



COTTONWOOD HEIGHTS PLANNING COMMISSION MEETING AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a **Work Session Meeting** (Room 124, City Council Conference Room) beginning at **5:00 p.m.** and a **Business Meeting** (Room 5, Council Chambers) beginning at **6:00 p.m. on Wednesday, February 1, 2017**, located at 2277 East Bengal Boulevard, Cottonwood Heights, Utah.

5:00 p.m. WORK SESSION (Room 124)

1.0 Review Business Meeting Agenda

(The Commission will review and discuss agenda items.)

2.0 Discussion Items

The Commission may also discuss the status of other pending applications and matters before the Commission and new applications and matters that may be considered by the Commission in the future.)

6:00 p.m. BUSINESS MEETING (Room 5)

1.0 WELCOME/ACKNOWLEDGEMENTS – Commissioner Bevan

2.0 CITIZEN COMMENTS

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to three minutes per person per item. A spokesperson who has been asked by a group that is present to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the City Planner prior to noon the day before the meeting.)

3.0 ACTION ITEMS

3.1 (Project #CUP-15-010) Action on a request from Edin Sisic for a conditional use and site plan approval to expand the apartment complex located at 6895 S 2385 E (Hillrise Apartments) through the construction of six additional apartment buildings totaling 66 new units.

(Action on a request from Edin Sisic for a conditional use and site plan approval to expand the apartment complex located at 6895 S 2385 E.)

3.2 (Project #ZTA-16-002) Action on a proposed amendment to chapter 19.82 of the zoning ordinance (Signs).

(Action on a proposed amendment to chapter 19.82 of the zoning ordinance (Signs).)

4.2 Approval of Minutes for January 4, 2017

5.0 ADJOURNMENT

On Friday, **January 20th** 2017 a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was emailed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Office of the City Recorder. The Agenda was also posted on the City's website at www.cottonwoodheights.utah.gov and the State Public Meeting Notice website at <http://pmn.utah.gov>

DATED THIS 20th DAY OF January 2017

Paula Melgar, City Recorder

Planning Commissioners may participate in the meeting via telephonic communication. If a Commissioner does participate via telephonic communication, the Commissioner will be on speakerphone. The speakerphone will be amplified so that the other Commissioners and all other persons present in the room will be able to hear all discussions. In compliance with the Americans with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify the City Recorder at (801)944-7021 at least 24 hours prior to the meeting. TDD number is (801)270-2425 or call Relay Utah at #711. If you would like to submit written comments on any agenda item they should be received by the Planning Division no later than Tuesday at noon. Comments can be emailed to bberndt@ch.utah.gov.



Planning Commission
Meeting Date: February 01, 2017

**FILE NUMBER/
PROJECT NAME:** CUP-15-010

LOCATION: 6895 South 2385 East; Parcel #22-22-452-006

REQUEST: Conditional use & site plan approval of apartment complex expansion

OWNER: Hill Rise Apartments Business Trust

APPLICANT: Eden Sisic

RECOMMENDATION: APPROVE, subject to conditions of approval

APPLICANT'S PROPOSAL

The applicant is requesting conditional use and site plan approval to expand the current apartment complex located at 6895 South 2385 East (Hillrise Apartments). The proposed expansion will add six additional apartment buildings, totaling 66 additional units. The total size of the property is 9.27 acres (403,801.2 square feet), and there are 132 existing units.

- Property size – 9.27 acres (403,801.2 square feet)
- Total existing units – 132 (11 apartment buildings)
- Proposed additional units – 66 (6 apartment buildings)

The property is located in the RM (Residential Multi Family) zone. In that zone, the use of apartment complex requires planning commission approval for both the use and the site plan, in accordance with 19.34 ("Residential Multi Family") and 19.87 ("Site Plan Review Process") of the Cottonwood Heights zoning ordinance.

BACKGROUND

General Plan

The General Plan designates the subject property as Residential High Density. The General Plan states: "Adopt a future land use map that reflects the needs of the community and guides future growth/development, including support of thriving development within existing zoning categories."

The applicant is not proposing any change or modification to the existing General Plan or zoning designation of the property, and has designed the proposal in accordance with existing Residential High Density standards.

Zoning

The zoning designation of the property is Residential Multi Family (RM). The purpose of the RM zone is as follows:

“The purpose of the RM zone is to provide areas in the city for high-density residential development.” (19.34.010)

The proposed development to add to the existing apartment complex is considered a conditional use (19.34.030.I), and requires planning commission approval. Further, the planning commission is required to approve a site plan and master development plan (19.34.100) for all new development on the property.

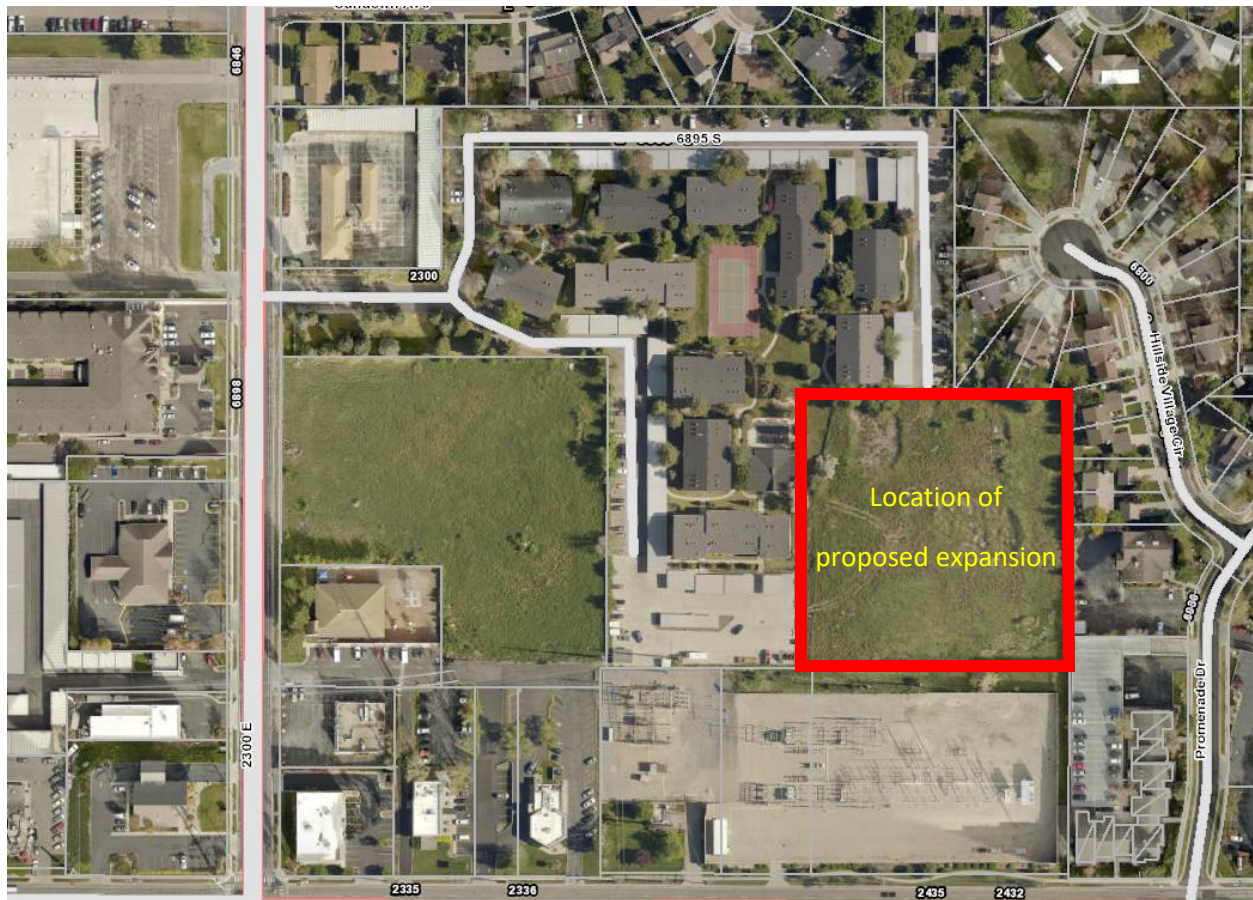
Analysis: Staff finds that the proposed apartment complex expansion complies with the minimum zoning requirements found in 19.34 (RM) regarding the site plan and master development plan. All buildings will require building permits when constructed and are subject to all structure height requirements and other applicable city standards.

