



**2013 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

CITY COUNCIL’S DECISIONS AND REVISIONS

JUNE 25, 2013

The City Council adopted the Proposed Amendments to the Comprehensive Plan and Land Use Regulatory Code for 2013 (the “2013 Annual Amendment”) on June 25, 2013, based on the Planning Commission’s recommendations of May 1, 2013. The following two ordinances were adopted:

- (1) **Amended Substitute Ordinance No. 28157**, amending the Tacoma Municipal Code, as recommended by the Planning Commission, with some revisions; and
- (2) **Ordinance No. 28158**, amending the Comprehensive Plan, as recommended by the Planning Commission.

When conducting the first reading of Ordinance No. 28157 on June 18, 2013, the City Council considered a substitute ordinance that incorporated three revisions to the Planning Commission’s recommendations, and subsequently introduced an amendment to the substitute ordinance with a fourth revision. The four revisions addressed Street Lighting Requirements for Plats, Platting Appeals Provision, Downtown Variance Criteria, and A-Board Signs, as described below.

As in the Ordinance and the Planning Commission Recommendation package, the proposed amendments show changes to the *existing* text of the Tacoma Municipal Code. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

A. Street Lighting Requirements for Plats:

1. As recommended by the Planning Commission (May 1, 2013):

TMC 13.04.165 Streetlights

Streetlights shall be installed throughout the subdivision/~~short subdivision~~ in accordance with the Illuminating Engineering Society (IES) Standards. The minimum requirement for full lighting shall be for intersection, mid-block, and cul-de-sac lighting to appropriate industry standards and as reviewed by the City Engineer. ~~Pedestrian-scale lighting shall be required when deemed appropriate for residential subdivisions/short subdivisions as determined by the City Engineer. Maximum spacing of streetlights at a 30 foot mounting height shall generally be 150 feet to 200 feet, subject to approval by the City Engineer. Short subdivisions are exempt from the streetlighting requirements of this Section.~~

2. As adopted by the City Council (June 25, 2013):

TMC 13.04.165 Streetlights

Pedestrian-scale streetlights shall be installed throughout the subdivision/short subdivision in accordance with the Illuminating Engineering Society (IES) Standards, to the approval of the City Engineer.



3. **Notes:** The original proposed language was somewhat confusing in that it could be read to require both pedestrian-scale streetlights (as seen in the included photo from the Complete Streets Manual) and taller, vehicle-scale streetlights (more like what you would find along arterials and within parking areas). The Master Builders Association expressed concern about the wording of this requirement. The proposed modification would simplify the language and clarify that, on new streets within plats and short plats, the requirement is only for pedestrian-scale streetlights to be installed. This is consistent with the Planning Commission’s original

intent. This minor modification was proposed by staff and was endorsed by the Infrastructure, Planning and Sustainability Committee on June 12, 2013 and recommended to the City Council for adoption. This issue is part of Application No. 2013-08 – Platting and Subdivision Regulations.

B. Platting Appeals Provision:

1. As recommended by Planning Commission (May 1, 2013):

TMC 13.04.095 Appeals

The Director's decision on a boundary line adjustment, binding site plan approval, or short ~~plat subdivision~~ shall be final unless the applicant who filed the permit application or an aggrieved party with standing files an appeal with Planning and Development Services within 14 days of the permit application decision date. If an appeal is filed, it shall be accompanied by a letter setting forth the alleged errors contained in the decision. The Hearing Examiner shall consider the appeal and shall issue a final decision concerning the request.

2. As adopted by the City Council (June 25, 2013):

TMC 13.04.095 Appeals

The Director's decision on a boundary line adjustment, binding site plan approval, or short subdivision shall be final unless a request for reconsideration or appeal is filed in accordance with the provisions of Chapter 13.05 of the Tacoma Municipal Code.

3. **Notes:** All administrative land use decisions made by the City are subject to a general, overarching Appeals provision, which is contained in the Administrative Section of Title 13 (Section 13.05.050). That section already clearly applies to City decisions on these types of applications, and already lays out the required timing of appeals, where appeals shall be filed, and the form of appeals. Repeating this information within this section is unnecessary. The Master Builders Association expressed concern about this requirement. The revised wording is much simpler and would just refer to the already applicable, overarching appeals provisions in Chapter 13.05. This minor modification was proposed by staff and was endorsed by the Infrastructure, Planning and Sustainability Committee on June 12, 2013 and recommended to the City Council for adoption. This issue is part of Application No. 2013-08 – Platting and Subdivision Regulations.

