

ORDINANCE NO. 2013-047

AN ORDINANCE relating to land use and zoning; adopting an immediate moratorium on the acceptance of applications for the installation, erection, construction, replacement, modification, or improvement of digital signs up to 72 square feet in size using changing electronic, digital, or changeable message copy, in all zoning districts; such moratorium to be effective for six months, through April 1, 2014; exempting from such moratorium vested applications for digital sign installation or relocation permits, and applications for repair of existing digital signs for purposes or implementation of safety improvements mandated by state or federal standards; and setting October 15, 2013 as the date for the public hearing on the moratorium.

WHEREAS, RCW 36.70A.390 and RCW 35.63.200 authorize the City Council to adopt an ordinance imposing a moratorium and provide a process for public hearing which must be held within sixty days of the date of adoption of the moratorium; and

WHEREAS, the City of Yakima ("City") has previously adopted ordinances codified at Chapter 15.08 of the Yakima Municipal Code ("YMC") regulating signs and displays on signs in all zoning districts to reduce traffic hazards and visual blight; and

WHEREAS, digital signs or electronic variable message signs and billboards are being installed throughout the United States that include digital technology, light emitting diodes ("LEDs"), and electronic graphic displays that permit signs to display an electronic image similar to a color television set and permit a displayed image to quickly change from one image to another; and

WHEREAS, changeable electronic message signs, which allow operators to change content from remote locations in a matter of seconds, are erected for the purpose of trying to get the attention of pedestrians and motorists by changing messages and pictures for short durations using a series of contrasting images produced mainly by LED technologies; and

WHEREAS, the City is currently engaged in an extensive process to study and evaluate modifications to its regulations for both static and digital billboards, and has adopted a moratorium pursuant to Ordinance No. 2013-013 on April 2, 2013 on the acceptance of applications for the installation, erection, construction, replacement, modification, or improvement of billboards and digital signs greater than 72 square feet in size using changing electronic, digital, or changeable message copy, in all zoning districts; and

WHEREAS, the City Council following a public hearing on October 1, 2013 approved an extension of the moratorium adopted pursuant to Ordinance No. 2013-013 through midnight of April 1, 2014; and

WHEREAS, at such meeting, the City Council also voted to impose a moratorium on the acceptance of applications for the installation, erection, construction, replacement, modification, or improvement of digital signs 72 square feet or less in size using changing electronic, digital, or changeable message copy, in all zoning districts; and

WHEREAS, the City is currently engaged in a comprehensive review of sign standards and regulations pertaining to billboards and digital signs in conjunction with traffic safety and abatement of visual clutter within the downtown core area, entryways into the City, and zoning districts within the City; and

WHEREAS, the City Council finds and determines that current City codes and regulations do not adequately address digital billboards and signs, changeable electronic message signs and signs using such electronic LED technologies; and

WHEREAS, the City Council finds that an immediate moratorium is necessary and appropriate within all zoning districts of the City to preserve the status quo and prevent significant investment pending the development of a comprehensive code and regulations pertaining to changing electronic, digital, or changeable message signs, both those greater than 72 square feet in area and those 72 square feet and less in area; and

WHEREAS, the City Council finds and determines that such moratorium shall not apply to applications for new digital signs or permits for relocation of existing digital signs that have vested prior to the effective date of this ordinance, permit applications to conduct repair of existing digital signs, and permit applications to implement safety improvements for existing digital signs as mandated by state or federal standards; and

WHEREAS, the adoption of such moratorium is exempt from SEPA threshold determination as an emergency action pursuant to WAC 197-11-880, but subject to further SEPA review and determination as deemed appropriate by the SEPA responsible official; and

WHEREAS, the City Council finds, determines and concludes that sufficient need exists for imposition of a moratorium, to wit: (a) the City has received proposals for installation of digital and electronic signs within the City; (b) neither City staff nor the Planning Commission have had sufficient opportunity to review the effects of digital signs with regard to concerns for economic development, preservation and/or promotion of traffic and pedestrian safety, prevention of visual clutter and public nuisances associated with inadequate code provisions and regulation of digital signs, and development of a comprehensive plan, program or regulation of digital signs within all zoning districts of the City; and (c) imposition of this moratorium will preserve the status quo to enable the City to further study the effects of such uses and to devise appropriate zoning and regulatory controls to address the effects of such uses; and

