacoma.org](mailto:clevy@cityoftacoma.org)



**E. COMMUNICATION ITEMS**

1. Announcement: “A Regional Short Course on Local Planning”, June 13, 2011, Department of Commerce – “*Agenda Item C-1*”
2. City Council Public Hearing – The City Council will conduct a public hearing on May 24, 2011, concerning the Planning Commission’s recommendations on the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2011. ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) > “2011 Annual Amendment”)
3. Planning Commission Openings – The City Council is seeking interested and qualified citizens to fill three positions on the Planning Commission, representing Council District No. 1 (West End and North End), Development Community, and Public Transportation, for a 3-year term from July 1, 2011 to June 30, 2014. Applications must be submitted to the Mayor’s Office by Friday, June 10, 2011. ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) > “Planning Commission”)
4. 2012 Annual Amendment – The Planning Commission is accepting applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2012. Applications must be submitted by Thursday, June 30, 2011. ([www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) > “2012 Annual Amendment”)

**F. COMMENTS BY LONG-RANGE PLANNING DIVISION**

**G. COMMENTS BY PLANNING COMMISSION**

**H. ADJOURNMENT**

## Members

Jeremy C. Doty, Chair  
Thomas C. O'Connor, Vice-Chair  
Chris Beale  
Peter Elswick  
Donald Erickson  
Sean Gaffney  
Scott Morris  
Ian Morrison  
Matthew Nutsch

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# Minutes

## Tacoma Planning Commission

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[www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning)

**(For Review/Approval on 5-18-11, *continued from 5-4-11*)**

MEETING: Regular Meeting

TIME: Wednesday, April 6, 2011, 2011, 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North  
733 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Chris Beale, Peter Elswick, Donald Erickson, Sean Gaffney, Matthew Nutsch, Ian Morrison

Members Absent: Thomas O'Connor (Vice-Chair), Scott Morris

Staff Present: Steve Atkinson, Elliott Barnett, Brian Boudet, Jana Magoon, Shirley Schultz, Reuben McKnight, Lihuang Wung, Chelsea Levy, Cheri Gibbons, Karla Kluge, Lisa Spadoni, Noah Yacker (Building and Land Use Services); Joshua Diekmann (Public Works); Tadas Kisielius (Gordon Derr, LLP); Kim Van Zwalenburg (DOE)

Chair Doty called the meeting to order at 4:02 p.m. The minutes for the meeting on February 2, 2011 and for the meeting and public hearing on March 2, 2011 were approved as submitted.

## **GENERAL BUSINESS**

### **1. Billboard Regulations**

Ms. Shirley Schultz provided an overview of testimony received at the March 16, 2011 public hearing and through the comment period ending on March 25, concerning the proposed code revisions for billboards. She distributed to the Commissioners the public comments that were compiled in two volumes. She stated that there were over 350 people that had some type of input on this amendment and that the public is overwhelmingly (approximately 95%) opposed to having digital billboards in the City.

The Commissioners voiced questions and concerns about what were the expectations of the City Council and the Mayor in finalizing this proposed amendment to the billboard regulations. The main concern asked was "what role does the Council see the Commissioners performing in reaching a final recommendation?" There was strong concern that the Council has asked the



Commission to review the proposed regulations that are inconsistent with the City's adopted policies pertaining to prohibition of billboards, and that the Commission should perhaps recommend "no" to the Council. There was also some concern expressed as to not having enough information on how other cities addressed the issue of digital billboards for the Commission to make a determination. A number of Commissioners stated that the digital billboard question is such new technology that there needs to be more investigation made before making any recommendations. Others expressed concerns that the settlement agreement with Clear Channel is still a sticking point. Mr. Brian Boudet explained that all the facets involved in changing the existing billboard regulations and eventually giving a final recommendation to the Council could be considered by the Commissioners. He stressed that all of the issues the Commissioners had expressed concerns about were valid responses that could be conveyed to the Council.

Ms. Schultz indicated that the Commission is scheduled on April 20 to review the public comments in greater detail as well as staff responses to the comments. The Commission will continue the review on May 4 and is scheduled to make a recommendation to the City Council at the May 18 meeting.

## **2. Master Program for Shoreline Development**

Mr. Stephen Atkinson, Long Range Planner, and Tadas Kisielius, a Partner in the firm of GordonDerr, LLP, presented the changes that have been made to public access requirements in the draft Tacoma Shoreline Master Program (TSMP) that was released in September 2010.

Mr. Atkinson reviewed the additions that were made as a result of past comments and queries from the Commission. Most of the discussion focused on the constitutionality issues that need to be included in the amendment. He also went over the permitting process for a Shoreline Development Permit and the appeal process and the City staff that are involved in this process. He is proposing that the process be more streamlined. Mr. Atkinson noted that the Hearings Examiner and Shoreline Hearings Board (SHB) appeals are duplicative. By appealing directly to the SHB, the appeal process would proceed more quickly to Superior Court where appeals on constitutionality grounds can be directly addressed. Mr. Atkinson covered additions that have made in regard to restoration process and buffer regulation for some of the City's waterways to provide flexibility for site specific buffers where restoration projects might inadvertently cause harm to adjacent properties. Some new language was added to the draft to address mitigation banks. He stated that there really are no major changes, but only moving of Code language in to groups that are more related.

The Commissioners questioned why the fee-in-lieu provision for public access was deleted from the draft. Discussion ensued, and the Commissioners felt that the fee-in-lieu should be added to the draft but reframed so that it would only be an option where on site access could not be provided. Mr. Atkinson concluded with some additional changes that he had made as far as elimination of sign code standards in the shoreline, moorage facilities, district boundaries, use and development table, changes for permitted uses to Hylebos Creek, and other types of transportation facilities.

The Commissioners asked questions regarding inclusion of a section of natural designations. Mr. Atkinson explained the "why and wherefores" for inclusion or exclusion of natural designations. There were also questions regarding over-water residences. Ms. Kim Van Zwalenburg from the Department of Ecology discussed the impacts associated with over-water

residential uses. The Commissioners asked for clarification on language that says “should” and “shall” in certain instances. Mr. Atkinson explained that the definitions are consistent with the Washington Administrative Code and that in some cases the definitions are different than are otherwise used under the Growth Management Act (GMA) or under Tacoma Municipal Code 13.06. There were also questions regarding the preference given to single-family residential development under GMA and whether that could also be granted to multifamily residential development.

Mr. Atkinson concluded by stating that staff will present a final draft TSMP at the next meeting on April 20 for the Commissioners’ review and the Commission will be requested to authorize the public distribution of the document and set a date for a public hearing.

### **3. 2011 Annual Amendment**

Mr. Brian Boudet presented the Summary of Public Comments and Staff Responses Report which summarized the public comments received in March 2011 and provided a staff response or recommendation as appropriate, concerning the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2011. He indicated that, of the 8 applications in the Annual Amendment Package, #2011-04 (Water Level of Service), #2011-05 (Transportation Element), #2011-08 (Regulatory Code Refinements) and #2011-09 (SEPA Regulations) did not receive any comment. No changes are proposed to these applications as submitted for public review during the public hearing process, except that #2011-08 will incorporate supplemental clarifications as presented in the Commission’s agenda packet, Mr. Boudet stated. The Commissioners concurred.

For #2011-01 (49<sup>th</sup> Street & Pine Intensity and Zoning Change), Mr. Boudet indicated that public comments were primarily concerning the potential for increased traffic and the lack of recreational facilities serving the new growth in the area. He reviewed the corresponding staff responses and analysis as documented in the report and facilitated the Commissioners’ discussion. Mr. Boudet stated that staff would not recommend any change to the application, to which the Commissioners had no objection.

For #2011-06 (Regional Centers and Safety-Oriented Design), Mr. Boudet noted that comments were generally supportive of the proposed safety-oriented design policies but mixed regarding the proposal to adopt the Downtown Regional Growth Center as part of the Comprehensive Plan. Staff proposed no change to the application. The Commissioners concurred.

For #2011-07 (Parks Zoning and Permitting), Mr. Elliott Barnett reported that public comments were supportive, with some concerns and suggestions relating to landscaping exemptions for school playgrounds, readerboard signs for schools and churches, and siting of portables on school properties. Staff recommends extending, to schools and churches, the proposed change to allow parks one additional free-standing sign, 30 square feet in area, on each additional street frontage. Staff also recommends several technical and minor policy changes, as documented in the report. The Commissioners concurred.

For #2011-02 (Historic Preservation Plan and Code revisions), Mr. Reuben McKnight, Historic Preservation Officer, stated that public comments were mostly supportive of adopting the new Historic Preservation Plan and continuing to expand the City’s historic preservation program. A lot of comments were pertaining to conservation districts and were provided by residents from the West Slope neighborhood. The issues reflected in public comments ranged from design

review trumping the zoning code, administrative design guidelines, and determination of economic hardship, to the applicability of parking exemption, transfer of development rights, and the creation of a “West Slope Conservation District.” Mr. McKnight noted that at this time, the merits of a “West Slope Conservation District” are not under consideration by the Planning Commission. He also indicated that, in response to the various comments, staff is recommending some changes, as documented in the report, which will be incorporated in the final versions of the proposed Historic Preservation Plan and the proposed Code Revisions for the Commissioners’ review at the next meeting on April 20. The Commissioners concurred.

### **COMMUNICATION ITEMS**

Chair Doty acknowledged receipt of the following:

1. E-mail from Heidi Stephens, March 24, 2011, regarding Gray Middle School and Barlow Annex in South Tacoma
2. Petitions in Opposition to Old Tacoma Residential Historic District Designation, from Homeowners Committee Opposed to Historic Designation, March 25, 2011
3. E-mail from Pierce Transit, March 29, 2011, regarding Pierce Transit Reduction Plan and Public Hearings in April

### **COMMENTS BY LONG-RANGE PLANNING DIVISION**

Mr. Barnett reported on the well-attended public workshop held on March 31, 2011, regarding the future of the Bayside Trails and Schuster Parkway slope open space area. He described the scope of work and the project timeline for the Bayside Trails, and facilitated the Commissioners’ discussion. The Commissioners showed enthusiasm for developing and improving the trails and had many suggestions and comments for Mr. Barnett.

Mr. Boudet reported on a community meeting held on April 5, 2011, regarding Traffic Calming on Park Avenue. Facilitated by City staff, the meeting was to solicit citizens’ comments on the proposed prioritization of S. Park Avenue from 96<sup>th</sup> to 40<sup>th</sup> for future funding, as part of the implementation of the Mobility Master Plan.

Mr. Boudet provided a status report of the proposed Wedge Neighborhood Historic Special Review Overlay District, for which the City Council held a public hearing in July 2010 based on the Planning Commission’s recommendations. The Council held a study session on April 5, 2011 and is in the process of developing an ordinance to be considered for adoption in May 2011.

### **COMMENTS BY PLANNING COMMISSION**

None.

### **ADJOURNMENT**

The meeting adjourned at 6:51 p.m.

**Members**

Jeremy C. Doty, Chair  
 Thomas C. O'Connor, Vice-Chair  
 Chris Beale  
 Peter Elswick  
 Donald Erickson  
 Sean Gaffney  
 Scott Morris  
 Ian Morrison  
 Matthew Nutsch



# Minutes

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**(For Review/Approval on 5-18-11)**

MEETING: Regular Meeting

TIME: Wednesday, April 20, 2011 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North  
 733 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Thomas O'Connor (Vice-Chair), Chris Beale, Peter Elswick, Donald Erickson, Scott Morris, Matthew Nutsch, Ian Morrison

Members Absent: Sean Gaffney

Staff Present: Donna Stenger, Stephen Atkinson, Brian Boudet, Shirley Schultz, Lisa Spadoni, Reuben McKnight, Diane Wiatr, Liz Kaster, Cheri Gibbons, Lihuang Wung, Noah Yacker (Building and Land Use Services); Josh Diekmann (Public Works); Shelley Kerlake (legal counsel); Kim Van Zwalenburg (DOE)

Chair Doty called the meeting to order at 4:03 p.m.

Ms. Diane Wiatr provided a special report on the upcoming "May is Bike Month" events and encouraged the Commissioners to actively participate, which is intended to promote bike riding as an alternative way to travel for work and leisure.

**GENERAL BUSINESS****1. Billboard Regulations**

Ms. Shirley Schultz presented the "Summary of Public Comments and Staff Responses Report" that summarized all of the issues and concerns raised in public testimony received at the March 16, 2011 public hearing and through the comment period ending on March 25, concerning the proposed code revisions for billboards. The report also provided staff responses and recommendations for modifications to the draft proposed regulations, where appropriate.

To facilitate the Commissioners' discussion, Ms. Shelley Kerlake, the City's legal counsel, stated that the City Council expectations from the Commissioners was to give their fair and reasonable recommendations based on the facts presented to them from the City staff and the



comments that were expressed in the public hearing. She added that any lawsuits that may occur in the future as a result of the Settlement Agreement with the City would be entirely under the auspices of the City Council.

Ms. Schultz followed by providing an evaluation on the comments received and clarifying some of the major points that appeared to be not clearly understood by some of the commentators at the public hearing. One of the major points was a misconception that digital billboards would be replacement billboards when in fact a digital billboard could be an additional billboard in a receiving area. Aesthetic concerns were in the forefront of comments that were given, safety issues were mentioned for high traffic areas, and objections to the Settlement Agreement were raised a number of times during the public hearing. A few written comments were favorable for Clear Channel and some of the comments that Ms. Schultz expressed appreciation for some of the billboards that Clear Channel had put up as a public service. Commissioners asked what percentage spoke in favor of billboards and how many disagreed – the ratio was 95 per cent opposed to the proposed changes and 5 per cent in support of either Clear Channel or the proposed changes.

Ms. Schultz asked for suggestions from the Commissioners on what they would like to see staff address as a result of all the comments that have been submitted. The Commissioners expressed that they still have real concerns with the replacement provisions, buffer areas and receiving areas and do not wish to endorse the code as it is presently proposed. The Commissioners also brought up issues such as lighting, timeline for amortization, excluding school zones, and billboards locating on primary pedestrian corridors. The Commission noted that billboards on primary pedestrian streets and in mixed use centers are incompatible with Comprehensive Plan policies pertaining to pedestrian friendly environment.

Ms. Schultz stated that at the next meeting staff could provide additional information on the proposed receiving areas related to pedestrian streets, mixed use zoning and buffers. The schedule calls for the Commission to make a recommendation on May 18.

## **2. Master Program for Shoreline Development**

Mr. Stephen Atkinson came before the Commission to request authorization to release the revised draft of the Shoreline Master Program and associated documents for public review and comment, to set June 1, 2011 for public hearing, and to set the public comment period to remain open until June 10, 2011. Prior to authorizing the public hearing, Commission and staff discussed several topics, including the science that was used in developing recommendations for wetland buffer standards, the different standards for scientific information used under the Growth Management Act versus the Shoreline Management Act, and when and how the Department of Ecology will provide comments on the draft.

Mr. Atkinson then gave a synopsis of the staff report, including a discussion of the revisions to the preliminary draft that was released in September 2010; the considerable amount of meetings, reviews, and public comments that have gone in to developing the revised draft; the applicable State laws; the consistency of the proposed draft with the Multicounty Planning Policies, County-wide Planning Policies and City of Tacoma Comprehensive Plan; as well as a summary of the proposed amendments, including proposed area-wide rezones.

The Commissioners unanimously authorized the distribution of the draft Shoreline Master Program and associated documents, as presented, for the purpose of seeking public comments at the public hearing scheduled for June 1, 2011.



### **3. 2011 Annual Amendments**

Ms. Donna Stenger presented the draft Findings and Recommendations and the draft Letter of Recommendation concerning the 2011 Annual Amendments to the Comprehensive Plan and Land Use Regulatory Code. She indicated that the Commission had completed its review at the last meeting on April 6 of all the applications included in the Amendment Package, except Application #2011-02 Historic Preservation Plan and Code Revisions. Mr. Reuben McKnight, Historic Preservation Officer, provided a brief overview of changes to the draft Plan and Code Revisions, based on public comments, staff analysis and Commissioners' suggestions. At the conclusion of staff presentation, the Commissioners voted unanimously to forward the Letter of Recommendation, the Findings and Recommendations Report, and the proposed amendments, as presented, to the City Council for consideration for adoption.

### **COMMUNICATION ITEMS**

Chair Doty acknowledged receipt of the following:

1. "May is Bike Month!" Poster
2. Announcement regarding the three openings on the Planning Commission.
3. Announcement regarding acceptance of applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2012.

### **COMMENTS BY LONG-RANGE PLANNING DIVISION**

Ms. Stenger reported that the City Council is scheduled on May 10, 2011 to consider the first reading of ordinance to adopt the proposed Wedge Neighborhood Historic Special Review Overlay District. The City Council conducted a public hearing in July 2010 and a study session on April 5, 2011, concerning the proposal, as recommended by the Planning Commission. The boundaries of the historic district may be modified during the Council's adoption process based upon preliminary discussion of the recommended boundaries by the Council, Ms. Stenger added.

Ms. Stenger also responded to the Commissioners' inquiry about the Old Town Historic District proposal initiated by the citizens in the neighborhood that is currently in the initial review process by the Landmarks Preservation Commission.

### **COMMENTS BY PLANNING COMMISSION**

Commissioners Morrison, Beale and Erickson disclosed their recent contacts with citizens: Commissioner Morrison was contacted by Walk the Waterfront and Citizens for a Healthy Bay; Commissioner Beale by Tricia DeOme of the Central Neighborhood Council; and Commissioner Erickson by Sharon Winters of Historic Tacoma and Doug Schafer of the Central Neighborhood Council.

### **ADJOURNMENT**

The meeting adjourned at 6:30 p.m.



**Members**

Jeremy C. Doty, Chair  
 Thomas C. O'Connor, Vice-Chair  
 Chris Beale  
 Peter Elswick  
 Donald Erickson  
 Sean Gaffney  
 Scott Morris  
 Ian Morrison  
 Matthew Nutsch



# Minutes

## Tacoma Planning Commission

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**(For Review/Approval on 5-18-11)**

MEETING: Regular Meeting

TIME: Wednesday, May 4, 2011 4:00 p.m.