Preliminary site plan reviews have been completed for compliance with all zoning, fire, and engineering requirements. There are outstanding technical corrections that are required to be addressed prior to final construction plan approval. However, none of those technical corrections will impact the site plan. Any significant change to the site plan requires further planning commission review.

CONTEXT

Adjacent Land Use

- North – Single-family residential (R-1-8)
- South – Commercial and Public Facility (CR and PF)
- East – Medium-Density residential (R-2-8) and Commercial (CR)
- West – Commercial and Assisted Living (CR and RM)



Development Information

- Existing Use – Apartment Complex with 132 units in 11 buildings
- Proposed Use – 66 new apartment units in 6 new buildings
- TOTAL PROPOSED – 198 units in 17 buildings
- Lot Size – 9.27 acres (403,801.2 square feet)
- Lot Size required for 198 units – 9.23 acres (402,000 square feet)
- Parking Required – 1.20 stalls per unit (238 total stalls)
- Parking Provided – 416 stalls
- Lot Coverage Required – 50% maximum
- Lot Coverage Provided – 21.9%
- Open Space Required – 15% minimum
- Open Space Provided – 33.8%
- Building Height Allowed – 35' maximum, measured from existing grade
- Building Height Provided – N/A. All buildings are required to comply with RM standards

Noticing

Property owners within 1000 feet of the property were mailed notices postmarked 12/21/2016.

PERTINENT INFORMATION

Buildings, Site Plan and Landscaping

The master development plan shows the addition of six buildings on the property. Five of those buildings contain 12 apartment units, and one building contains six apartment units, for a total of 66 additional units. New buildings are separated from the property lines by drive aisles and parking stalls. Buildings are approximately 65' from the property line to the east, 39' from property lines to the north, and 25' from property lines to the south. The minimum required setback to property lines is 25'.

The proposed addition connects the current dead-ends on the property and enhances general on-site circulation. Drive aisles and parking stalls are found to meet minimum standards. All new buildings are required to be separated from each other by at least 25 feet, and all buildings comply with this requirement.

An additional 33,818 square feet of landscaping is proposed in conjunction with the new addition to the apartment complex. In accordance with 19.87 (Site Plan Review Process), the project is required to provide a combination of walls, fencing, and landscaping of city approved design between the existing residential areas adjacent to the new portion of the project. Chain-link and wood fencing is prohibited.

Curb, Gutter, Sidewalk, and Circulation

The proposed project does not involve the construction of new private or public roads, but a private driveway/parking lot system. The parking lot and all parking stalls are required to meet all relevant city standards, as approved by the city's fire marshal, city engineer, and city public works department. A sidewalk system is proposed to lead from the parking lot area to each building.

As stated previously, the proposal enhances on-site circulation by connecting two current dead ends. The fire department has reviewed and approved the on-site circulation on a preliminary basis.

Traffic Impact

A traffic impact study was completed in August 2016 by Falcon Traffic. The study concluded that the additional units will not significantly impact the traffic in the area, and that the existing access (to 2300 East) can operate efficiently with the additional units. No major changes to striping, site distance, or deceleration lanes are recommended. The report recommends that final construction plans should follow all city standards with respect to the site's civil design, signage, grading, etc.

Fire Safety

The Unified Fire Authority (UFA) has reviewed the site plan and master development plan and has provided preliminary approval. UFA is requiring that the applicant provide adequate fire flow within the site, and is also requiring that all new apartment buildings are fire sprinkled. Fire flow verification and sprinkler system plans are subject to approval prior to issuance of building permits. Additionally, UFA has requested that the applicant seek to obtain an emergency access easement across the commercial property on the southeast boundary of the project.

Analysis: All potential site-altering fire department concerns have been addressed, and will be reviewed again before any building permits are issued.

Parking

Per the ITE (International Transportation Engineers) Parking General Manual, there is a minimum requirement of 1.20 stalls per apartment unit. With a total of 198 units proposed, the minimum number of parking stalls required is 238. With the proposed addition, the total parking stalls provided will be 416, well above the minimum requirement.

Prior to final construction document approval and permit issuance, the applicant is required to comply with all applicable ADA standards for accessible parking stalls and walkways.

Engineering

The city engineer completed a preliminary review of the project on November 28, 2016. The review contains many technical correction items to address, including more detailed ADA information, changes to the grading and drainage plan, and corrections to the proposed storm drain system. However, none of the items on the engineer's correction list will drastically affect the design of the site. All review comments are required to be addressed prior to final approval of construction drawings and issuance of any permits. Further, all public improvements required on the site will be ensured through a development bond following proper codified bonding procedures.

Lighting

Lighting plans have not been submitted, and will be required prior to final approval of construction documents. All light fixtures are required to be a maximum height of 18', and are required to be full cut-off, in accordance with the zoning ordinance.

Lighting on buildings adjacent to existing residential areas will also be required to be full cut-off, and will be reviewed prior to issuance of building permits.

Landscaping

A minimum of 15% open space is required for developments in the RM zone over two acres. The existing open space plus the proposed open space results in 33.8% open space for the total site. The applicant will also be required to maintain a landscape buffer between the subject property and

adjacent residential areas. This buffer will be required to be planted with vegetation, in addition to a masonry wall (19.87.030.B).

The applicant will be required to comply with the proposed landscape plan, which will be ensured as part of the development bond for the project.

Fencing

In accordance with 19.87.030.B, a six-foot masonry wall is required, and must be in good condition. All proposed new fencing is subject to city review and all necessary permitting requirements.

Signage

No additional signage is proposed as part of this application.

ATTACHMENTS

1. Conditions of Approval
2. Findings for Approval
3. Model Motions
4. Context Aerial
5. Zoning Map
6. Proposed Site Plan
7. Proposed Landscape Plan

CONDITIONS OF APPROVAL

1. The applicant shall ensure that a continuous, unobstructed landscape buffer of 8' is constructed and maintained on the eastern boundary of the subject property;
2. The existing dumpster on the northern boundary of the proposed expansion area shall be completely enclosed by a permanent structure that is architecturally consistent with the new dwelling structures;
3. The applicant shall meet all relevant portions of the Cottonwood Heights Municipal Code, including, but not limited to, Chapter 19.34 ("Residential Multi-Family Zone"), Chapter 19.87 ("Site Plan Review Process"), Chapter 19.84 ("Conditional Uses"), Chapter 14 ("Highways, Sidewalks and Public Places"), Chapter 12 ("Subdivisions"), and all other applicable laws, ordinances and regulations pertaining to the proposed use;
4. The applicant shall submit details for mechanical screening, site lighting, and building lighting prior to final approval of construction plans and building permit issuance. All site lighting and building lighting adjacent to existing residential uses shall be full cut-off;
5. The applicant shall comply with all recommendations in the submitted traffic study and geotechnical report to the satisfaction of the city engineer and/or city public works department;
6. The existing masonry wall on the east side of the property shall be assessed for signs of damage or wear, and shall be repaired to the satisfaction of city staff prior to issuance of building permits;
7. A construction mitigation plan shall be submitted prior to construction addressing hours of construction, construction vehicle parking, deliveries, stockpiling and staging, trash management and recycling of materials, dust and mud control, noise, grading and excavation, temporary lighting, and construction signage;
8. The existing grade elevation measurements shall be determined at the four corners of each proposed building, and shall be certified by a licensed civil engineer, prior to final construction plan approval and prior to any site grading;
9. Prior to final construction plan approval, the property shall be inspected by a city code enforcement officer and found to be free of nuisances. Any identified nuisances shall be mitigated prior to final construction plan approval and permit issuance;
10. All items found in zoning staff reviews dated 11/16/2015, engineering reviews dated 9/9/2015, 11/20/2015 and 11/29/2016, and fire department reviews dated 11/19/2015, as well as any additional requirements by all applicable city departments shall be addressed prior to final approval of construction plans and issuance of buildings permits;
11. Any disputes over final plan requirements shall be brought to the planning commission for resolution and justification;
12. The applicant shall adhere to any platting requirements of the Salt Lake County Recorder's office, following codified city procedures.

