Highland City Planning Commission Agenda

Date: Tuesday, February 24, 2009

Place: Highland City Building,
5400 West Civic Center Drive Suite 1

Time: 7:00 P.M.

Parliamentary Procedure is followed at Highland City Council Meetings. Parliamentary Procedure refers to the rules of democracy – that is, the commonly accepted way in which a group of people come together, present and discuss possible courses of action, and make decisions. Parliamentary rule is based upon the will of the majority; the right of the minority to be heard; protection of the rights of absentees; courtesy and justice for all; and consideration of one subject at a time.

Item 1: Approval of Meeting Minutes for February 10, 2009

Item 2: Athletic Court Ordinance ~ Public Hearing and Recommendation

Item 3: Temporary Signs ~ Recommendation

Item 4: Gateway Preservation Ordinance ~ Discussion

This Agenda and a Full Agenda are available on the City Web Site at www.highlandcity.org

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Gina Peterson, City Recorder, 756-5751 ext. 4506, at least three working days prior to the meeting.

Remember...

PLANNING HISTORY, PART 1

Urban planning as an organized profession has existed for less than a century. However, most settlements and cities reflect various degrees of forethought and conscious design in their layout and functioning.

The development of technology, particularly the discovery of agriculture, before the beginning of recorded history facilitated larger populations than the very small communities of the Paleolithic, and may have compelled the development of stronger, more coercive governments at the same time. The pre-Classical and Classical ages saw a number of cities laid out according to fixed plans, though many tended to develop organically.

Designed cities were characteristic of the totalitarian Mesopotamian, Harrapan, and Egyptian civilizations of the third millennium BCE. Distinct characteristics of urban planning from remains of the cities of Harappa, Lothal and Mohenjo-daro in the Indus Valley Civilization (in modern-day northwestern India and Pakistan) lead archeologists to conclude that they are the earliest examples of deliberately planned and managed cities. The streets of these early cities were often paved and laid out at right angles in a grid pattern, with a hierarchy of streets from major boulevards to residential alleys.

Archaeological evidence suggests that many Harrapan houses were laid out to protect from noise and enhance residential privacy; also, they often had their own water wells for probably both sanitary and ritual purposes. These ancient cities were unique in that they often had drainage systems, seemingly tied to a well-developed ideal of urban sanitation. Ur, located near the Euphrates and Tigris rivers in modern day Iraq also had urban planning in later periods. The Greek Hippodamus (c. 407 BC) is widely considered the father of city planning in the West, for his design of Miletus; Alexander commissioned him to lay out his new city of Alexandria, the grandest example of idealized urban planning of the Mediterranean world, where regularity was aided in large part by its level site near a mouth of the Nile.

http://en.wikipedia.org/wiki/Urban_planning

Item 2: Athletic Court Ordinance ~ Public Hearing and Recommendation

Motion:

That the Planning Commission recommend the City Council Adopt an Ordinance for the Addition of Section 3-4112 R-1-40 Zone & 3-4212 R-1-20 Zone within the Highland City Development Code per the recommendations of the Planning Commission and Staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Highland City

Staff Presentation:

Carly LeDuc, Planner to present

Recommendation:

That the Planning Commission recommend this ordinance to the City Council

Findings:

The Planning Commission may use findings to recommend or not recommend this ordinance

Background:

The City Council has requested that the Planning Commission recommend an athletic court ordinance. The Council has requested that the Planning Commission determine what should be permitted and required for this use. Staff provided a worksheet at the meeting on January 13, 2009 and requested that the Planning Commission write down all of the requirements, conditions, allowances, etc. that the Commissioners would consider in an athletic court ordinance. The worksheets were collected at the January 13th meeting and an ordinance was drafted based on the Commissioner's recommendations. The proposed draft was reviewed at the January 29, 2009 meeting by the Planning Commission and public comment was given. The proposed draft included in this packet has been updated to meet the Planning Commission's recommendations.

A resident is currently able to construct an athletic court without a fence anywhere on their lot. The concern is over locating a fence that is typically ten feet (10') tall or taller within ten feet (10') of a property line (and within the public utility easement) so that the fence will help keep a basketball, tennis ball, etc. within the court area.

Currently staff also provides opportunities for athletic court fencing to be taller than six (6) feet by considering the athletic court as an accessory structure. This allows the "accessory structure" (athletic court and fencing) to be up to twenty-five feet (25') tall with an area of up to 5% of the lot or the square footage of the living area of the main dwelling whichever is less (as written in the Development Code). This interpretation also required the athletic court to be located a minimum of ten feet (10') from the property line and outside of a recorded utility easement. The required setback is the issue of concern for those who have constructed their athletic courts within the ten foot (10') easement area and constructed a fence over six (6) feet in height without first obtaining a fence permit.