PLACE: Room 16, Tacoma Municipal Building North  
733 Market Street, Tacoma, WA 98402

Members Present: Jeremy Doty (Chair), Thomas O'Connor (Vice-Chair), Chris Beale, Sean Gaffney, Donald Erickson, Scott Morris, Matthew Nutsch, Ian Morrison

Members Absent: Peter Elswick

Staff Present: Donna Stenger, Brian Boudet, Shirley Schultz, Lisa Spadoni, Cheri Gibbons, Chelsea Levy, Lihuang Wung (Building and Land Use Services); Josh Diekmann (Public Works)

Chair Doty called the meeting to order at 4:04 p.m.

The minutes for the meeting of February 16, 2011 were reviewed and approved as submitted.

The minutes for the meeting on March 16, 2011 were reviewed, along with a proposed amendment to the 2<sup>nd</sup> paragraph under the public hearing item "Billboard Regulations." The amendment, prepared by staff per the request of Commissioner Erickson, would clarify what the presenter (Ms. Shelley Kerlake) had stated, i.e., the Commission could recommend code changes that differ from the framework in the settlement agreement, at which point the City Council will decide if they want to adopt the recommended changes that may result in continued litigation. The minutes of March 16, 2011 were approved as amended.

The minutes for the meeting on April 6, 2011 were reviewed. Commissioner Gaffney expressed the concern that the transcript regarding the "Billboard Regulations" did not reflect the comment he had made concerning that the proposed regulations are inconsistent with the City's Comprehensive Plan adopted policies. Chair Doty asked that the minutes be amended accordingly and the consideration for approval be held over until the next meeting.



## **GENERAL BUSINESS**

### **1. Billboard Regulations**

Ms. Shirley Schultz, Building and Land Use Services, presented information in response to answers to questions and concerns that the Commissioners raised during the last meeting of April 20, 2011. Specifically, Ms. Schultz covered the following topics:

- Additional information on Special Receiving Areas to supplement the materials from the January 5, 2011, Commission meeting (Ms. Schultz used special maps during discussion to highlight locations and zoning for the areas.)
- Special Receiving Areas – Potential options to revise draft code
- Additional information on lighting and image standards
- Some proposed options to revise the public review draft code based on previous Commission discussions

The Commissioners objected to digital billboards being placed in the Special Receiving areas and agreed that if they are allowed, they should only be in areas currently zoned for billboards. Based on previous discussion with the Commission, staff provided three options for changing the existing draft code and forwarding a recommendation to the City Council. Of the three, the Commission was in favor of the option that would not allow digital billboards in Mixed Use Zones or near residential areas.

Staff stated that the necessary changes to the draft code would be made consistent with Option 3. In addition to implementing the preferred option, Ms. Schultz also reviewed staff-generated changes to the draft code. These included new guidelines concerning buffer requirements, Amber alerts, acceptable standards for lighting, etc. The Commission determined additional changes that should be made, including a longer static image time, larger buffer from sensitive uses, and restriction of size to 300 square feet for all billboards. They also requested that a finding be developed to reflect that amortization is an acceptable approach to nonconforming signs, and that an amortization clause remain in the billboard code. They also noted that the amortization period has now been in place for approximately 14 years and extending the period an additional 6 years to allow for a total of 20 years seemed defensible as a reasonable time period for compensation.

However, following much discussion about the Comprehensive Plan and previous planning actions related to billboards, the Commission stated that their preferred recommendation was that digital billboards be prohibited outright. This is the recommendation that they would like to forward to the Council, and Ms. Schultz indicated that an appropriate code amendment would be prepared to accompany the report and recommendation. The Commission requested staff to prepare a draft recommendation that would oppose digital billboards and to retain amortization as a way to address nonconforming signs. They agreed to recommend some changes to the sign code that would clarify and correct inconsistencies that were noted through the review process.

The Commission also discussed that the draft code that was developed to implement the terms of the settlement agreement should be modified based upon testimony and although not recommended could be provided to the Council as a draft work product. The Commission also expressed their frustration on the inadequate time to fully study the issues and the need for a larger public policy discussion before changing city codes. The terms of the settlement

agreement represented a shift in policy that in some parts was contrary to the Comprehensive Plan. The lack of conclusive data on driver safety also was a point of contention among the Commission members. Even though the revised public review draft code is not recommended it is not complete either. The Commission agreed to share the revised version with the City Council noting that it represents a work in progress at best.

The Commission also requested that a joint study session be scheduled with the City Council to review the Commission's recommendations and to discuss the Commission's concerns on various policy issues.

### **COMMUNICATION ITEMS**

Chair Doty acknowledged receipt of the following:

1. Resolution No. 38247, April 19, 2011, concerning the City's vision and definition of sustainability
2. Letter from Jim & Carol Bisceglia, April 25, 2011, regarding Proposed Old Town Neighborhood Historic District
3. Announcement regarding the three openings on the Planning Commission.
4. Announcement regarding acceptance of applications for amending the Comprehensive Plan and/or Land Use Regulatory Code for 2012.

### **COMMENTS BY LONG-RANGE PLANNING DIVISION**

None.

### **COMMENTS BY PLANNING COMMISSION**

Commissioners made reference to getting e-mails from a citizen that contained inaccurate comments on the Planning Commission's public review draft of the Shoreline Master Program, with regards to the Sperry Ocean Dock property, as well as the Planning Commission's role in the shoreline permit process. Ms. Schultz responded with some background information on an ongoing appeal of a shoreline permit for Sperry Ocean Dock. Ms. Schultz informed the Commission that the current appeals case is before the Shorelines Hearings Board (SHB) concerning the Sperry Ocean Dock's permit has been very contentious. Throughout the process, a lot of meetings have been held in the community, where there might have been information misunderstood. The SHB has recently conducted a public hearing and is expected to make a decision on the appeal in mid-June. The decision cannot be based on the Planning Commission's review of the land use issues of various shoreline districts as part of the Shoreline Master Program Update, which is not yet complete or adopted.

### **ADJOURNMENT**

The meeting adjourned at 6:16 p.m.





**City of Tacoma**  
**Community and Economic Development Department**

**Agenda Item**  
**GB-1**

TO: Planning Commission  
FROM: Shirley Schultz, Principal Planner, Current Planning Division  
SUBJECT: Billboard regulations  
DATE: May 13, 2011

At the next meeting on May 18, 2011, the Planning Commission is scheduled to complete its review and make a recommendation to the City Council relative to potential code changes for digital billboards. Attached are four draft documents for discussion at the meeting:

1. Recommendation letter to the City Council
2. Findings and Recommendations Report
3. Recommended Code Amendments
4. Revised Public Review Draft – *Not Recommended*

Staff will review the attached materials and is seeking a recommendation to City Council.

If you have any questions or requests please contact Shirley Schultz at 591-5121 or [shirley.schultz@cityoftacoma.org](mailto:shirley.schultz@cityoftacoma.org).

Attachments

c: Peter Huffman, Assistant Director







**City of Tacoma  
Planning Commission**

DRAFT

May 18, 2011

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am forwarding our recommendations regarding changing the sign code to allow digital billboards in exchange for the removal of a large number of existing traditional billboards. Enclosed you will find our “Findings and Recommendations” that summarizes the draft amendments that were circulated for public review, public comments received, and the Commission’s recommendations.

The Commission emphatically urges the Council to say no to digital billboards. Nearly 350 community members spoke against allowing this new form of signage in our city. We understand the Council’s reluctance for prolonged litigation and the laudable goal of ultimately reducing the visual blight from existing billboards by instituting an exchange program, but the price to do so, as outlined in the settlement agreement, is too high. In 1988, this community and the Council declared that billboards are undesirable and capped the number of billboards that could be allowed. In 1997 the community and Council confirmed and strengthened this policy statement by instituting an amortization program designed to eliminate all billboards that were too big, too tall, too crowded together, or located too close to residential or shoreline districts, schools, parks, religious institutions or historic districts.

The proposed terms of the settlement with Clear Channel Outdoor would reverse these decisions and this long-standing policy. The departure from this policy, as outlined in the settlement agreement – which would not only eliminate the amortization provision but would also allow for new billboards that are digital, larger, and in areas where they have long been prohibited – does not mesh with the Commission’s understanding of Tacoma’s long-term vision to become a more attractive and livable city. The many citizens that testified to the Commission were very passionate and articulate in their opposition to allowing digital billboards and the terms of the settlement agreement. Many noted their dislike of existing traditional billboards and their wish for these signs to go away.

The Commission overwhelmingly believes that the prior decisions to prohibit billboards in most areas of the city and amortize existing nonconforming billboards remains the correct policy. The Commission has not been presented with any information that would indicate that the currently adopted policy and regulatory approach is not viable and in the best interests of this community. To the contrary, the Commission’s understanding is that precedent exists to support amortization as a viable mechanism to eliminate non-conforming billboards. Ultimately, if it is determined that the 10-year amortization period adopted in 1997 does not represent reasonable compensation to the owners of nonconforming billboards, the Commission strongly encourages the Council to consider extending the amortization period for an additional five or ten years to ensure adequate compensation while maintaining and continuing to pursue the longstanding desire of this community to no longer have billboards in many parts of our community.

We therefore are recommending that the sign code maintain the current limitations on traditional billboards and clearly prohibit digital billboards anywhere in the city. We are also recommending minor amendments to clarify and correct existing provisions, improve the definition for billboards, make the

**Honorable Mayor and Members of the City Council**

May 18, 2011

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nonconforming section more consistent with other sections of the code, and strengthen the requirements for aesthetics and maintenance of existing signs.

Citizen testimony also highlighted numerous concerns about digital billboards including light pollution, energy usage, compatibility with urban design and other policies, and most notably, concerns about public safety through increased driver distraction. The Commission concurs with many of these concerns. We attempted to modify the draft code that was circulated for public review to address these concerns but, in the end, felt that the proposed code changes to implement the settlement, even with modification, was not supportable. We also are providing this modified code which represents the culmination of our limited and unfinished study and review so that the Council can evaluate for itself the difficulty in reconciling the many objections and conflicting information that emerged through the public review. We note that that safety studies regarding driver distraction are inconsistent and inconclusive and more time is needed to study and gather expert testimony (expertise which may not be available) before a fully-informed recommendation can be made about performance standards for digital billboards, particularly on lighting levels and static image time. Lastly, the public testimony also highlighted many similar concerns regarding on-site digital signage, which is not well regulated by the current code. We recommend that any further work on sign regulations include an examination of on-site digital signage as well.

In conclusion, the Planning Commission strongly recommends that the City of Tacoma explicitly prohibit digital billboards and modify the sign code to clarify this prohibition, retain amortization and, if deemed necessary, extend the amortization period to provide adequate compensation. We respectfully request the City Council adopt the enclosed amendments to *Tacoma Municipal Code* 13.06.520 and 13.06.521, as recommended by the Planning Commission, and commit to their full implementation.

Sincerely,

JEREMY DOTY

Chair

JD:ss

Enclosures



## BILLBOARD CODE REVISIONS

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TACOMA PLANNING COMMISSION  
FINDINGS AND RECOMMENDATIONS (DRAFT)  
May 18, 2011

### A. SUBJECT

Amendments to the sign code to explicitly prohibit digital billboards and make minor revisions for clarity and consistency.

### B. SUMMARY OF PROPOSED AMENDMENTS

The attached amendments address several sections of *Tacoma Municipal Code (TMC)* 13.06.520 and 13.06.521, as follows:

1. Definitions are revised. The term “billboard” is defined in relation to size and location, rather than content. The term for “off-premises sign” has been revised to pertain to location rather than commercial content, and the definition of “sign” has been slightly revised to adopt a widely-accepted definition.
2. New billboards are listed as prohibited signs except that existing nonconforming signs in certain circumstances may be relocated; the restriction on billboards has been clarified to list digital billboards as prohibited entirely.
3. Language related to the Highway Beautification Act and Scenic Vistas Act has been strengthened to reflect that additional regulations beyond the *TMC* apply to billboards.
4. Language regarding billboards has been “cleaned up” to refer to faces rather than faces and structures.
5. Additional requirements for aesthetics and landscaping for standard billboards have been included.
6. The section regarding dispersal (how far apart billboards must be from each other) has been simplified.
7. The section regarding removal of nonconforming billboards when a site or building is modified has been changed significantly. Thresholds for removal have been aligned with other sections of the code which address nonconforming sites and structures. The requirement for a concomitant agreement has been deleted.

The full text of the proposed code amendments are attached as Exhibit A.

### C. 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.
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. In July 2010, the City Council accepted a settlement agreement with Clear Channel Outdoor, designed to put an end to ongoing litigation regarding billboards. The settlement agreement would allow new digital billboards in exchange for the removal of a significant number of nonconforming standard billboards.
9. Changes to the City’s sign regulations would be necessary to implement the terms of the settlement agreement. The sign regulations are part of the Land Use Regulatory Code and under the purview of the Tacoma Planning Commission.
10. The Planning Commission was asked to formulate code amendments using the settlement agreement as an initial framework, develop additional performance standards for digital billboards (size, height, image time, etc.), receive public comment on the framework and additional standards, and provide a recommendation to the Council.
11. The key terms of the agreement set forth the intent to reduce the number of existing billboards by establishing an exchange program. There are two parts to the exchange program for billboards under the agreement: (1) the first ten digital billboard faces and (2) subsequent digital billboard faces.
12. The Planning Commission began its review on December 15, 2010, when it established a draft schedule for review of the proposal and an overall scope for the project.
13. The general scope included development of regulations to address allowing digital billboards in certain specified areas of the city, as well as development of performance standards for digital billboards and a public review process of those proposed changes. The overall goal was to achieve a substantial reduction in the number of nonconforming standard billboards in exchange for the allowance of a limited number of digital billboards.
14. 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, 1998 including those for which permit applications were filed prior to April 13, 1988. No additional billboards are permitted, however, an existing billboard can be relocated to a

location that meets zoning, buffer and dispersal requirements as long as the total number and square footage of billboard signs is not exceeded.

15. Regulations regarding billboards were last changed in 1997. These changes required that all nonconforming billboards be discontinued and removed by August 1, 2007 or made conforming, in effect establishing a 10-year amortization program for nonconforming billboards.
16. Billboards are currently allowed to be relocated in four zoning districts: C-2, General Commercial, M-1 Light Industrial, M-2 Heavy Industrial, and PMI Port Maritime Industrial, subject to buffer and dispersal requirements.
17. Billboards are limited to 300 square feet per face, and 30 feet in height (45 feet in the PMI district).
18. Billboards which are relocated to conforming sites must be located 250 feet from a sensitive use (school, residential district, open space, etc.) and 375 feet from a shoreline district.
19. Billboards are required to meet dispersal standards relating to distance from other billboard faces or structures, minimal amount of appropriately zoned street frontage, and zoning across the street from a proposed billboard.
20. There are currently about 253 billboard faces in the City; approximately 245 are owned by Clear Channel Outdoor. Clear Channel Outdoor also possesses the rights to locate an additional 169 faces.
21. Of the existing faces, about 193 are nonconforming. The majority of these signs 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 and violate the dispersal requirements. Others are nonconforming because they exceed the maximum size or height.
22. 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.
23. The Planning Commission discussed the proposed amendments at nine of their ten meetings between December 15, 2010 and May 18, 2011. Specific topics included:
  - current billboards
  - current regulations
  - proposed special receiving areas
  - highway advertising control
  - buffering and dispersal
  - size
  - lighting and static image time
  - driver safety and distraction
24. Benchmarking information for each of the subject areas was researched from the cities of Bellevue, Bellingham, Federal Way, Kent, Olympia, Seattle, Spokane, Tukwila, and Vancouver, and in some cases Portland.
25. Studies reviewed included “The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update”, Federal Highway Administration (February, 2009); “Illuminating the Issues: Digital Signage and Philadelphia’s Green Future” by Gregory Young, (December, 2010); and “Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs” prepared by Jerry Wachtel, CPE (April, 2009). Industry information was also reviewed.

26. In March 2011, *Planning*, the magazine of the American Planning Association, published an article entitled “Digital Billboards, Distracted Drivers” by Jerry Wachtel. That article set forth some of the ways digital billboards could be made less distracting: keeping the sign from being too bright, lengthening the static image time, and keeping messages simple. Another article was published in the *Planning Commissioners Journal*, Winter 2011, entitled “Billboards: The Case for Control,” by Edward T. McMahon. This article described the reasons all billboards (digital and standard) are contrary to good planning practice.
27. A public informational meeting regarding potential code changes was held on January 31, 2011. Approximately 35 people attended the meeting to learn more about the proposal and to voice their concerns and/or support for allowing digital billboards. General comments received at the meeting included the following:
- Concern about light emissions, especially during the darker hours
  - Traffic impacts and safety issues
  - The allowed height of new billboards
  - The perceived negative aesthetic qualities of billboards
  - The likelihood of eliminating all billboards within the city
  - If the City can determine which of the billboards can come down
  - How to regulate the billboards going forward

Additional comments received from meeting attendees were:

- That priority should be given to removal of billboards in or near residential areas
  - Impact of light and glare of existing billboards in residential area is significant
  - Urged to continue with only allowing currently allowed square footage of billboard faces
28. A draft of proposed code amendments was prepared for public review. The proposed draft was designed to incorporate the intent and conditions of the settlement agreement, as well as “fill in the blanks” for necessary development and performance standards. The key components of the public review draft were:
- Changing definitions of billboard, off-premises sign, and sign, and establishing a definition for digital billboard
  - Establishing an exchange ratio for digital billboards
  - Setting a maximum brightness level
  - Limiting sign hours to be off between 10 p.m. and 5 a.m.
  - Setting a minimum static image time of 8 seconds;
  - Allowing digital billboards within the same zoning districts as standard billboards
  - Designating 18 “special receiving areas” as defined in the settlement agreement, where up to 10 digital faces could be allowed
  - Setting maximum sign size for these special receiving areas at 672 square feet for the first 10 faces, and 300 square feet elsewhere
  - Simplifying dispersal regulations for both standard and digital billboards
  - Removing amortization language
  - Simplifying and clarifying regulations for non-conforming signs
29. A staff analysis report was prepared by the Community and Economic Development Department which provided a general description of the proposed changes and discussed applicable

provisions of the State Growth Management Act, the City *Comprehensive Plan*, and the City's Land Use Regulatory Code. The proposed amendments were analyzed using the ten criteria found in Chapter 13.02 of the *Tacoma Municipal Code* pertaining to proposed amendments to the *Comprehensive Plan* or Development Regulations. The staff report was presented to and discussed by the Planning Commission at their February 16, 2011 meeting.