C. Downtown Variance Criteria:

1. As recommended by the Planning Commission (May 1, 2013):

TMC 13.06A.110 Variances

Unless otherwise indicated, the Director shall not grant a variance by act or interpretation of the regulations contained in Sections 13.06A.~~060, 13.06A.065, 13.06A.080, 13.06A.090, and 13.06A.100~~, as specified herein, or to change the use of a structure or land.

The Director may grant a variance only for the basic design standards of TMC 13.06A.070, to the regulations contained in Section 13.06A upon the finding that the variance meets one of the tests below. Standardized corporate design and/or increased development costs are not cause for a variance. Failure to meet an appropriate test shall result in denial of the variance request. The Director may issue such conditions as necessary to maximize possible compliance with the intent of the regulation from which relief is sought. The applicant carries the burden of proof to demonstrate applicability of the appropriate test.

1. Unusual shape of a parcel established prior to the reclassification of property to the downtown districts.
2. Preservation of a critical area, unique natural feature, or historic building/feature restricts possible compliance.
3. Widely varied topography of the building site restricts possible compliance.
4. Documentation of a pending public action such as street widening restricts possible compliance.

2. As adopted by the City Council (June 25, 2013):

TMC 13.06A.110 Variances

Unless otherwise indicated, the Director shall not grant a variance by act or interpretation of the regulations contained in Sections 13.06A.~~060, 13.06A.065, 13.06A.080, 13.06A.090, and 13.06A.100~~, as specified herein, or to change the use of a structure or land.

The Director may grant a variance ~~only for the basic design standards of TMC 13.06A.070~~; to the regulations contained in Section 13.06A upon the finding that the variance meets one of the tests below. Standardized corporate design and/or increased development costs are not cause for a variance. Failure to meet an appropriate test shall result in denial of the variance request. The Director may issue such conditions as necessary to maximize possible compliance with the intent of the regulation from which relief is sought. The applicant carries the burden of proof to demonstrate applicability of the appropriate test.

1. Unusual shape of a parcel established prior to the reclassification of property to the downtown districts.
2. Preservation of a critical area, unique natural feature, or historic building/feature restricts possible compliance.
3. Widely varied topography of the building site restricts possible compliance.
4. Documentation of a pending public action such as street widening restricts possible compliance.

5. The proposal represents an alternative design that departs from the requirement(s) but is consistent with the goals and policies of the Comprehensive Plan and can be demonstrated to provide equal or superior results relative to the intent of the specific requirement(s) from which relief is sought.

3. **Notes:** The proposed addition of the 5th criterion would allow for a variance in downtown based on exceptional design other than issues beyond an applicant's control. This was proposed by Council Member David Boe at the Infrastructure, Planning and Sustainability Committee meeting on June 12, 2013. The Committee concurred and recommended it to the City Council for adoption. This issue is part of Application No. 2013-12 – Regulatory Code Cleanup.

D. A-Board Signs:

1. As recommended by the Planning Commission (May 1, 2013):

The proposed amendments to TMC 13.06.521 General Sign Regulations, as recommended by the Planning Commission, are shown on the following pages. Specifically relating to A-boards, the Commission recommended changing the number of A-boards permitted per business from 1 to 2 within Downtown Tacoma.

2. As adopted by the City Council (June 25, 2013):

The City Council expanded the allowance for 2 A-boards per business to mixed-use centers, i.e., within CIX, NCX, URX and RCX zoning districts, as shown on the following pages (as highlighted in yellow).

3. **Notes:** The revision was introduced by Deputy Mayor Marty Campbell as an amendment to Substitute Ordinance No. 28157 at the City Council's first reading of the ordinance on June 18, 2013, and the Amended Substitute Ordinance No. 28157 was subsequently adopted on June 25, 2013. This issue is part of Application No. 2013-09 – Sign Regulations.

13.06.521 General sign regulations.

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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: Wall signs; Projecting signs; Freestanding signs; Electronic changing message center signs; Under-Canopy and Blade Signs; Canopy and awning signs; Temporary signs; Off-premises direction signs; and Billboards.

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.