The fence permit process would have resolved the construction issue of the illegal fence however it does not resolve the issue of setbacks, athletic court fencing, or lighting associated with an athletic court. **It is**

important to understand that allowing a fence of extreme height closer than ten feet (10') from a rear or side property line would also require changes to the fence ordinance creating significant changes for properties along open space or trail corridors.

An ordinance has been drafted according to the Planning Commission's comments. Staff recommends that lighting for athletic courts does not exceed the height requirement for our commercial zone of 15'. The proposed ordinance does state 19' which was encouraged by the Planning Commission. Our current nuisance ordinance allows lighting to operate from 7 am - 10 pm. Staff would suggest that we stay consistent with our current nuisance ordinance. Staff may suggest that the property owners wanting to construct an athletic court be required to acquire signatures from surrounding property owners when lighting is involved; although, we do not currently have any lighting regulations for lights that are attached to homes or garages.

Legal Authority:

- Utah Code; 10-9a-502, 503
- Highland City Development Code (HCDC) Chapter 9, Amendments to Title and Zone Map

Fiscal Impact:

- N/A

List of Attachments:

- Proposed Athletic Court Ordinance
- Athletic Court Questionnaire Summary
- Planning Commission Meeting Minutes (1/29/09)

R-1-40 Zone

Proposed Ordinance

3-4112: Athletic Court. An athletic court is a permanent structure that is constructed for the use of a playing surface for recreational purposes. A court consisting strictly of a solid surface installed by a typical homeowner and does not include fencing or lighting exceeding six feet (6') in height is not considered under this ordinance. Athletic courts that are constructed for different types of sporting activities that have any type of structure exceeding six feet (6') in height including fencing and lighting shall be subject to the following requirements:

(1) Athletic courts that meet the criteria of this ordinance shall require a building permit.

(2) All athletic courts shall be subject to all setback requirements for accessory structures as defined in Section 3-4109 of this Code.

(3) Any structural portion of an athletic court shall not be permitted within an easement of any kind.

(4) Athletic courts that are enclosed or covered within a permanent structure and are detached from the main dwelling unit shall be considered an accessory structure and shall be subject to Sections 3-4104 and 3-4109 of this Code:

(a) For the purposes of this section only, a "permanent structure" shall be considered any structure or landscaping/lighting object exceeding one-hundred twenty (120) square feet in size or exceeding fourteen (14) feet in height constructed for the purpose of enhancing the athletic court facility.

(5) **Setbacks**. An athletic court may cover the total lot area within a rear yard not located within an easement unless the construction of that athletic court would require the need to vary from existing ordinances. Minimum setback requirements from property lines are as follows:

(a)	Front Yard:	Thirty feet (30') Minimum
(b)	Rear Yard:	Ten feet (10') Minimum
(c)	Side Yard:	Ten feet (10') Minimum
(d)	Side Yard Adjacent to Street:	Ten feet (10') Minimum
(e)	Trail or Landscape Easement:	Ten feet (10') Minimum (measured from the nearest easement line)

(6) **Fencing**. All athletic courts enclosed with fencing shall be required to obtain a fence permit prior to construction. An athletic court is the only use that allows fencing enclosures above six feet (6') in height. Fencing above six feet (6') in height shall not exceed the fencing enclosure maximum height of twelve feet (12'). Fencing enclosures shall not be considered as part of standard property line fencing. Fencing materials for athletic courts shall consist of chain link without slats or other open mesh type provided that it shall not have more than 55% solid material.

(7) **Lighting**. All athletic court lighting must be directed downward to avoid light spill on adjacent property. The amount of lighting and type of lighting will be evaluated on how adequately it meets its intended purpose. Light intensities shall be controlled so desired lighting is provided while neighboring areas are protected from glare or excessive direct light. Design and location shall be specified with the plans submitted for a building permit. Light poles in regards to athletic courts shall not be in excess of nineteen feet (19') in height. Light operating hours shall be restricted to 7:00 am - 10:00 pm.

ATTACHMENT

R-1-20 Zone

Proposed Ordinance

3-4212: Athletic Court. An athletic court is a permanent structure that is constructed for the use of a playing surface for recreational purposes. A court consisting strictly of a solid surface installed by a typical homeowner and does not include fencing or lighting exceeding six feet (6') in height is not considered under this ordinance. Athletic courts that are constructed for different types of sporting activities that have any type of structure exceeding six feet (6') in height including fencing and lighting shall be subject to the following requirements:

(1) Athletic courts that meet the criteria of this ordinance shall require a building permit.

(2) All athletic courts shall be subject to all setback requirements for accessory structures as defined in Section 3-4109 of this Code.

(3) Any structural portion of an athletic court shall not be permitted within an easement of any kind.

(4) Athletic courts that are enclosed or covered within a permanent structure and are detached from the main dwelling unit shall be considered an accessory structure and shall be subject to Sections 3-4104 and 3-4109 of this Code:

(a) For the purposes of this section only, a "permanent structure" shall be considered any structure or landscaping/lighting object exceeding one-hundred twenty (120) square feet in size or exceeding fourteen (14) feet in height constructed for the purpose of enhancing the athletic court facility.