30. The staff analysis found that individual signs proposed for some of the special receiving areas would be inconsistent with the *Comprehensive Plan's* goals and policies for pedestrian-oriented development, particularly in mixed-use centers. The Plan discusses signage in the context of urban design, aesthetics, and pedestrian-orientation in several sections. In most cases, it sets forth goals and policies for integrating signage plans into sub-area development plans, ensuring high quality signage, and encouraging pedestrian-scaled signs in mixed-use districts. Commercial district design goals are to integrate signage into the overall design and scale of the district, and ensure that commercial district development does not act as a detriment to surrounding neighborhoods. The Plan states outright that billboards should be prohibited in the Shoreline districts and freestanding signs should be prohibited in the UCX-TD district (Tacoma Dome Urban Center Mixed-Use). The *Comprehensive Plan* does not mention billboards specifically for other districts because in most districts they are and have been prohibited for many years.
31. After completing its initial review of the proposed changes and the associated staff analysis the Planning Commission, on February 16, 2011, authorized the release of the draft code amendments for public review and comment and set a public hearing date for March 16, 2011.
32. 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 3,000 postcard mailers and e-mail notifications. Notice was sent to all properties with existing billboards, all properties within 400 feet of an existing billboard, all properties within or within 400 feet of special receiving areas, 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.
33. 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.
34. 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)).
35. The Planning Commission's public hearing was advertised in The News Tribune on March 11, 2011.
36. Pursuant to RCW 36.70A.530(4), the Community and Economic Development Department notified the commander of Joint Base Lewis-McChord on February 23, 2011 of the City's intent to amend the Land Use Regulatory Code. A response was received from the Commander indicating no objections to the proposed amendments, but with recommendations relating to avoiding light projecting skyward.

37. In accordance with *RCW 36.70A.106*, the City of Tacoma, on February 23, 2011, 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 February 24, 2011 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.
38. Pursuant to *WAC 197-11* and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) was issued on February 23, 2011. This preliminary determination (SEPA File Number: SEP2011-40000158817) was made based upon review of a completed environmental checklist.
39. The environmental checklist and Preliminary DNS were provided to the Planning Commission, Department of Ecology, Tacoma's Neighborhood Councils, City departments, adjacent jurisdictions, State and federal agencies, the Puyallup Tribal Nation, and other appropriate entities. A legal notice concerning this environmental determination was advertised in the City of Tacoma's official newspaper, the Tacoma Daily Index, on February 23, 2011.
40. No comments were received on this preliminary determination. The preliminary determination became final on April 1, 2011.
41. An informational question and answer session was held on March 9, 2011. The purpose of this meeting was to provide a more detailed explanation of the proposed amendments and to answer questions about the proposed changes. Notice of this meeting was included in the public hearing notice and advertised in *The News Tribune*.
42. The Planning Commission conducted a public hearing on March 16, 2011, with the public comment period left open until March 25, 2011.
43. Thirty-three individuals testified at the public hearing and 245 written comments were submitted during the public comment period. In addition, three petitions in opposition to digital billboards were received, with a total of 103 signatures.
44. Nearly all of the public testimony was in opposition to the public review draft code amendments. Of the 343 commenters, about 95% were opposed to digital billboards. In addition to this general opposition, the following specific concerns, questions and issues were commonly expressed:
  - Aesthetic concerns were noted, that all billboards are unattractive; digital billboards, in particular, are garish and an eyesore and are contrary to livable communities and pedestrian-orientation. In addition, the proposed digital billboard size of 672 square feet for the first 10 faces is too large.
  - Safety concerns were noted, with concern about driver distraction and safety hazards created and/or exacerbated by digital billboards. It was noted that the timing and frequency of image change is distracting.
  - Several comments were made in opposition to the proposed special receiving areas, noting they should not include locations close to residential, historic, or mixed-use districts, and, in general, that they should be eliminated.
  - Many comments expressed concerns related to light pollution, brightness, hours of operation and energy use.
  - A great deal of testimony about the settlement agreement was submitted. The opinion was that the reasoning behind the settlement is not clear and potentially not valid, that the



proposed exchange is inadequate and favors Clear Channel, and that there has been insufficient public discussion to decide this important issue.

45. About 5% of the public testimony was in support of billboards or Clear Channel Outdoor. This public testimony related to several issues.
  - Billboard operators provide discounted or pro bono advertising to community organizations, as well as marketing and outreach assistance. Clear Channel, in particular, is committed to giving back to the community.
  - Digital billboards provide the ability to effectively communicate public service announcements, such as Amber Alerts, as well as communication for community events, volunteer recruitment, or issue awareness.
  - Billboards provide an income stream for the underlying property owner.
  - The proposal would result in a significant reduction in the number of billboards.
46. On April 6, 2011 a copy 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.
47. 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 April 20, 2011.
48. The Planning Commission reviewed all of the written and oral testimony, at their meetings on April 6, April 20, and May 4, 2011.
49. In addition, the Commission reviewed supplemental information about lighting and brightness standards, static image time, and other implications of the proposed amendments. The Commission discussed these topics in depth, and discussed changes that would need to be made to the public review draft to make it more consistent with the *Comprehensive Plan*.
50. A second draft was developed to respond to public testimony and incorporated many changes. The revised draft is attached as Exhibit B. Those changes include:
  - Eliminating the special receiving areas
  - Making digital billboards subject to buffering and dispersal standards
  - Clarifying removal priorities
  - Adding an incentive to remove largest nonconforming billboards first
  - Limiting all billboards to 300 square feet
  - Further limiting brightness
  - Increasing minimum static image time to 60 seconds
  - Increasing buffers from residential districts and other sensitive uses to 300 feet
  - Adding mixed-use centers to the list of sensitive uses/areas
  - Retaining amortization language
51. The Commission found that the proposed amendments, even with the additional changes in response to public testimony, were inconsistent with the goals and policies of the *Comprehensive Plan* in several measures.

52. Amortization has been upheld by courts in Washington and elsewhere as an appropriate method of ending non-conforming signs while allowing adequate return on investment.
53. A primary goal of the *Comprehensive Plan* is the protection of neighborhoods. Allowing digital billboards, particularly as contemplated in the Settlement Agreement, could be construed as contrary to this goal because of the size, location, and brightness of the proposed billboards, which in many cases would represent an unreasonable impact on adjacent neighborhoods, even considering controls on lighting levels and buffering from sensitive uses.
54. 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. The proposal to allow digital billboards in several mixed-use districts is the most obvious conflict with the stated policy intent of the *Comprehensive Plan*.
55. Based on these findings, the Commission also finds that allowing digital billboards, as outlined in the Settlement Agreement, would be inconsistent with the policy and procedural requirements of GMA whereby development regulations must be consistent with and implement the *Comprehensive Plan*. Either the proposed regulations or Plan would need to be significantly revised to achieve the required consistency.
56. There is no conclusive evidence that digital billboards do not present safety hazards for drivers. Safety studies and recommendations are inconsistent and inconclusive. Without a great deal more time, expert testimony (expertise which may not be available), and study, the Planning Commission does not feel able to make a sufficiently-informed decision about performance standards for digital billboards regarding lighting levels and static image time. The Federal Highway Administration is in the midst of a study regarding the safety of Commercial Electronic Variable Message Signs (CEVMS) but the release date of that study is undetermined.
57. There is little expert direction about appropriate levels of lighting in regards to both driver safety and neighborhood impacts.
58. Changing message signs are distracting and aesthetically displeasing. To minimize distraction and aesthetic impacts, any static image time should be set at a minimum of 60 seconds per image, and flashing, animation, etc. should be prohibited.
59. Digital billboards use a disproportionate amount of energy, ten times or more than standard illuminated billboards, which is not desirable in a city committed to sustainability.
60. The goal of removing a large number of nonconforming standard billboards in exchange for allowing digital billboards is an idea that needs more study. The claim that the ultimate result will be 38 digital billboards and no standard billboards located within the city is highly unlikely. A more likely scenario in five years would be a city with 10 digital billboard faces and 174 existing nonconforming standard billboards. The Commission is not convinced that this is a desirable result.
61. The billboards proposed for removal bear no relationship to the special receiving areas where new digital billboards could be located; thus some neighborhoods would be inequitably overburdened by the proposal.
62. Public opinion is clear and overwhelmingly opposed to digital billboards in the city. The Planning Commission received a large amount of testimony regarding the issue, nearly universal in opposition to the proposed amendments. It is clear to the Planning Commission that community members do not support allowing digital billboards.

63. In 1997 the City made a strong policy and regulatory statement that billboards which 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 City Council in the settlement agreement represents a dramatic shift in direction from that policy and regulatory statement – not just to eliminate the concept that the removal of nonconforming billboards would be ensured, but to also allow digital billboards (which are more distracting, more profitable, and likely more difficult to ever remove). Furthermore, digital billboards would be allowed in areas where billboards are strictly prohibited – areas which had been expecting that all nonconforming billboards would be removed. The Commission remains unclear on the reasons for such a dramatic shift and is uncomfortable with instituting such a shift without a full and extensive community discussion.
64. While the Commission is unclear on the reasoning behind the Council’s desire to consider moving away from the existing regulations and the amortization concept, it has now been 14 years since amortization was instituted. The Commission feels that most of the investment in the standard billboards has been recouped. If the length of time for amortization was a major reason for the Council to reconsider amortization, the Commission feels that it may be more appropriate to explore extending the amortization time period beyond 10 years, possibly to 15 or 20 years. If such an extended time period were sufficient, it would be better to wait another few years and get the results originally intended: no billboards in sensitive areas.
65. A clear relationship needs to be established between any new digital billboard installed and the billboards removed. That is, the proposal to add digital billboards into areas with existing billboards, while not requiring removal of nearby billboards (that is, exempting the digital billboard from dispersal standards) is simply not fair to the receiving neighborhood.
66. It is apparent from industry materials that the size proposed for the first 10 digital billboards is inconsistent with the proposed locations. The 672 sq. ft. size is generally designed for use along highways and other high-speed routes whereas the special receiving areas are all along City streets, mostly 30-35 mph arterials, and mostly at intersections. Just as was found in 1997, this large size is inconsistent with urban locations and is an aesthetic imposition on the surrounding neighborhood.
67. Consistent with policy decisions made in 1997, the maximum size of all billboards, digital or otherwise, should be 300 square feet.
68. In no case should digital billboards be allowed within or within sightlines of residential areas.
69. Billboards are – in size, scale, and purpose – oriented toward automobile traffic. Therefore all billboards belong in more intensely-designated, high-traffic areas: C-2, M-1, M-2, and PMI districts.
70. The Planning Commission revised the public review draft based upon testimony, but ultimately decided that a prohibition of digital billboards was the correct course of action due to uncertainties about the safety of digital signs, other performance standards, inconsistencies with the *Comprehensive Plan*, and disapproval of the community.
71. Based on these findings, the Commission is recommending code amendments to more explicitly prohibit digital billboards. In addition, other changes to the existing sign code are necessary (see Exhibit A), including:
  - The current definition of “billboard” is based upon a commercial message. The definitions of billboard, off-premises sign, and sign should be changed to more workable, widely accepted definitions.

- Mixed-use districts, because they are proposed to contain residential uses, and because they are to be pedestrian-oriented, should also be buffered from billboard placement (i.e., 300 feet).
72. 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.
73. Further, it became clear through the review of the billboard regulations that the City does not have adequate regulations for on-premise digital 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.

#### **D. CONCLUSIONS**

The Planning Commission concludes that digital billboards should be prohibited and that 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*. 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.

#### **E. RECOMMENDATIONS**

The Planning Commission recommends that the City of Tacoma prohibit new digital billboards and that the City Council adopt the proposed Land Use Regulatory Code amendments regarding the Tacoma sign code, as set forth in the enclosed Exhibit A.

The Commission further recommends that the existing regulatory provisions for digital on-premises signs be reviewed and modified to address similar concerns expressed by citizens including brightness, driver distraction, size and changing images.

#### **F. EXHIBITS**

- A. Recommended Code Amendments
- B. Revised Public Review Draft –*NOT RECOMMENDED*

**13.06.520 Signs.**

A. Purpose. The purpose of this section is to establish sign regulations that support and complement land use objectives set forth in the Comprehensive Plan, including those established by the Highway Advertising Control Act (Scenic Vistas Act). Signs perform important communicative functions. The reasonable display of signs is necessary as a public service and to the proper conduct of competitive commerce and industry. The sign standards contained herein recognize the need to protect the safety and welfare of the public and the need to maintain an attractive appearance in the community. This code regulates and authorizes the use of signs visible from public rights-of-way, with the following objectives:

1. To establish uniform and balanced requirements for new signs;
2. To ensure compatibility with the character of the surrounding area;
3. To promote optimum conditions for meeting sign users' needs while, at the same time, improving the visual appearance of an area which will assist in creating a more attractive environment;
4. To achieve quality design, construction, and maintenance of signs so as to prevent them from becoming a potential nuisance or hazard to pedestrian and vehicular traffic.

**B. Scope.**

1. The provisions and requirements of this section shall apply to signs in all zones as set forth in this chapter. Applicable sign regulations shall be determined by reference to the regulations for the zone in which the sign is to be erected.
2. The regulations of this section shall regulate and control the type, size, location, and number of signs. No sign shall hereafter be erected or used for any purpose or in any manner, except as permitted by the regulations of this section.
3. The provisions of this code are specifically not for the purpose of regulating the following: traffic and directional signs installed by a governmental entity; signs not readable from a public right-of-way or adjacent property; merchandise displays; point of purchase advertising displays, such as product dispensers; national flags, flags of a political subdivision, and symbolic flags of an institution or business; legal notices required by law; historic site plaques; gravestones; structures intended for a separate use, such as Goodwill containers and phone booths; scoreboards located on athletic fields; lettering painted on or magnetically flush-mounted

onto a motor vehicle operating in the normal course of business; and barber poles.

4. Regulations pertaining to signs in Shoreline Districts are found in Chapter 13.10.

**C. Definitions.**

**Abandoned sign.** A sign that no longer correctly directs any person or advertises a bona fide business, lessor, owner, product, or activity conducted or available on the premises where such sign is located.

**A-Board sign (sandwich board sign).** A sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

**Animated sign.** A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.

**Architectural blade.** A sign structure which is designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

**Awning sign.** A sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.

**Banner sign.** A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

1. **Commercial banner.** A banner used for commercial purposes, which includes "For Lease," "Grand Opening," "Sale," etc.

2. **Cultural, civil, and educational banner.** A banner used for cultural, civic, or educational events, displays, or exhibits.

**Blade sign - pedestrian oriented.** A double-faced sign intended for pedestrian viewing installed perpendicular to the building facade for which it identifies.

**Billboard ~~sign, standard.~~ An 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, which advertises goods, products, events, or services not necessarily sold on the premises on which the sign is located; however, a person, business, or event located on the premises shall not be identified. The sign may consist of:**

- ~~1. Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of posted paper.~~

~~2. Painted bulletins, where the message of the advertiser is painted directly on the background of a wall mounted or freestanding display area.~~

Billboard, digital. 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. Digital billboards are not considered under the definitions of animated sign, changing message centers, electrical signs, illuminated signs, or flashing signs.

Building face or wall. All window and wall area of a building in one plane or elevation.

Center identification sign. Any sign which identifies a shopping, industrial center, or office center by name, address, or symbol. Center identification signs may also identify individual businesses and activities located within the center.

Changing message center. An electronically controlled sign, message center, or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank (i.e., time, temperature, date, news, or commercial information of interest to the traveling public).

Changeable copy sign (manual). Any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand, without altering the face or the surface of the sign (i.e., readerboards with changeable pictorial panels).

Construction sign. A temporary sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other information included thereon.

Corporate logo sign. A logo sign consists of a symbol or identifying mark(s) used as part of a corporation identification scheme that is meant to identify a corporation, company, or individual business or organization. Internally illuminated cabinet signs shall not be allowed for use as a logo sign above 35 feet in any of the downtown districts.

Directional sign. Any sign which serves solely to designate the location of any place, area, or business within the City limits of Tacoma, whether on-premises or off-premises.

Directory sign. A sign on which the names and locations of occupants or the use of a building is given.

Electrical sign. A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as any part of the sign.

Flashing sign. An electrical sign or portion which changes light intensity in sudden transitory bursts, but not including signs which appear to chase or flicker and not including signs where the change in light intensity occurs at intervals of more than one second.

Freestanding sign. A permanently installed, self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

Frontage.

1. Freestanding sign. For the purpose of computing the size of a freestanding sign, frontage shall be the length of the property line parallel to and abutting each public right-of-way bordered.
2. Building mounted sign. For the purpose of computing the size of building mounted signs, frontage shall be the length of that portion of the building containing the business oriented onto a right-of-way or parking lot. For a business with more than one frontage, the largest frontage with a public entrance shall be used.

Graphics. An aggregate of designs, shapes, forms, colors, and/or materials located on an exterior wall and relating to or representing a symbol, word, meaning, or message.

Ground sign. A sign that is six feet or less in height above ground level and is supported by one or more poles, columns, or supports anchored in the ground.

Identification or directory sign. A combination sign used to identify numerous buildings, persons, or activities which relate to one another, which is used as an external way-finding for both vehicular and pedestrians traffic.

Illuminated sign. A sign designed to give forth any artificial or reflected light, either directly from a source of light incorporated into or connected with such sign or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.

Incidental sign. A small sign intended primarily for the convenience and direction of the public on the premises, which does not advertise but is informational only, and includes information which denotes the hours of operation, telephone number, credit cards accepted, sales information, entrances and exits, and information required by law. Incidental information may appear on a sign having other copy as well, such as an advertising sign.

Landscaping. Any material used as a decorative feature, such as planter boxes, pole covers, decorative

framing, and shrubbery or planting materials, used in conjunction with a sign, which expresses the theme of the sign but does not contain advertising copy.

Marquee sign. A sign attached to and made part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

Multiple business center. A grouping of two or more business establishments which either share common parking and/or access drives on the lot where they are located or which occupy a single structure or separate structures which are physically or functionally related or attached. In order to be considered a separate business establishment, a business shall be physically separated from other businesses; however, businesses which share certain common internal facilities, such as reception areas, checkout stands, and similar features shall be considered one business establishment.

