

ORDINANCE NO. 280

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING SECTIONS 19.45.420 AND 19.45.430 OF THE UNIVERSITY PLACE MUNICIPAL CODE TO CHANGE PROVISIONS FOR THE REPLACEMENT OF NONCONFORMING SIGNS BY REMOVING THE PROVISION THAT REQUIRES COMPLIANCE WHEN MOVING A NONCONFORMING SIGN; TO REQUIRE COMPLIANCE IN CONJUNCTION WITH A MAJOR TENANT IMPROVEMENT AND TO PROVIDE A SPECIFIC PROCESS AND SCHEDULE FOR REPLACING NONCONFORMING SIGNS.

WHEREAS, the Comprehensive Plan seeks to ensure new development and redevelopment is designed to complement community goals for attractive and safe streets, public spaces and pedestrian amenities including improved signage; and

WHEREAS, allowing non-conforming signs to be moved without bringing them into compliance will allow the City to assist in moving nonconforming signs which interfere with public improvement projects, and

WHEREAS, the proposed amendment provides a procedure to bring nonconforming signs into compliance with in seven years after adoption of the amendment; and

WHEREAS, during this seven year period, the sign may be amortized on federal income taxes; and

WHEREAS, on November 18, 1998 the Planning Commission held a public hearing and recommended amendments to the sign code regarding time and process to replace nonconforming signs; and

WHEREAS, a Determination of Non-significance was issued by the responsible official on February 26, 1999; and

WHEREAS, on June 5, 2000, the City Council held a public hearing to hear testimony on the Planning Commission recommendation and after duly considering the testimony and having discussed the matter, now therefore

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

Section 1. Amending Section 19.45.420, of the University Place Municipal Code.
Section 19.45.420 is hereby amended at follows:

19.45.420 Nonconforming Signs

A. Any sign which is ~~structurally altered, relocated or replaced~~ shall immediately be brought into compliance with all of the provisions of this chapter, except ~~m~~ Maintenance and repair of a sign, the repairing and restoration of a sign on-site or away from the site, to a safe condition Any part of a sign or sign structure for normal maintenance shall be permitted without loss of nonconforming status. ~~Acts of God or vandalism which damage these nonconforming signs shall be exempt from this section, if the cost of the maintenance or repair is less than 50 percent of the cost of replacing the sign with a conforming sign. However, the signs must be restored to their original design or to a more conforming design. Acts of God or vandalism which damage nonconforming signs are not exempt from this section. Any repainting, cleaning, and other normal maintenance or repair of the~~

sign or sign structure shall not modify the sign structure or copy in any way which makes it less in compliance with the requirements of this code.

B. For purposes of this title, a sign face or message change shall be subject to the following provisions:

1. A sign face or message change on a nonconforming sign is not allowed as an alteration when the affected property and sign structure have been abandoned for greater than 90 days;
2. A sign face or message change shall be allowed as an alteration only for existing conforming signs and for nonconforming signs prior to their amortization expiration date; and
3. No sign permit shall be required for allowable sign face or message changes.

C. Signs in existence on the effective date of this chapter which do not comply with provisions regulating flashing signs, use of par spotlights or rotating beacons, rotating and revolving signs, flags, banners, streamers, or strings of lights, balloons or temporary or incidental signs shall be made to conform within 90 days from written notice by certified mail given by the director.

~~D. Any nonconforming sign used by a business, shopping center, or business complex must be brought into conformance in conjunction with:~~

- ~~1. A major tenant improvement; or~~
- ~~2. Prior to any expansion or change in use which requires a site review or conditional use permit.~~

All nonconforming signs must be brought into conformance with the same provisions as are required for new signs. ~~No building permits for new construction may be issued until compliance with this provision is assured.~~

~~E. Variances can be granted using the variance procedure of this chapter to alleviate unusual hardships or extraordinary circumstances which exist in bringing nonconforming signs into conformity. The variance granted shall be the minimum required to alleviate the hardship or extraordinary circumstance.~~

Section 2. Amending Section 19.45.430, of the University Place Municipal Code.
Section 19.45.430 is hereby amended at follows:

19.45.430 Replacement of Nonconforming Signs.

A. To ease the economic impact of this code on uses with substantial investment in signs in existence on the date of adoption of this section, this section provides until July 1, 2004 for continued use of a nonconforming sign in its existing state. Any sign which is nonconforming in that it does not conform with respect to the regulations in this chapter shall either be removed or brought into compliance with the chapter requirements within the time period specified herein.

