

Mapleton City Planning Commission Staff Report

Meeting Date: July 14, 2011

Item #: 5

Applicant: Mapleton City

Prepared by: Cory Branch

REQUEST:

Mapleton City requests to amend Mapleton City Code Title 18, Development Code, Part III, Zoning, Chapter 18.86: Signs, as it relates to regulating signage within the City in order to preserve public safety, prevent displacement of alternative land uses, and to foster an appealing cityscape.

FINDINGS OF FACT:

1. The City Council requested that Eric Johnson, Mapleton City Attorney prepare a new sign ordinance which will regulate signage within the City. (see Attachment 1 – Proposed sign ordinance)

PLANNING COMMISSION DISCUSSION ITEMS:

1. Should signage in commercial and industrial zones be required to have a maximum square footage?
2. Should signage in commercial and industrial zones be required to have a minimum distance between signs?
3. Should the maximum height for signage in commercial and industrial zones be 20', 30', etc.?
4. Should off-premise signage be allowed?

STAFF RECOMMENDATION:

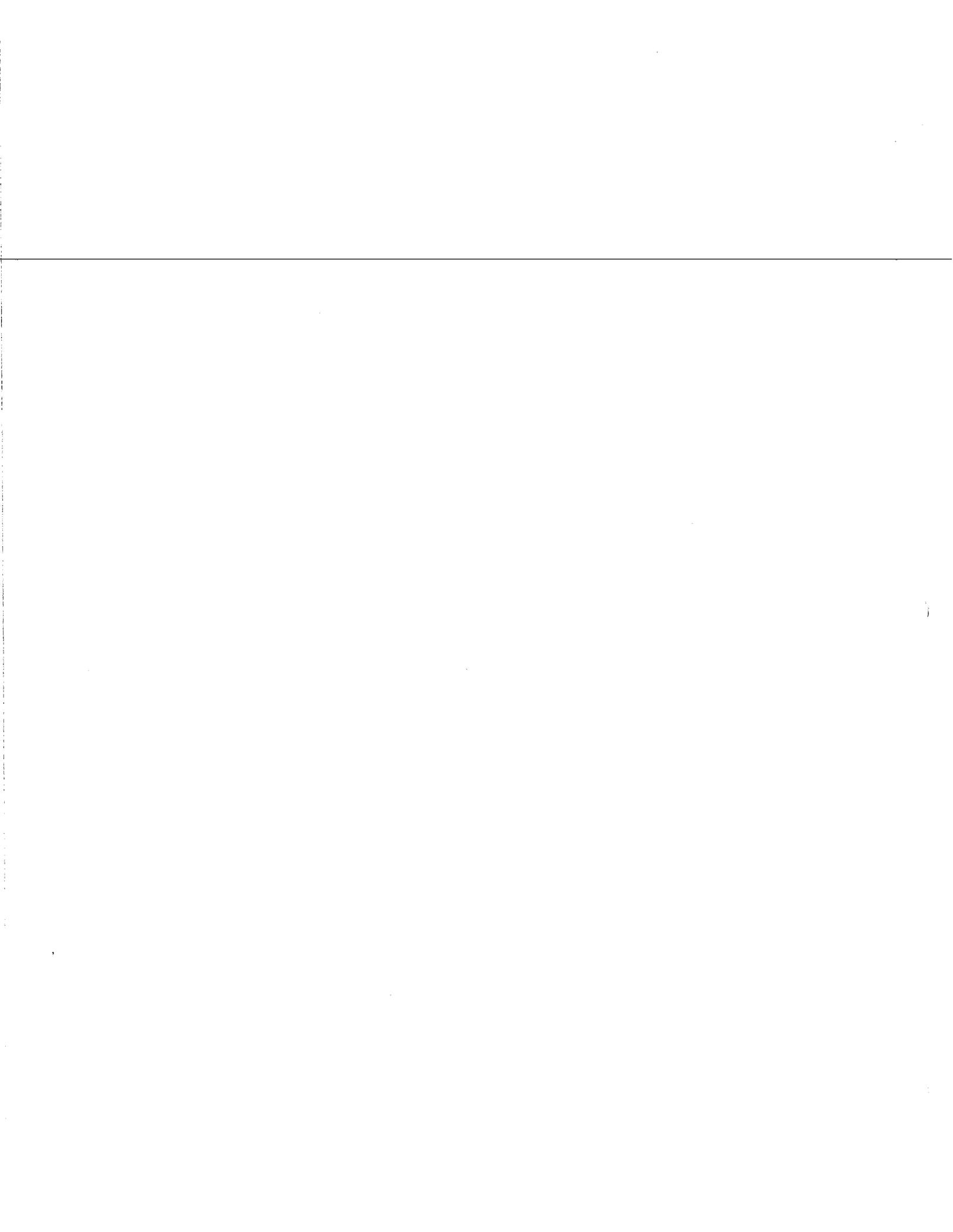
Staff recommends approval of the propose text amendment.

