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Sign Ordinance

6.01.140 Signs.

INTENT & PURPOSE

6.01.140.A. To enhance the character of the community and protect scenic views

6.01.140.B. To recognize that signs are critical to the success of local businesses,

6.01.140.C. To regulate the time, place and manner under which signs are permitted, and not the expression of free speech and ideas by the content of signage, with the exception of content that can be prohibited by law as defined by the U.S. supreme court in Miller vs. California, 413 U.S. 15, 24 (1973), and

6.01.140.D. To encourage sign design that supports successful wayfinding, conveys new information, and matches the characteristics of the Town.

This hereby overrides the section 6.01.140 Signs of the zoning code.

DEFINITIONS

BANNER. Means any material upon which a sign is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaffs projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession. A flag which is not displayed on a flag pole shall for the purposes of this by-law be deemed to be a banner.

DEVICE/SIGN STRUCTURE. A piece of mechanical or electronic structure that supports or is designed to support a sign.

ELECTRIC SIGN. Electric signs are designed to be visible at night or in low-light conditions. They use various methods of illumination, including LEDs, neon tubing, or incandescent bulbs.

FLAG. Means a piece of cloth or similar material conveying information attachable by one edge to a pole or rope.

FLAG POLE. A pole designed to support or fly a flag.

FREE STANDING SIGN. A sign supported permanently upon the ground by poles, pylons, braces or a solid base and not attached to any building.

HEIGHT OF A SIGN. The vertical distance from the average adjacent ground level to the top of the sign, including the support structure and all design elements. The average ground level shall be determined from within an eight foot (8') radius of the base of the sign.

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KIOSK. A free standing informational, educational, or directional permanent sign or bulletin board for the public that is affixed to the ground and is shaded or has an overhanging roof.

LOT. A surveyed and bounded plot of land that is set aside for development.

MOVING OR WAVING SIGN. Means an animated, wind or machine-propelled, waving sign, banner, or promotional flag that is animated, waving, or moves in the wind.

MURAL. A painting or other work of art executed directly on a wall for non-commercial purposes.

NONCONFORMING SIGN. Means a sign that does not conform to current land use regulations that legally existed before the enactment of the applicable regulation(s), which has been continuously maintained.

OFF-PREMISE SIGN. An outdoor advertising sign that advertises an activity, service, event, person or product that is located on premises other than the premises at which the activity or service occurs or product is sold or manufactured. UDOT Tourist Oriented Directional (TOD) signs do not apply to this definition.

PERMANENT SIGN. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

PORTABLE SIGN. Any sign that is not permanently embedded in the ground or affixed to a building or other structure, including any sign that rests upon the ground, a frame, a building, or other structure or item.

PUBLIC RIGHT OF WAY. Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest.

SIGN. Any identification, description, illustration, symbol, insignia, medium, statue or other physical or visual device or representation, which is visible from outside the premises on which such device is located, designed to advertise, identify or convey information or direct or attract attention to a product, place, activity, person, institution or business.

SIGNS WHICH ARE A WORK OF ART- A painting or mural located on the side of a building provided the town considers it a work of art, generally with no more than five percent of the sign area displaying the name or logo of the sponsoring organization.

TEMPORARY SIGN. A sign that is posted for a limited period of time.

YARD SIGN. A small, often rectangular, sign that is placed on a property to express an opinion for a community issue, or political candidate, or cause.

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GENERAL REGULATIONS.

Signs are subject to review and approval by the Planning & Zoning Commission, either individually through the issuance of a sign permit, or in conjunction with other development review, except for subsections A and B.

A. EXEMPTIONS

The following signs are exempt from a sign permit as long they meet the requirements below:

1. Non-electric signs 12 square feet or less are exempt from a sign permit in residential and agricultural zones.
2. Indoor-mounted electric lights or neon signs that comply with the outdoor lighting ordinance that are 4 square feet or less.
3. Realtor signs, political signs, and yard signs.
4. Temporary event signs, not to exceed 14 calendar days.
5. Municipal signs including temporary signs.

B. PROHIBITED SIGNS:

1. Signs that interfere with public traffic safety signs, traffic signals, or which otherwise obstruct a driver's view of approaching or merging traffic.
2. Signs that encroach upon or overhang any public right-of-way, or which are attached or affixed to any utility pole, lighting pole, tree, rock, or natural feature.
3. Signs that blink, flash, have moving text or images, or which have electronically modifiable text or images—including video, electronically variable messaging, mechanically or electronically activated lighting, or the like.
4. Moving and/or waving signs including but not limited to balloons, waving banners, streamers, pinwheels, moving or rotating signs, promotional flags, moving figures, or inflatable figures, except those erected temporarily for a special event, promotion, grand opening, or community activity for a period of not to exceed fourteen (14) calendar days in any calendar year.
5. Portable signs affixed to a vehicle, trailer, or similar conveyance except as allowed for temporary event signs.
6. Signs that exceed the dimensional or other requirements of this Section.

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7. Signs that are broken, damaged, unmaintained for more than twelve (12) months, or which present a nuisance or safety hazard to persons or property.
8. Signs that are noncompliant with the Outdoor Lighting Ordinance.