~~Except as provided in this chapter, signs in existence on August 31, 1995, which did not conform to the provisions of this chapter, but which were constructed, erected, or maintained in compliance will all previous Pierce County regulations, shall be regarded as nonconforming. Each nonconforming sign and sign structure shall be allowed to be displayed for a period of time that allows a reasonable opportunity for the owner to benefit from the investment made in the sign. This period shall be seven years. After this time has expired, nonconforming signs and sign structures shall be removed or otherwise brought into compliance with this code. The table below establishes a fair and equitable time schedule for such compliance. Where there is no record of a permit being issued, the sign shall be considered illegal.~~

Date of Permitting	Date of Removal
1/01/95 — 8/31/95	12/31/02
1/01/94 — 12/31/94	12/31/01
1/01/93 — 12/31/93	12/31/00
1/01/92 — 12/31/92	12/31/99
1/01/91 — 12/31/91	12/31/98
Prior to 12/31/90	12/31/97

B. The director shall, as soon as practicable, survey the city for signs which do not conform to the requirements of this code. Upon determination that a sign is nonconforming or illegal, the director shall use reasonable efforts to so notify in writing, the sign user or owner of the sign, and where practicable the owner of the property on which the sign is located. The business with which the sign is associated shall be presumed to be the sign user under this code. Notification shall include:

1. Whether the sign is conforming, nonconforming or illegal;
2. Whether the sign may be eligible for a nonconforming sign permit.

If the identity of the sign user, owner of the sign, or owner of the property on which the sign is located cannot be determined after reasonable inquiry, the notice may be affixed in a conspicuous place on the sign or on the business premises with which the sign is associated.

C. Any sign which does not conform with the provisions of this code is eligible for a nonconforming sign permit; provided it meets all of the following requirements:

1. The sign must be an on-premise sign;
2. The sign must not be a temporary sign;
3. The sign must not be a sign prohibited by UPMC 19.45.070; and
4. The sign must not be an illegal sign (constructed or placed illegally).

D. Each sign user having nonconforming signs which meet the requirements of subsection (C) of this section shall be permitted to retain one (only) such sign along each street upon which the business premises fronts. A nonconforming sign permit must be obtained for each sign to be retained.

E. A nonconforming sign permit is required for each nonconforming sign identified under subsection (B) of this section. The permit shall be obtained by the sign user or the sign owner, or the owner of the property upon which the sign is located, within 60 days of notification by the city (under subsection (B) of this section) that the sign is nonconforming. The permit shall expire on July 1, 2004. Applications for a nonconforming sign permit shall contain the name and address of the sign user, the sign owner, and the owner of the property upon which the sign is located, and such other pertinent information as the director may require to ensure compliance with the code. The director may waive specific submittal requirements determined to be unnecessary for review of an application.

F. A nonconforming sign for which no permit has been issued within the 60-day period shall within six months from the date of initial notice by the city be brought into compliance with the code or be removed. Failure to comply shall subject the sign user, sign owner or owner of the property on which the sign is located to the remedies and penalties of UPMC Chapter 1.20. If a sign loses its nonconforming status because it is replaced the nonconforming sign permit shall become void and the director shall notify the sign user, sign owner and/or owner of the property upon which the sign is located of cancellation of the permit or designation and the sign shall be removed.

G. An illegal sign which does not comply with the requirements of this code and which is not eligible for a nonconforming sign permit under subsection (C) may be immediately removed by the city if the sign is located on city property or right-of-way. The city may remove an illegal sign located on private property in accordance with the provisions of UPMC Chapter 1.20

H. Nonconforming signs for which a nonconforming sign permit has been issued may remain until July 1, 2004 after which the sign shall be removed.

I. Any sign not removed within the time limit stated herein shall be deemed a public nuisance, subject to the removal provisions of this chapter, and may be removed by the city if the sign owner or property owner fails to do so after being so ordered by the director or designee. Cost of said removal shall be borne by the sign user or property owner and may be recovered by the city, if necessary, by placing a lien on the property from which the sign has been removed. ~~Signs that received permits for face changes in accordance with this chapter prior to the effective date of the provision, shall be considered new signs for the purposes of this provision and if nonconforming, shall be brought into compliance by December 31, 2002.~~

Section 4. 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 5. 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.

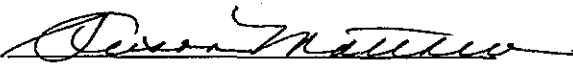
Section 6. Publication And Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JUNE 12, 2000




Lorna Smith, Mayor

ATTEST:



Susan Matthew, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: June 16, 2000
Effective Date: June 21, 2000