ALTERNATIVE ACTIONS:

1. The Planning Commission may recommend that the City Council deny the requested text amendment. This action would be a change from the Staff recommendation. If the Planning Commission recommends denial of the requested text amendment, new findings should be stated with the motion.
2. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.

ATTACHMENT:

1. Proposed sign ordinance



Chapter 18.86 SIGNS

18.86.010: PURPOSE AND INTENT:

The Mapleton, Utah, City Council, finding it necessary to promote public safety and to foster an appealing cityscape, and in accordance with the General Plan, and for the General Welfare, hereby desires to regulate signage within Mapleton City limits. (See Utah Code Annotated §§ 10-9a-102, 10-9a-104, 10-8-26, 10-8-28).

The City Council finds that unregulated signage can be detrimental to public safety, that it can result in visual blight and negatively impact local property values, and that it can displace alternative land uses. Specifically, the City Council finds it necessary:

- A. To promote the health and well-being of the public, generally pedestrians and motorists, by minimizing obstruction, visual or otherwise, distraction, and related safety and traffic hazards within the City; and,
- B. To preserve and enhance the beauty of the City by minimizing visual clutter and regulating physical characteristics of and placement of signage within the City.

18.86.020: GENERAL PROVISIONS:

- A. Signage shall be regulated within each zone of the City. Signage in Residential zones shall have specific limitations as set forth herein. Signage in Commercial/Industrial zones shall have specific limitations as set forth herein.
- B. Signs shall be deemed either permanent or temporary. Both temporary and permanent signs are allowed in all zones, except where specifically prohibited. A permit shall be required for all permanent signs, except as otherwise provided herein.
- C. All signage shall be reasonably secured and maintained so as to withstand normal weather conditions including, but not limited to, wind, rain, snow and so forth. Signs, whether temporary or permanent, shall be constructed in such a way so as to preserve the public safety and shall be maintained in such a manner so as to prevent disrepair and visual blight.
- D. All signage shall be generally prohibited from being posted or left behind on public property, in any public right of way, on utility poles, historical markers, on publicly-owned property, including trees, and on street and traffic signs.

1. Exception: Where the City has traditionally allowed public property to be used as an open public forum, Temporary Noncommercial signage shall be allowed only if the signage is hand-held or personally attended, and where said signage presentation does not block public rights of way, disrupt the peace, incite to violence, or cause any other public disturbance.
2. Exempt: Signage dedicated for government use including traffic signs, traffic lights, street signs, directional signs, public safety signs and related signage shall be exempt from the prohibition against signage in any public right of way.

E. All signage shall be subject to a Discontinued Use limitation, whereupon the owner of said signage shall remove such no later than sixty (60) days after a Discontinued Use. A "Discontinued Use" shall include the expiration of a permit, abandonment of the sign, or the happening of an event or sale for which the sign was posted. "Discontinued Use" shall not include the involuntary destruction of a sign in whole or in part due to fire or other calamity unless the sign has been abandoned.