FINDINGS FOR APPROVAL

1. The proposed landscape buffer is not feasible under the proposed 5' buffer obstructed by the fence. The requirement to increase the landscape buffer is the minimum dimension to reasonably accommodate the proposed landscaping along the eastern boundary of the property;
2. The required trash enclosure is the most reasonable condition to mitigate the potential impact of additional odor from increased use by new buildings;
3. The proposed project meets the applicable provisions of Chapter 19.34, "Residential Multi-Family Zone," of the Cottonwood Heights zoning ordinance;
4. The proposed project meets the applicable provisions of Chapter 19.87, "Site Plan Review Process," of the Cottonwood Heights zoning ordinance;
5. The proposed project will continually meet the applicable provisions of Chapter 19.84, "Conditional Uses," of the Cottonwood Heights zoning ordinance:
 - a. The proposed use is one of the conditional uses specifically listed in the zoning district in which it is to be located;
 - b. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety, comfort, order or general welfare of persons residing or working in the vicinity;
 - c. That the use will comply with the intent, spirit and regulations of this title and will be compatible with and implement the planning goals and objectives of the city;
 - d. That the use will be harmonious with the neighboring uses in the zoning district in which it is to be located;
 - e. That nuisances which would not be in harmony with the neighboring uses will be abated by the conditions imposed;
 - f. That protection of property values, the environment, and the tax base for the city will be assured;
 - g. That the use will comply with the city's General Plan;
 - h. That some form of a guaranty assuring compliance to all imposed conditions will be imposed on the applicant or owner;
 - i. That the internal circulation system of the proposed development is properly designed;
 - j. That existing and proposed utility services will be adequate for the proposed development;
 - k. That appropriate buffering will be provided to protect adjacent land uses from light, noise and visual impacts;
 - l. That architecture and building materials are consistent with the development and surrounding uses, and otherwise compatible with the city's General Plan, subdivision ordinance, land use ordinance, and any applicable design standards;
 - m. That landscaping appropriate for the scale of the development and surrounding uses will be installed in compliance with all applicable ordinances;
 - n. That the proposed use preserves historical, architectural and environmental features of the property; and
 - o. That operating and delivery hours will be compatible with adjacent land uses
6. That the proposed project meets the applicable provisions of Title 14, "Highways, Sidewalks and Public Places," of the Cottonwood Heights Municipal Code.

MODEL MOTIONS

Approval

"I move that we approve project CUP-15-010, a request from Eden Sisic, for the expansion of the apartment complex located at 6395 South 2385 East, and grant conditional use approval, as well as site plan and master development plan approval, subject to all provisions in the staff report dated February 01, 2017 and all conditions of approval:

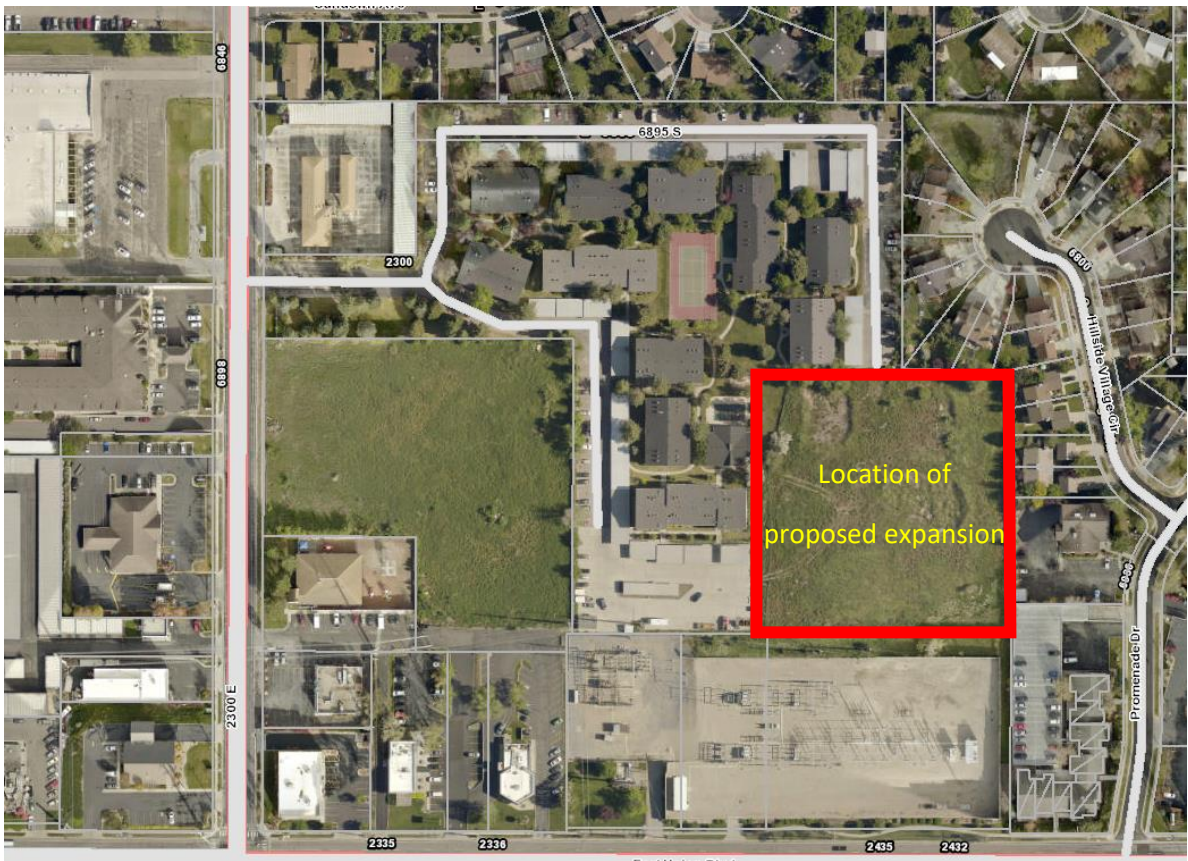
- Add any additional conditions...
- Add any additional findings...

Denial

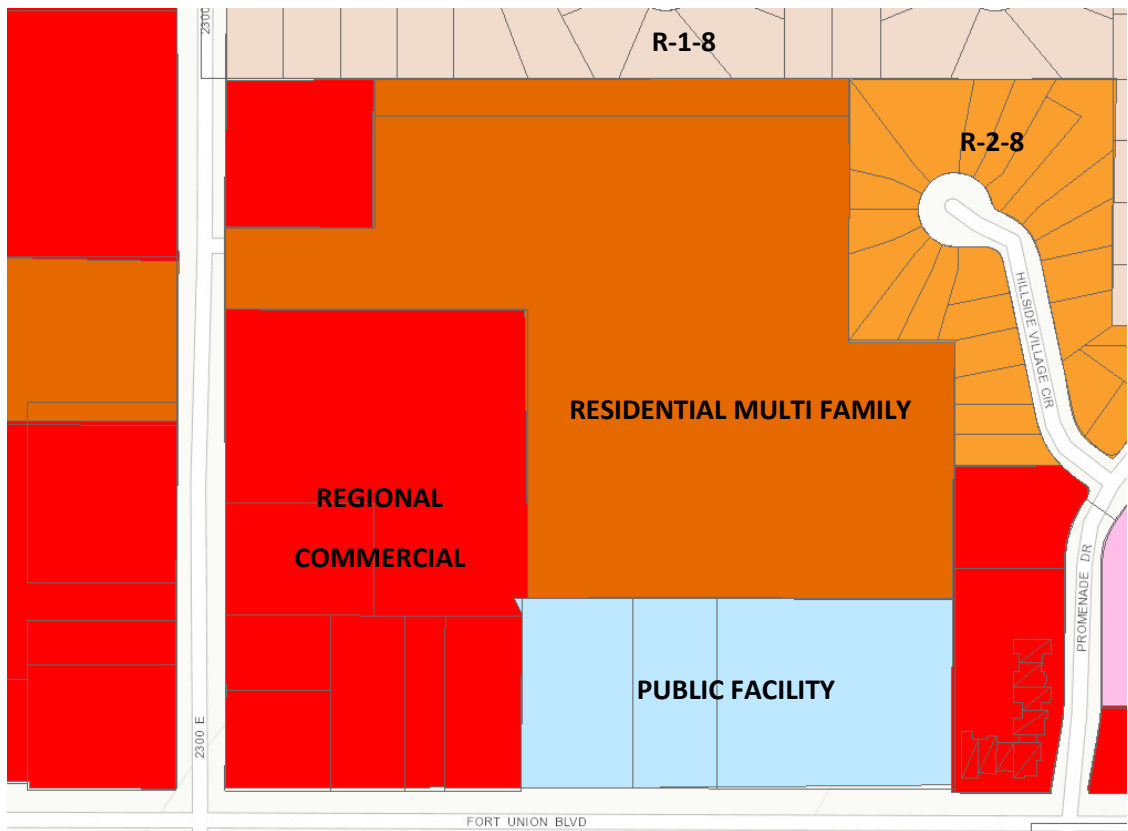
I move that we deny project CUP-15-010, a request from Eden Sisic, for the expansion of the apartment complex located at 6395 Sough 2385 East, based on the following findings:

- List findings for denial...