(5) **Setbacks**. An athletic court may cover the total lot area within a rear yard not located within an easement unless the construction of that athletic court would require the need to vary from existing ordinances. Minimum setback requirements from property lines are as follows:

(a)	Front Yard:	Thirty feet (30') Minimum
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(e)	Trail or Landscape Easement:	Ten feet (10') Minimum (measured from the nearest easement line)

(6) **Fencing**. All athletic courts enclosed with fencing shall be required to obtain a fence permit prior to construction. An athletic court is the only use that allows fencing enclosures above six feet (6') in height. Fencing above six feet (6') in height shall not exceed the fencing enclosure maximum height of twelve feet (12'). Fencing enclosures shall not be considered as part of standard property line fencing. Fencing materials for athletic courts shall consist of chain link without slats or other open mesh type provided that it shall not have more than 55% solid material.

(7) **Lighting**. All athletic court lighting must be directed downward to avoid light spill on adjacent property. The amount of lighting and type of lighting will be evaluated on how adequately it meets its intended purpose. Light intensities shall be controlled so desired lighting is provided while neighboring areas are protected from glare or excessive direct light. Design and location shall be specified with the plans submitted for a building permit. Light poles in regards to athletic courts shall not be in excess of nineteen feet (19') in height. Light operating hours shall be restricted to 7:00 am - 10:00 pm.

ATTACHMENT

Questionnaire Summary

Sport/Activity Court Questionnaire Summary – Commissioners Comments (1/21/09)

1. Question: What would you consider appropriate in regards to Sport Court regulations?

- Fence requirements, Lighting Requirement, Setbacks
- Anything within reason that does not infringe on neighbors or becomes a public nuisance.
  -fence: 10'
  -lighting: 19' facing into the owners property metal halide
  -size: 7%
  -location: meets same requirements as shed
- Fence 10' – most common and very adequate
  Lighting:
  -pole not to exceed 19 ft
  -light directed away from neighbors, use of hoods and visors to control light pollution
  - think about sport court having its own source of lighting, not light fixtures attached to houses or garage and pointing toward court
  -lighting to be turned off by 11:00pm
- Fence height- should be relative to the size of the property
  -minimal visual impact on neighboring properties
  Lighting should not interfere with neighboring properties, keep others in mind
  Noise is a factor and property size is relevant
- Allowing sport courts should be given to those who are willing to put one in. I don't think we need to count the sport fences as part as the structure which are already in the regulations. Sport courts should enhance property value. I don't think 5% is necessary.
- I think a fence that extends just beyond a basketball standard would be adequate. I also think that lighting is an issue because it is generally taller than the fence. I think a sport court should be proportionate to the space that you have. If you have a big lot, you can have a big court. (I think the draft we have states this already)

2. Question: What concerns do you have?

- I don't like the idea of sport court fences along open spaces or trails. I also think they need to not encroach into setbacks or easements. I worry that on a smaller lot that light from a sports court would potentially shine into a neighbor's bedroom. I also think that a sports court fence up against open space or a trail is not a great idea. I think that any ordinance needs to be cautious about the effect these structures have on neighbors.
- Being well maintained and others property values
- That we over regulate. Could we say sports courts (other than basketball stands in driveway) could only be placed on homes on one acre lots with adequate controls for fences, lights, and noise?
- Size limitations- what if someone wants a tennis court?
- Light pollution and noise. The fence around a sports court should be considered part of a structure not a fence. There should be a separate "sport court" ordinance.
- Neighbor complaints about lights and noise

ATTACHMENT

Item 3: Planning Commission Recommendation on an Athletic Court Ordinance ~ Discussion

Carly LeDuc explained that the City Council has requested that the Planning Commission determine what should be permitted and required for the construction and use of an athletic court in a residential area; staff drafted an ordinance based upon recommendations provided by the Planning Commission. Under the previous ordinance, staff has considered an athletic court to be an accessory structure which allows the "accessory structure" (athletic court and fencing) to be up to 25 feet tall and up to 5% of the total lot or the square footage of the living area of the main dwelling, whichever is less (as written in the Development Code). Although residents are currently able to construct an athletic court without a fence anywhere on their lots, a fence is typically constructed at ten feet tall or taller so that the fence will help keep a basketball, tennis ball, etc. from leaving the court. The "accessory structure" interpretation also requires the athletic court to be located a minimum of ten feet from the property line and outside of a recorded utility easement. The required setback is the issue of concern for those who have constructed athletic courts within the ten foot easement area and constructed a fence over six feet in height without first obtaining a fence permit. Carly LeDuc emphasized that it is important to understand that allowing a fence of extreme height closer than ten feet from a rear or side property line would also require changes to the fence ordinance, creating significant changes for properties along open space or trail corridors.