Mural. A decorative design or scene intended to provide visual enjoyment that is painted or placed on an exterior building wall. A mural contains no commercial messages, logo, or corporate symbol.

Nonconforming sign. A nonconforming sign shall mean any sign which does not conform to the requirements of this section.

Neutral surface. The building surface, cabinetry, and opaque surfaces which are not an integral part of the sign message.

Off-premises sign. ~~A sign that identifies or gives directional information to a commercial establishment not located on the premises where the sign is installed or maintained. A permanent sign not located on the premises of the use or activity to which the sign pertains.~~

Off-premises open house or directional sign. A sign advertising a transaction involving:

1. A product sold in a residential zone;
2. A product that cannot be moved without a permit; and/or
3. A product with a size of at least 3,200 cubic feet.

On-premises sign. Any sign identifying or advertising a business, person, activity, goods, products, or services primarily located on the premises where the sign is installed or maintained.

Parapet. A false front or wall extension above the roof line.

Person. Person shall mean and include a person, firm, partnership, association, corporation, company, or organization, singular or plural, of any kind.

Political sign. A temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot in a primary, general, or special election.

Portable sign. Any sign not permanently attached to the ground or a building. (Includes A-frame, sandwich boards, and portable readerboards.)

Projecting sign. A sign, other than a wall sign, which is attached to and projects from a structure or building face.

Public Facility. Any facility funded in whole or part with public funds, which provides service to the general public, including, but not limited to, public schools, public libraries, community centers, public parks, government facilities, or similar use.

Public information sign. A sign erected and maintained by any governmental entity for traffic direction or for designation of, or direction to, any school, hospital, historical site, or public service, property, or facility. Public signs include those of such public agencies as the Port of Tacoma, Pierce Transit, the Tacoma School District, and the MetroParks Tacoma.

Readerboard. A sign consisting of tracks to hold letters, which allows for frequent changes of copy; usually such copy is not electronic.

Real estate sign. Any sign which is only used for advertising the sale or lease of ground upon which it is located or of a building located on the same parcel of ground.

Repair. To paint, clean, or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape, location, or character.

Roof line or ridge line. The top edge of the roof or top of a parapet, whichever forms the top line of the building silhouette.

Roof sign. Any sign erected upon, against, or directly above a roof or parapet of a building or structure.

Rotating signs. Any sign or portion thereof which physically revolves about an axis.

Searchlight. An apparatus for projecting a beam or beams of light.

Sign. Any materials placed or constructed, or light projected, that (a) convey a message or image and (b) are used to inform or attract the attention of the public, but not including any lawful display of merchandise. Some examples of "signs" include placards, A-boards, posters, murals, diagrams, banners, flags, billboards, or projected slides, images

~~or holograms. The applicability of the term “sign” does not depend on the content of the message or image conveyed. Any object, device, display, structure, or part thereof, which is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.~~

Sign area. The total area of a sign, as measured by the perimeter of the smallest rectangle enclosing the extreme limits of the letter, module, or advertising message visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, decorative features, or framework which contains no written or advertising copy. (Includes only one side of a double-faced sign, unless noted otherwise.)

1. Individual letter signs, using a wall as the background without added decoration or change in wall color, shall be calculated by measuring the smallest rectangle enclosing each letter. The combined total area of each individual letter shall be considered the total area of the sign.
2. For a multiple face sign, the sign area shall be computed for the largest face only. If the sign consists of more than one section or module, all areas will be totaled.
3. Neutral surfaces (i.e., graphic design, wall murals and colored bands), shall not be included in the calculation. (See definition of “Neutral Surface.”)
4. The area of all regulated signs on a business premises shall be counted in determining the permitted sign area.

Sign height. The vertical distance measured from the adjacent grade at the base of the sign to the highest point of the sign structure; provided, however, the grade of the ground may not be built up in order to allow the sign to be higher.

Sign structure. Any structure which supports, has supported, is designed to support, or is capable of supporting a sign, including a decorative cover.

Street. A thoroughfare which provides the principal means of access to abutting property.

Swinging sign. A sign installed on an arm or spar that is fastened to an adjacent wall or upright pole, which sign is allowed to move or swing to a perceptible degree.

Temporary off-premises sign. An off-premises advertising sign attached to temporary fencing during the time of construction.

Temporary sign. An on-premises sign, banner, balloon, pennant, valance, A-board, or advertising

display constructed of cloth, canvas, fabric, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or other similar light material, with or without a frame, which is not permanently affixed to any sign structure and which is intended to be displayed for a limited time only.

Under-marquee sign. Signs or other information-conveying devices that are affixed to the underside of a marquee and project down from the bottom of the marquee.

User. A user shall be understood to mean the lessee or purchaser of any sign.

Unlawful sign. 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.

Wall sign (fascia sign). A sign painted on or attached to or erected against the wall of a building with the face in a parallel plane of the building wall.

Warning Sign. Any sign which is intended to warn persons of prohibited activities such as “no hunting” and “no dumping.”

Window sign. A sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises. (Ord. 27245 § 14; passed Jun. 22, 2004; Ord. 27079 § 38; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002)

### **13.06.521 General sign regulations.**

#### **A. Administration.**

1. Land Use Administrator. The Land Use Administrator shall interpret, administer, and enforce the sign code in accordance with Chapter 13.05.

2. Building Official. The Building Official shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the Tacoma Municipal Code (see Chapter 2.05). In addition, all signs, where appropriate, shall conform to the current Washington State Energy Code (see Chapter 2.10), National Electrical Code, and the National Electrical Safety Code. Exceptions to these regulations may be contained in the Tacoma Landmarks Special Review District regulations, Chapters 1.42 and 13.07.

3. Applicability. All new permanent signs, painted wall signs, and temporary off-premises advertising signs require permits. Permits require full conformance with all City codes, particularly Titles 2 and 13. Signs not visible from a public right-of-way



or adjacent property are not regulated herein, but may require permits pursuant to the provision of Title 2.

4. In addition to and notwithstanding the provisions of this section, all signs shall comply with all other applicable regulations and authorities, including, but not limited to, Chapter 47.42 RCW: Highway Advertising Control Act – Scenic Vistas Act and Chapter 468-66 WAC – Highway Advertising Control Act.

B. Exempt signs. The following signs shall be exempt from all requirements of this section and shall not require permits; however, this subsection is not to be construed as relieving the user of such signage from responsibility for its erection and maintenance, pursuant to Title 2 or any other law or ordinance relating to the same.

1. Changing of the advertising copy or message on a sign specifically designed for the use of replaceable copy.
2. Repainting, maintenance, and repair of existing signs or sign structures; provided, work is done on-site and no structural change is made.
3. Signs not visible from the public right-of-way and beyond the boundaries of the lot or parcel.
4. Incidental and warning signs.
5. Sculptures, fountains, mosaics, murals, and other works of art that do not incorporate business identification or commercial messages.
6. Signs installed and maintained on bus benches and/or shelters within City right-of-way, pursuant to a franchise authorized by the City Council.
7. Seasonal decorations for display on private property.
8. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
9. Signs of public service companies indicating danger and aid to service or safety.
10. Non-electric bulletin boards not exceeding 12 square feet in area for each public, charitable, or religious institution, when the same are located on the premises of said institutions.
11. Construction signs denoting a building which is under construction, structural alterations, or repair, which announce the character of the building enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, and others; provided, the area of such sign shall not exceed 32 square feet.
12. Window sign.

13. Political signs, as set forth in Title 2.

14. Real estate signs, 12 square feet or less, located on the site. Condominiums or apartment complexes shall be permitted one real estate sign with up to 12 square feet per street frontage. Such sign(s) may be used as a directory sign that advertises more than one unit in the complex.

15. Off-premises open house or directional signs, subject to the following regulations:

- a. The signs may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owner. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. If either condition is not met, the abutting property owner or the City may remove the sign.
- b. Signs shall not be fastened to any utility pole, street light, traffic control device, public structure, fence, tree, shrub, or regulatory municipal sign.
- c. A maximum of three off-premises open house or directional signs will be permitted per single-family home. One additional open house or directional sign identifying the open house shall be permitted at the house being sold.
- d. Signage shall not exceed four square feet in area per side (eight square feet total) and three feet in height. Off-premises open house or directional signs shall not be decorated with balloons, ribbons, or other decorative devices.
- e. Signage shall only be in place between the hours of 11:00 a.m. and 6:00 p.m., when the seller of the product, or the seller's agent, is physically present at the location of the product.
- f. Each off-premises open house or directional sign that is placed or posted shall bear the name and address of the person placing or posting the sign in print not smaller than 12 point font. The information identifying the name and address of the person placing or posting the sign is not required to be included within the content of the speakers' message, but may be placed on the underside of the sign or in any other such location.
- g. New plats may have up to a maximum of eight plat directional signs for all new homes within the subdivision. New plat directional signs shall identify the plat and may provide directional information but shall not identify individual real estate brokers or agents. New plat directional signs shall be limited in size and manner of display to that allowed for off-premises open house or directional signs. Off-premises open house or directional signs shall not be permitted for new homes within new plats.

h. A maximum of three off-premises open house or directional signs shall be allowed per condominium or apartment complex.

16. Professional name plates two square feet or less.

17. Changing plex-style faces in existing cabinets; provided, work is done on-site without removing sign.

C. Prohibited signs. The following commercial signs are prohibited, except as may be otherwise provided by this chapter:

1. Signs or sign structures which, by coloring, wording, lighting, location, or design, resemble or conflict with a traffic control sign or device, or which make use of words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse persons traveling on the right-of-way or which, in any way, create a traffic hazard as determined by the City Engineer or his or her designee.

2. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicular traffic, or which obstruct a clear view of official signs or signals as determined by the City Engineer or his or her designee.

3. Signs, temporary or otherwise, which are affixed to a tree, rock, fence, lamppost, or bench; however, construction, directional, and incidental signs may be affixed to a fence or lamppost.

4. Any sign attached to a utility pole, excluding official signs as determined by Tacoma Public Utilities.

5. Signs on public property, except when authorized by the appropriate public agency.

6. Signs attached to or placed on any stationary vehicle or trailer so as to be visible from a public right-of-way for the purpose of providing advertisement of services or products or for the purpose of directing people to a business. This provision shall not apply to the identification of a firm or its principal products on operable vehicles operating in the normal course of business. Public transit buses and licensed taxis are exempt from this restriction.

7. Roof signs, except where incorporated into a building to provide an overall finished appearance.

8. All portable signs not securely attached to the ground or a building, including readerboards and A-frames on trailers, except those allowed by the regulations of the appropriate zoning district.

9. Abandoned or dilapidated signs.

10. Portable readerboard signs.

11. Inflatable signs and blimps.

12. Digital Billboard.

~~12~~13. Off-premises sign, except pursuant to Section 13.06.521.L.

D. Special regulations by type of sign. In addition to the general requirements for all signs contained in this section, and the specific requirements for signs in each zone, there are special requirements for the following types of signs:

1. Wall signs.
2. Projecting signs.
3. Freestanding signs.
4. Marquee signs.
5. Under-marquee signs.
6. Canopy and awning signs.
7. Temporary signs.
8. Off-premises directional signs.
9. Billboards ~~(outdoor advertising sign)~~.

The special requirements for these signs are contained in subsections E through M of this section.

\* \* \*

L. Off-premises directional signs. Special regulations governing off-premises directional signs are as follows:

1. Off-premises directional signs shall be limited to a maximum of 15 square feet in area and 6 feet in height.
2. Off-premises directional signs shall contain only the name of the principal use and directions to the use in permanent lettering.
3. Off-premises directional signs shall be placed on or over private property, except that business district identification signs may be located and comply with the applicable requirements of Title 9.
4. Off-premises directional signs are permitted when on-premises signs are inadequate to identify the location of a business. If applicable, only one such sign shall be allowed.

M. Billboards ~~(outdoor advertising signs)~~. Special regulations governing billboards are as follows:

1. a. Any person, firm, or corporation who maintains billboard ~~structures and~~ faces within the City of Tacoma shall be authorized to maintain only that number of billboard ~~structures and~~ faces that they maintained on April 12, 1988, except for transfers permitted in subsection 1.c of this section. A person who maintains any such billboard ~~structures and~~ faces may, thereafter, relocate a billboard face ~~or structure~~ to a new location as otherwise authorized by this section. No other billboards shall be authorized, and there shall be no greater total number of billboard ~~structures and~~ faces within the City than the number

that were in existence on April 12, 1988. That number of structures and faces shall include those for which permit applications had been filed prior to April 13, 1988. As unincorporated areas are annexed to the City of Tacoma, the total number of billboard structures and faces in that area will constitute an addition to the number authorized in the City of Tacoma.

b. Upon removal of an existing billboard face ~~or structure~~, a relocation permit shall be issued authorizing relocation of the face to a new site. There shall be no time limit on the billboard owner's eligibility to utilize such relocation permits. In the event that a billboard owner wishes to remove a billboard and does not have immediate plans for replacement at a new location, an inactive relocation permit shall be issued. There shall be no time limit on the activation of the inactive permit and such permits are transferable. The application for a relocation permit shall include an accurate site plan and vicinity map of the billboard face or structure to be removed, as well as a site plan and vicinity map for the new location. Site plans and vicinity maps shall include sufficient information to determine compliance with the regulations of this chapter. ~~The above provisions shall not apply to billboards whose permit applications were applied for prior to April 13, 1988, and not erected, unless the applicants or owners agree within 60 days to have such billboards, subject to all the provisions of this chapter.~~

c. Relocation permits shall be transferable upon the billboard owner's written permission.

d. In no case shall the number of billboard faces ~~or structures~~ increase, and the square footage of billboard sign area to be relocated shall be equal to or less than the square footage of billboard sign area to be removed. Removal of a billboard structure shall also require the issuance of a demolition permit, and removal of billboard faces and structures (where necessary) shall be completed prior to the installation of relocated billboard faces or structures. The billboard owner shall have the right to accumulate the amount of square footage to be allowed, at the owner's discretion, to new sign faces and structures permitted under this chapter.

2. Maintenance. All billboards, including paint and structural members, shall be maintained in good repair in compliance with all applicable building code requirements. Signs shall be kept clean and free of debris. The exposed area of backs of billboards must be covered to present an attractive and finished appearance.

3. Aesthetics. The following standards apply to all billboards.

a. Each sign structure must, at all times, include a facing of proper dimensions to conceal back bracing and framework of structural members and/or any electrical equipment. 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.

c. Billboard faces located on the same structure shall be positioned back-to-back (i.e., their backs shall be parallel to each other) and perpendicular to the roadway from which they are to be viewed.

4. Landscaping. The following standards apply to all billboards installed after August 1, 2011.

a. No code-required landscaping may be diminished for the installation of a billboard.

b. When the base of the billboard support is visible from the adjacent sidewalk and/or street the support shall be surrounded with a 5-foot-wide landscaping buffer composed of shrubs and groundcover not to exceed 36 inches in mature height.

c. Any alteration to any street tree (removal or pruning) is subject to city review and approval.

45. Dispersal. Billboard faces not located on the same structure shall be a minimum of 500 feet apart.

~~a. Not more than a total of four billboard faces attached to not more than two support structures shall be permitted on both sides of a street within any distance of 1,000 feet measured laterally along the right of way, with a minimum of 100 feet between such structures.~~

~~b. There shall be at least 300 linear feet of land, which is properly zoned, which permits billboards on one side of the street in order to erect one billboard structure on that side of the street. There shall be at least 600 linear feet of land, which is properly zoned, which permits billboards on one side of the street in order to erect more than one billboard structure on that side of the street.~~

~~c. The property on the opposite side of the street from the proposed billboard location must also be properly zoned to permit billboards.~~

56. Size. The maximum area of any one sign shall be 300 square feet, with a maximum vertical sign face dimension of 12.5 feet and maximum length of 25 feet, inclusive of any border and trim, but excluding the base or apron, supports, and other structural members; provided, cut-outs and extensions may add up to 20 percent of additional sign area.

67. Lighting. Indirect or internal lighting shall be the only allowable means of illumination. No flashing, animated, or digital signs shall be permitted.

78. Buffering – sensitive uses. No billboard shall be located on, in, or within 250-300 feet of:

a. A residential district;

b. A mixed-use district;

bc. Any publicly-owned open space, playground, park, or recreational property, as recognized in the adopted “Recreation and Open Space Facilities Plan,” as amended;

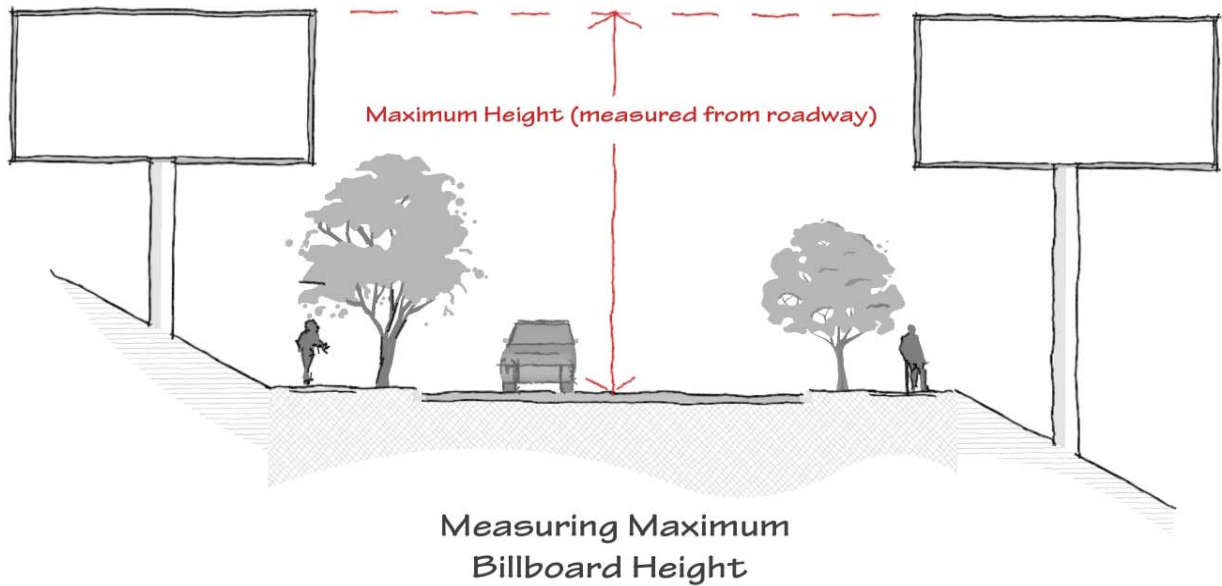
ed. Any church-religious institution or school (high school or younger); or

~~de.~~ Any designated historic or conservation district, whether on the federal, state, or local register of historic places-properties.

