

HIGHLAND CITY PLANNING COMMISSION AGENDA

DATE: TUESDAY, MARCH 10, 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.



HIGHLAND CITY HALL

Item 1: Approval of Meeting Minutes for February 24, 2009

Item 2: Athletic Court Ordinance
~ Recommendation

Item 3: Temporary Signs ~ Recommendation

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 2

The ancient Romans used a consolidated scheme for city planning, developed for military defense and civil convenience. The basic plan is a central forum with city services, surrounded by a compact rectilinear grid of streets and wrapped in a wall for defense. To reduce travel times, two diagonal streets cross the square grid corner-to-corner, passing through the central square. A river usually flowed through the city, to provide water, transport, and sewage disposal. [5] Many European towns, such as Turin, still preserve the essence of these schemes. The Romans had a very logical way of designing their cities. They laid out the streets at right angles, in the form of a square grid. All the roads were equal in width and length, except for two. These two roads formed the center of the grid and intersected in the middle. One went East/West, the other North/South. They were slightly wider than the others. All roads were made of carefully fitted stones and smaller hard packed stones. Bridges were also constructed where needed. Each square marked by four roads was called an insula, which was the Roman equivalent of modern city blocks. Each insula was 80 yards (73 m) square, with the land within each insula being divided up. As the city developed, each insula would eventually be filled with buildings of various shapes and sizes and would be crisscrossed with back roads and alleys. Most insulae were given to the first settlers of a budding new Roman city, but each person had to pay for the construction of their own house. The city was surrounded by a wall to protect the city from invaders and other enemies, and to mark the city limits. Areas outside of the city limits were left open as farmland. At the end of each main road, there would be a large gateway with watchtowers. A portcullis covered the opening when the city was under siege, and additional watchtowers were constructed around the rest of the city's wall. A water aqueduct was built outside of the city's walls.

The collapse of Roman civilization saw the end of their urban planning, among many other arts. Urban development in the Middle Ages, characteristically focused on a fortress, a fortified abbey, or a (sometimes abandoned) Roman nucleus, occurred "like the annular rings of a tree" [6] whether in an extended village or the center of a larger city. Since the new center was often on high, defensible ground, the city plan took on an organic character, following the irregularities of elevation contours like the shapes that result from agricultural terracing.

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.

At the February 24, 2009 meeting the Planning Commission made corrections to the drafted ordinance and requested that we ask the City attorney to clarify state law in accordance to easements. The email answering Planning Commission's question is provided in an email below. Staff's recommendation, in the event that the Planning Commission wants to allow for athletic courts within the utility easement, would be to request that the applicant provide letters from the utility companies and a blue stakes ticket at the building permit stage.

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
- Email Correspondence with City Attorney



EXAMPLE OF
POST-TENSIONED COURTS



R-1-40 ZONE

Proposed Ordinance

3-4112: Athletic Court. An athletic court is a solid plain surface ~~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 require a building permit and 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.~~

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

(2) 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.~~

(3) **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)

(4) **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 vinyl chain link without slats or other open mesh type. ~~provided that it shall not have more than 55% solid material.~~

(5) **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 twenty feet (20') ~~nineteen feet (19')~~ in height. Light operating hours shall be restricted to 7:00 am - 10:00 pm.

(a) Photometric analysis shall be used to ensure that light does not shine on neighboring properties.

R-1-20 ZONE

3-4212: Athletic Court. An athletic court is a solid plain surface constructed for recreational purposes. Athletic courts that have any type of structure exceeding six feet (6') in height including fencing and lighting shall require a building permit and shall be subject to the following requirements:

- (1) Any structural portion of an athletic court shall not be permitted within an easement.
- (2) 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.
- (3) **Setbacks.** An athletic court may cover the total lot area within a rear yard not located within an easement. 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)
- (4) **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 vinyl coated chain link without slats or other open mesh type.
- (5) **Lighting.** All athletic court lighting must be directed downward to avoid light spill on adjacent property. 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.
 - (a) Photometric analysis shall be used to ensure that light does not shine on neighboring properties.