CONTEXT AERIAL



CONTEXT ZONING





MEMORANDUM

To: Cottonwood Heights Planning Commission
From: Mike Johnson, Senior Planner (801) 944-7060
Meeting Date: January 04, 2017
Subject: Proposed Text Amendment to Chapter 19.82, Signs

REQUEST

Staff is proposing a text amendment to chapter 19.82 (Signs) of the city's zoning ordinance. Changes are being proposed to add clarity to definitions, to eliminate the Program for Signs provision, to add allowance for digital signage in the Public Facilities zone, and to make other minor grammatical adjustments.

BACKGROUND

The Program for Signs provision was utilized on a previous application, and was found difficult to interpret, and difficult to implement, and is therefore proposed to be removed from the sign ordinance at this time.

Many of the schools within Cottonwood Heights contain digital signs. While many of such signs were constructed under the jurisdiction of the school district, the city's zoning ordinance does not currently allow for digital signage anywhere except on off-premise signs that receive conditional use approval. This draft ordinance seeks to provide clarity for land uses in the Public Facilities (PF) zone, such as schools, to receive approval for digital signage, and provide criteria with which the city can regulate potential negative impacts, such as brightness, twirl time, animation, etc.

Other changes have been proposed to add clarity and increase the ease of applying the sign code to new signs and new developments.

RECOMMENDATION

Staff recommends that the planning commission review the proposed sign code, make any changes it feels necessary, and forward a recommendation to the City Council.

MODEL MOTIONS

Approval

I move that we forward a positive recommendation to the City Council for project ZTA-16-002, a city initiated request to amend chapter 19.82 (Signs) of the Cottonwood Heights zoning ordinance.

Denial

I move that we forward a negative recommendation to the City Council for project ZTA-16-002, a city initiated request to amend chapter 19.82 (Signs) of the Cottonwood Heights zoning ordinance, based on the following findings:

- List findings for negative recommendation...

Chapter 19.82 SIGNS

Sections

- 19.82.010 Purpose.
- 19.82.020 Definitions.
- 19.82.025 Interpretation.
- 19.82.030 Monument signs.
- 19.82.040 Wall signs.
- 19.82.050 Projecting signs.
- 19.82.060 Awnings.
- 19.82.070 Special signs.
- 19.82.080 Illumination.
- 19.82.090 Areas of Special Character.
- 19.82.100 Programs for Signs.
- 19.82.110 Prohibited signs.
- 19.82.120 Exempt signs.
- 19.82.121 Transit facility advertising.
- 19.82.123 Off-premise electronic display sign overlay zone.
- 19.82.125 ~~Political—signs~~ Temporary Signs.
- 19.82.130 Nonconforming signs.
- 19.82.140 Permits.
- 19.82.150 Enforcement.
- 19.82.160 Severability.
- 19.82.170 Substitution.
- 19.82.180 Charts, figures, and graphs.

19.82.010 Purpose.

The purpose of this chapter is to create the framework for a comprehensive and balanced system of signs that will preserve the right of free speech and expression, provide easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this

chapter to authorize the use of signs that are:

- A. Compatible with their surrounding architecture;
- B. Appropriate to the activity that displays them;
- C. Expressive of the identity of individual activities and the community as a whole; and
- D. Legible in the circumstances in which they are seen.

19.82.020 Definitions.

“Above-roof sign” means a sign displayed above the peak or parapet of a building.

“Activity” means an economic unit designated in the classification system given in the Standard Industrial Classification (SIC) Manual published by the U.S. Department of Commerce.

“Animation” or “animated”: (see also “changeable copy” and “movement”) means the movement or the optical illusion of movement of any part of the sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a sign.

“Architectural detail” (see also “signable area,” “wall and roof signs”) means any projection, relief, cornice, column, change of building material, window, or door opening on any building.

“Architectural,” “historic,” or “scenic area” means an area that contains unique architectural, historic, or scenic characteristics that require special regulations to ensure that signs displayed within the area enhance its visual character and are compatible with it.

“Awning” means a cloth, plastic, or other nonstructural covering that either

is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

“*Banner*” means a sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.

“*Bare-bulb illumination*” means a light source that consists of light bulbs with a [20]-watt maximum wattage for each bulb.

“*Billboard*” (see also “off premise sign”) means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

“*Building*” means a structure having a roof supported by columns or walls.

“*Cabinet Sign*” means a sign that contains all the text and/or logo symbols on the display face of an enclosed cabinet.

“*Canopy*”: (See “awning”).

“*Changeable copy*” means a copy that changes at intervals of more than once every 60 seconds.

“*Civic sign*” means a non-commercial temporary sign sponsored by a non-commercial organization.

“*Convert*,” “*converted*” and “*conversion*” refers to any sign face that is changed from its existing, non-digital or non-electronic display to an electronic display sign. Any existing, non-digital or non-electronic sign that is remodeled, repaired, or maintained in such a way as to become an electronic display sign, in whole or in part, shall be considered a conversion to an electronic display sign.

“*Directional sign*” means a sign placed at the exit or entrance of a

premises that has two or more driveways.

“*Dwell time*” means the time that text, images and graphics on an OPEDS remains static before changing to a different text, images or graphics on a subsequent sign face.

“*Electronic display sign*” means any sign, video display, projected image or similar device, or portion thereof, that displays electronic images, graphics or pictures, with or without textual information that is generated (or may be changed or altered) by electronic means. Electronic display signs include, without limitation, electronic or digital displays that are computer programmable or micro-processor controlled and signs that use light emitting diodes (LED), plasma displays, fiber optics, light bulbs or other illumination devices or technology that results in bright, high-resolution text, images and graphics.

“*External illumination*” means illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

“*Façade*” (see also “signable area”) means the side of a building below the eaves.

“*Facade, blank*” means the side of a building below the eaves that is blank and does not have windows or architectural detail.

“*Flashing illumination*” means illumination in which the artificial source of light is not maintained stationary or constant in intensity and color at all times when a sign is illuminated, including illuminated lighting.

“*Going out of business sign*” means a temporary sign displayed on a premises, or by an occupant of a shopping center or multiuse building,

immediately prior to cessation of the business at that location.

“*Grand opening sign*” means a temporary sign displayed on a premises, or by an occupant of a shopping center or multi-use building, following the sale, lease, or other conveyance of the premises, shopping center or multiuse building, or any interest therein.

“*Ground sign*” means a sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole sign and a monument sign.

“*Group Monument Sign*” means a monument sign located on a premises that contains a building or group of buildings with at least four different tenants or occupants.

“*Height*” means the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign.

“*Illuminance*” refers to the amount of light falling on an object or the measurement of such light.

“*Illumination*” or “*illuminated*” means a source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign.

“*Indirect illumination*” means a light source not seen directly.

“*Inflatable sign*” means any advertising device, which is supported by heated or forced air, or lighter-than-air gases.

“*Internal illumination*” means a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

“*Item of information*” means (1) a syllable of a word, an initial, logo, abbreviation, number, symbol, or geometric shape; (2) a word, logo, abbreviation, symbol, or geometric shape.

“*Marquee*” means a permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from the elements.

“*Monument sign*” means a ground sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.