The fence permit process would have resolved the construction issue of the illegal fence however it does not resolve the issue of setbacks, permitted athletic court fencing, or lighting associated with an athletic court. Staff recommends that lighting for athletic courts does not exceed the height limitation of 15 feet for Highland's commercial zone. The Planning Commission encouraged a height limitation of 19 feet, which is reflected in the proposed draft of the ordinance. Commissioners had also suggested that lighting be turned off by 11 pm, however the current nuisance ordinance allows lighting to operate from 7 am–10 pm; staff would advise that the proposed athletic court ordinance be consistent with the nuisance ordinance. Staff may recommend that when lighting is involved, the property owners wanting to construct an athletic court be required to acquire signatures from surrounding property owners.

Jennifer Tucker opened the public hearing at 8:18 pm.

Craig Hendricks expressed concern about overregulation and declared that, due to the lack of a foundation, footing, or visual restrictions, athletic courts should not be classified and restricted as a structure. He also emphasized that 5% of the total lot is too restrictive; a legal sized tennis court (120'x60') would require a 3 ½ acre lot, and even a half sized tennis court on a 20,000 square foot lot exceeds the 5%.

Lonnie Crowell reiterated that the area enclosed by the higher fence is the concern, not the area the athletic court covers; the 5% is as defined by the current "accessory structure" definition. Setbacks, easements, alternative percentages, and possible restrictions were discussed, but the Commissioners concluded to strike the percentage and that an athletic court need only comply with the front, side, and rear setbacks of the lot.

Carly LeDuc noted that the fence and lighting heights are the main concerns.

Mark Lund stated that the fencing around his existing athletic court is not only to keep balls from leaving the court but is also to keep trespassers out. Lonnie Crowell explained that the fence ordinance requires the setbacks due to the ten foot utility easements; utility companies will pay to replace concrete but not athletic courts and accessories. Brent Wallace specified that a fence along the property line must comply with the fence ordinance, and a fence ten feet from the property line qualifies as a sport court fence. Mr. Lund requested that individual consideration be given to each applicant. Jennifer Tucker described the process of the Appeal Authority. Don Blohm requested specific recommendations regarding the proposed ordinance; Mark Lund suggested requiring a permit to pour cement.

Carly LeDuc asked if the ordinance should specify the type of fencing used. The Commission agreed on chainlink or a similar open fencing, such as a ball enclosure net, in a dark color; the visual impact of slats and other solid fencing creates the same effect as a shed and should not be allowed.

Carly LeDuc stated that staff has received numerous complaints regarding lights from residents neighboring an athletic court. Commissioners suggested that operating hours be restricted to 10:00 pm, as is consistent with the Municipal Code, to help limit the light and noise impact on surrounding neighbors. It was proposed that the ordinance specify the type (not brand) of lighting used; however, the Commission determined that the ordinance, as proposed, was adequate:

3-4112: Activity Court

(6) All activity court lighting must be directed downward to avoid lighting spill on adjacent property. The amount of lighting and type of lighting will be evaluated on how adequately it meets its intended purpose. Light intensities shall be controlled so desired lighting is provided while neighboring areas are protected from glare or excessive direct light. Design and location shall be specified with the plans submitted for a building permit. Light poles in regards to activity courts shall not be in excess of nineteen feet (19') in height. Light operating hours shall be restricted to 7:00 am – [10]:00 pm.

Commissioners addressed typographical suggestions and clarifications.

ATTACHMENT

Item 3 Temporary Signs ~ Recommendation

Motion:

That the Planning Commission recommend that the City Council Adopt an Ordinance Amending Several Sections within Chapter 3, Article 7, Signs regarding Temporary Signs within the Highland City Development Code per the recommendations of the Planning Commission and Staff.

The Planning Commission will need to specifically list any additional conditions or recommendations in the motion that the Planning Commission would like to impose that have not been specifically identified by staff.

Sponsor:

Highland City

Staff Presentation:

Lonnie Crowell, Community Development Director to present

Recommendation:

That the Planning Commission make a recommendation to the City Council, in either form, allowing the City Council to determine the preferred direction related to temporary signs.

Findings:

The Planning Commission may use Findings to recommend or not recommend this proposed Code Amendment.

Background:

Staff has been directed to request a recommendation from the Planning Commission regarding temporary signs within Highland City. This item has been before the Planning Commission several times over the past several years. On December 9, 2008 the Planning Commission requested that the City Attorney appear before the Planning Commission to discuss temporary signs and answer questions and David Church has agreed to appear and discuss the matter. On January 13, 2009 the City Attorney did appear before the Planning Commission and answered several questions regarding temporary signs. During this meeting the Planning Commission discussed whether temporary signs should be allowed at all and Staff requested an opportunity to draft an additional amendment to the proposed ordinance that may resolve some of the concerns with these types of signs. The Planning Commission began this process with many ideas, comments and suggestions and has discussed this item at length throughout this process requesting several edits and amended versions. Staff initially presented an ordinance to the Planning Commission bin December based off of historical precedent and case law as a basis for discussion. Following that staff prepared an ordinance based entirely from the Planning Commission comments on December 9, 2008 and January 13, 2009 and recommendations from the City Attorney on January 13, 2009. Additional edits were included per the Planning Commission's recommendation on January 27, 2009 and February 10, 2009.