8.9 Buffering – shorelines. No billboard shall be located on, in, or within 375 feet of any shoreline district.

~~9. Rooftop (billboard) signs are prohibited.~~

10. The maximum height of all billboard signs shall be 30 feet, except in the PMI District, where the maximum height shall be 45 feet. For the purpose of this section, height shall be the distance to the top of the normal display face from the main traveled way of the road from which the sign is to be viewed.



11. Location – Relocated billboards shall only be allowed in the C-2, M-1, M-2, and PMI zoning districts.

~~Billboard signs which advertise a business, event, or person located on the same premises as the billboard sign shall be considered an on-premises sign and must meet all criteria for the location of on-premises signs.~~

N. Nonconforming signs. It is the intent of this subsection to allow the continued existence of legal nonconforming signs, subject, however, to the following restrictions:

1. No sign that had previously been erected in violation of any City Code shall, by virtue of the adoption of this section, become a legal nonconforming sign.

2. No nonconforming sign shall be changed, expanded, or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved, in whole or in part, to any other location where it would remain nonconforming. However, a legal nonconforming on-premises sign may be altered if the degree of nonconformity for height and sign area is decreased by 25 percent or greater. For purposes of this subsection, normal maintenance and repair, including painting, cleaning, or replacing damaged parts of a sign, shall not be considered a structural alteration.

3. Any sign which is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not, thereafter, be reestablished,

except in full compliance with this chapter. Any period of such discontinuance caused by government actions, strikes, material shortages, acts of God, and without any contributing fault by the sign user, shall not be considered in calculating the length of discontinuance for purposes of this section.

4. Any nonconforming sign damaged or destroyed, by any means, to the extent of one-half of its replacement cost new shall be terminated and shall not be restored.

5. All existing billboards within the City which are not in compliance with the requirements of this section on July 22, 1997, are considered to be nonconforming billboards. Nonconforming billboards shall be made to conform with the requirements of this section under the following circumstances:

a. When ~~any new sign for which a sign permit is required by this section is proposed to be installed~~ any substantial alteration is proposed on a premises upon which is located a nonconforming billboard, the billboard shall be removed or brought into conformance with this section ~~for each new sign installed for a particular business. "Substantial alteration" means all alterations within a two year period whose cumulative value exceeds 200% of the value of the existing structure, as determined by the applicable Building Code.~~

b. Whenever a building, or portion thereof, to which a nonconforming billboard is attached (such as upon the roof or attached to a wall), is proposed to be expanded or remodeled, all nonconforming billboards shall be removed or brought into compliance with this section if the value of the alteration is greater than or equal to 50 percent of the assessed value of the existing building within any two-year period. ~~Whenever a building, or portion thereof, upon which is located a nonconforming rooftop (billboard) sign is proposed to be expanded or remodeled, all nonconforming rooftop billboard signs located on that portion of the building being remodeled or expanded shall be removed or brought into compliance with this section if such expansion or remodel adds to the building the lesser of:~~

~~(1) Twenty percent or more of the floor area of the existing building;~~

~~(2) One thousand square feet floor area; and~~

~~(3) A value for the new construction or remodeling greater than or equal to 50 percent of the assessed value of the existing building.~~

~~c. Whenever any modification is to be made to the structure, frame, or support of any nonconforming billboard sign, such nonconforming billboard sign~~

~~shall be removed or brought into conformance with this section.~~

~~d. Whenever the facade of a building upon which is located a nonconforming billboard wall sign is remodeled or renovated, all nonconforming billboard wall signs located on the portion of the facade being renovated shall be brought into conformance with this section.~~

~~6. The provisions of subsection 5 shall control, except in those instances where an applicant or owner can demonstrate that there exists a binding contract to allow a billboard sign that contains financial penalty provisions for early termination or the absence of termination provisions in the contracts with billboard companies. In those instances, a permit may be issued on the condition that when the contract for the billboard expires, or an option for renewal occurs, the billboard will then be removed, pursuant to subsection 5 above.~~

~~a. To insure compliance with this section, the property owner shall enter into an agreement with the City that identifies the termination date of the contract to allow the billboard and a provision that, if the billboard is not removed, the sign permit issued pursuant to this section will be revoked and the sign will be removed, pursuant to subsection c below.~~

~~b. This provision shall only apply to contracts entered into prior to the adoption of these regulations (July 22, 1997).~~

~~c. Any business owner or property owner seeking to obtain a sign permit for a property that has a nonconforming billboard located on it, and can demonstrate that there are either penalty provisions or the absence of termination provisions in the contracts with billboard companies in the City, shall apply for approval in accordance with the following procedures:~~

~~(1) Application. Prior to installation of a sign, the property owner shall apply for a sign permit with Building and Land Use Services. A complete application shall include a properly completed application form, structural plans, and fees, as prescribed in subsection c.(2) below.~~

~~(2) Fees. An applicant shall pay a fee for the inspection, notification, recording, and enforcement related to the continuation of nonconforming billboards, pursuant to Section 2.09.080, and is in addition to any other required fees.~~

~~(3) Concomitant agreement. Prior to the approval of the sign permit, the property owner shall execute a concomitant agreement with the City. Such agreement shall be in a form as specified by Building and Land Use Services, and approved by the City~~

~~Attorney, and shall include, at a minimum: (a) the legal description of the property which has been permitted for the sign permit; and (b) the conditions necessary to apply the restrictions and limitations contained in this section. The concomitant agreement will be recorded prior to issuance of a sign permit by Building and Land Use Services. The concomitant agreement shall run with the land until the nonconforming billboard is removed from the property. The property owner may, at any time, apply to Building and Land Use Services for a termination of the concomitant agreement. Such termination shall be granted, upon proof that the business sign no longer exists on the property or upon proof that the nonconforming billboard no longer exists on the property.~~

~~(4) Permit issuance. Upon receipt of a complete application, application fees, completed concomitant agreement, and upon approval of the structural plans, a sign permit shall be approved.~~

~~(5) Violations. A violation of this section regarding provision of ownership shall be governed by Section 13.05.100.~~

~~(6)(6) Amortization. All legal nonconforming billboard signs shall be discontinued and removed or made conforming within ten years from the effective date of this section, on or before August 1, 2007, and all billboard signs, which are made nonconforming by a subsequent amendment to this section, shall be discontinued and removed or made conforming within ten years after the date of such amendment (collectively the "amortization period"). Upon the expiration of the amortization period, the billboard sign shall be brought into conformance with this section, with a permit obtained, or be removed. Nonconforming billboard signs that are removed prior to the end of the amortization period shall be given an inactive relocation permit, pursuant to subsection M.1.b. of this section.~~

O. Sign variances. Refer to Section 13.06.645.B.5.

### **13.06.522 District sign regulations.**

***((No changes would be required for this section.))***



*Billboard Code Revisions*

REVISED PUBLIC REVIEW DRAFT CODE AMENDMENTS  
*May 4, 2011*

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

**13.06.520 – Signs**

**13.06.521 – General Sign Regulations**

*These amendments were revised following public comment and discussion by the planning commission. While these code amendments are not recommended, they are being forwarded for the Council's information regarding the status of the Commission's work to explore additional code provisions relative to digital billboards.*

\*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. New text is underlined and text that is deleted is shown in ~~striketrough~~. Additionally, in some cases comments have been included in the right-hand margin explaining the intent of the change or providing additional background.

## Billboard Code Revisions

### **13.06.520 Signs.**

A. Purpose. The purpose of this section is to establish sign regulations that support and complement land use objectives set forth in the Comprehensive Plan, including those established by the Highway Advertising Control Act (Scenic Vistas Act). Signs perform important communicative functions. The reasonable display of signs is necessary as a public service and to the proper conduct of competitive commerce and industry. The sign standards contained herein recognize the need to protect the safety and welfare of the public and the need to maintain an attractive appearance in the community. This code regulates and authorizes the use of signs visible from public rights-of-way, with the following objectives:

1. To establish uniform and balanced requirements for new signs;
2. To ensure compatibility with the character of the surrounding area;
3. To promote optimum conditions for meeting sign users' needs while, at the same time, improving the visual appearance of an area which will assist in creating a more attractive environment;
4. To achieve quality design, construction, and maintenance of signs so as to prevent them from becoming a potential nuisance or hazard to pedestrian and vehicular traffic.

#### B. Scope.

1. The provisions and requirements of this section shall apply to signs in all zones as set forth in this chapter. Applicable sign regulations shall be determined by reference to the regulations for the zone in which the sign is to be erected.
2. The regulations of this section shall regulate and control the type, size, location, and number of signs. No sign shall hereafter be erected or used for any purpose or in any manner, except as permitted by the regulations of this section.
3. The provisions of this code are specifically not for the purpose of regulating the following: traffic and directional signs installed by a governmental entity; signs not readable from a public right-of-way or adjacent property; merchandise displays; point of purchase advertising displays, such as product dispensers; national flags, flags of a political subdivision, and symbolic flags of an institution or business; legal notices required by law; historic site plaques; gravestones; structures intended for a separate use, such as Goodwill containers and phone booths; scoreboards located on athletic fields; lettering painted on or magnetically flush-mounted onto a motor vehicle operating in the normal course of business; and barber poles.
4. Regulations pertaining to signs in Shoreline Districts are found in Chapter 13.10.

#### C. Definitions.

Abandoned sign. A sign that no longer correctly directs any person or advertises a bona fide business, lessor, owner, product, or activity conducted or available on the premises where such sign is located.

A-Board sign (sandwich board sign). A sign which consists of two panels hinged or attached at the top or side, designed to be movable and stand on the ground.

Animated sign. A sign that uses movement, by either natural or mechanical means, to depict action to create a special effect or scene.

Architectural blade. A sign structure which is designed to look as though it could have been part of the building structure, rather than something suspended from or standing on the building.

Awning sign. A sign affixed to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.

Banner sign. A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

1. Commercial banner. A banner used for commercial purposes, which includes "For Lease," "Grand Opening," "Sale," etc.

2. Cultural, civil, and educational banner. A banner used for cultural, civic, or educational events, displays, or exhibits.

Blade sign - pedestrian oriented. A double-faced sign intended for pedestrian viewing installed perpendicular to the building facade for which it identifies.



## Billboard Code Revisions

~~Billboard sign, standard. An off-premises sign greater than 72 square feet in size. This type of sign is generally composed of poster panels mounted on a building wall or freestanding structure, or painted directly on the wall or freestanding structure, which advertises goods, products, events, or services not necessarily sold on the premises on which the sign is located; however, a person, business, or event located on the premises shall not be identified. The sign may consist of:~~

- ~~1. Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of posted paper.~~
- ~~2. Painted bulletins, where the message of the advertiser is painted directly on the background of a wall mounted or freestanding display area.~~

~~Billboard, digital. 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. Digital billboards are not considered under the definitions of animated sign, changing message centers, electrical signs, illuminated sign, flashing sign.~~

Building face or wall. All window and wall area of a building in one plane or elevation.

Center identification sign. Any sign which identifies a shopping, industrial center, or office center by name, address, or symbol. Center identification signs may also identify individual businesses and activities located within the center.

Changing message center. An electronically controlled sign, message center, or readerboard where copy changes of a public service or commercial nature are shown on the same lamp bank (i.e., time, temperature, date, news, or commercial information of interest to the traveling public).

Changeable copy sign (manual). Any sign that is designed so that characters, letters, or illustrations can be changed or rearranged by hand, without altering the face or the surface of the sign (i.e., readerboards with changeable pictorial panels).

Construction sign. A temporary sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other information included thereon.

Corporate logo sign. A logo sign consists of a symbol or identifying mark(s) used as part of a corporation identification scheme that is meant to identify a corporation, company, or individual business or organization. Internally illuminated cabinet signs shall not be allowed for use as a logo sign above 35 feet in any of the downtown districts.

Directional sign. Any sign which serves solely to designate the location of any place, area, or business within the City limits of Tacoma, whether on-premises or off-premises.

Directory sign. A sign on which the names and locations of occupants or the use of a building is given.

Electrical sign. A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as any part of the sign.

Flashing sign. An electrical sign or portion which changes light intensity in sudden transitory bursts, but not including signs which appear to chase or flicker and not including signs where the change in light intensity occurs at intervals of more than one second.

Freestanding sign. A permanently installed, self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

Frontage.

1. Freestanding sign. For the purpose of computing the size of a freestanding sign, frontage shall be the length of the property line parallel to and abutting each public right-of-way bordered.
2. Building mounted sign. For the purpose of computing the size of building mounted signs, frontage shall be the length of that portion of the building containing the business oriented onto a right-of-way or parking lot. For a business with more than one frontage, the largest frontage with a public entrance shall be used.

Graphics. An aggregate of designs, shapes, forms, colors, and/or materials located on an exterior wall and relating to or representing a symbol, word, meaning, or message.

## Billboard Code Revisions

Ground sign. A sign that is six feet or less in height above ground level and is supported by one or more poles, columns, or supports anchored in the ground.

Identification or directory sign. A combination sign used to identify numerous buildings, persons, or activities which relate to one another, which is used as an external way-finding for both vehicular and pedestrians traffic.

Illuminated sign. A sign designed to give forth any artificial or reflected light, either directly from a source of light incorporated into or connected with such sign or indirectly from a source intentionally directed upon it, so shielded that no direct illumination from it is visible elsewhere than on the sign and in the immediate proximity thereof.

Incidental sign. A small sign intended primarily for the convenience and direction of the public on the premises, which does not advertise but is informational only, and includes information which denotes the hours of operation, telephone number, credit cards accepted, sales information, entrances and exits, and information required by law. Incidental information may appear on a sign having other copy as well, such as an advertising sign.

Landscaping. Any material used as a decorative feature, such as planter boxes, pole covers, decorative framing, and shrubbery or planting materials, used in conjunction with a sign, which expresses the theme of the sign but does not contain advertising copy.

Marquee sign. A sign attached to and made part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure attached to and supported by the building and projecting beyond a building, but does not include a projecting roof.

Multiple business center. A grouping of two or more business establishments which either share common parking and/or access drives on the lot where they are located or which occupy a single structure or separate structures which are physically or functionally related or attached. In order to be considered a separate business establishment, a business shall be physically separated from other businesses; however, businesses which share certain common internal facilities, such as reception areas, checkout stands, and similar features shall be considered one business establishment.

Mural. A decorative design or scene intended to provide visual enjoyment that is painted or placed on an exterior building wall. A mural contains no commercial messages, logo, or corporate symbol.

Nonconforming sign. A nonconforming sign shall mean any sign which does not conform to the requirements of this section.

Neutral surface. The building surface, cabinetry, and opaque surfaces which are not an integral part of the sign message.

Off-premises sign. ~~A permanent sign not located on the premises of the use or activity to which the sign pertains. A sign that identifies or gives directional information to a commercial establishment not located on the premises where the sign is installed or maintained.~~

Off-premises open house or directional sign. A sign advertising a transaction involving:

1. A product sold in a residential zone;
2. A product that cannot be moved without a permit; and/or
3. A product with a size of at least 3,200 cubic feet.

On-premises sign. Any sign identifying or advertising a business, person, activity, goods, products, or services primarily located on the premises where the sign is installed or maintained.

Parapet. A false front or wall extension above the roof line.

Person. Person shall mean and include a person, firm, partnership, association, corporation, company, or organization, singular or plural, of any kind.

Political sign. A temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot in a primary, general, or special election.

Portable sign. Any sign not permanently attached to the ground or a building. (Includes A-frame, sandwich boards, and portable readerboards.)

Projecting sign. A sign, other than a wall sign, which is attached to and projects from a structure or building face.

## Billboard Code Revisions

**Public Facility.** Any facility funded in whole or part with public funds, which provides service to the general public, including, but not limited to, public schools, public libraries, community centers, public parks, government facilities, or similar use.

**Public information sign.** A sign erected and maintained by any governmental entity for traffic direction or for designation of, or direction to, any school, hospital, historical site, or public service, property, or facility. Public signs include those of such public agencies as the Port of Tacoma, Pierce Transit, the Tacoma School District, and the MetroParks Tacoma.

**Readerboard.** A sign consisting of tracks to hold letters, which allows for frequent changes of copy; usually such copy is not electronic.

**Real estate sign.** Any sign which is only used for advertising the sale or lease of ground upon which it is located or of a building located on the same parcel of ground.

**Repair.** To paint, clean, or replace damaged parts of a sign, or to improve its structural strength, but not in a manner that would change the size, shape, location, or character.

**Roof line or ridge line.** The top edge of the roof or top of a parapet, whichever forms the top line of the building silhouette.

**Roof sign.** Any sign erected upon, against, or directly above a roof or parapet of a building or structure.

**Rotating signs.** Any sign or portion thereof which physically revolves about an axis.

**Searchlight.** An apparatus for projecting a beam or beams of light.

**Sign.** Any materials placed or constructed, or light projected, that (a) convey a message or image and (b) are used to inform or attract the attention of the public, but not including any lawful display of merchandise. Some examples of "signs" include placards, A-boards, posters, murals, diagrams, banners, flags, billboards, or projected slides, images or holograms. The applicability of the term "sign" does not depend on the content of the message or image conveyed.~~Any object, device, display, structure, or part thereof, which is used to advertise, identify, direct, or attract attention to a product, business, activity, place, person, institution, or event using words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.~~

**Sign area.** The total area of a sign, as measured by the perimeter of the smallest rectangle enclosing the extreme limits of the letter, module, or advertising message visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, decorative features, or framework which contains no written or advertising copy. (Includes only one side of a double-faced sign, unless noted otherwise.)