Proposed Ordinance

Carly Leduc

From: Blaisdell & Church [bclaw@xmission.com]
Sent: Friday, February 27, 2009 12:33 PM
To: Carly Leduc; thansen@centralutahlaw.com
Cc: Kiera Corbridge
Subject: RE: Athletic Courts

My opinion is that the city will not incur liability if it allows this type of construction in the utility easement. The home owner has constructive knowledge of the location of the easement and if the city acts prudently when it issues and lets the applicant know that there is a utility easement and that they are taking a risk then the applicant/homeowner will have actual knowledge of the easement. Incidentally for your information (you probably already know this) there is a statute that regulates utility easements and the relationship between homeowner and utility company. I have placed the emphasis on what I have always believed was important about this section. The Code says:

54-3-27. Public utility easement.

(1) As used in this section, "public utility easement" means the area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

(2) (a) A public utility easement provides a public utility with:

(i) the right to install, maintain, operate, repair, remove, replace, or relocate public utility facilities; and

(ii) the rights of ingress and egress within the public utility easement for public utility employees, contractors, and agents.

(b) Notwithstanding Subsection (3), a public utility shall restore or repair, at the expense of the public utility, any fence, grass, soil, shrubbery, bushes, flowers, other low level vegetation, sprinkler system, irrigation system, gravel, flat concrete, or asphalt damaged or displaced from the exercise of the easement rights described in Subsection (2)(a).

(3) Except as provided in Subsection (2)(b), if a property owner places improvements to land that interfere with the easement rights described in Subsection (2)(a), the property owner shall bear the risk of loss or damage to those improvements resulting from the exercise of the easement rights described in Subsection (2)(a).

(4) (a) Except as provided in Subsection (4)(b), a public utility easement is nonexclusive and may be used by more than one public utility.

(b) Notwithstanding Subsection (4)(a), a public utility may not:

(i) interfere with any facility of another public utility within the public utility easement; or

(ii) infringe on the legally required distances of separation between public utility facilities required by federal, state, or local law.

(5) A subdivision plat that includes a public utility easement may not be approved by a county or municipality unless the subdivider has provided the county or municipality proof that the subdivider has, as a courtesy, previously notified each public utility that is anticipated to provide service to the subdivision.

David L. Church
BLAISDELL & CHURCH, P.C.
5995 South Redwood Rd.
Salt Lake City Utah, 84123
801.261.3407

From: Carly Leduc [mailto:Carly@highlandcity.org]
Sent: Wednesday, February 25, 2009 1:14 PM
To: Blaisdell & Church; thansen@centralutahlaw.com
Cc: Kiera Corbridge
Subject: Athletic Courts

Dave and Tucker:

The planning commission requested opinions from the two of you regarding athletic courts. We are currently drafting an ordinance for this use, which I have included. The commission's

3/2/2009

concerns after last night's meeting have to do with utility easements. Lonnie's understanding is that if the city requires a building permit and we allow someone to construct an athletic court in the easement, the City will be held liable in the event that the utility company ever has to access the easement. The planning commission is curious about this because some do not feel that there is a major distinction of visual impairment between a 10-12' chain link fence and 6' fence enclosure if you were looking at it from the neighboring property (this is the athletic court fencing not the property fencing). They agree that an accessory structure with solid material that can be 25' in height should be set back but not an athletic court. Athletic Courts are currently regulated under the accessory structure ordinance. We currently do allow structures under 120 sq ft that do not require a building permit to go in the easement if the 4 utility companies send us a letter allowing them to do this. The letters basically explain that the utility companies are aware that the structure is in the easement but they are not responsible for any compensation if they do come in and use the easement. The homeowner is aware of the risk and agrees to it. Could the residents wanting an athletic court in the easement do something similar?

My question is this:

Would the City ever be responsible at any time if the City allowed a resident through the building permit process to locate their athletic court in the easement and an event were to occur that the utility company needed to come in and use that easement? If not, who is responsible?

Hopefully I explained myself well enough for the two of you to understand my question if you have any others please let me know.

State Code: 54-3-27 Public Utility Easement

54-3-27. Public utility easement.

(1) As used in this section, "public utility easement" means the area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

(2) (a) A public utility easement provides a public utility with:

- (i) the right to install, maintain, operate, repair, remove, replace, or relocate public utility facilities; and
- (ii) the rights of ingress and egress within the public utility easement for public utility employees, contractors, and agents.