“*Movement*” (see also “*animation*”) means physical movement or revolution up or down, around, or sideways that changes at intervals of less than 60 seconds.

“*Multi-use building*” means a building consisting of two or more separate commercial uses.

“*Name-plate sign*” means a sign no larger than one square foot placed on the front of a premises, multi-use building or shopping center.

“*Neon tube illumination*” means a source of light for externally lit signs supplied by a neon tube that is bent to form letters, symbols, or other shapes.

“*Nonconforming sign*” means a sign that was lawfully constructed or installed prior to the adoption or amendment of this chapter and was in compliance with all of the provisions of the governing ordinance then in effect, but which does not presently comply with this chapter.

“*Non-commercial sign*” means a sign that does not contain information or advertising for any business, service, commodity, product, entertainment or other attraction.

“*Off premise sign*” (see also “*billboard*”) means a sign that directs

attention to commercial activities such as a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

“*Off premise electronic display sign*” or “*OPEDS*” means off-premise electronic display sign(s) (whether singular or plural, as the context requires).

“*On premises sign*” means a sign that directs attention to commercial messages exclusively related to the premises where such sign is located or to which it is affixed.

“*OPEDS zone*” means the off-premise electronic display sign overlay zone pursuant to section 19.82.123 of this chapter.

“*Pole sign*” means a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

“*Portable sign*” means a sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

“*Premises*” means the lot or lots, plots, portions, or parcels of land considered as a unit for a single use or development, whether owned or leased, and not located in a shopping center or multi-use building.

“*Projecting sign*” means a sign attached to and projecting from the wall of a building and not in the same plane as the wall.

“*Property sign*” means a sign displayed to enforce property rights related to the property on which the sign is displayed.

“*Public Facility Electronic Display Sign*” or “*PFEDS*” means a monument sign or wall sign with an electronic

display located in the Public Facilities zone.

“*Public information sign*” means a sign that is located on land in a PF (public facilities) zone that is owned, leased or occupied by a federal, state or local governmental body (such as a city or a school district), which signage is used solely for non-commercial purposes. A public information sign may not be used for off-premises sign or billboard purposes. All public information signs shall be constructed as monument signs as provided in section 19.82.030 below.

“*Real estate sign*” means a temporary sign posted on property that is under construction or actively marketed for sale.

“*Right-of-way*” means a strip of land acquired by reservation, dedication, prescription, or con-demnation and intended to be occupied by a street, alley, trail, water line, sanitary sewer, and/or other public utilities or facilities.

“*Roof sign*” (see also “above-roof sign”) means a sign that is displayed above the eaves and under the peak of a building.

“*Shopping center*” means a commercial development under unified control consisting of four or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common entranceway or parking area.

“*Sign*” means a sign or special sign, as defined by this chapter. Sign also means a lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right-of-way.

“*Signable area for projecting signs and awnings*” means one area enclosed by a box or outline, or within a single

continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

“Signable area for wall signs” means one area free of architectural details on the facade of a building or part of a building, which shall include the entire area which is:

1. Enclosed by a box or outline, or
2. Within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures. A *“facade”* is the side of a building below the eaves.

“Size” means the total area of the face used to display a sign, not including its supporting poles or structures. If a sign has two faces that are parallel (not more than two feet apart), and supported by the same poles or structures, the size of the sign is one-half the area of the two faces.

“Snipe sign” means an off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

“Special sign” means a sign, other than a ground or wall sign, regulated by this title.

“Structure” means anything built that requires a permanent location. This term includes a building.

“Temporary sign” means a sign that is not permanently anchored or secured to a structure and does not have supports or braces firmly securing it into the ground.

“Temporary window sign” means a window sign displayed for a limited period of time.

“Time and temperature sign” means a sign devoted exclusively to the display of the current time and temperature.

“Twirl time” means the time that it takes for static text, images and graphics on an OPEDS to change to a different text, images or graphics on a subsequent sign face.

“Vehicle sign” means a sign that is attached to or painted on a vehicle that is parked on or adjacent to any commercial property.

“Wall sign” means a sign painted on or attached to a wall of a structure and in the same plane as the wall.

“Wind sign” means any display or series of displays, banners, flags, balloons, or other objects designed and fashioned in such a manner as to move when subjected to wind pressure.

“Window sign” means a sign applied, painted or affixed to or in the window of a building. A window sign may be temporary or permanent.

19.82.025 Interpretation.

~~A. Properties divided by public streets are not adjacent.~~

B. The sign requirements contained in this chapter are declared to be the maximum allowable.

C. Sign types not specifically allowed as set forth within this chapter shall be prohibited.

D. Where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.

19.82.030 Monument signs.

A. Where permitted. A premises may display one monument sign on each street or highway on which it has frontage in the following zoning districts:

1. NC zone
2. CR zone
3. O-R-D zone
4. PF zone
5. MU zone

B. Size, setback, and height regulations. Monument signs must comply with the size, setback, and height regulations contained in Chart 19.82.03-01.

C. Shopping centers. A shopping center may display one monument sign at each exit and entrance, subject to group monument requirements contained in Chart 19.82.030-01. Occupants within a shopping center may not display monument signs individually.

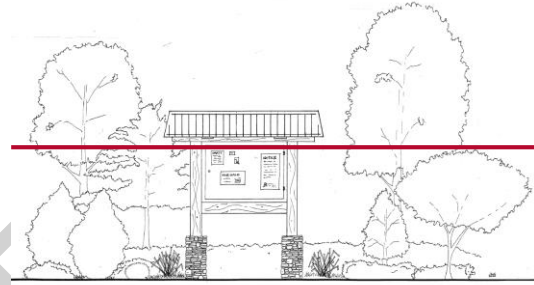
D. Public information signs. Notwithstanding anything in this chapter to the contrary, public information signs shall be constructed in accordance with monument sign standards, ~~or as approved by the Planning Commission as part of a Program for Signs.~~

E. Multi-use buildings. A multi-use building may have one monument sign facing each street or highway on which the building has frontage.

~~F. Landscaping. A landscaped area located around the base of the monument sign equal to 2.5 square feet for each square foot of monument sign area, is required for all monument signs. The landscaped area shall contain living landscape material consisting of shrubs, perennial ground cover plants, or a combination of both, placed throughout the required landscape area having a~~

~~spacing of not greater than two feet on center. Where appropriate, the planting of required deciduous or evergreen trees, installed in a manner that frames or accents the monument sign structure is encouraged.~~

Example of adequate landscaping to frame a sign:



19.82.040 Wall signs.

A. Where permitted. In the following zoning districts, a premises, and each occupant of a shopping center or multiuse building, may display wall or signs on walls adjacent to each street or highway on which it has frontage:

1. NC zone
2. CR zone
3. O-R-D zone
4. PF zone
5. MU zone

B. Signable area designation. The person displaying the sign shall select one signable area on each facade of the building that has frontage on a street or highway. As used in this subsection, a “signable area” is an area which is:

1. enclosed by a box or outline, or;
2. within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures

Signable area measured for a wall sign:



C. Sign structure or sign display area allowed. The aggregate area of the wall signs displayed on a premises shall not exceed the following percentages of the signable area:

1. No signable area for any use in city shall exceed 15% of the aggregate area of the wall where a sign is to be located, and in no case shall a wall sign exceed six feet in height.

D. How displayed. The sign structure or sign display area may be displayed as one or divided among two or more wall signs.

E. Additional limitations. Wall signs may be attached to or pinned away from the wall, but must not project from the wall by more than 12 inches and must not interrupt architectural details. Cabinet signs are not permitted as wall signs in the city.

19.82.045 Public Facilities Electronic Display Signs (PFEDS)

The planning commission may approve a maximum of one electronic display sign on each premises located in the PF zone. Each electronic display sign approved in the PF zone shall be subject to the following requirements, and shall be referred to herein as PFEDS:

- A. A PFEDS may be approved as either a monument sign or a wall sign;
- B. A PFEDS may not be animated or have flashing illumination;
- C. A PFEDS shall not be larger than the maximum dimensions

allowed for wall signs or monument signs in this chapter;

D. The text, images and graphics on a PFEDS shall be static and complete within themselves, without continuation to the next image or message or to any other sign.