On February 10, 2009 the Planning Commission held a properly and legally noticed public hearing per State Law and Highland City Ordinances to hear comments from the public and discuss a Code Amendment to be proposed to the City Council for consideration. The new and attached version does show edits according to the Planning Commission comments and recommendations resulting from the meeting on February 10, 2009 (the previous edits have been completed for clarity). The information following was provided to the Planning Commission for all of the previous meetings prior to January 13, 2009, January 27, 2009, and February 10, 2009.

Staff has been aware since the adoption of the current sign ordinance that the portion related to temporary signs is regulated and based upon content. In fact there may be many portions of the sign ordinance that are based upon content. The existing ordinance may currently not be consistent with sign law because it is based upon the content of the sign and not simply time, place or manner. Sign ordinances related to commercial activities are simply determined to be legal based upon the requirement of whether is exceeds regulating time, place, or manner. In other words, the ordinance may regulate when a sign may be used (except 1st amendment rights such as political or religious free speech). An ordinance may dictate where a sign may be placed (on private property, on public property, etc.). An ordinance may define how large a sign may be and how the sign may be located on property. If the ordinance is based upon what the sign says it is considered to be content based and may be illegal.

Non-commercial sign regulations are more difficult to regulate and an ordinance must also pass a four part test. The four part test is as follows:

(1) Does the ordinance fall within the First Amendment rights?
(2) Does the ordinance serve a substantial governmental interest?
(3) Does the regulation directly advance the asserted governmental interest?
(4) Is the ordinance more extensive than necessary to serve that interest?

The questions may seem simple on the surface but they definitely are not. For instance, if a city such as Highland has an ordinance that states a sign for community events may be installed on public property however other signs may not. The questions will be asked as follows: What is the purpose of regulating all other signs on public property? If the reason is aesthetic then the question is asked "Is a 3'x8' banner advertising the local recreational opportunity more obtrusive then a 2'x2' sign advertising a day care?" Obviously the answer would be yes so the follow-up question would be why is the day care not permitted to advertise in the same location if the sign is less obtrusive? If the purpose of the ordinance is not aesthetic then what is the purpose of the regulation and does it exceed number three (3) above in the three (3) part test?" In addition a "for sale" sign is regulated separately from a "yard sale" sign. While a "for sale" is permitted to be located on a lot where a home is for sale for an indefinite period of time, a yard sale sign which may be smaller in size is only permitted to be located at the same place, for a fee and permit, for 48 hours. This is inconsistent with the requirements of the four part test and it is content regulated which may be illegal.

It is staff's opinion that there are three legitimate options available for temporary signs.

1. The first option is to allow temporary signs, commercial and non-commercial, regardless of content everywhere. The size and specific location of the sign and time allowed for posting may be regulated.
2. The second option is to not allow temporary signs, commercial and non-commercial, anywhere in Highland.
3. The third option is to allow <u>any</u> person, business, or entity to install temporary signs in certain specifically approved locations and of certain approved sizes. Again, the size and specific location of the sign and time allowed for posting may be regulated however the content may not.

Legal Authority:

- Utah Code; 10-9a-502, 503
- Highland City Development Code (HCDC) Chapter 9, Amendments to Title and Zone Map

Fiscal Impact:

N/A

List of Attachments:

- Development Code Ordinances to discuss with optional text to consider
- Aerial Map with lot lines of Commercial Town Center area.

ARTICLE 7

SIGNS (Amended 7/5/05, 4/3/07)

3-711: Temporary Signs
3-712: Non-Conforming Signs
3-713: Exceptions

3-711: Temporary Signs. (Amended 11/15/05, 4/3/07) This Section shall require all persons considering a temporary sign to first submit a temporary sign permit application to the City and provides residents and businesses an opportunity to temporarily advertise within Highland **except as provided for in 3-711(3)**. A Business Owner applying for a temporary sign must possess a current business license within Highland City. Temporary signs that are not permitted as defined in this Section are specifically not permitted within Highland City.

(1) The following regulations apply to all Temporary Signs:

(a) It shall be the responsibility of the applicant to first obtain a permit for a temporary sign prior to installing such a sign and to remove the same sign after expiration of the term of the permit.

(b) All temporary sign applications that are consistent with this ordinance shall be approved by the Zoning Administrator and temporary sign applications that are not consistent with this ordinance shall not be approved.

(c) Temporary signs that have not first obtained approval shall not be installed and the persons responsible for their installation shall be subject to Section 3-715 and 3-716 of this Ordinance.

(d) All nonconforming signs shall be removed at the expense of the person or persons responsible for their erection or shall be removed by any Highland City official.

