

ORDINANCE NO. 536

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING THE INTERIM ZONING CONTROLS FOR THE TOWN CENTER ZONE TO ALLOW FREESTANDING SIGNS ON 40<sup>TH</sup> STREET.**

WHEREAS, the City's existing Sign Code, UPMC 19.75, adopted in 2003, allows freestanding signs of a certain size, dimension and number; and

WHEREAS, on September 5, 2006, the City adopted and has thereafter renewed Interim Zoning Controls for the Town Center Zone to ensure that new development and redevelopment are consistent with the City's adopted Vision, Comprehensive Plan, and Town Center Plan; and

WHEREAS, the Interim Zoning Controls prohibit the usage of freestanding signs anywhere within the Town Center Zone, except for along Bridgeport Way, thus prohibiting freestanding signs along 40<sup>th</sup> Street; and

WHEREAS, this prohibition was not the Council's intent, and the proposed permanent Town Center Design Standards scheduled for adoption in February 2009 allow freestanding signs so long as they are consistent with the Sign Code at UPMC 19.75; and

WHEREAS, the deadline for bringing non-conforming signs into compliance with the Sign Code is March 2009; and

WHEREAS, the Council wishes to amend the Interim Zoning Controls to allow freestanding signs consistent with the underlying Sign Code to encourage timely compliance by sign owners; and

WHEREAS, the Council wishes this amendment to be in effect for only so long as the Town Center Interim Zoning Controls are in effect, which Controls expire March 5, 2009.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Findings of Fact. Each of the recitals set forth above is hereby incorporated into this Ordinance as though fully set forth herein.

Section 2. Amendment. Chapter VIII of the University Place Town Center Interim Design Standards is hereby amended to read as follows:

***Free Standing Signs***

**A freestanding sign is supported on a structure used exclusively for the support of the sign or for a group of signs, including pedestal, pylon, pole and monument signs.**

**Standard**

~~◆ Freestanding signs are prohibited, except along Bridgeport Way, provided the commercial use occupies a building that fronts Bridgeport Way and the portion of the façade where the sign is located is sufficiently set back to locate the sign and allow, not interfere with, pedestrian movement or sight distance.~~

◆ Free standing signs are allowed provided the commercial use occupies the same parcel of land where the sign is located. The sign must be sufficiently set back to, not

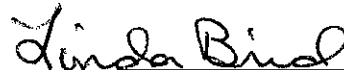
interfere with pedestrian movement or sight distance. Design and size requirements are provided in UPMC 19.75.

Section 3. Effective Period of this Amendment to Interim Zoning Controls. The Interim Zoning Controls shall remain in effect through March 5, 2009.

Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance should 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 5. Effective Date and Declaration of Emergency. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein. This Ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this Ordinance, consisting of the title, at the earliest possible publication date.

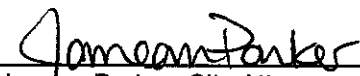
**PASSED BY THE CITY COUNCIL ON NOVEMBER 17, 2008.**

  
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Linda Bird, Mayor

**ATTEST:**

  
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Enejeta Genetia, City Clerk

**APPROVED AS TO FORM:**

  
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Janean Parker, City Attorney

Published: 11/19/08  
Effective Date: 11/17/08