E. Each electronic display area capable of showing a separate electronic message shall be considered to be a separate electronic display sign, including those sharing the same support structure.

F. A PFEDS shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade-in or fade-out or any other imitation of movement or motion, or any other means not providing constant illumination.

G. The dwell time for each message on a PFEDS shall be at least eight seconds, such that each message shall be illuminated and static for at least eight seconds before transitioning to a new static display.

H. The transition from one static display to another must be effectively instantaneous, with a twirl time not exceeding .25 second.

I. PFEDS shall comply with the following illuminance requirements:

- a. Every PFEDS shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's illuminance as

provided in direct correlation with natural ambient light conditions at all times.

b. A PFEDS may not be illuminated, lit or operated between 11:00 p.m. and 6:00 a.m.

J. The following certifications are additional conditions of approval or continuation of any PFEDS:

a. Within ten calendar days after a PFEDS is first placed into service, a written certification shall be submitted to the city from the owner/applicant that the sign has been tested and complies with the motion, dwell time, twirl time, illuminance and other requirements of this section.

i. Based on complaints received, or for any other reasonable cause, the city may from time to time require the owner⁴ or operator of a PFEDS to provide, within ten calendar days after receipt of the city's written request, an updated written certification that the sign has been re-tested and has

been repaired or modified, as necessary, to comply with the requirements of this section.

K. The city also may, at its option, from time to time verify a PFEDS's compliance with the requirements of this section, including by selecting and engaging qualified experts to measure the sign's illuminance. If the city reasonably determines that a PFEDS is not in compliance with such requirements, then the owner or operator of the sign shall correct the noncompliance within ten calendar days after written notice from the city, and shall reimburse all of the city's costs reasonably incurred in connection with such determination.

19.82.050 Projecting signs.

A. *Where permitted.* A premises, and each occupant of a shopping center or multi-use building, may display one projecting sign on each street or highway frontage in the following zoning districts:

1. NC zone
2. CR zone
3. O-R-D zone
4. PF zone

5. MU zone

B. *Size of projecting signs.*

Projecting signs must comply with the size regulations contained in Chart 19.82.05-01. Projecting and marquee signs shall not project above the roofline or 18 feet, whichever is lower.

C. *Signable area.* Any signable area selected for display as a projecting

sign shall not exceed, and shall be subtracted from, the signable area allocated to wall signs permitted for each premises.

D. Additional limitations. The following additional limitations apply to projecting signs:

1. Projecting signs must clear sidewalks by at least eight feet and may project no more than four feet from a building or one-third the width of the sidewalk, whichever is less.

2. Projecting signs must be pinned away from the wall at least four inches and must project from the wall at an angle of 90 degrees.

3. Angular projection from the corner of a building is prohibited.

19.82.060 Awnings.

A. Where permitted. A premises, and each occupant of a shopping center or multi-use building, may display awnings on each street or highway frontage in the following zoning districts:

1. NC zone
2. CR zone
3. O-R-D zone
4. PF zone
5. MU zone

B. Signable area. A sign may be displayed on one signable area selected for display on an awning. It shall not exceed 30% of the area of the principal face of the awning and shall be subtracted from the signable area selected for wall signs permitted for each premises and each occupancy under section 19.82.04.

C. Height and width. Awnings must clear sidewalks by at least eight feet and may project no more than the width of the sidewalk.

19.82.070 Special signs

A. ~~Grand opening or going out of business signs~~ Temporary Signs. A premises, or an occupant of a shopping center or multi-use building, may display one ~~grand opening or going out of business~~ temporary sign, not exceeding 20 square feet in area or six feet in height, for no more than 20 days during any 12 consecutive calendar months, and must be licensed-permitted to do so by the city.

B. Window signs. A premises, or an occupant of a shopping center or multiuse building, may display permanent window signs not to exceed 15% of the window area of the facade of the building; and temporary window signs, not to exceed an additional 15% of the window area of the facade of the building, for no more than 30 days during any 12 consecutive calendar months.

C. Directional signs. A premises, or an occupant of a multi-use building, may display one directional sign at each entrance to or exit not more than six square feet on two-lane streets or highways and on any highway with a posted travel speed less than 35 miles per hour, and not more than four square feet on multi-lane roads and on any highway with a posted travel speed greater than 35 miles per hour.

19.82.080 Illumination and movement.

A. Flashing, illumination and movement prohibited. A sign may not be animated or have flashing illumination. Except for OPEDS under section 19.82.123, ~~public information signs under subsection 19.82.030(D)~~ PFEDS under section 19.82.045, and time and temperature signs, a sign may not have changeable copy.

B. Illumination requirements. A permanent sign may be non-illuminated, illuminated by internal, internal indirect or external indirect illumination. Signs that are externally lit shall be illuminated only with steady, stationary, down-directed, and shielded light sources directed solely onto the sign.

C. Glare. Any lighting fixture on a sign that is located within ten feet of a property line of a residential zoning district or an existing residential use, or within ten feet of a public right-of-way, except as permitted by this ordinance, shall be:

1. Aimed away from the property line, residential use, or zoning district, or public right-of-way;
2. Classified as full cut-off lighting, or;
3. Shielded on the side closest to the property line, residential use, zoning district, or public right-of-way.

19.82.090 Areas of Special Character.

A. Designation. This chapter cannot adequately regulate all signs in an area as diverse as the city. The city council may therefore designate any geographical areas as Areas of Special Character.

B. Zoning map. The city's zoning map shall show the boundaries of all designated Areas of Special Character.

C. Special regulations. The city council shall adopt special regulations for signs in Areas of Special Character that shall be consistent with the nature of the Area of Special Character.

D. Effect of special regulations. Special regulations for Areas of Special Character shall supersede and may be either more or less restrictive than the regulations for signs contained in title.

E. Sign plan for Areas of Special Character. The planning commission may approve a sign plan for an Area of Special Character. The sign plan shall contain visual representations of the lettering, illumination, color, area and height of signs and may also indicate the area and buildings where they may be placed and located. The sign plan may also contain special regulations authorizing the display of signs in the Area of Special Character. The special regulations may incorporate by reference the visual representation of signs in the sign plan. The planning commission may approve a sign plan if the signs illustrated in the plan and authorized by any special regulations included in the plan are consistent with the purposes of this title and the character of the Area of Special Character. An approved sign plan shall supersede and may be either more or less restrictive than the regulations contained in this title.

~~F. Programs for Signs. The planning commission may approve a Program for Signs in an Area of Special Character.~~

~~**19.82.100 Programs for Signs.**~~

~~A. Purpose. A Program for Signs is a creative incentive for a unified visual statement that integrates the design of signs with the design of the building on which they will be displayed and with the surrounding area.~~

~~B. When allowed. The owners of one or more adjacent premises, or one or more occupants of a shopping center or multi-use building, not located in an Area of Special Character, may submit a Program for Signs to the planning commission that need not comply with some or all of the requirements of this ordinance. The Program for Signs shall~~

~~contain a visual representation of the lettering, illumination, color, size, height, placement, and location of the signs proposed for display~~

~~C. Standards for approval. The planning commission may approve a Program for Signs if the signs visually represented in the program are:~~

~~1. Consistent with the purposes of this chapter; and~~

~~2. Compatible with the theme, visual quality, and overall character of the surrounding area or an Area of Special Character, if the signs included in the Program for Signs are located in such an area; and;~~

~~3. Appropriately related in size, shape, materials, lettering, color, illumination, and character to the function and architectural character of the building or premises on which they will be displayed, and are compatible with existing adjacent activities.~~

~~D. Display of signs. A premises or occupancy for which a Program for Signs has been approved by the planning commission may only display signs that comply with the approved program, which shall supersede and replace the regulations for signs in this ordinance.~~

19.82.110 Prohibited signs.

The following signs are prohibited in the city:

A. Signs which by color, location, or design resemble or conflict with traffic control signs or signals;

B. Signs attached to light poles or standards;

C. Portable signs;

D. Above-roof signs;

E. Inflatable signs;

F. Any unlicensed temporary sign;

G. Vehicle signs;

H. Any sign (whether a monument sign, wall sign, projecting sign, or any

other type of sign) which flashes, blinks, uses chaser lights or has animation, movement, changeable copy or other moveable images or lettering (via LED lighting or any other technology); provided, however, that the following signs may be permitted as conditional uses subject to compliance with the other requirements of this chapter:

1. Time and temperature signs;

2. ~~Public information signs~~PFEDS; and

3. OPEDS converted from existing, nonconforming off-premises signs in the OPEDS zone, as provided in section 19.82.123, below.