1. Individual letter signs, using a wall as the background without added decoration or change in wall color, shall be calculated by measuring the smallest rectangle enclosing each letter. The combined total area of each individual letter shall be considered the total area of the sign.
2. For a multiple face sign, the sign area shall be computed for the largest face only. If the sign consists of more than one section or module, all areas will be totaled.
3. Neutral surfaces (i.e., graphic design, wall murals and colored bands), shall not be included in the calculation. (See definition of "Neutral Surface.")
4. The area of all regulated signs on a business premises shall be counted in determining the permitted sign area.

**Sign height.** The vertical distance measured from the adjacent grade at the base of the sign to the highest point of the sign structure; provided, however, the grade of the ground may not be built up in order to allow the sign to be higher.

**Sign structure.** Any structure which supports, has supported, is designed to support, or is capable of supporting a sign, including a decorative cover.

**Street.** A thoroughfare which provides the principal means of access to abutting property.

**Swinging sign.** A sign installed on an arm or spar that is fastened to an adjacent wall or upright pole, which sign is allowed to move or swing to a perceptible degree.

**Temporary off-premises sign.** An off-premises advertising sign attached to temporary fencing during the time of construction.

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Temporary sign. An on-premises sign, banner, balloon, pennant, valance, A-board, or advertising display constructed of cloth, canvas, fabric, paper, cardboard, plywood, wood, wallboard, plastic, sheet metal, or other similar light material, with or without a frame, which is not permanently affixed to any sign structure and which is intended to be displayed for a limited time only.

Under-marquee sign. Signs or other information-conveying devices that are affixed to the underside of a marquee and project down from the bottom of the marquee.

User. A user shall be understood to mean the lessee or purchaser of any sign.

Unlawful sign. 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.

Wall sign (fascia sign). A sign painted on or attached to or erected against the wall of a building with the face in a parallel plane of the building wall.

Warning Sign. Any sign which is intended to warn persons of prohibited activities such as “no hunting” and “no dumping.”

Window sign. A sign painted on, affixed to, or installed inside a window for purposes of viewing from outside the premises.

### **13.06.521 General sign regulations.**

#### A. Administration.

1. Land Use Administrator. The Land Use Administrator shall interpret, administer, and enforce the sign code in accordance with Chapter 13.05.
2. Building Official. The Building Official shall issue all permits for the construction, alteration, and erection of signs in accordance with the provisions of this section and related chapters and titles of the Tacoma Municipal Code (see Chapter 2.05). In addition, all signs, where appropriate, shall conform to the current Washington State Energy Code (see Chapter 2.10), National Electrical Code, and the National Electrical Safety Code. Exceptions to these regulations may be contained in the Tacoma Landmarks Special Review District regulations, Chapters 1.42 and 13.07.
3. Applicability. All new permanent signs, painted wall signs, and temporary off-premises advertising signs require permits. Permits require full conformance with all City codes, particularly Titles 2 and 13. Signs not visible from a public right-of-way or adjacent property are not regulated herein, but may require permits pursuant to the provision of Title 2.
4. In addition to and notwithstanding the provisions of this section, all signs shall comply with all other applicable regulations and authorities, including, but not limited to, Chapter 47.42 RCW: Highway Advertising Control Act – Scenic Vistas Act and Chapter 468-66 WAC – Highway Advertising Control Act.

B. Exempt signs. The following signs shall be exempt from all requirements of this section and shall not require permits; however, this subsection is not to be construed as relieving the user of such signage from responsibility for its erection and maintenance, pursuant to Title 2 or any other law or ordinance relating to the same.

1. Changing of the advertising copy or message on a sign specifically designed for the use of replaceable copy.
2. Repainting, maintenance, and repair of existing signs or sign structures; provided, work is done on-site and no structural change is made.
3. Signs not visible from the public right-of-way and beyond the boundaries of the lot or parcel.
4. Incidental and warning signs.
5. Sculptures, fountains, mosaics, murals, and other works of art that do not incorporate business identification or commercial messages.
6. Signs installed and maintained on bus benches and/or shelters within City right-of-way, pursuant to a franchise authorized by the City Council.
7. Seasonal decorations for display on private property.

## Billboard Code Revisions

8. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.

9. Signs of public service companies indicating danger and aid to service or safety.

10. Non-electric bulletin boards not exceeding 12 square feet in area for each public, charitable, or religious institution, when the same are located on the premises of said institutions.

11. Construction signs denoting a building which is under construction, structural alterations, or repair, which announce the character of the building enterprise or the purpose for which the building is intended, including names of architects, engineers, contractors, developers, financiers, and others; provided, the area of such sign shall not exceed 32 square feet.

12. Window sign.

13. Political signs, as set forth in Title 2.

14. Real estate signs, 12 square feet or less, located on the site. Condominiums or apartment complexes shall be permitted one real estate sign with up to 12 square feet per street frontage. Such sign(s) may be used as a directory sign that advertises more than one unit in the complex.

15. Off-premises open house or directional signs, subject to the following regulations:

a. The signs may be placed on private property or on the right-of-way adjacent to said private property, with the permission of the abutting property owner. The signs shall be displayed in such a manner as to not constitute a traffic hazard or impair or impede pedestrians, bicycles, or disabled persons. If either condition is not met, the abutting property owner or the City may remove the sign.

b. Signs shall not be fastened to any utility pole, street light, traffic control device, public structure, fence, tree, shrub, or regulatory municipal sign.

c. A maximum of three off-premises open house or directional signs will be permitted per single-family home. One additional open house or directional sign identifying the open house shall be permitted at the house being sold.

d. Signage shall not exceed four square feet in area per side (eight square feet total) and three feet in height. Off-premises open house or directional signs shall not be decorated with balloons, ribbons, or other decorative devices.

e. Signage shall only be in place between the hours of 11:00 a.m. and 6:00 p.m., when the seller of the product, or the seller's agent, is physically present at the location of the product.

f. Each off-premises open house or directional sign that is placed or posted shall bear the name and address of the person placing or posting the sign in print not smaller than 12 point font. The information identifying the name and address of the person placing or posting the sign is not required to be included within the content of the speakers' message, but may be placed on the underside of the sign or in any other such location.

g. New plats may have up to a maximum of eight plat directional signs for all new homes within the subdivision. New plat directional signs shall identify the plat and may provide directional information but shall not identify individual real estate brokers or agents. New plat directional signs shall be limited in size and manner of display to that allowed for off-premises open house or directional signs. Off-premises open house or directional signs shall not be permitted for new homes within new plats.

h. A maximum of three off-premises open house or directional signs shall be allowed per condominium or apartment complex.

16. Professional name plates two square feet or less.

17. Changing plex-style faces in existing cabinets; provided, work is done on-site without removing sign.

C. Prohibited signs. The following commercial signs are prohibited, except as may be otherwise provided by this chapter:

1. Signs or sign structures which, by coloring, wording, lighting, location, or design, resemble or conflict with a traffic control sign or device, or which make use of words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse persons traveling on the right-of-way or which, in any way, create a traffic hazard as determined by the City Engineer or his or her designee.

2. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicular traffic, or which obstruct a clear view of official signs or signals, as determined by the City Engineer or his or her designee.

3. Signs, temporary or otherwise, which are affixed to a tree, rock, fence, lamppost, or bench; however, construction, directional, and incidental signs may be affixed to a fence or lamppost.

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4. Any sign attached to a utility pole, excluding official signs as determined by Tacoma Public Utilities.
5. Signs on public property, except when authorized by the appropriate public agency.
6. Signs attached to or placed on any stationary vehicle or trailer so as to be visible from a public right-of-way for the purpose of providing advertisement of services or products or for the purpose of directing people to a business. This provision shall not apply to the identification of a firm or its principal products on operable vehicles operating in the normal course of business. Public transit buses and licensed taxis are exempt from this restriction.
7. Roof signs, except where incorporated into a building to provide an overall finished appearance.
8. All portable signs not securely attached to the ground or a building, including readerboards and A-frames on trailers, except those allowed by the regulations of the appropriate zoning district.
9. Abandoned or dilapidated signs.
10. Portable readerboard signs.
11. Inflatable signs and blimps.
12. Off-premises sign, except pursuant to Section 13.06.521.L and M.

D. Special regulations by type of sign. In addition to the general requirements for all signs contained in this section, and the specific requirements for signs in each zone, there are special requirements for the following types of signs:

1. Wall signs.
2. Projecting signs.
3. Freestanding signs.
4. Marquee signs.
5. Under-marquee signs.
6. Canopy and awning signs.
7. Temporary signs.
8. Off-premises directional signs.
9. Billboards (~~outdoor advertising sign~~).

The special requirements for these signs are contained in subsections E through M of this section.

\* \* \*

L. Off-premises directional signs. Special regulations governing off-premises directional signs are as follows:

1. Off-premises directional signs shall be limited to a maximum of 15 square feet in area and 6 feet in height.
2. Off-premises directional signs shall contain only the name of the principal use and directions to the use in permanent lettering.
3. Off-premises directional signs shall be placed on or over private property, except that business district identification signs may be located and comply with the applicable requirements of Title 9.
4. Off-premises directional signs are permitted when on-premises signs are inadequate to identify the location of a business. If applicable, only one such sign shall be allowed.

M. Billboards (~~outdoor advertising signs~~). Special regulations governing billboards are as follows:

1. a. New Billboard Faces. No new billboards shall be allowed in the City, unless the applicant for a new billboard reduces the total number of billboards and relocation permits in existence as of June 1, 2011. New billboards will only be allowed in receiving areas designated in M.11, below. For purposes of this regulation, "reduce" shall mean to relinquish relocation permits held by an applicant and/or physical removal of billboard faces and related structures prior to the issuance of any permit to construct a new billboard.

~~Any person, firm, or corporation who maintains billboard structures and faces within the City of Tacoma shall be authorized to maintain only that number of billboard structures and faces that they maintained on April 12, 1988, except for transfers permitted in subsection L.c of this section. A person who maintains any such billboard structures and faces may, thereafter, relocate a billboard face or structure to a new location as otherwise authorized by this section. No other billboards shall be authorized, and there shall be no greater total number of billboard structures and faces within the City than the number that were in existence on April 12, 1988.~~

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~~That number of structures and faces shall include those for which permit applications had been filed prior to April 13, 1988. As unincorporated areas are annexed to the City of Tacoma, the total number of billboard structures and faces in that area will constitute an addition to the number authorized in the City of Tacoma.~~

~~b. Exchange of standard billboard faces. A permit for a standard billboard may be issued with the condition that construction may begin upon removal, to be confirmed by a site inspection, of an existing standard billboard face or relinquishment of an existing relocation permit. Building permits shall not be extended beyond their normal expiration date. Upon removal of an existing billboard face or structure, a relocation permit shall be issued authorizing relocation of the face to a new site. There shall be no time limit on the billboard owner's eligibility to utilize such relocation permits. In the event that a billboard owner wishes to remove a billboard and does not have immediate plans for replacement at a new location, an inactive relocation permit shall be issued. There shall be no time limit on the activation of the inactive permit and such permits are transferable. The application for a relocation permit shall include an accurate site plan and vicinity map of the billboard face or structure to be removed, as well as a site plan and vicinity map for the new location. Site plans and vicinity maps shall include sufficient information to determine compliance with the regulations of this chapter. The above provisions shall not apply to billboards whose permit applications were applied for prior to April 13, 1988, and not erected, unless the applicants or owners agree within 60 days to have such billboards, subject to all the provisions of this chapter.~~

~~e. Relocation permits shall be transferable upon the billboard owner's written permission.~~

~~c. Exchange of digital billboards. A digital billboard permit may be issued with the condition that construction may begin upon removal, to be verified by a site inspection, of at least five (5) existing standard billboard faces and exchange of up to ten (10) relocation permits (or any combination of at least 5 existing faces with an adequate number of relocation permits to equal at least 15). If the applicant does not have relocation permits, eight (8) faces shall be removed. For the purposes of exchange, any billboard face of 500 square feet or greater shall be counted as three faces.~~

~~d. In no case shall the number of billboard faces or structures increase, and the square footage of billboard sign area to be relocated shall be equal to or less than the square footage of billboard sign area to be removed.~~

~~d. In addition, 25 additional faces must be removed, or permits relinquished, within five (5) years of the issuance of the first building permit for a digital billboard.~~

~~e. Removal priorities. After removing any billboards necessary to meet the applicable dispersal standards (part 8, below), any additional billboards required to be removed in exchange for a new billboard should be in the following order of priority:~~

~~(1) Those within the specified buffer of residential districts;~~

~~(2) Those within the specified buffer of publicly-owned open spaces, playgrounds, parks or recreational property;~~

~~(3) Those within the specified buffer of a religious institution or school;~~

~~(4) Those billboards which are non-conforming as to maximum size;~~

~~(5) Those within the specified buffer of a designated historic or conservation district;~~

~~(6) Those within the specified buffer of a shoreline district.~~

~~f. Demolition permits. 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 installation of construction of relocated billboard faces. Structures, when removed, shall be removed to grade and the grade restored at the site, or structures. The billboard owner shall have the right to accumulate the amount of square footage to be allowed, at the owner's discretion, to new sign faces and structures permitted under this chapter.~~

~~g. Emergency communication. Prior to final approval of any digital billboard, the billboard's owner shall have in place an agreement with the City of Tacoma regarding the reasonable use of such digital billboard for the purposes of public service announcements and emergency communications, such as "Amber Alerts" or alerts concerning natural disasters and other significant public safety concerns. The agreement shall specify partner agencies to which such access shall be allowed, protocols for agencies' use of the digital billboards, and parameters for incorporating the public service and emergency messages within the standard advertising rotation. Such an agreement shall remain in effect until such time as the digital billboard is removed.~~

## Billboard Code Revisions

2. Maintenance. All billboards, including paint and structural members, shall be maintained in good repair in compliance with all applicable building code requirements. Signs shall be kept clean and free of debris. The exposed area of backs of billboards must be covered to present an attractive and finished appearance.

3. Aesthetics. The following standards apply to all billboards.

a. Each sign structure must, at all times, include a facing of proper dimensions to conceal back bracing and framework of structural members and/or any electrical equipment. 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.

c. Billboard faces located on the same structures shall be back-to-back (i.e. parallel to each other) and within 5 degrees of perpendicular to the roadway from which they are viewed.

4. Landscaping. The following standards apply to all billboards installed after August 1, 2011.

a. No code-required landscaping may be diminished for the installation of a billboard.

b. When the base of the billboard support is visible from the adjacent sidewalk the support shall be surrounded with a 5-foot-wide landscaping buffer composed of shrubs and groundcover not to exceed 36 inches in mature height.

c. Any alteration to any street tree (removal or pruning) is subject to city review and approval.

5. Lighting.

a. No flashing signs shall be permitted.

b. Signs shall not imitate or resemble traffic control devices.

c. All images shall be static; no animation or motion pictures are allowed.

d. For digital billboards, the minimum static image time is 60 seconds.

e. For digital billboards, the maximum transition time for images is 2 seconds.

f. Brightness, foot-candles. Digital Billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured at the following distances, depending on the size of the Digital Billboard sign face:

<u>Face Size</u>	<u>Distance to be measured perpendicular to the pole:</u>
<u>Up to 300 square feet-</u>	<u>150'</u>
<u>300 – 672 square feet</u>	<u>250'</u>

Brightness may be measured at any time and from any location at the identified distance and shall not exceed the prescribed levels.

g. Brightness, intensity levels. The digital sign may not display light of excessive intensity or brilliance to cause glare or otherwise impair the vision of the driver. Digital sign light intensity exceeding the following intensity levels (nits) constitutes “excessive intensity or brilliance.”

### INTENSITY LEVELS (NITS)

<u>Color</u>	<u>Daytime</u>	<u>Nighttime</u>
<u>Full Color</u>	<u>5,000</u>	<u>-125</u>

Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 5,000 NITS and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the City Engineer.

h. Each digital billboard must have a light sensing device that will continuously adjust the brightness as ambient light conditions change.

i. Each digital billboard must have a “fail safe” that turns the screen to black in the case of malfunction.



## Billboard Code Revisions

j. Prior to final inspection approval, the applicant shall provide proof that all lighting levels and specifications in this section have been field-verified by a special inspector. All owners and operators of digital billboards within the City of Tacoma shall be responsible to ensure continued regulatory compliance. They shall provide annual reports to Building and Land Use Services verifying that each digital billboard remains within the brightness limitations established in this Chapter. These annual reports shall be due on June 1 of each year following installation. These verification reports shall be conducted by a private, third-party special inspector, based on and including field measurements at each billboard location, and conducted at the cost of the billboard owner or operator.

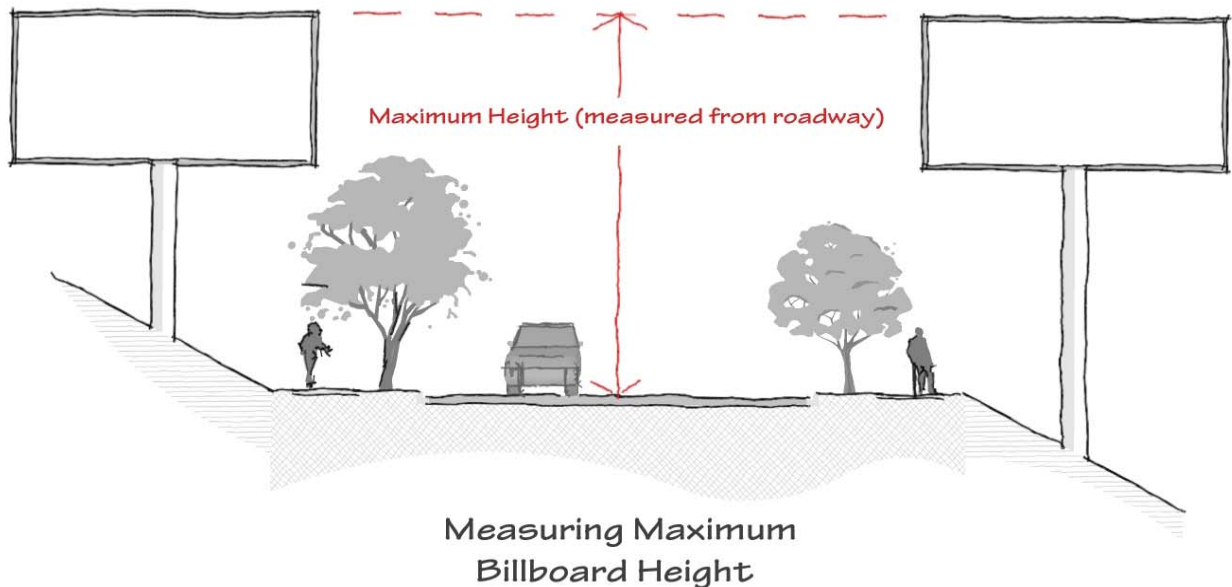
k. Billboards shall not be illuminated between the hours of 10:00 p.m. and 5:00 a.m.

l. Lighting from digital billboards shall not be directed skyward such that it would create any hazard for aircraft.