(b) Notwithstanding Subsection (3), a public utility shall restore or repair, at the expense of the public utility, any fence, grass, soil, shrubbery, bushes, flowers, other low level vegetation, sprinkler system, irrigation system, gravel, flat concrete, or asphalt damaged or displaced from the exercise of the easement rights described in Subsection (2)(a).

(3) Except as provided in Subsection (2)(b), if a property owner places improvements to land that interfere with the easement rights described in Subsection (2)(a), the property owner shall bear the risk of loss or damage to those improvements resulting from the exercise of the easement rights described in Subsection (2)(a).

(4) (a) Except as provided in Subsection (4)(b), a public utility easement is nonexclusive and may be used by more than one public utility.

(b) Notwithstanding Subsection (4)(a), a public utility may not:

- (i) interfere with any facility of another public utility within the public utility easement; or
- (ii) infringe on the legally required distances of separation between public utility facilities required by federal, state, or local law.

(5) A subdivision plat that includes a public utility easement may not be recorded unless the subdivider has provided the municipality or county with proof that each public utility as identified by the municipality or county as holding an interest in the public utility easement has, as a courtesy, been notified at least 14 calendar days prior to recording.

Enacted by Chapter 64, 2004 General Session

Carly LeDuc, Planner I

Highland City | 5400 W Civic Center Drive, Suite 1 | Highland, Utah 84003 | 801.756.5751 ext 1003 | carly@highlandcity.org

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 in 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 24, 2009 the Planning Commission discussed the proposed ordinance further. Staff has included edits to the attached ordinance per the Planning Commission's comments.

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 it 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 than 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 any 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

3-706: Signs in Residential and Agricultural Zones. Commercial signs in residential zones are prohibited except as outlined in this Section. **A majority of the signs permitted within residential zones are considered temporary signs which are defined in Section 3-711 of this ordinance.** In addition to any other permitted sign or signs, signs for special purposes set forth in this Section shall be permitted as provided herein:

- ~~(1) A sign may be erected to advertise the individual sale, rent, or lease of property on which the sign is located and shall not exceed an area of six square feet or six feet in height. One additional sign may be allowed on property with multiple frontages on a public street and shall not exceed six square feet or six feet in height.~~
- (2) One name plate or marker, not to exceed two square feet in area, shall be allowed for each dwelling to indicate only the occupant's name. Said name plate shall not contain an occupational designation, except that the nameplate or marker may include an occupational designation if the home occupation permit has been issued for the premises pursuant to Section 3-620.
- ~~(3) One development promotional sign may be placed on the premises of each subdivision having five or more lots or dwelling units to advertise the sale of new lots within a new subdivision. A real estate development promotional sign shall require a sign permit. Said sign may have an area of up to a maximum of thirty-two (32) square feet in size, a maximum of eight (8) feet in height (12 feet maximum height including four (4) additional feet for the support structure), and a minimum setback of thirty (30) feet from an existing right-of-way. An approved development sign may continue in service, if properly maintained, from the date of the sign permit approval to the shorter of:

 - ~~(a) Two years, or~~
 - ~~(b) Until eighty percent (80%) of the lots offered for sale are sold one time.~~
 - ~~(c) Said sign shall be removed immediately following its expiration period. Signs that are not removed per these requirements shall be in violation of this chapter and shall be subject to Section 3-713 and 3-714 of this Code.~~~~
- ~~(4) If the original development sign becomes dilapidated or not maintained at a high standard it shall be required to be removed prior to the allotted time period. A new sign may be installed after obtaining an additional sign permit for the new sign which may continue for the time period which existed with the original development sign.~~
- ~~(5) Each model home sign shall be allowed within the immediate front yard with a maximum size of sixteen (16) square feet with a height from ground level not to exceed 10' and shall not be located any closer to any right-of-way than it's height from grade. No model home shall display banners, vendors, flags, or balloons.~~
- (6) Violation: Signs that are not removed prior to the expiration date of the model home shall be in violation of this chapter and shall be subject to Section 3-713 and 3-714 of this Code.