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

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F. Projecting signs. Special regulations governing projecting signs are as follows (Note, for the purposes of this section, Blade Signs and Under Canopy Signs are not considered projecting signs and thus, are regulated under 13.06.521.I:

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H. (Reserved); Electronic changing message center signs. Electronic changing message center signs may either be attached to buildings or freestanding signs, and in addition to all other applicable sign regulations the following are special regulations governing electronic changing message center signs. When a conflict exists between these regulations and other regulations outlined throughout the sign code, the more restrictive shall apply:

1. Freestanding electronic changing message center signs cannot exceed 15 feet in height. Such signs located on sites defined as a Regional Public Convention & Entertainment Facility and super regional mall sites are exempt from this limitation.
2. One Digital Changing Message Center sign is allowed per site. The maximum allowed sign area for any electronic changing message center sign shall be limited to 75% of the area that would be allowed outright in the zoning district it is located in, or 30 square feet, whichever is less. Such signs located on sites defined as a regional public convention & entertainment facility and super regional mall sites are exempt from this limitation.
3. Electronic changing message center signs shall never flash, flicker, scroll, animate, depict movement or provide video. The frequency of picture/message change for an electronic changing message center sign shall not be less than 12 seconds per message.
4. The brightness of an electronic changing message center sign shall not exceed .3 foot candles over ambient light levels at any given time. Such signs shall be equipped with a sensor and automatic dimmer/light adjuster to ensure compliance with this requirement. When brightness is deemed a traffic safety hazard or is deemed a nuisance, the brightness of such sign shall be reduced to a level determined by the Director.
5. Electronic Changing Message Center signs shall not operate between 10 PM and 6 AM. Businesses located outside of a residential district that are open beyond these hours may have such signs on between 10 PM and 6 AM, but in no instance may such sign be on when the business is closed. Such signs shall be equipped with an automatic timer or sensor that turns the sign off and on to ensure compliance with this requirement. Such signs located on sites

defined as a regional public convention & entertainment facility and super regional mall sites are exempt from this limitation.

6. Electronic changing message center signs shall only provide advertising for goods and services that are available on-site. Advertising for other businesses and services that are off-site shall be prohibited.

I. Under-canopy and blade signs. :

1. Under-canopy signs shall be considered “blade signs” for the purposes of sign area calculation.

2. Each business is allowed one individual blade sign or under canopy sign as-of-right, up to eight square feet in area. Such signs shall not be counted against the business’ allowed sign area.

3. An under-canopy sign may project the full width of such feature. Such a sign shall not exceed eight square feet in area unless otherwise allowed in the district.

4. A blade sign may project a maximum of 3 ½ feet from the building face.

5. Both blade and under-canopy signs are limited to a maximum sign thickness of 12 inches.

6. Both blade and under-canopy signs must meet all minimum clearance requirements for projecting signs.

7. Such signs shall be illuminated only by indirect lighting.

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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~~ increase its nonconformity. 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. Further, a legal nonconforming on-premises sign may be relocated to a different portion of the site so long as it doesn’t become further non-conforming to any separation, setback, or location standard. 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.

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13.06.522 District sign regulations.

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[See next page for table.]

Section 13.06.522.J	DCC, DMU	WR	DR
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Sign Features			
Lighting	Indirect, internal illumination, neon, and bare bulb allowed.	Same as DCC.	Bare bulb illumination prohibited.
Rotating, mechanized	Allowed.	Same as DCC.	Prohibited.
Flashing, animated	Prohibited.	Prohibited.	Prohibited.
Electronic cEhanging message center	Allowed.	Same as DCC.	Same as DCC.
Temporary Signs			
A-boards	2+ permitted each business, shall not exceed 12 square feet in area nor 4 feet in height and shall not be placed on sidewalks less than 12 feet in width.	Same as DCC.	Same as DCC.
Banners	1 banner per business with a 60 square feet maximum displayed no longer than 6 months per year. Banners for cultural purposes shall not exceed 400 square feet and are not limited in number or duration.	1 banner per business with a 60 square feet maximum displayed no longer then 6 months per year.	Not allowed.
<u>Feather Signs</u>	<u>Prohibited, unless associated with use not located on private property such as food carts or car sharing services. In such instances, only one allowed per business, 12 square feet in area and ten feet in height.</u>	<u>Same as DCC</u>	<u>Same as DCC</u>
Flags	Shall be on private property, no advertising allowed except logos.	Same as DCC.	Same as DCC.
Window signs	Exempt, but shall not exceed 25 percent of the window area.	Same as DCC.	Same as DCC.
Searchlights, beacons	1 allowed per site, displayed no longer than 7 days per year. No restrictions during an event for public facility over 5 acres.	Same as DCC.	Prohibited.
Temporary off-premises advertising signs	Section 13.06.521.C shall apply, except public facility sites in DCC shall be allowed temporary advertising signs of 32 square feet, including banners not to exceed 160 square feet, attached to temporary fencing during the time of construction.	Prohibited.	Prohibited.