6. Size. The maximum area of any one sign face shall be 300 square feet, ~~with a maximum vertical sign face dimension of 12.5 feet and maximum length of 25 feet, inclusive of any border and trim, but excluding the base or apron, supports, and other structural members; provided, cut-outs and extensions may add up to 20 percent of additional sign area.~~

9. Rooftop (billboard) signs are prohibited.

497. Height. The maximum height of all billboard signs shall be 30 feet, except in the PMI District, where the maximum height shall be 45 feet. For the purpose of this section, height shall be the distance to the top of the normal display face from the main traveled way of the road from which the sign is to be viewed.



48. Dispersal.

a. Not more than a total of four billboard faces attached to not more than two support structures shall be permitted on both sides of a street within any distance of 1,000 feet measured laterally along the right of way, with a minimum of 100 feet between such structures. Billboard faces not located on the same structure shall be a minimum of 500 feet apart.

b. There shall be at least 300 linear feet of land, which is properly zoned, which permits billboards on one side of the street in order to erect one billboard structure on that side of the street. There shall be at least 600 linear feet of land, which is properly zoned, which permits billboards on one side of the street in order to erect more than one billboard structure on that side of the street.

e-b. The property on the opposite side of the street from the proposed billboard location must also be properly zoned to permit billboards.

## Billboard Code Revisions

~~6. Indirect or internal lighting shall be the only allowable means of illumination. No flashing signs shall be permitted.~~

~~79. Buffering – sensitive uses.~~ No billboard shall be located on, in, or within ~~250~~ 300 feet of:

- a. A residential or mixed-use district;
- b. Any publicly-owned open space, playground, park, or recreational property, as recognized in the adopted ~~“Recreation and Open Space Facilities Plan,”~~ “Open Space Habitat and Recreation Element” of the Comprehensive Plan, as amended;
- c. Any religious institution ~~church~~ or school; or
- d. Any designated historic or conservation district whether on the federal, state, or local register of historic places ~~properties~~.
- e. Any conservation district identified in Chapter 13.07.

~~8.10. Buffering – shoreline districts.~~ No billboard shall be located on, in, or within 375 feet of any shoreline district.

11. Digital billboards shall not be located in the public right-of-way.

~~12. Wireless Collocation. For the purposes of collocation of wireless facilities, billboards shall be considered a structure and shall be subject to the provisions set forth in Section 13.06.545.~~

N. Nonconforming signs. It is the intent of this subsection to allow the continued existence of legal nonconforming signs, subject, however, to the following restrictions:

1. No sign that had previously been erected in violation of any City Code shall, by virtue of the adoption of this section, become a legal nonconforming sign.

2. No nonconforming on-premises sign shall be changed, expanded, or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved, in whole or in part, to any other location where it would remain nonconforming. However, a legal nonconforming on-premises sign may be altered if the degree of nonconformity for height and sign area is decreased by 25 percent or greater. For purposes of this subsection, normal maintenance and repair, including painting, cleaning, or replacing damaged parts of a sign, shall not be considered a structural alteration.

3. A nonconforming off-premises sign shall not be changed, expanded, moved, or altered in any manner which would increase the degree of its nonconformity. For purposes of this subsection, normal maintenance and repair, including painting, cleaning, or replacing damaged parts of a sign, shall not be considered an alteration.

~~34.~~ Any sign which is discontinued for a period of 90 consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not, thereafter, be reestablished, except in full compliance with this chapter. Any period of such discontinuance caused by government actions, strikes, material shortages, acts of God, and without any contributing fault by the sign user, shall not be considered in calculating the length of discontinuance for purposes of this section.

~~45.~~ Any nonconforming sign damaged or destroyed, by any means, to the extent of one-half of its replacement cost new shall be terminated and shall not be restored.

~~56.~~ All existing billboards within the City which are not in compliance with the requirements of this section on July 22, 1997, are considered to be nonconforming billboards. Nonconforming billboards shall be made to conform with the requirements of this section under the following circumstances:

- a. When ~~any new sign for which a sign permit is required by this section is proposed to be installed~~ any substantial alteration is proposed for a building on a premises upon which is located a nonconforming billboard, the billboard shall be removed or brought into conformance with this section for each new sign installed for a particular business. “Substantial alteration” means all alterations within a two year period whose cumulative value exceeds 200% of the value of the existing structure, as determined by the applicable Building Code
- b. Whenever a building, or portion thereof, to which a nonconforming billboard is attached (such as upon the roof or attached to a wall), is proposed to be expanded or remodeled, all nonconforming billboards shall be removed or brought into compliance with this section if the value of the alteration is greater than or equal to 50 percent of the assessed value of the existing building within any two-year period. Whenever a building, or portion thereof, upon

## Billboard Code Revisions

~~which is located a nonconforming rooftop (billboard) sign is proposed to be expanded or remodeled, all nonconforming rooftop billboard signs located on that portion of the building being remodeled or expanded shall be removed or brought into compliance with this section if such expansion or remodel adds to the building the lesser of:~~

~~(1) Twenty percent or more of the floor area of the existing building;~~

~~(2) One thousand square feet floor area; and~~

~~(3) A value for the new construction or remodeling greater than or equal to 50 percent of the assessed value of the existing building.~~

~~e. Whenever any modification is to be made to the structure, frame, or support of any nonconforming billboard sign, such nonconforming billboard sign shall be removed or brought into conformance with this section.~~

~~d. Whenever the facade of a building upon which is located a nonconforming billboard wall sign is remodeled or renovated, all nonconforming billboard wall signs located on the portion of the facade being renovated shall be brought into conformance with this section.~~

~~6. The provisions of subsection 5 shall control, except in those instances where an applicant or owner can demonstrate that there exists a binding contract to allow a billboard sign that contains financial penalty provisions for early termination or the absence of termination provisions in the contracts with billboard companies. In those instances, a permit may be issued on the condition that when the contract for the billboard expires, or an option for renewal occurs, the billboard will then be removed, pursuant to subsection 5 above.~~

~~a. To insure compliance with this section, the property owner shall enter into an agreement with the City that identifies the termination date of the contract to allow the billboard and a provision that, if the billboard is not removed, the sign permit issued pursuant to this section will be revoked and the sign will be removed, pursuant to subsection e below.~~

~~b. This provision shall only apply to contracts entered into prior to the adoption of these regulations (July 22, 1997).~~

~~c. Any business owner or property owner seeking to obtain a sign permit for a property that has a nonconforming billboard located on it, and can demonstrate that there are either penalty provisions or the absence of termination provisions in the contracts with billboard companies in the City, shall apply for approval in accordance with the following procedures:~~

~~(1) Application. Prior to installation of a sign, the property owner shall apply for a sign permit with Building and Land Use Services. A complete application shall include a properly completed application form, structural plans, and fees, as prescribed in subsection e.(2) below.~~

~~(2) Fees. An applicant shall pay a fee for the inspection, notification, recording, and enforcement related to the continuation of nonconforming billboards, pursuant to Section 2.09.080, and is in addition to any other required fees.~~

~~(3) Concomitant agreement. Prior to the approval of the sign permit, the property owner shall execute a concomitant agreement with the City. Such agreement shall be in a form as specified by Building and Land Use Services, and approved by the City Attorney, and shall include, at a minimum: (a) the legal description of the property which has been permitted for the sign permit; and (b) the conditions necessary to apply the restrictions and limitations contained in this section. The concomitant agreement will be recorded prior to issuance of a sign permit by Building and Land Use Services. The concomitant agreement shall run with the land until the nonconforming billboard is removed from the property. The property owner may, at any time, apply to Building and Land Use Services for a termination of the concomitant agreement. Such termination shall be granted, upon proof that the business sign no longer exists on the property or upon proof that the nonconforming billboard no longer exists on the property.~~

~~(4) Permit issuance. Upon receipt of a complete application, application fees, completed concomitant agreement, and upon approval of the structural plans, a sign permit shall be approved.~~

~~(5) Violations. A violation of this section regarding provision of ownership shall be governed by Section 13.05.100.~~

~~(6) Amortization. All legal nonconforming billboard signs shall be discontinued and removed or made conforming within ten years from the effective date of this section, on or before August 1, ~~2007~~2017, and all billboard signs, which are made nonconforming by a subsequent amendment to this section, shall be discontinued and removed or made conforming within ten years after the date of such amendment (collectively the "amortization period"). Upon~~

## Billboard Code Revisions

the expiration of the amortization period, the billboard sign shall be brought into conformance with this section, with a permit obtained, or be removed. Nonconforming billboard signs that are removed prior to the end of the amortization period shall be given an inactive relocation permit, pursuant to subsection M.1.b. of this section.

O. Sign variances. Refer to Section 13.06.645.B.5.

**13.06.522 District sign regulations.**

**[This section would not need to be changed.]**



**City of Tacoma**  
**Community and Economic Development Department**

**Agenda Item**  
**GB-2**

TO: Planning Commission

FROM: Donna Stenger, Manager, Long-Range Planning Division

SUBJECT: Amendment to the Downtown Parking Requirements

DATE: May 11, 2011

On March 8, 2011 at a joint meeting of the Economic Development and Environment & Public Works Committees, Council Members directed staff to (1) assess parking-related barriers to new development in the Tacoma Municipal Code and (2) begin a code amendment process to consider the elimination of minimum and maximum off-street parking requirements for new development in the area of downtown zoned DCC – Downtown Commercial Core and within the designated Historic and Conservation overlay districts (generally between S. 6th St. and S. 23rd St.) (see attached map).

This proposed amendment builds on Ordinance No. 27825, approved by the Council on August 11, 2009, which eliminated off-street parking requirements for new construction in the International Financial Services Area (IFSA). The IFSA parking requirements and this current proposal on downtown parking requirements are first steps towards implementing the policy intent outlined in the 2008 update to the Downtown Element of the Comprehensive Plan. A policy goal of the Downtown Element is to develop a market-based parking management strategy that revises the on-site parking requirements to minimize mandatory parking investments and maximize economic development opportunities.

At the Planning Commission meeting on May 18, 2011 staff will initiate this discussion by providing a general overview of the downtown parking regulations, current issues, and review potential revisions to be considered as a part of this project. Attached, for the Commission's information and discussion, are the draft scope and schedule for the project, as well as the proposed public review process and stakeholder outreach plan.

Staff will discuss the key issues in the proposed scope, which include confirming the boundaries of the downtown area this amendment applies within, reformatting this section of the code to increase consistency and readability and addressing an expiring provision that provides flexibility in locating required accessible parking. Staff is seeking direction from the Commission concerning the proposed scope and outreach approach.

If you have any questions, please contact Chelsea Levy at (253) 591-5393 or [clevy@cityoftacoma.org](mailto:clevy@cityoftacoma.org).

c: Peter Huffman, Assistant Director

Attachments (6)



## **Draft Project Scope (May 2011)**

The intent of this proposed project is to eliminate parking-related barriers to new development by amending the Tacoma Municipal Code Section 13.06A.060 to eliminate minimum and maximum off-street parking requirements for new non-residential and residential developments in the core of downtown Tacoma.

The proposed project scope involves the following general modifications to the code:

**1. Establish the boundary**

Amend the Code to eliminate minimum and maximum off-street parking requirements in the DCC – Downtown Commercial Core zone and the Old City Hall Historic District, Union Depot/Warehouse Historic District and the Union Station Conservation District. Collectively, this area is proposed to be called the Downtown Market-Based Off-Street Parking Area (see attached map).

**2. Eliminate references to the International Financial Services Area (IFSA) in Section 13.06A.060.**

In 2008, the IFSA was created as a special emphasis area in the Downtown Commercial Core zone, in part, to encourage long-term private investments that allow for the expansion, retention and recruitment of international financial services firms. In 2009, the Planning Commission recommended and the Council eliminated off-street parking requirements for new development in the IFSA to further encourage private investment and remove development barriers.

With the passage of this amendment a larger area of downtown would benefit from the elimination of parking requirements for new development. Consequently, the IFSA boundary would no longer be relevant to downtown parking requirements. The current map of the IFSA should be added to Section 13.05.095 Development Regulations Agreements, where it would still apply. This section of the code establishes the boundaries and procedures to execute an alternative application process (development agreement) for significant projects that advance City policies and provide public benefit and identifies the IFSA as an area where this alternative process can be used.

**3. Address expiration of ADA flexibility provision**

The 2009 amendment that eliminated required off-street parking within the IFSA includes a provision for accessible parking for people with physical disabilities. The code creates some flexibility in this requirement by enabling the Building Official to “approve an alternate to providing on-site accessible parking” when the alternate provides a reasonable alternative given the specifics of the site and the needs of people with disabilities. This flexibility provision will expire 12/31/2011 unless otherwise extended or made permanent.

**4. Reorganize for consistency and readability**

Currently, Section 13.06A.060 has 14 notes and 6 footnotes. This section is proposed to be reorganized to improve readability and consistency with other sections of the code.

### **Draft Stakeholder Outreach Plan (May 2011)**

The intent is to follow a similar public outreach process to that conducted for the IFSA parking amendments in 2009. This process will include early public participation through the broad dissemination of the draft proposal to stakeholder groups and interested parties, presentations at meetings, public notices of hearings and public meetings and opportunities for written and verbal comments.

#### **Proposed Key Stakeholders**

- Downtown Organizations:
  - Downtown Merchants Group
  - Dome District Business District
  - Downtown Tacoma Business Improvement Area
  - New Tacoma Neighborhood Council
  - Theater District Association
  - Hillside Development Council
  - Tacoma-Pierce County Chamber
  - Tacoma Waterfront Association
- University of Washington Tacoma
- Transportation-related organizations/ agencies:
  - Pierce Transit
  - Sound Transit
  - Downtown on the go
  - Bicycle and Pedestrian Action Committee
- Architecture and Real Estate Development Organizations:
  - Building and Office Managers Association
  - Master Builders Association
  - Association of General Contractors
  - Commercial Real Estate Development Association
  - Tacoma-Pierce County Association of Realtors
  - American Institute of Architects
- Boards/ Commissions:
  - Landmarks Preservation Commission
  - Sustainable Tacoma Commission
  - Tacoma Area Commission on Disabilities
  - Parking Management Advisory Task Force
- Affected property owners
- Holders of business licenses within the proposed boundary



**PROPOSED AMENDMENTS TO THE DOWNTOWN PARKING REQUIREMENTS**

**Draft Schedule (May 2011)**

<b>Date</b>	<b>Event</b>
March 8, 2011	ED/EPW Committees request to plan for the elimination of parking requirements in the DCC, and downtown Historic and Conservation districts
May 18	Planning Commission presentation of draft scope of code amendment, public outreach concept, and proposed timeline
June 28	Presentation to ED/EPW Committees on project scope and schedule
July 20	Planning Commission presentation of staff report and draft code amendment
August 3	Planning Commission authorization for public distribution and set hearing date
August 10	Distribute public hearing notice and draft code amendments for public review and comment, issue preliminary SEPA determination
September 7	Planning Commission public hearing
September 16	Public comment period closes
October 5	Planning Commission discussion of hearing testimony, staff responses and possible modification to proposed code amendment
October 19	Planning Commission recommendation on draft amendments
November 8	ED/EPW Committee reviews PC recommendations
November 8	City Council sets public hearing date
November 22	City Council public hearing on draft amendments
November 29	City Council first reading of ordinance to adopt amendments
December 6	City Council second reading and adoption of amendments
December 16	Submit final amendments to State
January 1, 2012	Effective date of amendments



standards. It is not intended to require extensive changes that are impractical, such as moving or lowering buildings.

B. Nonconforming development may continue as set forth in Section 13.06.630, unless specifically limited by other regulations of this chapter.

C. Additions to buildings nonconforming to the development standards or basic design standards must comply with these standards, unless otherwise exempted. No addition can increase the nonconformity to the development or basic design standards or create new nonconformity with these standards. (Ord. 26934 § 10; passed Mar. 5, 2002; Ord. 26899 § 8; passed Dec. 11, 2001)

**13.06A.060 Development standards.**

**Development Standards Table.**

Districts	Maximum Allowable Floor Area Ratio (FAR) <sup>1</sup>						Height Limits	Non-Res Parking <sup>2,3,4,6</sup>	
	"As of Right"		With Design Standards		With Special Features			Min	Max
	Non-Res	Res	Non-Res	Res	Non-Res	Res		(stalls/floor area sf) <sup>5</sup>	
DCC	3	3	6	6	12	12	400'	2.4/1000	3.6/1000
DMU	2	3	4	5	6	7	100'	2.4/1000	3.6/1000
DR	1	2	2	4	4	6	90'	1.2/1000	3.6/1000
WR	3	4	4	5	6	7	100'	1.2/1000	3.6/1000

Notes:

1. The FAR for non-residential and residential uses within a given development are individually calculated and may be added together for a cumulative total, provided that the respective maximum FAR for each use is not exceeded. For example, in the DCC, an "as-of-right" development may have a total FAR of 6, with a FAR of 3 in non-residential use and a FAR of 3 in residential use in a single development.
2. For the purposes of calculating maximum allowable FAR, hotels shall be considered a residential use.
3. A minimum FAR of 1 shall be achieved for structures within the Downtown Commercial Core district. The gross floor area shall be used to calculate the minimum FAR.
4. Building Height will be measured consistent with the applicable Building Code, Height of Building and excludes parapets, mechanical penthouses, elevator overruns and machine rooms, and decorative architectural features (e.g., spires, towers, pergolas, pyramids, pitched roofs) not intended for residential, office or retail space.
5. Maximum Building Height within 150' east of the centerline of the right-of-way of Yakima Avenue shall be 60 feet, in order to create a transition to lower-rise residential development to the west.
6. Minimum parking ratios for non-residential development located east of Market Street, or located east of Jefferson Avenue from South 21st to South 28th streets shall be reduced by 50 percent in recognition of the availability of transit.
7. The first 3,000 square feet of each street level establishment, whether inside or outside the IFSA, is exempt from parking requirements.
8. Maximum parking ratios may be exceeded for providing parking available to the public and which is not dedicated to individual owners, tenants and lessees of the building.