C. **NONCONFORMING SIGNS:** Permanent nonconforming signs in existence at the date of the initial approval of this ordinance are allowed.

1. A nonconforming sign may continue indefinitely so long as it is not abandoned. The term abandoned means a discontinuance of the nonconforming use for a period of not less than one (1) year. By way of example, and not of limitation, a nonconforming sign may be deemed abandoned if the sign is: i) voluntarily demolished by its owner; ii) allowed to deteriorate such that it is rendered unreadable;
2. A nonconforming sign runs with the land and may be transferred to successors in title to the real property on which the sign is located.
3. A nonconforming sign shall not be expanded in scope or extent, except that it may be repaired or the text and/or graphics may be updated, provided that no structural alteration is made. In the event of any repair or update of a nonconforming sign, all changes shall be performed in compliance with applicable building, zoning codes, and health codes.
4. If a nonconforming sign is destroyed or damaged by fire, flood, or other calamity it may be restored, provided that the restoration is completed no later than one (1) year from the date of the calamity that caused the use to be discontinued.

D. COMMERCIAL SIGN TABLE (ZONES)

| Zone | Sign Type | Max size per sign (square ft) | Maximum total square footage of all signs | Max Height from ground (ft) |
|-------------|----------------------------|--|--|------------------------------------|
| R | Up to 2 types from table E | 12 square ft (does not need sign permit if non-electric) | 24 square feet | 8 ft |
| C1 | See sign table E | 86 square ft | none | 20ft |
| C2 | See sign table E | 86 square ft | none | 20ft |
| C3 | See sign table E | 86 square ft | none | 20ft |
| FI | See sign table E | 40 square ft | none | 20ft |
| A1 | See sign table E | 12 square ft | none | 15 ft |

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| A2 | See sign table E | 20 square ft | none | 15 ft |
| A3 | See sign table E | 40 square ft | none | 15 ft |

E. SIGN TABLE (TYPES OF SIGNS)

| Sign Type | Zone allowed in | Max Size | Amount (#) per business site | Duration |
|------------------------------------|------------------------|-------------------------------------|---|---|
| A-Frame/Sandwich-style/Portable | all | 12 square feet | 1 | During Operating Hours Only |
| Building Mounted | all | See Sign Table D | NA | Permanent |
| Development/Construction | all | 40 square feet 18 feet height | 1 per entrance | 10 days from the date of the completion of the last sale or leasing of the property |
| Electric/Neon | None | See Section A.3 for exemption. | NA | Permanent |
| Kiosk | all | 80 square feet | NA | Permanent |
| Off-Premise | A2, A3, C1, C2, C3, FI | 30 square ft | Two (2) per business and one (1) total per lot. | Permanent |
| Pylon/Pole/Ground Mounted/Monument | C1, C2, C3, FI | 86 square feet | 1 | Permanent |
| Realty | all | 12 square ft; six (6) ft height max | NA | 10 days after sale/lease completion |
| Signs which are works of art | all | none | NA | Permanent |
| Temporary animated & | all | 20 feet height from ground | NA | 14 days in a calendar year |

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|---|-----|----------------|----|---------|
| wind sign/ windless/waving banner/feather flag | | | | |
| Temporary Event Signs | all | 40 square feet | NA | 14 days |
| Yard Signs | all | NA | NA | NA |

F. The adjacent ground shall not be elevated for purposes of increasing allowable sign height.

G. PERMITTING A sign permit shall be issued in writing, executed by the Town and the owner, and constitutes the agreement by the owner that the sign will be removed if the use or business applicable to the sign is abandoned or ceases for a period in excess of one (1) calendar year, unless otherwise provided in this Section.

H. OFF-PREMISE SIGNS. A business owner shall demonstrate permission from the property owner for an off-premise sign before being issued a sign permit.

I. MAINTENANCE. The sign owner or property owner shall promptly repair or replace any sign that is damaged, defective, or which presents a nuisance or safety hazard to persons or property. If not maintained, sign is prohibited, in accordance with B.9.

J. ENFORCEMENT. Prior to invoking any remedies, the Town shall provide written notice to the property owner identifying the breach or violation(s) and allowing that person thirty (30) days, in which to cure or abate the violation(s).

1. It is unlawful for any person to construct, alter, reconstruct, or maintain any sign that is prohibited by the provisions of this Title.
2. In the event of any violation of this Title that is not cured within thirty (30) days, the Town may:
 - i. Withhold building permits or certificates of occupancy;
 - ii. Obtain an injunction to halt or abate zoning violations or violations of this Title;
 - iii. Impose a civil penalty of one hundred dollars/week (\$100) per violation;
 - iv. Commence an action for damages—including damages for costs incurred in completing, repairing, or abating violations; and/or

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- v. Any other remedies available at law or equity, including the remedy of specific performance. The Town may combine remedies in its discretion and pursue some or all at different times, as may fit the circumstances.
3. To obtain injunctive relief the Town need only prove a violation of this Title; it shall not be required to post a bond as a condition for obtaining injunctive relief.