

Mapleton City Planning Commission Staff Report

Meeting Date: December 11, 2008

Item #: 5

Applicant: Rex Doman

Prepared by: Cory Branch

REQUEST:

Rex Doman requests to amend Title 18, Development Code, Part III, Zoning, Chapter 18.86, Signs, in order to allow for an increase in sign area within commercial zones.

FINDINGS OF FACT:

1. On September 22, 2008, applicant Rex Doman submitted an application and paid fees requesting a text amendment to Chapter 18.86, Signs, Section 18.86.060, Permitted Signs, in order to allow for one (1) freestanding sign and one (1) monument sign for each five hundred (500) foot increment of frontage along a public street within all commercial zones. The proposed amendment would include a maximum height of twenty (20) feet and a maximum size of seventy (70) square feet for all freestanding signs and a maximum height of six (6) feet with a combined height of the sign and berming/landscaping not to exceed a maximum height of nine (9) feet and a maximum size of forty (40) square feet.
2. The applicant currently manages Doman Farms Wholesale Nursery located on the north east corner of Hwy 89 1600 South having approximately six hundred and seventy (670) feet of frontage off of Hwy 89 and approximately five hundred and ten (510) feet of frontage off of 1600 South. The subject property is currently located in the GC-1 (General Commercial) Zone. Mapleton City currently recognizes the use of the property as a temporary retail/wholesale nursery.
3. Attachment 1 includes Mapleton City Code, Chapter 18.86, Signs.

STAFF ANALYSIS:

Staff recognizes that Chapter 18.86, Signs, is in need of some modifications to the entire Chapter and would like to utilize the December 11th Planning Commission meeting as a brain storming session which would include reviewing each section of the above chapter.

PLANNING COMMISSION DISCUSSION ITEMS:

1. Does each section of Chapter 18.86 need to be modified?
2. Is the signs listed in Section 18.86.030, Exceptions and Exemptions, Section 18.86.060, Permitted Signs, and Section 18.86.070, Conditional Use Signs appropriate? Is there any other signs which should be excepted or exempt?
3. From Section 18.86.040, Definitions, which definitions should be deleted and which should be added?
4. Does the Commission feel that freestanding signs are appropriate within Mapleton City? If so what is the appropriate height and square footage?
5. Should additional signs be allowed dependant upon the amount of frontage of a project?
6. Is there a need for Section 18.86.070, Conditional Use Signs?

STAFF RECOMMENDATION:

Staff is prepared to discuss and answer any questions at the night of the Planning Commission meeting. Staff recommends continuance of the above request, thus allowing the Commission to discuss and give direction to Staff on modifications needed to Chapter 18.86.

ATTACHMENT:

Chapter 18.86, Signs

CHAPTER 18.86 SIGNS

18.86.010: PURPOSE:

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, and property, and also to maintain a responsible communication system by setting requirements for the location, size, height and lighting of signs that will be compatible with adjoining land uses, architecture and landscape, and that will preserve and improve the aesthetic values and visual qualities of Mapleton City.

It is not the intent of this chapter to regulate the content of free speech. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.020: GENERAL REGULATIONS:

- A. The uniform sign code, 1991 edition, published by the International Conference of Building Officials and issued in book form, is hereby approved and adopted as the sign code of Mapleton City as the standard for construction. Location, placement, allowable height and other restrictive regulations will conform to this chapter.
- B. All signs shall be constructed, mounted or attached in a safe and secure manner.
- C. All signs in Mapleton City are subject to a clear view zone. The area of a corner lot closest to an intersection shall be kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by a point at which the two (2) curb lines intersect, measuring back twenty feet (20') on each street front, and drawing a line across the two (2) back points to form a triangulated area. No signs shall be allowed inside this area in Mapleton City, with the exception of traffic safety signs. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.030: EXCEPTIONS AND EXEMPTIONS:

This chapter is intended to regulate the construction of advertising signs and the like. Official government signs, street signs, and other public safety signs are hereby declared exempt under this chapter. Other exempt signs include the following:

- A. Real Estate Sign: A real estate sign indicating property for sale or lease provided that the sign is kept in good repair, does not exceed nine (9) square feet, and is placed on the property it is advertising.
- B. Nameplates: Nameplates of not more than two (2) square feet indicating surnames of property owners upon which no retail advertising or political statement are allowed.
- C. Schools And Churches:

1. Schools shall be permitted one monument sign that conforms to subsection 18.86.060A of this chapter. Said sign shall also be allowed a changeable copy area within the monument sign for the purpose of advertising school events and functions.

2. Churches located within a residential zone shall be permitted one low profile sign as described in section 18.86.040 and subsection 18.86.060D of this chapter.