## Tacoma Municipal Code

9. Tandem parking is permitted only for residential development subject to approval of the Traffic Engineer.
10. Development shall also comply with the requirements of 13.06.510(C) Loading Spaces.
11. No variances shall be granted to these development standards unless otherwise indicated.
12. Buildings lawfully in existence on January 10, 2000, the time of reclassification to the above districts, including buildings within the IFSA, do not need to conform to these standards; however, additions will need to conform. No addition can increase nonconformity to these standards or create new nonconformity.
13. Unless otherwise specified herein, the off-street parking area development standards contained in TMC 13.06.510, which include minimum stall size and height, aisle width, paving and access requirements, but not including minimum quantity requirements, shall apply to all new off-street parking provided.
14. For buildings that contain multiple types of uses, the required number of parking spaces shall be equal to the total number of spaces determined by computing each use types separately, except where specifically stated otherwise herein.

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1 The maximum allowable Floor Area Ratio may be exceeded as provided for in Section 13.06A.080.

2 Residential developments shall be required to provide one stall per residential unit, except within the IFSA (see Footnote 6 for applicable standards). Special needs housing, including, but not limited to, seniors, assisted living, congregate care, licensed care, or group care homes may provide less than one stall per residence upon a showing that a lesser parking requirement will reasonably provide adequate parking for residents, staff, and visitors, subject to the approval of the Traffic Engineer.

3 Required parking for hotels shall be .5 stalls per room inclusive of all accessory uses, except within the IFSA (see Footnote 6 for applicable standards).

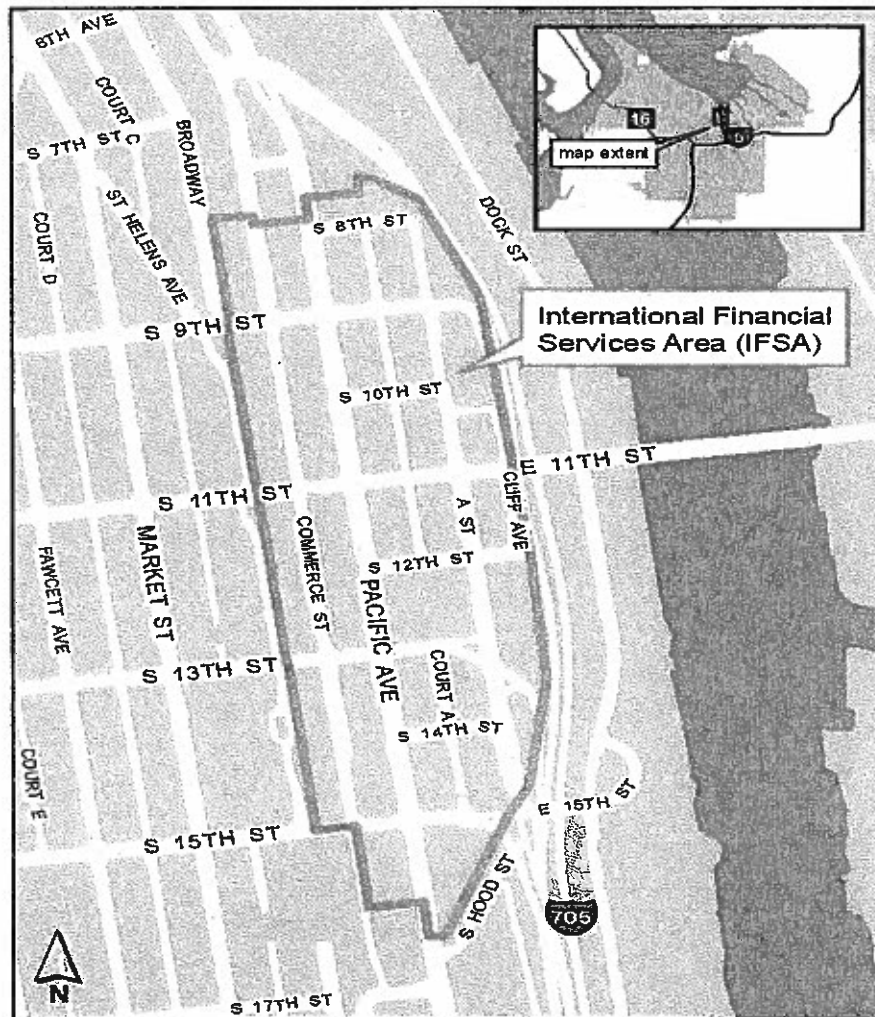
4 Telecommunications exchange facilities may provide less than the required parking stalls upon a showing that a lesser parking requirement will reasonably provide adequate parking for operational, vendor, and transient service staff, subject to approval of the Traffic Engineer.

5 Floor area is determined pursuant to the definition provided in Section 13.06A.030(7).

6. Minimum and maximum off-street parking stall quantity requirements do not apply within the International Financial Services Area (IFSA) (see Figure 1), however, accessible parking shall be provided for people with physical disabilities as part of all new buildings and additions to existing buildings in accordance with the standards set forth in the building code as adopted by the City of Tacoma in TMC Chapter 2.02, based on the parking provided, but not less than the following:

- a. The minimum number of accessible parking stalls to be provided shall be based on the following criteria:
  - i. For non-residential development, accessible parking shall be calculated as if one general parking space were provided for each 1,000 square-feet of gross floor area of the development, minus the first 3000 square-feet of each street level establishment.
  - ii. For hotels, accessible parking shall be calculated as if one-half (0.5) a general parking space was provided for each guest room, inclusive of all accessory uses (see Footnote 3).
  - iii. For residential development, accessible parking shall be calculated as if one general parking space was provided for each dwelling unit.
- b. After consulting with the City's ADA Coordinator, the Building Official may approve an alternate to providing on-site accessible parking, as outlined in Footnote 6(a), when it is determined that the alternate provides a reasonable alternative in light of circumstances associated with the specifics of an individual site and the needs of people with disabilities; this provision will expire 12/31/2011 unless otherwise extended.

Figure 1: International Financial Services Area (IFSA)



(Ord. 27825 Ex. A; passed Aug. 11, 2009; Ord. 27278 § 4; passed Oct. 26, 2004; Ord. 27245 § 24; passed Jun. 22, 2004; Ord. 27079 § 54; passed Apr. 29, 2003; Ord. 26899 § 9; passed Dec. 11, 2001; Ord. 26733 § 8; passed Nov. 14, 2000; Ord. 26605 § 5; passed Mar. 28, 2000; Ord. 26556 § 28; passed Dec. 14, 1999)

**13.06A.070 Basic design standards.**

A. No variances shall be granted to the following basic design standards and the additional standards applicable to the DCC and DR districts. A variance to the required standards may be authorized, pursuant to Section 13.06A.110, unless otherwise prohibited.

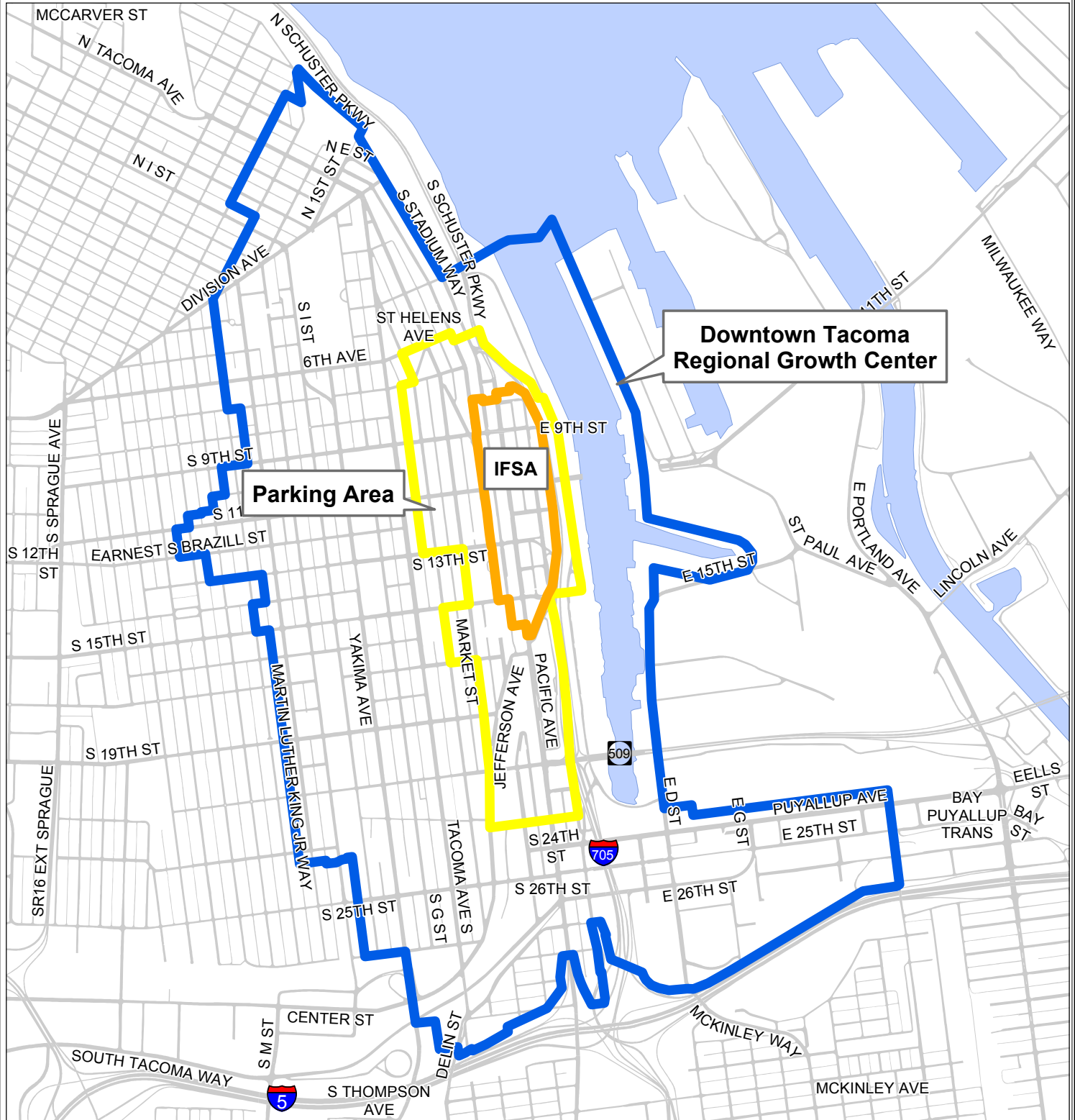
B. If a building is being renovated in accordance with the Secretary of Interior's Standards for Treatment of Historic Properties, and a conflict between the basic design standards or additional standards and the Secretary's Standards occurs, then the Historic Preservation Criteria and Findings made by the Tacoma Landmarks Preservation Commission shall prevail.

**C. Standards Applicable to Development in All Districts.**

1. The basic design standards and additional standards applicable to the DCC and DR districts, except as otherwise noted, shall apply to all new construction, additions, and substantial alterations.
2. All rooftop mechanical for new construction shall be screened with an architectural element such as a high parapet, a stepped or sloped roof form, or equivalent architectural feature that is at least as high as the equipment being screened. Fencing is not acceptable. The intent of the screening is to make the rooftop equipment minimally visible from public rights-of-way within 125 feet of the building, provided said rights-of-way are below the roof level

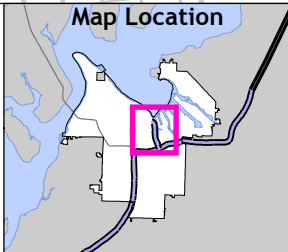


# Proposed Downtown Market-Based Off-Street Parking Area



### Legend

- Proposed Market- Based Off-Street Parking Area
- Downtown Tacoma Regional Growth Center
- International Financial Services Area ( IFSA )



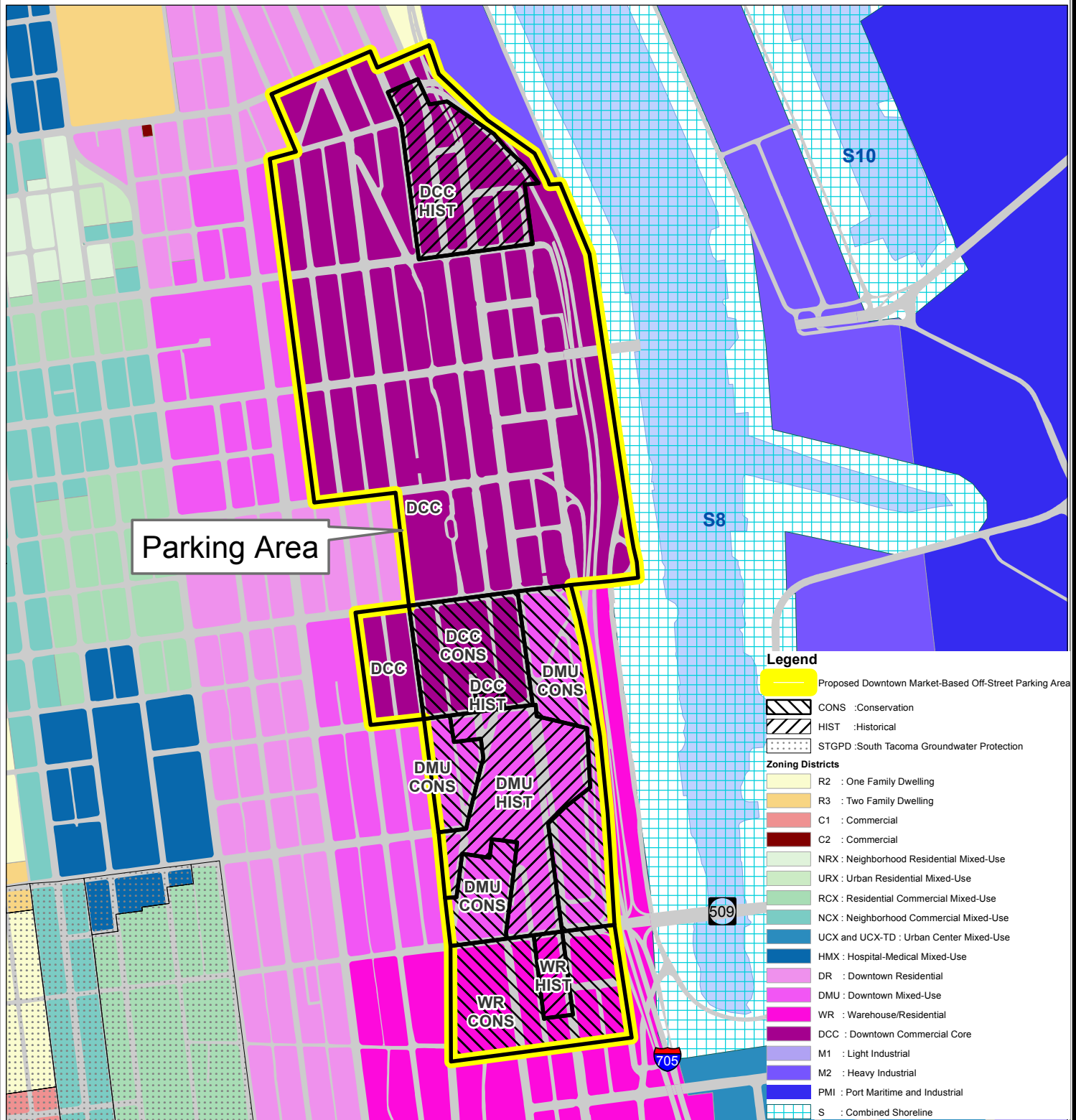
City of Tacoma  
Community & Economic Development Department  
GIS Analysis & Data Services



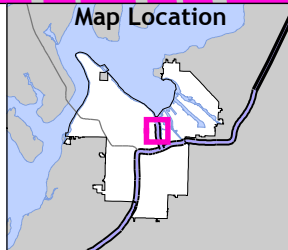
NOTE: This map is for reference only.



# Proposed Downtown Market-Based Off-Street Parking Area Zoning



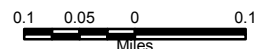
Map Location



City of Tacoma  
Community & Economic Development Department  
GIS Analysis & Data Services



NOTE: This map is for reference only.







The Planning Association of Washington,  
The Washington State Department of Commerce and  
The Washington Cities Insurance Authority  
Announces

## A Regional Short Course on Local Planning

Hosted by the City of Sumner  
Sumner City Hall - Council Chambers  
11104 Maple Street, Sumner, WA  
Monday, June 13, 2011 6:30 – 9:30 PM

The Short Course on Local Planning is a great training opportunity for Local and Tribal Governments, Mayors, Council Members, Planning Commission Members, Board Members, Clerks and Staff, Administrators, Attorneys, Planning Consultants, Students and Citizens to learn more about planning and community development and how to be involved.

For more about the Short Course, visit the [Short Course Web Page](#).

**EVERYONE IS WELCOME TO ATTEND and there is NO CHARGE, but, registration is required.**

- ❖ Please go to [www.wciapool.org](http://www.wciapool.org) and click “**training schedule.**”
- ❖ Click until you get to the month of **June**, then click on the title of the training, ***A Short Course on Local Planning***. Trainings are listed in order starting at the first of the month.
- ❖ Next click “**sign up.**”
- ❖ If you have **never registered online** before, please click “**First Time Online Registration**” and complete the participant form. Create a User Name and Password that can be used for registering for future trainings.
- ❖ If you have **registered before**, enter your User Name and Password.
- ❖ Click “**continue**” and then click “**confirm.**”

HAVE REGISTRATION QUESTIONS? Please contact WCIA Member Services Assistant, Maria Orozco at [mariao@wciapool.org](mailto:mariao@wciapool.org) or 206-575-6046 ext. 241.

Parking is available across the street from City Hall in the former Red Apple parking lot.

For more information, please contact: Janet Rogerson at [janet.rogerson@commerce.wa.gov](mailto:janet.rogerson@commerce.wa.gov)

Please forward this announcement to others who may be interested. We hope to see you there!