I. Roof signs;

J. Snipe signs;

K. Wind signs;

L. Off premise signs, including, without limitation:

1. Billboards; and

2. Electronic display signs, except as provided in section 19.82.123, below.

M. Pole signs;

N. Cabinet signs, except as allowed herein; and

O. Any sign in the right-of-way which has not been licensed by the city, including, without limitation, any so-called "bus bench" signs.

19.82.120 Exempt signs.

The following signs are exempt from the regulations contained in this chapter:

A. Signs required by law.

B. Any sign integrated into or on a coin-operated machine, vending machine, gasoline pump, or telephone booth.

C. Real estate signs, one per property. The real estate sign shall not exceed six feet in height and nine square feet and shall not include any lights, flashing or changeable copy.

- D. Property signs.
- E. Name plate signs.
- F. Civic signs.

19.82.121 Transit facility advertising.

Advertising on public transit (bus) benches and shelters in the city is prohibited; provided, however, that nothing in this code shall prohibit the city from maintaining public, or public-interest, notices on any city-owned public transit facilities in the city.

19.82.123 Off-premise electronic display sign overlay zone.

A. Establishment. The OPEDS overlay zone is established to provide areas of the city in which existing, nonconforming off-premise signs which are located in such zone as of 20 November 2012 may be converted into OPEDS as a conditional use.

1. Billboards and other off-premise signs may not be converted into electronic display signs in any location outside the OPEDS zone.

2. Except as otherwise provided in this section for the conversion of existing, nonconforming off-premises signs to off-premise electronic display signs in the OPEDS zone, all OPEDS are prohibited.

3. The location of the OPEDS zone is shown on Map 19.82.123.

B. Purposes. Purposes of this section include, without limitation:

1. Allowing for appropriate off-premise electronic signage which uses clear, attractive graphics to highlight goods and services;

2. Protecting the street views and vistas of pedestrians and motorists;

3. Protecting and shielding pedestrians and motorists from

distractions of excessive motion, illumination and other safety hazards;

4. Protecting residents from glare and excessive illumination;

5. Providing clear standards for the design, installation and use of off-premise electronic display signs in the OPEDS zone; and

6. Otherwise promoting and protecting the public health, safety, welfare and convenience by regulating the off-premise electronic display signs enabled by this section.

C. Conditional use permit required. The owner of any off-premise sign shall be required to obtain a conditional use permit pursuant to chapter 19.84 of this title before converting that off-premise sign to an OPEDS.

D. Standards. Subject to any contrary provisions of applicable state or federal law, all OPEDS shall meet the following standards:

1. No OPEDS may be larger in width, height or display/signable area than the off-premise sign from which it was converted.

2. The text, images and graphics on an OPEDS shall be static and complete within themselves, without continuation in content to the next image or message or to any other sign. Serial messages that require multiple passes or multiple signs to comprehend the message are prohibited.

3. All text and images must be of a size and shape to not cause drivers to reduce speed or become unreasonably distracted in order to comprehend the message. The city's focus under this subsection D(3) shall be the method (in terms of letter size and other quantifiable physical attributes) used to convey a message on an OPEDS rather than the content of such message.

4. Each electronic display area capable of showing a separate electronic message shall be considered to be a separate OPEDS, including those sharing the same support structure.

5. OPEDS shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade in or fade out or any other imitation of movement or motion, or any other means not providing constant illumination.

6. The dwell time for each message on an OPEDS shall be at least eight seconds, such that each message shall be illuminated and static for at least eight seconds before transitioning to a new static display.

7. The transition from one static display to another must be effectively instantaneous, with a twirl time not exceeding .25 second.

8. Every OPEDS shall be equipped with a mechanism that automatically controls the sign's display period at all times as provided in this section.

9. OPEDS shall comply with the following illuminance requirements:

(a) No OPEDS shall cause illuminance in excess of three-tenths (0.3) foot candle above ambient light as measured perpendicular to the OPEDS's electronic sign face at a distance in feet calculated by taking the square root of the product of the following:

(i) the area of the OPEDS's electronic sign face measured in square feet; and

(ii) 100.

For example, if the OPEDS's electronic sign face measures 14' x 48', then the illuminance caused by such use could not exceed three-tenths (0.3) foot candle above ambient light at a perpendicular distance of 259 feet from the OPEDS's sign face.

(b) Every OPEDS shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's illuminance as provided above in direct correlation with natural ambient light conditions at all times.

10.

(a) An otherwise compliant OPEDS may not be illuminated, lit or operated between 11:00 p.m. and 6:00 a.m. if it is located within 600 feet of any property zoned or occupied for a residential use unless the owner or operator of the OPEDS establishes, in the conditional use approval process, that at least one of the following conditions will exist:

(i) The illumination caused by the OPEDS does not exceed one-tenth (0.1) foot candle onto any property zoned or occupied for a residential use; or

(ii) The illumination caused by the OPEDS does not exceed the illumination caused by the predecessor (non-OPEDS) sign as of 23 May 2012, and that the text, image and graphics of the OPEDS will remain static between 11:00 p.m. and 6:00 a.m.

(b) The conditions in subsections (a)(i) and (a)(ii), above, are not applicable to the extent that the message is an emergency public safety warning or alert, such as an "Amber Alert."

(c) Continuous compliance with the illumination limits of subpart (10)(a), above, shall be a condition of approval of any OPEDS located within 600 feet of any property zoned or occupied for a residential use.

11. OPEDS may not be located closer than 800 linear feet from any other OPEDS; subject to the following clarifications applicable to off-premise signs with two or more sign faces sharing the same support structure:

(a) Both sign faces of the same “double-sided” off-premise sign (i.e.—off-premise sign faces mounted on opposite sides of the same support structure, so that both sign faces are effectively not visible at the same time from any vantage point, as reasonably determined by the city) may be converted to OPEDS;

(b) Only one sign face of the same “layered” off-premise sign(s) (i.e.—two or more off-premise signs mounted in vertical tiers on the same support structure, so that such sign faces are effectively visible at the same time from any vantage point, as reasonably determined by the city) may be converted to an OPEDS; and

(c) Only one sign face of the same “side-by-side” off-premise sign(s) (i.e.—two or more off-premise signs mounted horizontally on the same support structure, so that such sign faces are effectively visible at the same time from any vantage point, as reasonably determined by the city) may be converted to an OPEDS.

12. The following certifications are additional conditions of approval or continuation of any OPEDS:

(a) Within ten calendar days after an OPEDS is first placed into service, a written certification shall be submitted to the city from the owner/applicant that the sign has been tested and complies with the motion, dwell time, twirl time, illuminance and other requirements of this section.

(b) Based on complaints received, or for other reasonable cause, the city may from time to time require the owner or operator of an OPEDS to provide, within ten calendar days after receipt of the city’s written request, an updated written certification that the sign has been re-tested and has been repaired or

modified, as necessary, to comply with the requirements of this section.

(c) The city also may, at its option, from time to time verify an OPEDS’s compliance with the requirements of this section, including by selecting and engaging qualified experts to measure the sign’s illuminance. If the city reasonably determines that an OPEDS is not in compliance with such requirements, then the owner or operator of the sign shall correct the noncompliance within ten calendar days after written notice from the city, and shall reimburse all of the city’s costs reasonably incurred in connection with such determination.

13. Any OPEDS not conforming to the requirements of this section is prohibited.

14. This section shall not be deemed to authorize, or allow application for, any additional billboards or other off-premise signs in the city beyond those billboard or other off-premise signs existing within city’s boundaries as of its incorporation on 14 January 2005.

19.82.125 Temporary signs.

A. Except as otherwise specified in this code or other applicable law, neither temporary signs nor any other type of sign may be placed in the public right-of-way or on any other public property under the city’s ownership or control.

B. Unless otherwise allowed by federal or state law, temporary signs shall not be located within 150 feet of any polling location.