D. Flags: United States, city, state, scout, political flags and flagpoles less than thirty feet (30') in height. Flags over twenty four (24) square feet in area require review by the planning commission concerning the size and content. If deemed inappropriate by the commission, these flags may be reviewed, approved or denied as a conditional use.

E. Public Necessity Signs: Signs installed by a unit of the government for control of traffic and other regulatory purposes; including street signs, danger and warning signs, railroad crossing signs, directional or warning signs for public service companies, utilities or institutions, or signs erected by or on the order of a public officer in the performance of his public duty.

F. Development Location Signs: City initiated real estate location signs that may be placed either by the city or a designated sign company for the purpose of displaying locations of developments within Mapleton City. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.040: DEFINITIONS:

The following terms are defined for the purposes of this chapter in order to provide clarification of certain words or terms used in this chapter:

ADVERTISEMENT SPACE: The portion of the sign that is either illuminated internally or externally, which does not include the structural elements of the sign itself.

AWNING: A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

BILLBOARD: A sign displaying advertisement for an off site good or service.

CANOPY SIGN: A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

CHANGEABLE SIGN: A sign whose informational content can be changed or altered by manual, electric, electromechanical, electronic or optical means.

COPY: The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

FRONTAGE: The length of the property line of any one premises along a public right of way on which it borders.

HEIGHT: For the purposes of this chapter, the height of a sign is the vertical distance measured from the highest point of the sign to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

LOW PROFILE SIGN: A noninternally illuminated sign with a total height of four feet (4') or less, with a total square footage of forty (40) square feet, which meets the requirements as

listed herein.

MONUMENT SIGN: A sign mounted directly to the ground with dimensions as allowed by this chapter.

NAMEPLATE: A nonelectric on premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

NONCONFORMING SIGN: A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

OWNER: A person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of Mapleton City.

PAN CHANNEL SIGN: A sign not contained in a sign box, but rather the lettering and sign logos act as their own sign cabinet.

POLE COATING: A coating enclosing or decorating poles or other structural supports of a sign.

POLITICAL SIGN: A temporary sign used in connection with a local, state or national election or referendum.

ROOF SIGN: Any sign erected over or on the roof of a building.

SNIPE SIGN: A temporary sign or poster affixed to a tree, fence, etc., (i.e., yard sales, boutique, etc.).

TEMPORARY SIGN: A sign not constructed or intended for long term use.

WALL SIGN: A sign attached essentially parallel to and extending not more than eight inches (8") from the wall of a building with no copy on the sides or edges. This definition includes signs painted directly on the wall of a building. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.050: APPROVAL PROCESS:

- A. **Staff Review:** All signs for business or otherwise, including new signs, remodels, refacing, etc., not a part of a project plan approval, shall be reviewed and approved by the planning department staff. The planning staff shall review all proposed signs to make sure that the proposed sign meets the explicit requirements of the Mapleton City sign ordinance as outlined in this chapter.
- B. **Planning Commission Review:** All proposed signs and signage as part of a new business or building that requires project plan approval, shall be approved by the planning commission. The planning commission shall have the authority to grant final approval of the proposed signage. The planning staff shall have the authority to issue the required sign permit for the sign, as long as it conforms with the approvals by the planning commission. (Ord. 2003-26,

11-5-2003, eff. 12-11-2003)

18.86.060: PERMITTED SIGNS:

The following signs with the provisions shown, when reviewed and approved in compliance with section 18.86.050 of this chapter, are permitted subsequent to obtaining a sign permit:

- A. Monument Signs: One or more monument signs for each approved site in the commercial and industrial zones of Mapleton City may be permitted subject to subsection 18.86.090C of this chapter.
- B. Special Event: Special event and community promotion signs are permitted in accordance with section 18.86.050 of this chapter.
- C. Promotion Signs: Promotion signs shall be permitted with the following standards: 1) No more than three (3) promotion signs shall be permitted per storefront, 2) promotional signs shall not be considered permanent signage, and shall be in the form of a removable poster or affixed to a window area, 3) promotional signs affixed to the wall shall be placed in a picture frame setting, wherein the sign is removable, 4) promotional signs shall be no larger than four (4) square feet.
- D. Low Profile Sign: Businesses located within any commercial or industrial zone that do not qualify for a monument sign, shall be permitted one low profile sign. Home occupations located on Highway 89, and any church located within a residential zone, shall be permitted one low profile sign per one hundred feet (100') of frontage. Said sign shall have a height of no more than four feet (4') measured from the natural grade, and forty (40) square feet in size. The sign shall have a ground clearance of no more or less than eighteen inches (18"). The signs shall not have internal illumination or lighting, but shall be permitted one light per sign face. Lighting shall be at the ground level and shall only be permitted to shine onto the sign. The sign itself shall be constructed with high quality wood or metal, and shall be painted with weather resistant paint to match the business the sign will advertise. Pressed wood sign faces shall not be permitted.
- E. Seasonal Signs: Temporary signs for the advertising of seasonal agricultural products will be permitted during their season. Said sign shall be placed on the property where the business is located.
- F. Yard Sale And Other Temporary Signage: Temporary yard sale signs for a period not longer than three (3) days prior to the event, which signs must be removed within three (3) days of the event or it will constitute a violation of the sign ordinance. Payment of a temporary sign permit fee is to be set by resolution.
- G. Home Occupation Signs: Except as allowed in subsection D of this section, signs for home occupations shall be permitted as outlined in section 18.84.380 of this title. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.070: CONDITIONAL USE SIGNS:

The following signs with the provisions shown, if approved in accordance with section

18.86.050 of this chapter, may be permitted as a conditional use if all conditions placed on the application are met:

- A. Awning Signs: Signs professionally painted or printed on the surface of the awning material. Signs may not be backlit. Awning signs shall be slanted away from the building so as not to create the appearance of a wall sign. Awnings shall also be functional so as to provide shelter for doorways, windows, etc.
- B. Canopies: Signs for canopies are regulated as follows:
1. Sign copy, corporate logos, etc., may be a maximum of fifteen percent (15%) of one face of the canopy.
 2. Up to three (3) sides of the canopy may be used for signs.
 3. The height to the top of the canopy may not exceed twenty feet (20') from grade and no canopy fascia may exceed four feet (4') in height.
 4. Individual letters, logos, or symbols may not exceed four feet (4') in height or project out from the surface of the canopy more than eighteen inches (18") or project above or below the canopy face.
 5. Gas price signs are allowed on the monument sign or below the canopy over the pumps. One double faced sign for each type of fuel sold is allowed per gas island with a maximum of four (4) sets per station. Area of said sign may not exceed four (4) square feet each.
- C. Low Profile Signs: Any business may erect a low profile sign in lieu of a monument sign. Additionally, businesses that cannot qualify for a monument sign as outlined in subsection 18.86.090C of this chapter, shall be permitted one low profile sign, with the conditions and requirements as outlined herein. A low profile sign shall not have interior illumination, and shall only be permitted exterior illumination from direct or indirect lighting. Said lighting shall consist of one light bulb per sign face, shining from the ground level upward onto the sign. Said sign shall be made of wood (except pressed wood) or metal, but in either case, shall conform to the overall color scheme of the building(s) the sign is advertising. Said sign shall also be no taller than four feet (4') tall, and no wider than four feet (4') in length. The sign shall be elevated by at least two (2) leg structures, no less than eighteen inches (18") above the natural grade.
- D. Temporary Signs: Signs of a temporary (1 week or less) nature promoting a special event approved in accordance with section 18.86.050 of this chapter.
- E. Political Signs: A sign or signs promoting a political candidate or political position for an election recognized by Mapleton City may be erected sixty (60) days prior to the election date. A one hundred dollar (\$100.00) bond guaranteeing removal of the signs within ten (10) days after the election date must be posted with Mapleton City. After the ten (10) day period, the applicant forfeits the bond which will be used by the city to remove the signs. Any person or group promoting a political candidate is responsible for obtaining a sign permit indicating the number of signs to be erected, the content of the sign(s) and the general location of the sign(s).

F. Time And Temperature Display: Time and temperature displays may be placed within a monument sign, or displayed on a building. The amount of space that the display can occupy within the monument sign shall not exceed twenty five percent (25%) of the sign display, and shall be calculated within the total signage. Displays on buildings shall be limited to the total signage allowed, and calculated in subsection 18.86.090A of this chapter. However, in no case shall the display exceed fifteen (15) square feet. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.080: PROHIBITED SIGNS:

Signs that are not explicitly allowed herein as a permitted or conditional use sign shall be considered prohibited. For the purpose of clarification, the following signs are prohibited:

- A. Animated Signs: Any sign that spins, moves in any direction, changes colors, has flashing lights, or any device that would cause distractions for motorists or pedestrians, shall be prohibited. Any attention gathering devices not part of a sign, such as a strobe light or other similar device, shall also be prohibited.
- B. Inflatable Signs: Except that which may be allowed as a temporary promotional sign as described in subsection 18.86.070D of this chapter, hot or cold air balloons, or inflatable, objects shall be prohibited.
- C. Sound Emitting Signs: Music or any other sounds coming from the sign shall be prohibited. However, order taking signs at drive-in restaurants, automated bank tellers and drive-through banks may use sound communication.
- D. Graffiti: Graffiti.
- E. Miscellaneous Signs: Including posters tacked, painted, posted or otherwise affixed on the walls of a building, tree, pole, fence or other structure.
- F. Off Premises Signs: Including banners, flyers or any other signage or any business advertisement or otherwise that is not on the premises of the business where the sign is located.
- G. Banners And Streamers: All paper, cloth or plastic streamers and banners.
- H. Billboard Sign: Any sign that advertises a business or any activity not related to the site where the sign is located.
- I. Pole Signs: Including any sign that is elevated by poles or pylons.
- J. Public Property: No sign may be placed within or on public property, public right of way (including UDOT right of way), street, public building, semaphore pole or utility pole unless specifically authorized by this code. Generally, the public right of way begins at the sidewalk and extends across the pavement to the opposing sidewalk.
- K. Roof Signs: Roof signs.

L. Snipe Signs: Snipe signs.

M. Statuary: Statuary bearing the likeness or suggestion of any product or logo.

N. Traffic Sign Replicas: Traffic sign replicas which simulate or imitate in size, color, lettering or design any traffic control signs or device.

O. Signs On Vehicles/Trailers: A sign or advertising device attached to or located on a vehicle or trailer parked on a public right of way, public property or parking area with access by the general public so as to be visible from a public right of way, for the basic purpose of directing people to a business or activity. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.090: TOTAL SIGN AREA:

This section defines how to compute the total sign area allowed.

A. Primary Wall Sign: This subsection shall apply only to the storefront or main facade of a building. The total sign area allowed for a primary wall is fifteen percent (15%) of the total square footage for that wall area, minus any windows, or two hundred (200) square feet, whichever is less. For example, a wall with a total square footage of two hundred (200) square feet would be permitted a thirty (30) square foot sign (wall square footage x 0.15 = permitted size) ($200 \times 0.15 = 30$).

The wall sign style/design shall be limited due to an established sign theme if required by section 18.86.100 of this chapter.

B. Secondary Wall Sign: This subsection shall only apply to the side of a building for a corner lot, or any portion of the building visible to a public street. The total sign area allowed for a secondary wall is five percent (5%) of the total square footage for that wall minus any windows. For example, a wall with a total square footage of two hundred (200) square feet would be permitted a ten (10) square foot sign (wall square footage x 0.05 = permitted size) ($200 \times 0.05 = 10$).

C. Monument Sign: To qualify for a monument sign, a building must have at least one hundred (100) lineal feet of frontage upon a public right of way. A monument sign must have at least a one foot (1') pedestal, and may not exceed six feet (6') in height above grade. The sign may be placed upon a landscaped berm, provided that the top of the cabinet is no higher than nine feet (9') above the sidewalk, and that the overall height of the cabinet plus pedestal does not exceed six feet (6'). The sign may be elevated to eight feet (8') above the grade with a two foot (2') tall sign base. The sign base must be constructed with the decorative elements of the building the sign is advertising, but shall be limited to stone, brick or other recognized masonry unit.

1. Width: The width of a monument sign approved under these guidelines shall not exceed ten feet (10') measured at the widest point of the sign on a horizontal plane.

2. Corner Lots:

a. Corner lots with at least one hundred feet (100') of frontage onto an arterial or collector road, as designated by the Mapleton City transportation master plan map, shall be

permitted one additional monument sign. Only one monument sign shall be permitted per street frontage, and each sign shall be no less than fifty feet (50') from the corner of the property. The second monument sign shall be subject to the same requirements as listed herein, except that the sign shall not exceed four feet (4') in height, and forty (40) square feet.

b. On corner lots where signs shall be placed outside of the "clear-vision" site triangle area.

3. Additional Requirements: The pedestal is included in the height calculation but not in the sign square footage calculation. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.100: DESIGN GUIDELINES:

These guidelines reflect the principles and criteria used by city staff and planning commission when reviewing sign permit applications. Additional reference will be made to the uniform sign code, 1991 edition.

In developments and proposed buildings with more than one tenant such as multitenant buildings or other commercial or industrial developments, the planning commission shall require approval of a signage package in order to maintain a visually pleasing project and avoid signage "clutter". Business centers or parcels with multitenant buildings that qualify for a monument sign, shall be permitted one such sign subject to the requirements in subsection 18.86.090C of this chapter, otherwise a multitenant business center shall be allowed one low profile sign as described in subsection 18.86.060D of this chapter. Said monument sign shall either list the name of the business center, building, or removable "plaques" or sign slots for each business within the allotted sign area, or a combination thereof. Development with "pad sites" for restaurants or other business, shall only be permitted a monument sign if the frontage of the overall project permits additional monument signs. In no way shall this chapter be construed as to allow each business owner a monument or low profile sign.