18.86.030: SIGNS IN RESIDENTIAL ZONES:

- A. In Residential zones, signage may be placed in accordance with the lesser of the following setback limitations:
1. Signage may be placed on a lot in accordance with the front, side, and rear yard limitations of the applicable zone, if there be such, and may conform to setback limitations provided for accessory buildings, so long as such placement conforms to all setback and placement limitations for accessory buildings as set forth in the zoning code; or
 2. Signage may be placed no closer than 10 linear feet from the sidewalk, 15 linear feet from the edge of the lot, and 15 linear feet from a neighboring lot.
- B. Except for window signs, all signage on any Residential lot shall be limited to a maximum elevation or height of 6 feet.
1. Where a building on a Residential lot has more than one level, window signs shall be allowed on each level of the building.
- C. Any window sign shall not exceed 25% of a window display area and shall not exceed a total window display area for all windows of 32 square feet.
1. In multiple-unit Residential buildings, the total window display area allowed shall apply to each individually rented or owned unit and not to the building as a whole.
- D. Commercial signage on a Residential lot shall be limited to a cumulative display area of 32 square feet for temporary commercial signs, plus an additional 6 square feet for a permanent commercial sign if a variance has been granted for a business use

on the residentially-zoned lot.

E. Noncommercial signage on a Residential lot shall be limited to a cumulative display area equal to that permitted for any Commercial signage on the same lot.

F. The display area of a two-faced sign with identical copy on both sides shall be counted as the display area of only one of the faces.

18.86.040: SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES:

A. In Commercial or Industrial zones, signage may be placed in accordance with the lesser of the following setback limitations:

1. Signage may be placed on a lot in accordance with the front, side, and rear yard setback limitations of the applicable zone, if there be such; or
2. Signage may be placed no closer than 15 linear feet from the sidewalk, 15 linear feet from the edge of the lot, and 15 linear feet from a neighboring lot.

B. All signage on a Commercial or Industrial lot shall be limited to a maximum elevation or height of 30 feet.

C. Any window sign on a Commercial or Industrial lot shall not exceed 50% of a window display area and shall not exceed a total window display area for all windows of 100 square feet.

1. Where a building on a Commercial lot has more than one level, window signs shall be allowed on each level of the building.

D. Commercial signage on a Commercial or Industrial lot shall be limited to a cumulative display area of 25% of the façade of the building or structure it represents or which is found on the Commercial lot, or to 90 square feet, whichever is greater.

E. Noncommercial signage on a Commercial or Industrial lot shall be limited to a cumulative display area equal to that permitted for any Commercial signage on the same lot.

F. The display area of a two-faced sign with identical copy on both sides shall be counted as the display area of only one of the faces.

18.86.050: PERMANENT SIGNS:

A. Permit and Fee Required.

- B. Any sign that is permanently constructed, attached, or intended to remain for more than 180 days shall be deemed permanent and requires a permit. Permanent signs shall be subject to a fee.
- C. A sign shall be deemed permanently constructed if, standing alone, it exceeds 32 square feet in display area, or exceeds six (6) feet in height, or weighs more than 50 pounds.

D. A sign shall be deemed attached if it is connected to or protruding from any building or similar structure, interior window signs excluded.

E. A sign intended for use during a specified, limited time, which is posted more than 120 days before the occurrence of an event or sale and which shall remain for more than 60 days after the occurrence of an event or sale or commencement thereof shall be deemed permanent.

F. The City finds that Permanent signage requires review by the zoning administrator to ensure that the constructed sign will be structurally safe and durable so as to preserve and promote public safety.