(i) If the person accountable for erecting the sign cannot be found it shall be assumed the person advertised shall be responsible.

(e) Temporary signs shall not be located within any road right-of-way (which includes the road, curb-and-gutter, parkstrip, sidewalk, and one (1) foot behind the sidewalk; If a parkway detail is present the right-of-way shall include the road, curb-and-gutter and everything within twenty-nine feet (29') from the top back of the curb), shall not obstruct the view of vehicular traffic or pedestrians (shall be placed outside of traffic safety sight triangle at the corner of each intersection if the sign exceeds three feet in height), shall not be placed on any traffic regulating sign and shall not be lighted.

(f) Temporary signs shall only be placed upon property by the property owner.

(g) Owners of property located within a Residential Zone shall only have one (1) temporary sign on their property at any given time **except as provided for in 3-711(3)(d)**.

(h) Temporary signs within a commercial zone shall only be placed upon the property where the business is owned or leased.

(i) Temporary signs shall be subject to 3-716: Enforcement and 3-717: Violation within this Code.

(2) The only Temporary signs that may be applied for within a commercial zone are defined as follows:

(a) Temporary Grand Opening Signs: When first opening a business (or if there is a change in ownership) within commercially zoned property the owner may apply for a temporary sign permit as follows:

(i) The owner of a business within commercially zoned property may obtain a permit for a Temporary Grand Opening sign for a specific period of time not to exceed 60 days. Temporary Grand Opening signs shall only be available one time for a new business or change in ownership.

~~(ii) A Temporary Grand Opening Sign shall only be placed upon the property owned or leased by the applicant where the business is located.~~

(iii) The following sign types are permitted:

Time, Place and Manner

RED text is a proposed DELETION; BLUE text is proposed to be ADDED

ATTACHMENT

A. Banner Signs: Banner signs not to exceed twenty-four (24) square feet in size. Banner signs shall only be permitted to be placed within the approved banner supports or on the building within the leased space of the business of which the sign is associated as designated by the City Council. A banner sign may not be attached in any way to a significant architectural feature, or above an eave, parapet or roof line of a building.

B. A-frame Signs: A-frame signs must be placed within fifteen (15) feet from the primary entrance for the business advertising on it. A-frame signs may not exceed 48" in height and 36" in width. A-frame signs may not be placed in a manner that would impede pedestrian or vehicular access.

(b) Temporary Promotional Signs: The owner of a business within commercially zoned property may apply for a Temporary Promotional Sign permit during different times throughout the year as follows:

(i) The owner of a business within commercially zoned property may apply for a temporary sign permit that would permit the installation of a temporary sign for a specific period of time not to exceed six (6) days (Monday – Saturday). Temporary Promotional Signs shall only be available five (5) times per year per business during non-consecutive periods.

(ii) A Temporary Promotional Sign shall only be placed upon the property owned or leased by the applicant where the business is located or within fifteen (15) feet from the main entry of the business if that location is consistent with Section 3-711A(6) of this Ordinance.

(iii) Only the following sign types are permitted as Temporary Promotional Signs:

A. Banner Signs: Banner signs not to exceed twenty-four (24) square feet in size. Banner signs shall only be permitted to be placed within the approved banner supports or on the building within the leased space of the business of which the sign is associated as designated by the City Council. A banner sign may not be attached in any way to a significant architectural feature, or above an eave, parapet or roof line of a building.

B. A-frame Signs: A-frame signs must be placed within fifteen (15) feet from the primary entrance for the business advertising on it. A-frame signs may not exceed 48" in height and 36" in width. A-frame signs may not be placed in a manner that would impede pedestrian or vehicular access.

(3) The only Residential Temporary signs that may be installed are defined as follows:

(a) **One temporary "A-frame" sign** not to exceed 32" x 48" may be permitted on property of which a model home is located during the two (2) year period a model home operates under its approved Conditional Use Permit. The sign shall be placed behind the sidewalk on model home private property and only displayed while the realtor of the model home is present.

(b) **Temporary Yard Signs**. An owner of residentially zoned private property may install a Temporary Yard Sign ~~while selling their personal property~~.

(i) Temporary Yard signs may only be placed on private property **for a period of two (2) weeks prior to an event and shall be promptly removed within two (2) weeks following an event** ~~during the period of time property is being sold~~.

(ii) Property owners ~~selling their property~~ may place one temporary yard sign on their property.

~~A. Off-site directional signs are specifically prohibited unless otherwise approved by the City Council.~~

(iii) Only the following sign types are permitted as Temporary Yard Signs:

B. Temporary Yard signs shall not exceed six (6) square feet in area and shall stand no higher than six (6) feet from the ground, shall not be lighted, shall not be placed in any road right-of-way, shall not obstruct view of vehicular traffic or pedestrians, or shall not be placed on any traffic sign or utility pole.