- A. Relationship With Background: A sign should be part of the total composition of the storefront or the building. Its design should be visually integrated with the building it is attached to or the built environment it is in.
- B. Architectural Considerations: A sign should acknowledge and respect the architecture with which it is involved, and not ignore or intrude upon it.
- C. Format: Individual letters and logos usually relate better with a given space than does a sign cabinet or a sign plaque arbitrarily dimensioned and positioned.
- D. Illumination: Externally illuminated signs and backlit or front lit channel letters usually produce less glare and garishness than internally illuminated sign cans with acrylic sign faces.
- E. Internally Illuminated Sign Cans: Care must be taken that the light emitted by the sign face does not produce glare and garishness.
- F. Materials And Construction: Signs should be designed so that they are easy to clean and maintain. "Simulated" is synonymous to "false", "imitation" and "counterfeit". Therefore, use

of materials such as "simulated wood grain finish", for example, should be avoided.

G. Sign Program/Theme: A sign program/theme may be developed for all shopping center sites or buildings in which the designs of all signs (identification, directional and convenience signs) are coordinated. In a multiple use complex, the sign program establishes criteria for present and future tenant signs which will protect the quality of the signage over time. A sign program identifies size, location, color(s), letter size and type, illumination and type of construction for all signs at the site. It is intended that these criteria shall be incorporated into all leases at a specific site, and will govern the signage permitted for each lessee. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.110: NONCONFORMING EXISTING SIGNS:

Any sign erected, in accordance with applicable Mapleton City requirements, prior to the date of adoption hereof which does not meet the requirements of this chapter is declared to be nonconforming. Such a sign may be kept in good repair, but may not be expanded or replaced in any way unless the new sign satisfies all requirements found herein.

Exceptions include change of copy or sign face without physical expansion. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.120: CONSTRUCTION AND MAINTENANCE REQUIREMENTS:

A. All construction drawings for signs must be reviewed by the Mapleton City engineer to ensure that materials used will be adequate for safety considerations. All construction drawings shall contain, but are not limited to:

1. All dimensions of the proposed sign including support structures.
2. All materials to be used in any portion of the sign including support structures.
3. All colors to be used in any portion of the sign including support structures with corresponding identification numbers, if possible or known.
4. The type and intensity of any illumination to be used.
5. All text to be included on any portion of the sign.
6. Any other relevant information which will aid in the review of the application.

All signs are subject to inspection by Mapleton City. Inspection and permit fees shall be determined according to the standards set forth by resolution of the city council.

B. Maintenance of any sign authorized under this chapter is the responsibility of the owner of such sign. All signs shall be properly maintained. Exposed surfaces shall be clean and painted or otherwise cared for. Defective parts shall be replaced. Mapleton City shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the uniform sign code. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.130: ABATEMENT:

The planning and zoning director or his/her designee, shall have the authority to abate and remove any sign illegally erected within Mapleton City, including signs placed on public or private property. Mapleton City and any city employee shall also have the authority to abate and remove any sign found to be in disrepair to the extent that the sign becomes dilapidated or dangerous to the public. Illegal or dilapidated signs that are erected in a permanent manner, or require demolition, shall be removed by the city after notice is given to the property owner where the sign is located. After notice is given by the city to the property owner, if no action is taken to remove the illegal sign within five (5) days of the written notice, the city shall have the right to remove the sign, and bill the property owner for any costs incurred during the removal of the sign. Illegal signs shall include all signs that have been erected without the issuance of a sign permit from Mapleton City, or the written approval to erect the sign by the planning and zoning director, as well as signs listed herein as "prohibited". (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.140: APPEALS:

The decision to deny a sign permit by the planning and zoning director, may be appealed to the Mapleton City planning commission. Any further appeals shall be made to the Mapleton City board of adjustment. Any decision to deny a sign approval by the planning commission may be appealed to the city council. Any appeal must be made within fifteen (15) days of the decision to deny the sign permit, and include the reason(s) why the sign should not have been denied, and how the sign meets all of the requirements of the Mapleton City sign ordinance, and the date of the appeal. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)

18.86.150: PENALTIES:

Penalties for violation of this chapter shall be in accordance with chapter 18.88 of this title. (Ord. 2003-26, 11-5-2003, eff. 12-11-2003)