G. Permanent signage shall be subject to the Discontinued Use provision set forth above.

18.86.060: TEMPORARY SIGNS:

A. No Permit or Fee Required.

B. Any sign that is not permanently constructed or attached as defined above, or that is intended for use during a specified, limited time of 180 days or less shall be deemed Temporary and shall not require a permit or be subject to a fee. All Temporary signage shall be subject to the Discontinued Use provision set forth above.

18.86.070: WINDOW SIGNS:

A. No Permit Or Fee Required. No Time Limitation.

B. A window sign is any copy posted on or sign posted inside of a window of a building, house, or similar structure. No permit or fee is required to post a window sign. Window signs shall not be limited to a specific number of days allowed for display; however said signage shall be removed upon Discontinued Use. Window signs shall be subject to the display area limitations and size limitations set forth above under Signs in Residential and Commercial/Industrial Zones.

18.86.080: SEXUALLY-ORIENTED BUSINESS SIGNAGE:

A. Commercial signage for a sexually oriented business shall be prohibited off-site from the actual lot where the business is lawfully located. Said signage shall be limited to

alphanumeric copy only and shall be limited to a display area of 32 square feet.

18.86.090: PROHIBITED SIGNS:

A-FRAME SIGN: Any sign or structure composed of two (2) sign faces mounted or attached back to back to form a triangular vertical cross section through the faces or structure.

ABANDONED SIGN: Any sign or structure that no longer correctly directs or influences a person, identifies or advertises a bona fide business, lessor, service, owner, product, or activity.

ANIMATED OR FLASHING SIGN: A sign that includes movement or optical illusion of movement or rotation of any part by mechanical, artificial or atmospheric means or a sign that displays flashing or intermittent lights. Time and temperature devices and Banners and Flags shall be exempted from this definition.

AWNING SIGN: A sign having copy or a logo placed on or integrated into fabric or other material canopies that is mounted on the exterior of a building.

BALLOON OR INFLATABLE SIGN: Any device supported by heated air, forced air, or other gases for the purpose of drawing attention.

BANNER SIGN: A sign made of cloth, canvas, fabric or any nonrigid material with no enclosing framework attached or suspended at two (2) ends or continuously across the long side.

BILLBOARD: A high profile free-standing ground sign on one or more poles, typically located along freeways or major highways, but not limited thereto, designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

CANOPY SIGN: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

CHANGEABLE COPY SIGN: Any sign whose information content can be changed or altered by manual, mechanical, or electronic means.

MARQUEE SIGN: Any sign attached to, in any manner, or made part of a marquee. A marquee is a permanent rooflike structure projecting beyond a building or wall of the building, generally designed and constructed to provide protection from the weather.

MOTION SIGN: A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent flashing, scintillating, or varying the intensity of illumination whether or not said illumination is reflected from an artificial

source or the sun.

PENNANT SIGN: A sign made of lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from rope, wire, or string, usually in series, designed to move in the wind.

PROJECTING SIGN: A sign attached perpendicular to a building structure and extending in whole or in part more than twelve inches (12") beyond the wall to which it is attached.

ROOF SIGN: A sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof or which does not lie flat on the roof.

ROTATING SIGN: Any sign or portion of a sign that moves in a revolving or similar manner.

SNIPES SIGNS: Any sign typically made of non- or semi-durable material, mounted to a tree, to a utility pole, or to the ground by nails, staples, a wire frame, or similar device within a right-of-way, including public and private parking strips and medians, or on public property.

18.86.100: ISSUING A PERMIT:

A. Permit issuance is subject to the following application process and review:

1. **Application Process:** The City shall prepare a "Sign Permit Request" form, which shall request the applicant or agent's name, telephone number, address, where the proposed sign(s) will be placed, whether the sign is intended to remain for more than 180 days, whether the sign is intended to serve commercial purposes—to identify zoning restrictions, and which may include, but is not limited to, a site plan, sign layout, a sign depiction, elevation of existing and future buildings, and any other reasonably related information necessary for the zoning administrator to be able to determine whether the sign complies with the design and placement requirements set forth in this chapter. Proposed signs that are larger and that are intended to remain for a longer period of time will require more information to assist the zoning administrator in determining whether the sign will be safe and durable.
2. Applications will not be accepted without the accompanying fee for a Permanent sign.
3. **Fees:** Permanent signage shall be subject to a permit application fee as determined by the City Council. (See City Fee Schedule)