Time, Place and Manner

RED text is a proposed DELETION; BLUE text is proposed to be ADDED

ATTACHMENT

C. Temporary Yard signs shall be exempt from requirement of sign permit and fee.

(c) **Temporary Private Directional Signs**. Property Owners located on a corner within residentially zoned property may install one (1) Temporary Private Directional Sign on their private property to safely direct traffic on their street.

(i) Only the following sign types are permitted as Private Directional Signs:

A. Private Directional Signs shall not exceed five (5) square feet in area and shall stand no higher than four (4) feet from the ground, shall not be lighted, shall not be placed in any road right-of-way or on public property of any kind, shall not obstruct the view of vehicular traffic or pedestrians, or shall not be placed on any traffic sign or utility pole.

B. Persons installing a Private Directional Sign shall be required to first obtain a Temporary Sign Permit and pay a Temporary Sign Permit fee prior to installation.

1. A temporary sign permit for a Private Directional Sign shall be signed by the property owner of the property where the sign will be located.
2. Persons applying a permit for a Private Directional Sign shall include with the permit a detailed map showing the exact proposed location of the Private Directional Sign.
3. A Private Directional Sign permit shall expire after a period of six (6) days.

(d) Temporary Real Estate Signs. Property owners may place one (1) Temporary Real Estate Sign within their yard except as provided for in 3-711(3)(c) or 3-711(3)(d)(i).

(i) Temporary Real Estate Signs may only be placed on private property during the period of time property is being sold.

(ii) Property owners selling their property may place one Temporary Real Estate Signs sign on their property.

(iii) Only the following sign types are permitted as Temporary Real Estate Signs:

B. Temporary Real Estate Signs shall not exceed six (6) square feet in area and shall stand no higher than six (6) feet from the ground, shall not be lighted, shall not be placed in any road right-of-way, shall not obstruct view of vehicular traffic or pedestrians, or shall not be placed on any traffic sign or utility pole.

C. Temporary Real Estate Signs shall be exempt from requirement of sign permit and fee.

(e) **Temporary Political Signs**.

(i) Temporary Political Signs may be installed in the city of Highland on private property only ~~unless otherwise approved by the City Council~~.

(ii) Only the following sign types are permitted as Temporary Political Signs:

A. Temporary Political Signs shall be no larger in area than sixteen (16) square feet and stand no higher than ten (10) feet above the ground.

B. Temporary Political Signs shall be exempt from requirement of sign permit and fee.

C. Temporary Political Signs may be placed upon private property in conjunction with other permitted temporary signs defined within this code.

3-713: Exceptions. (Amended 4/3/07) This Chapter shall have no application to signs used exclusively for:

(1) The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.

(2) Directional, warning, or information signs of a public nature, directed and maintained by a public authority or public utility.

Time, Place and Manner

RED text is a proposed DELETION; BLUE text is proposed to be ADDED

ATTACHMENT

(3) Any sign of a non-commercial nature when used to protect the health, safety or welfare of the public.

(4) Any flag, pennant, or insignia of any nation, state, city, or other political subdivision.

(5) Any sign legally mandated by state, federal, or municipal law.

~~(6) Any temporary sign of a non-commercial nature which is displayed for addressing community events or community groups for the purpose of announcing special events which may benefit the community as a whole. Temporary community event signs shall only be placed in areas designated by the city for such purposes and be approved by the City Zoning Administrator. These signs will be identified by an attached label indicating when the sign shall be removed.~~

~~(7) Monument signs may be installed within public property identifying public points of interest (parks, library, City Hall, etc.) by Highland City.~~