3-707: Signs in Commercial Zones (Amended 7/15/08). All signs within commercial zones shall require a sign permit with exception of those stated as such below. All permanent signs within commercial zones shall be installed by a licensed sign contractor according to State Law. All permanent signs shall require the approval of the Zoning Administrator. All permanent signs within commercial zones of a sign type that has not been previously approved shall require specific approval by the Highland City Planning Commission. In addition to any other permitted sign or signs, signs for special purposes set forth in this Section shall be permitted as provided herein:

- ~~(1) Signs may be erected to advertise the individual sale, rent, or lease of property on which the sign is~~

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

ATTACHMENT

~~located. Said signs shall be limited to one sign per street face and shall not exceed an area of 12 square feet, 4 feet in height, and 5 feet from right-of-way. A freestanding sign shall not exceed 5 feet in total height including supports.~~

- (21) If group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of the occupants of a building who are engaged in a particular profession, business, or industry. There may be one directory sign per office building either upon the exterior wall near the primary entrance or upon a monument sign. A maximum of 1% of leased/owned space or owned front wall area or 20 square feet (whichever is smaller) may be used. If there is more than one business in a building than the building front wall area must be divided for all sides of the building. Said signs are part of the conditional use permit and must be approved by Highland City prior to installation.
- ~~(3) Signs may be erected in connection with commercial construction projects and used for the purpose of publicizing the future occupants of the building, the architects, the engineers, and contractors participating in the project and other similar information. Said signs shall not exceed thirty-two (32) square feet, 8 feet in height (12 feet maximum with support structure), and 30 feet from the right-of-way). No such free-standing sign shall exceed twelve feet in height. A sign may continue in service, if properly maintained, from the date of the sign permit approval to the shorter of:

 - ~~(a) Two years, or~~
 - ~~(b) Until eighty percent (80%) of the lots or spaces offered for sale are sold or leased one time.~~
 - ~~(c) The Building Inspector approves a final inspection of the construction project. Said sign shall be removed immediately following its expiration period. Signs that are not removed per these requirements shall be in violation of this chapter and shall be subject to Section 3-713 and 3-714 of this Code.~~~~
- (42) **Directional signs** may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property, provided they are located on the property to which they pertain. No such sign shall exceed four (4) square feet in area and shall not require a permit. A maximum of two directional signs may be erected upon any commercial property. Additional directional signs shall require a permit and shall not exceed six in number. Directional signs located on an individual parcel for an individual business may include a business or identifying insignia but shall not include any promotional advertising.
- (53) **Gas Station Canopies:** Gas stations may install signage on canopies over pump islands. Signs placed on a gas station canopy shall be limited to 3% of each side. Any signage shall be installed within the "band" around the canopy and shall not extend above or below the canopy in any manner. The number of signs that may be placed on gas station canopies shall be limited to three sides. Signs placed on a gas station canopy shall not project more than four inches.
- (64) **One address plate or marker**, not to exceed two square feet in area, shall be allowed for each unit to indicate only the occupant's address and shall be included with every business. Address plates or markers shall not require a sign permit.
- (75) **Kiosk:** A kiosk must be of a high quality architectural style with several prominent architectural features form adjacent buildings incorporated into its design. There shall be a maximum of four (4) kiosks incorporated into the Town Center. A kiosk may be a maximum of eight (8) feet in height and four (4) feet in width per side.

3-711: Temporary Signs. (Amended 11/15/05, 4/3/07) This section shall provide residents and businesses an opportunity to temporarily advertise within Highland, ~~and shall require all persons considering a temporary sign to apply for a temporary sign permit from the City, except as provided for in 3-711 (3) (a, b, d, e).~~ Business owners applying for a temporary sign must possess a current business license within Highland City **and shall be required to obtain a temporary sign permit prior to installation.** Temporary signs that are not permitted as defined in this Section are specifically not permitted within Highland City.

- (1) **All Temporary Signs.** 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.