Section 13.06.522.K	C-2, CIX, CCX, UCX, UCX-TD, M-1, M-2, PMI	C-1
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Sign Features		
Lighting	Indirect, internal illumination, neon and bare bulb allowed.	Bare bulb illumination prohibited.
Rotating, mechanized	Allowed.	Prohibited.
Flashing, animated	Prohibited.	Prohibited.
Electronic Changing message center	Allowed, <u>but prohibited on Pedestrian Streets and Core Pedestrian Streets, as defined in 13.06.300.C and 13.06.200.D.</u>	Same as C-2.
Temporary Signs		
A-boards	<u>In the CIX District, 2 per business, 12 square feet per side, 4 feet in height. Such signs may be located off-site, but must remain within the same Mixed-Use Center in which the business is located.</u> For all other districts, 1 per business, on private property, 12 square feet per side, 4 feet height.	Same as C-2.
Banners	1 per business, 60 square feet maximum, 6 months per year. Banners for cultural purposes shall not exceed 400 square feet and are not limited in number or duration.	Prohibited.
<u>Feather Signs</u>	<u>1 per 50 feet of street frontage, per site, with maximum of 2 signs per street frontage. Each sign allowed up to 12 square feet in area and ten feet in height. Shall be located on private property.</u>	<u>Same as C-2.</u>
Flags, pennants	Shall be on private property, no advertising allowed, except logos.	Same as C-2.
Window signs	Exempt, but shall not exceed 25 percent of the window area.	Same as C-2.
Searchlights, beacons	One allowed per site, displayed no longer than 7 days per year. No restrictions during an event for public facility over 5 acres.	Prohibited.
Temporary off-premises advertising signs	Provisions of Section 13.06.521.C shall apply, except public facility sites in UCX-TD shall be allowed temporary advertising signs of 32 square feet each, including banners not to exceed 160 square feet, attached to temporary fencing during the time of construction.	Prohibited.

13.06.522.L	T, NCX, URX, Non-Residential Districts with VSD	HM, HMX
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Sign Features		
Lighting	Indirect, or internal illumination allowed. No bare bulb illumination allowed. All external lighting to be directed away from adjacent properties to minimize effects of light and glare upon adjacent uses.	Same as T.
Rotating, mechanized	Prohibited.	Same as T.
Flashing, animated	Prohibited.	Same as T.
Electronic Changing message center	Allowed. <u>Prohibited</u>	Same as T. <u>Allowed, but prohibited on pedestrian streets and core pedestrian streets as defined in 13.06.300.C.</u>
Temporary Signs		
A-boards	<u>In the NCX and URX districts, 2 per business, 12 square feet per side, 4 feet in height. Such signs may be located off-site, but must remain within the same Mixed-Use Center in which the business is located.</u> <u>For all other districts, 1 per business, on private property, 12 square feet per side, 4 feet height.</u>	Prohibited.
Banners, pennants	Prohibited.	Banners allowed at 30 square feet.
<u>Feather Signs</u>	<u>Prohibited, unless associated with use not located on private property such as food carts or caring sharing service. In such instances, only one allowed per business, 12 square feet in area and ten feet in height.</u>	<u>Prohibited.</u>
Flags	Prohibited, except for the national flag, state flag, flags of other political subdivisions.	Same as T.
Window signs	Exempt, but shall not exceed 25 percent of the window area.	Same as T.
Incidental public service signs	Less than 4 square feet, contains no advertising, intended to provide messages such as "no parking," "exit," "entrance," etc.	Same as T.
Searchlights, beacons	Prohibited.	Same as T.

Section 13.06.522.M	PDB	RCX
* * *		
Sign Features		
Lighting	Indirect or internal illumination allowed. No bare bulb or neon illumination allowed. All external lighting shall be directed away from adjacent properties to minimize effects of light and glare upon adjacent uses.	Same as PDB.
Rotating, mechanized	Prohibited.	Same as PDB.
Flashing	Prohibited.	Same as PDB.
Electronic C hanging message center	Allowed.	Prohibited.
Temporary Signs		
A-boards	Prohibited.	12 per business, on private property, 12 square feet per side, 4 feet in height. <u>Such signs may be located off-site, but must remain within the same Mixed-Use Center in which the business is located.</u>
Banners, pennants	Prohibited.	Prohibited.
Window signs	Exempt, but shall not exceed 25 percent of the window area.	Same as PDB.
<u>Feather signs</u>	<u>Prohibited.</u>	<u>Prohibited.</u>
Flags	Prohibited, except the national flag, state flag, flags of other political subdivisions.	Same as PDB.
Incidental public service signs	Less than 4 square feet, contains no advertising, intended to provide messages such as “no parking,” “exit,” “entrance,” etc.	Same as PDB.
Searchlights, beacons	Prohibited.	Prohibited.