

ORDINANCE NO. 548

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING
TITLE 19 OF THE UNIVERSITY PLACE MUNICIPAL CODE "ZONING", CHAPTER 19.55
OVERLAY ZONES**

WHEREAS, the City Council created and appointed the Planning Commission to advise the City Council on growth management and land use planning, and to hold hearings and make recommendations to the City Council on amendments to the development regulations of the City; and

WHEREAS, on November 25, 2008, the University Place School District and University Place Fire Department submitted a request for a text amendment to the City's zoning code, the purpose of which is to allow gateway signs and changing message signs in Public Facilities Overlay (PFO) zones, which would enable the school district and fire department to install these categories of signs on their premises when located within a Public Facilities Overlay zone; and

WHEREAS, on November 26, 2008, copies of the application, environmental checklist and SEPA Determination of Nonsignificance were routed to City departments, the Cities of Lakewood, Tacoma and Fircrest, Town of Steilacoom, and Department of Ecology for review with a comment deadline on December 11, 2008.

WHEREAS, the City notified the Washington State Department of Community, Trade and Economic Development of the proposed amendment on November 26, 2008, requesting an expedited review under RCW 36.70A.106(3)(b) and thereby commencing the required state agency 60-day review period; and

WHEREAS, no comments on the application, environmental checklist or SEPA determination, or appeals of the SEPA determination were received prior to the December 11, 2008 deadline; and

WHEREAS, on November 28, 2008, the City published a legal notice in the Tacoma News Tribune advertising a public hearing to be held on December 17, 2008 and the issuance of a SEPA DNS for the proposal; and

WHEREAS, due to inclement weather, the Planning Commission canceled the December 17, 2008 meeting and rescheduled the public hearing to January 7, 2009; and

WHEREAS, on January 7, 2009, the Planning Commission held a public hearing on the University Place School District and University Place Fire Department request and considered testimony presented at this hearing; and

WHEREAS, after considering public input, the Commission directed staff to prepare revised amendment language that would offer greater protection to residential neighborhoods from the potential impacts of changing message signs; and

WHEREAS, after considering the revised text amendment at its January 21, 2009 meeting, the Planning Commission finds that the proposed amendment, as revised, would be generally consistent with the goals, objectives and policies of the Comprehensive Plan; and

WHEREAS, on January 21, 2009 the Planning Commission, after duly considering the alternatives and public testimony, voted 5 to 1 to recommend the revised zoning text amendment to the City Council for adoption; and

WHEREAS, the City Council finds that the Planning Commission-recommended text amendment would be consistent with the goals, objectives and policies of the Comprehensive Plan, as outlined below:

- a) Policy LU7B "Provide a zoning mechanism that provides flexibility to manage public property in a matter that serves the greatest public benefit."

By allowing flexibility on the part of the school district and fire district to have electronic message changing signs, both parties will be able to communicate alerts, life safety messaging, and agency information in the most effective manner.

- b) Policy CF2D "Provide public facilities and services that the City can most effectively deliver, and contract for those best provided by other public entities and the private sector."

By enhancing cooperation among the City, University Place Fire Department and University Place School District through the use of electronic messaging, the goal to provide effective communication to the community will be strengthened.

- c) Policy CF4B "Acquire and locate public facilities to create multiple use opportunities and support business areas where appropriate."

The proposal would support advertising for meetings and emergencies at fire station facilities and school buildings. Electronic messaging signs allow for rapid and current updates, as needed. In the event of a natural disaster, these message signs are invaluable.

- d) Policy CF6L "Work with the Fire District to maintain a level of service that meets industry standards for fire suppression and emergency services."

Changing message signs provide the University Place Fire Department and University Place School District extra venues to promote their missions and maintain high levels of service for the citizens of University Place.

WHEREAS, the City Council finds that the proposed amendment, as recommended by the Planning Commission, will be in the best interests of the citizens and property owners of the city, in that the proposal will facilitate the dissemination of timely and accurate information to University Place citizens regarding community events, school events, and emergency announcements in keeping with the fire department's and school district's goals to communicate with the public; and

WHEREAS, the City Council finds that the proposed amendment, as recommended by the Planning Commission, will enhance the public health, safety, comfort, convenience or general welfare by allowing the fire department and school district to use electronic messaging for emergencies within the community and for providing accurate, updated information to the community, while doing so in a manner that will not significantly impact neighboring properties;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DO ORDAIN AS FOLLOWS:


SECTION 1. Title 19 Zoning -- Chapter 19.55 Overlay Zones. Section 19.55.070 of the University Place Municipal Code is hereby amended as set forth in Exhibit "A" attached.

SECTION 2. Copy to be Available. One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

SECTION 3. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

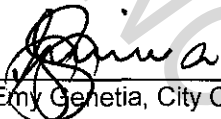
SECTION 4. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON APRIL 20, 2009.



Linda Bird, Mayor

ATTEST:



Emy Genetia, City Clerk

APPROVED AS TO FORM:



Janean Parker, City Attorney

Published: 04/22/09
Effective Date: 04/27/09

EXHIBIT “A”
AMENDMENTS TO ZONING CODE

Chapter 19.55 Overlay Zones

19.55.070 Public facilities overlay.

A. Purpose. The purpose of the public facilities overlay is to ensure the impacts associated with public facilities are appropriately mitigated and to provide exceptions to allow public facilities to best serve their clients and community with less cost to the taxpayer.

B. Standards. Unless otherwise specified all uses and standard of the underlying zone apply.

C. Signs. Gateway and changing message signs are permitted subject to design and construction standards, general and specific sign requirements, and other requirements of Chapter 19.75, notwithstanding any restrictions otherwise prohibiting such signs. For the purposes of this provision, gateway sign shall have the same definition as “city gateway sign”. The following restrictions apply to gateway and changing message signs in the public facilities overlay zone:

1. Gateway signs existing as of the effective date of this provision may be maintained or reconstructed. No additional gateways signs are permitted.

2. Changing message signs shall be programmed so that the transmission of changing messages is limited to 5:30 AM to 6:30 PM during standard time and 5:30 AM to 8:30 PM during daylight savings time, except when the transmission of emergency messages is determined to be in the public interest.

3. Changing messages shall be limited to text. Messages that include graphics, animation, video clips or other non-text images are prohibited.

4. Changing message signs shall be limited in area to 12 square feet. A changing message sign may be incorporated into an identification sign that includes additional area devoted to static (non-changing) messages.

5. Changing message signs shall be programmed to adjust illumination levels to reflect ambient light levels and ensure that illumination levels will not create excessive glare that may result in traffic hazards or other public nuisance.