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- (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 or entity identified on the sign** 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, utility pole, tree, **or similar** and shall not be lighted.
 - (f) Temporary signs shall only be placed upon property by the property owner.
 - (g) Temporary signs shall be subject to 3-716: Enforcement and 3-717: Violation within this Code.
- (2) **Commercial Temporary Signs.** Temporary signs within a commercial zone shall only be placed upon the property where the business is owned or leased. 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) The following sign types are permitted:
 - 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:

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- 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.
- (c) **Temporary Commercial Real Estate Signs.** Signs may be erected to advertise the individual sale, rent, or lease of property on which the sign is located. Said signs shall be limited to one sign per street face and shall not exceed an area of 12 square feet, 4 feet in height, and 5 feet from right-of-way. A freestanding sign shall not exceed 5 feet in total height including supports.
- (d) **Temporary Commercial Development Signs.** Signs may be erected in connection with commercial construction projects and used for the purpose of publicizing the future occupants of the building, the architects, the engineers, and contractors participating in the project and other similar information. Said signs shall not exceed thirty-two (32) square feet, 8 feet in height (12 feet maximum with support structure), and 30 feet from the right-of-way). No such free-standing sign shall exceed twelve feet in height. A sign may continue in service, if properly maintained, from the date of the sign permit approval to the shorter of :
 - (i) Two years, or
 - (ii) Until eighty percent (80%) of the lots or spaces offered for sale are sold or leased one time.
 - (iii) The Building Inspector approves a final inspection of the construction project. Said sign shall be removed immediately following its expiration period. Signs that are not removed per these requirements shall be in violation of this chapter and shall be subject to Section 3-713 and 3-714 of this Code.
- (3) **Residential Temporary Signs.** 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)(c,e).~~ **Residential Temporary signs do not require a temporary sign permit.** Temporary signs within residential zones are defined and may be installed as follows:
 - (a) **Temporary Residential Yard Signs.** An owner of residentially zoned private property may install a Temporary **Residential Yard Sign on their property.**
 - (i) Temporary **Residential 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 the~~ event **advertised (exception for Temporary Residential Real Estate Signs - see 3-711(3)(b) below).**
 - (ii) Property owners may place one temporary yard sign on their property.
 - (iii) Only the following sign types are permitted as Temporary Yard Signs:
 - A. 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.
 - ~~B. Temporary Yard signs shall be exempt from requirement of sign permit and fee.~~
 - ~~(b) 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,~~~~

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~~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.~~

(eb) **Temporary Residential 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)(e)(i)~~ **for each road frontage their property is located on.**

(i) Property owners selling their property may place one (1) Temporary Real Estate Sign on their property only during the period of time the property is being sold.

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

A. 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.

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

(iii) **Temporary Model Home Signs.** Property owners who have obtained Conditional Use Approval for a Model Home may place temporary signs on the property where the model home is located as follows:

A. **Temporary Model Home Yard Sign.** Each model home sign shall be allowed within the immediate front yard one (1) temporary model home yard sign with a maximum size of sixteen (16) square feet and with a maximum height from ground level not to exceed 10' and shall not be located any closer to any right-of-way than it's height from grade. A model home or model home sign shall not display banners, vendors, flags, or balloons.

B. **Temporary Model Home A-Frame Sign.** 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.

(c) **Temporary Residential Development Sign.** One development-promotional sign may be placed on the premises of each subdivision having five or more lots or dwelling units to advertise the sale of new lots within a new subdivision. A real estate development promotional sign shall require a sign permit. Said sign may have an area of up to a maximum of thirty-two (32) square feet in size, a maximum of eight (8) feet in height (12 feet maximum height including four (4) additional feet for the support structure), and a minimum setback of thirty (30) feet from an existing right-of-way. An approved development sign may continue in service, if properly maintained, from the date of the sign permit approval to the shorter of:

(a) Two years, or

(b) Until eighty percent (80%) of the lots offered for sale are sold one time.

(c) Said sign shall be removed immediately following its expiration period. Signs that are not removed per these requirements shall be in violation of this chapter and shall be

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subject to Section 3-713 and 3-714 of this Code.

- (d) If the original development sign becomes dilapidated or not maintained at a high standard it shall be required to be removed prior to the allotted time period. A new sign may be installed after obtaining an additional sign permit for the new sign which may continue for the time period which existed with the original development sign.

~~(ee) Temporary Political Signs:~~

- ~~(i) Temporary Political Signs may be installed in the city of Highland on private property only:~~
- ~~(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 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.
- (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) Monument signs may be installed within public parks by Highland City.
- (7) Political Signs. Political Signs may be installed in the city of Highland on private property only and do not require a sign permit. Only the following sign types are permitted as Political Signs:
 - (a) 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) Political Signs may be placed upon private property in conjunction with other permitted temporary signs defined within this code.

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