4. Form: The Sign Permit Request form shall include a checkbox with a statement indicating that, if checked, the applicant agrees to allow the City to enter and remove the sign for which the permit is requested if the sign's removal period expires, in lieu of prosecution by the City Prosecutor and in lieu of a fine.
5. Review: If the zoning administrator determines that a Sign Permit Request is incomplete, or that signage will conflict with the provisions of this chapter because of illegal content or nonconforming proposed design and placement, the request shall be returned to the applicant as incomplete. The applicant may revise and resubmit the amended Sign Permit Request with additional information as necessary.
6. The zoning administrator shall make a decision to grant or deny a Sign Permit Request in accordance with this chapter and other applicable City, State, and Federal laws and ordinances. No sign permit shall issue unless the sign permit request and sign comply with the provisions of this chapter.
7. Permanent Signs: The zoning administrator shall issue a decision to grant, deny, or return as incomplete the Sign Permit Request within 30 days of submission.
8. Appeal: An applicant wishing to appeal the zoning administrator's decision to reject a permit application to the Planning Commission has 10 days to do so. (See Utah Code Annotated § 10-9a-704). The Planning Commission, on administrative appeal, shall review the applicant's Sign Permit Request form for completeness and then determine whether the applicant's proposed sign complies with the design and placement requirements set forth in this chapter, and subsequently return a decision either to uphold or reverse the zoning administrator's decision within 20 days.

18.86.110: PERMIT LIMITATIONS:

- A. Transferability. Permits, permit numbers, permit applications, and supporting information shall not be transferable to other sites or signs and shall be valid only for a specific sign at the designated location. If at any time a sign or sign structure is altered, removed, or relocated in a manner different from the terms of an issued Sign Permit, such existing sign permit will become void and a new application must be made for the sign as altered or relocated.
 1. Exception: Signs associated with a business that has its ownership transferred with no proposed alteration to the business name, building, or signage shall, upon notification to the City, have its permits transferred to the new business owner without need of a new application.
- B. Expiration: A permit shall expire and become null and void if work on the sign is not commenced or if work is suspended or abandoned within 60 days from the date of the permit. In such case, a new permit shall be obtained, and where the permit is for

a permanent sign, a new fee shall be paid.

C. The city may in writing suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a material omission or misstatement of fact or in violation of any ordinance.

D. Nuisance: No permit for a sign may be deemed to constitute permission or authorization to maintain a public or private nuisance, nor shall any permit issued hereunder constitute a defense in any action to abate a nuisance.

18.86.180: REMOVAL OF SIGNS:

A. The Zoning Administrator is hereby authorized to require removal of any sign.

1. Before bringing action to require removal of any sign, the Zoning Administrator 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 what repairs, if any, will make the sign conform to the requirements of this chapter. The notice shall also specify that the sign must be removed or made to conform with the provisions of this chapter within the notice period. 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 or the last known address.
2. Notice Period: The notice period for permanent signs shall be 15 days. The notice period for temporary signs shall be 3 days.
3. Prosecution: If the owner or lessee of the premises upon which the sign is located has not demonstrated to the satisfaction of the Zoning Administrator that the sign has been removed or brought into compliance with the provisions of this chapter by the end of the notice period, the Zoning Administrator shall first submit an order for removal by the City, and if necessary, due to inability to access the sign for removal, submit the violations to the City Prosecutor for prosecution. If the City removes the sign, any and all prosecution charges shall be dropped.
4. 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.