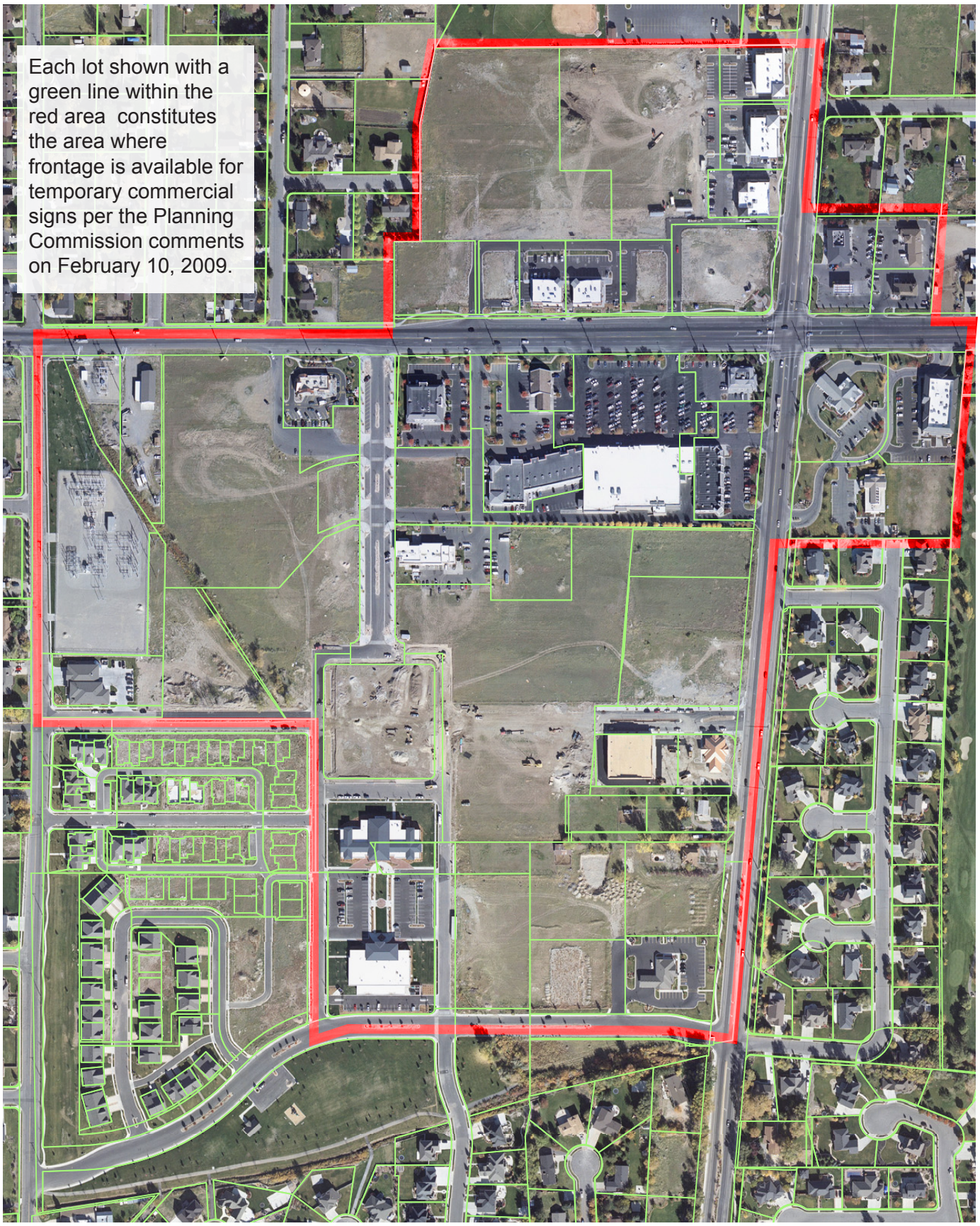
(6) Monument signs may be installed within public parks by Highland City.

Time, Place and Manner

RED text is a proposed DELETION; BLUE text is proposed to be ADDED

ATTACHMENT

Highland City Commercial Lots



ATTACHMENT

Item 4: Gateway Preservation Ordinance ~ Discussion

Summary Statement:

A member of the City Council has requested that the Planning Commission recommend a gateway preservation ordinance. The Council has requested that the Planning Commission determine what should be permitted and required for this use.

Sponsor:

Highland City

Staff Presentation:

Carly LeDuc, Planner to Present

Background:

City Councilmen, Larry Mendenhall, has requested action be taken for gateway preservation as one of our City goals for 2009. The Planning Commission shall determine what should be permitted and required for this use. Suggested locations were provided to be reviewed. Staff would like the Commission to decide what direction they would like to go in regards to obtaining the land needed for gateway preservation. Options suggested would include obtaining an easement, buying land and/or having the land deeded to the City through the subdivision process. Staff would like the commission to decide if they would like the ordinance to be drafted through:

1. the subdivision process
2. parkway detail
3. overlay zone

For clarification, parkway detail is a buffer between the street and housing consisting of 29'. Parkway detail usually runs along both sides of the road. Staff suggests that the beautification/tree committee work on obtaining funding for the project rather than pulling from the general fund. Staff may also suggest that the gateway area be provided on both sides of the street for the 'major gateways' listed. A questionnaire was included in this packet to acquire the direction of the Planning Commission on this issue.

Proposed Gateway Locations:

Major Gateways:

(1) West end of SR-92 headed eastbound
(2) East end of SR-92 headed westbound
(3) South end of SR-74 headed northbound
(4) North end of Highland Blvd. headed southbound
(5) North end of SR-74 headed southbound
(6) South end of 4800 West headed northbound

Minor Gateways:

(7) West end of 10400 West headed eastbound
(8) South end of 6000 West headed northbound
(9) South end of 6800 West headed northbound
(10) Southeast end of Westfield Road headed westbound

Proposed Action:

The Commission will be provided with a questionnaire to be submitted to staff.

Legal Authority:

- Utah Code; 10-9a-502, 503
- Highland City Development Code (HCDC) Chapter 9, Amendments to Title and Zone Map

Fiscal Impact:

- N/A

List of Attachments:

- Gateway Preservation Questionnaire
- Maps and Aerials of Proposed Gateway Preservation Areas
- Example Pictures