C. Except as otherwise specified in this code or other applicable law, neither temporary signs nor any other type of sign shall be located so as to adversely affect “clear view” or other public safety standards.

D. Temporary signs, and every other type of sign, shall comply with all other legal requirements.

E. Except as otherwise specified in this code or other applicable law, a permit under 19.82.140 shall be required to display any temporary sign.

19.82.130 Nonconforming signs.

Subject to UTAH CODE ANN. 10-9a-511 to -513, as amended:

A. Change and modification. A nonconforming sign or sign structure shall be brought into conformity with this title if it is altered, reconstructed, replaced, or relocated. A change in copy is not an alteration or replacement for purposes of this subsection.

B. Maintenance. Nonconforming signs must be maintained in good condition in accordance with this chapter. Maintenance means replacing or repairing of worn or damaged parts of a sign or sign structure in order to return it to its original state. Maintenance is not a change or modification prohibited by subsection (A), above.

C. Removal. Removal of a nonconforming sign or replacement of a nonconforming sign with a conforming sign is required when:

1. A nonconforming sign, or a substantial part of a nonconforming sign, is voluntarily taken down, altered, or removed. As used in this subsection, "substantial" means 50% or more of the entire sign structure; or

2. The condition of the nonconforming sign or nonconforming sign structure has deteriorated to a condition that is rendered reasonably unusable and is not restored or repaired within one year after written notice from the city to the property owner; or

3. The use of the nonconforming sign, or the property on which it is located, has ceased, become vacant, or been unoccupied for a period of at least one year. An intent to abandon is not required as the basis for removal under this subsection.

D. Sign permit. Any permit issued for a sign under this chapter shall require that any nonconforming sign displayed on the premises for which the permit is issued shall be modified or removed to conform to the provisions of this chapter.

E. Development permit. Any building permit that authorizes the development of a premises, any building addition, an increase in gross floor area of 25% or more, or any exterior structural remodeling of a building facade on which a nonconforming sign is located, shall require all nonconforming signs on the premises for which the building permit is issued to be brought into conformity with the provisions of this title.

F. Separation. No sign that is nonconforming solely because it violates a requirement for the spacing of signs shall be required to eliminate that nonconformity if compliance with the spacing regulation on the premises is not possible.

19.82.140 Permits.

A. Permit required. No person shall erect, convert or display a sign unless the department has issued a permit for the sign or this section exempts the sign from the permit requirement.

B. Application. A person proposing to erect, convert or display a sign shall file an application for a permit with the department. The application shall contain the following:

1. The name, address, and telephone number of sign contractor and the owner and occupant of the premises where the sign is to be erected, converted or displayed; the date on which it is to be erected, converted or displayed; the zoning district and the Area of Special Character, if any, in which it is located; and any variance that has been approved.

2. A color drawing to scale that shows:

(a) All existing signs displayed on the premises;

(b) The location, height, and size of any proposed signs;

(c) The items of information proposed to be displayed; and

(d) The percentage of the signable area covered by the proposed signs. This information is not required if a Program for Signs has been approved for the premises or occupancy on which the sign will be erected or displayed if the approved Program for Signs is attached to the application.

3. Specifications for the construction or display of the sign and for its illumination and mechanical movement, if any, are to be provided.

C. Review and time limits. The department shall promptly review the application upon the receipt of a completed permit application and upon payment of the permit fee by the applicant. The department shall grant or deny the permit promptly.

D. Approval or denial. The department shall approve a permit for the sign if it complies with the building, electrical or other adopted codes of the city with:

1. The regulations for signs contained in this chapter and any variance that has been granted from these regulations;

2. Any special regulations that have been adopted for an Area of Special Character; and

3. Any Program for Signs that has been approved under this chapter. If the department does not approve a permit for the sign, the department shall state the reasons for the denial in writing, and shall mail a certified copy of the reasons for denial to the address of the applicant stated on the application.

E. Appeals. Any applicant who is denied a permit for the display of a sign may file a written appeal to the director within ten days after receipt of the written copy of the denial.

F. Fees. The fees for permit applications shall be as specified in the city's consolidated fee schedule.

G. Exemptions. The following signs are exempt from the permit requirement:

(a) A sign specifically exempted from the provisions of this chapter.

(b) A temporary window sign.

(c) A sign that is a permanent architectural detail of a building.

H. Conditional use permits. If this chapter requires issuance of a conditional use permit in connection with the erection, conversion or display of a sign, then application, processing, approval/denial, appeal, etc. for such shall be as provided in chapter 19.84 and any applicable provisions of this chapter, as reasonably determined by the city.

19.82.150 Enforcement.

A. Enforcement official. The director, or his designee, shall have the authority to enforce this chapter and to make all related inspections. Appeals of decisions under this chapter shall be to the board of adjustment.

B. Removal of signs.

1. Authority. The director is hereby authorized to require removal of any illegal sign and to commence an action to enjoin erection of any illegal sign.

2. Notice. Before bringing action to require removal of any illegal sign, the director, or his designee, shall give written notice to the owner of the sign or the owner of the premises on which such sign is located. The notice shall state the violation charged, and the reasons and grounds for removal, specifying the deficiencies or defects and specify that the sign must be removed or made to conform with the provisions of this chapter within the notice period provided below.

3. Service of notice shall be made personally on the owner or lessee, or by certified mail addressed to the owner or lessee at the address specified in the permit, county records, or the last known address.

4. Notice period.

(a) The notice period for permanent signs shall be ten days.

(b) The notice period for temporary signs shall be three days.

5. Re-erection of any sign or substantially similar sign on the same premises after a notice of violation has been issued shall be deemed a continuation of the original violation.

6. Prosecution. If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the director that the sign has been removed or brought into compliance with the provisions of this chapter by the end of the notice period, then the director shall certify the violations to the city prosecutor for prosecution.

7. Removal. The director may cause the removal of any illegal temporary sign which is maintained or

re-erected after the expiration of the notice period, if the owner or lessee of the premises has been issued a notice of violation at least once before for the same violation involving the same or similar sign.

8. Safety hazard. Notwithstanding anything to the contrary in this chapter, the director may cause the immediate removal or repair (without notice to the owner of the sign, or the property on which it is located) of any unsafe or defective sign or signs that create an immediate hazard to persons or property.

9. Costs of removal. The costs of removal of a sign by the city shall be borne by the owner of the sign and of the property on which it is located, and the city may bring an action for recovery of any such expenditures.

C. Liability for damages. This chapter shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm, or corporation, which erects or owns any sign, for personal injury or property damaged caused by the sign; nor shall this chapter be construed to impose upon the city, its officers, or its employees, any responsibility or liability by reason of the approval of any sign under the provisions of this chapter.

19.82.160 Severability.

The invalidation of any section, subsection, clause, or phrase of this chapter by any court of competent jurisdiction shall not affect the validity of the remaining portions of this chapter.

19.82.170 Substitution.

Signs containing non-commercial messages are permitted anywhere that commercial signs are permitted, subject

to the same regulations applicable to such signs.

DRAFT

19.82.180 Charts, figures, graphs and maps.

(a) Chart 19.82.03-01

Monument Signs				
District	Type of Sign	Signable Area	Max. Height of Sign	Sign Setback
NC - Neighborhood Comm.	Monument	36 square feet	6 feet (including pedestal)	18 inches
CR - Regional Comm.	Group Monument	96 square feet	10 feet (including pedestal)	24 inches
PF - Public Facilities	Monument	36 square feet	6 feet (including pedestal)	18 inches
	Group Monument	48 square feet	6 feet (including pedestal)	18 inches
ORD - Office	Monument	36 square feet	6 feet (including pedestal)	18 inches
	Group Monument	48 square feet	6 feet (including pedestal)	18 inches
ORD - Office/Research Park	Monument	64 square feet	8 feet (including pedestal)	24 inches
	Group Monument	96 square feet	10 feet (including pedestal)	24 inches

(b) Chart 19.82.05-01

Projecting Signs			
District	Type of Sign	Signable Area	Height of Sign
NC - Neighborhood Comm.	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
CR - Regional Comm.	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
PF - Public Facilities	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
ORD - Office	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
ORD - Office/Research Park	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.

(c) Map 19.82.123

(OPEDS overlay zone map is on file with city).