WHEREAS, the City Council authorizes and directs the City Manager to review existing City codes and zoning regulations, further study the effects resulting from location of digital signs within the boundaries of the City, prepare comprehensive proposed amendments to the City codes and zoning regulations to address the effects of such uses, to confer with community members and City advisory commissions as appropriate, and to present recommended legislation addressing such issues to the City Council for consideration and action; and

WHEREAS, the City Council finds and determines that a public hearing on this moratorium should be held on October 15, 2013, whereupon the City Council may adopt findings of fact in support of the adoption of this moratorium, or modify the terms thereof; and

WHEREAS, notwithstanding the term of six months set forth above for the moratorium adopted herein, this moratorium may at any time hereafter be (a) modified by the City Council in accordance with applicable law; (b) extended for additional term(s) of six months upon action following public hearing and adoption of findings in support thereof; (c) terminated by the City

Council upon adoption of appropriate zoning and regulatory codes; or (d) terminated by the City Council for any reason deemed necessary or appropriate; now, therefore:

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Recitals Adopted as Findings. The “Whereas” recitals above are hereby adopted as the City Council’s findings of fact as if fully set forth herein.

Section 2. Moratorium Adopted. A moratorium is hereby adopted on the receipt of applications, permitting, installation, erection or construction of (a) any new on-premises and off-premises digital signs 72 square feet and less in size consisting of or including changing electronic, digital, or changeable message billboards in all zoning districts within the City, and (b) the alteration, modification, or replacement of any existing static message sign, so that the existing sign (as altered or modified) uses changing electronic, digital or video display or flashing, motion, animated, or changeable electronic variable message copy. Static copy on existing signs may continue to be changed. This moratorium is adopted in conjunction with, and is supplemental to, the moratorium imposed pursuant to Ordinance No. 2013-013 on static message billboards, digital billboards, and digital signs greater than 72 square feet in size.

Section 3. Definitions. For purposes of this moratorium, “digital sign” means an on-premises or off-premises sign utilizing changing electronic, digital or video display or flashing, motion, animated, or changeable electronic variable message copy, or digital message technology capable of changing the message or copy on the sign electronically.

In addition to the above definitions and as necessary to interpret or apply this Ordinance, the City hereby adopts those definitions and provisions of the Yakima Municipal Code pertaining to land use, zoning, design and regulation, including without limitation the provisions and definitions in Chapter 15.08 YMC.

Section 4. Exemption – Vested Rights – Repair and Mandated Safety Improvements. The moratorium shall not apply to applications for new digital signs or permits for relocation of existing digital signs that have vested prior to the effective date of this ordinance, permit applications to conduct repair of existing digital signs, and permit applications to implement safety improvements for existing digital signs as mandated by state or federal standards.

Section 5. Public Hearing. Pursuant to RCW 36.70A.390 and RCW 35.63.200, a public hearing will be held on Tuesday, October 15, 2013, for the purpose of taking testimony and, if this ordinance is passed, adopting written findings and conclusions justifying the moratorium established by this ordinance.

Section 6. Effective Period of Moratorium. The moratorium adopted by this ordinance shall become effective thirty (30) days after passage and publication of this ordinance, and shall remain in effect for six months, through midnight of April 1, 2014, subject to adoption of findings and conclusions as provided in Section 5 above. This moratorium shall also terminate upon the adoption of permanent regulations governing the location, land use and regulation of digital signs within the City of Yakima. Notwithstanding the above, this moratorium may be extended as provided in RCW 36.70A.390 and RCW 35.63.200.

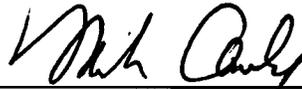
Section 7. Directive to City Manager. The City Council hereby authorizes and directs the City Manager to review existing City codes and zoning regulations; to further study the effects resulting from digital signs; to prepare comprehensive proposed amendments to the City codes and zoning regulations to address the effects of such uses; to confer with community members and City advisory commissions as appropriate; and to present recommended legislation addressing such issues to the City Council for consideration and action.

Section 8. 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 of constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce as required by law or otherwise posted, published or recorded as permitted by law.

Section 10. Effective Date. This ordinance shall be in full force and effect thirty (30) days after approval and publication as provided by law and the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 1st day of October, 2013.

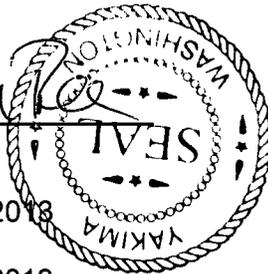


Micah Cawley, Mayor

ATTEST:

By 

City Clerk



Publication Date: October 4, 2013

Effective Date: November 3, 2013