B. Removal of Temporary Signs: The Zoning Administrator may remove 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. When temporary signs are removed by City Staff, the responsible party shall be notified within two business days of the reason for the removal and the location from which the sign was removed. Removed signs shall be made available for the responsible

party to pick up for three calendar days. After that time, removed signs will be destroyed.

C. Safety Hazard: Notwithstanding other provisions of this subsection, the Zoning Administrator may cause the immediate removal, following notice to the owner of the sign or the property on which it is located of any unsafe or defective sign that creates an immediate hazard to persons or property.

D. Costs of Corrective Action: The costs of removal of a sign by the City shall be borne by the owner of the sign.

18.86.130: REQUIREMENT OF CONFORMITY:

A. No sign for which a permit is issued after the effective date of this chapter, may be placed or maintained in the City except as provided in this chapter.

B. All signs maintained contrary to the provisions of this chapter are declared to be non-conforming and, as such, may be dealt with or removed as provided herein.

C. Any sign that poses a public safety hazard may be removed as specified herein.

18.86.140: NONCONFORMING SIGNS:

A. Nonconforming signs which pre-exist the effective date of this ordinance shall be removed upon their discontinued use according to the general Discontinued Use provision set forth above.

B. Nonconforming signs which become unsafe due to natural wear and tear shall be deemed a discontinued use and subject to removal without an option to repair or replace with a similar nonconforming sign.

C. Except as provided for in the Utah Code Annotated, Billboards shall be generally prohibited. Signs which constitute Billboards prior to the effective date of this ordinance are protected only insofar as provided for in the Utah Code Annotated. Titles within the Utah Code Annotated which protect Billboards include, but are not limited to, Title 72, Chapter 7, which is the Protection of Highways Act and Title 10, Chapter 9a, which is the Municipal Land Use, Development, and Management Act. (See Utah Code Annotated § 10-9a-512).

18.86.150: ENFORCEMENT:

A. A violation of this ordinance is punishable as a Class C misdemeanor and shall be punishable by a fine of not more than \$250.00 when a person fails to alter or repair or remove a noncompliant sign after notice of a violation.

18.86.160: NOTWITHSTANDING any provision of this chapter to the contrary, to the extent that this chapter allows a sign containing commercial copy, it shall allow a sign containing noncommercial copy to the same extent. Any signage containing obscenity, defamation, fighting words, true threats or anything like unto it is prohibited as a matter of law.

18.86.170: SEVERABILITY:

A. If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

18.86.180: APPLICABILITY OF THE ZONING CODE:

A. The regulations of this ordinance are in addition to those set forth in the planning and zoning provisions of Title 18 of the Mapleton City Development Code and any other ordinances adopted by the City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or any other ordinances.

18.86.190: APPLICABILITY OF THE UTAH CODE:

A. The provisions of this ordinance are enforceable only in accordance with the governing and enabling provisions of the Utah Code Annotated. It is the intent of the drafters herein that this ordinance comply with such governing provisions.

18.86.200: SCOPE:

A. The requirements of this chapter shall not be construed so as to prohibit or limit other applicable provisions of this chapter/title, the City Municipal Code, or the Utah Code Annotated (UCA). In the instance where provisions of this chapter conflict with other provisions of the City Code, the terms of this chapter shall govern. In the instance where provisions of this chapter conflict with provisions of the Utah Code, the Utah Code shall govern.

18.86.210: INTERPRETATION:

A. In interpreting and applying the provisions of this chapter, the sign regulations contained herein shall be interpreted by the zoning administrator. If the zoning administrator determines that an application needs further interpretation, he may request planning commission review of the proposal.

B. The zoning administrator and planning commission shall seek to administer this ordinance in a content-neutral

manner.

18.86.220: VARIANCES:

A. For rules regarding Variances, see Utah Code Annotated section 10-9a-702.

18.86.230: EFFECTIVE DATE:

A. The Effective Date of this ordinance shall be _____.

4815-4152-7049, v. 1

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 435

LECTURE 1

