



February 9, 2024

SENT VIA EMAIL TO PLANNINGZONING@TOWNOFBLUFF.ORG

Amanda Podmore, Chair
Planning and Zoning Commission
Town of Bluff

RE: BUSINESS OWNERS OF BLUFF COMMENTS TO DRAFT SIGN ORDINANCE

Dear Planning and Zoning Commission,

We express our gratitude for the acknowledgement of the significance of signage for the prosperity of local businesses, as highlighted in the Intent and Purpose Section of the proposed Sign Ordinance. Further, we welcome the removal or revision of certain signage restrictions, and we commend the incorporation of Off-Premise signs, and the allowance for an unlimited total signage area. The inclusion of nonconforming signs that run with the land is also duly appreciated. We extend our gratitude for incorporating these modifications into the proposed Sign Ordinance.

Importance of Signage

Online searches, especially mobile, are exceedingly important tools for businesses. However, signage plays a crucial role for wayfinding, or for the visitor who may not be aware of their specific needs. In unfamiliar surroundings, effective signage serves as a guide, directing visitors to discover points of interest, services, and amenities they might not have initially considered. By providing visual cues and information, signage enhances the overall visitor experience, offering a way for individuals to navigate and explore a destination even when they are not actively seeking attractions or services.

Please keep in mind that many of the requests outlined below stem from our concerns about signage visibility along Highway 191, where the speed limit is 40 miles per hour (mph).

An additional concern pertains to signage for businesses established following the incorporation of the Town of bluff. Businesses established before incorporation often possess adequate signage, some of which surpass the proposed sign area of 40 square feet (sq ft). Many of our comments are framed from the standpoint of a new business with limited resources that relies on public awareness for survival. It is our intent to avoid placing new businesses at a disadvantage to older businesses.

The Business Owners of Bluff (BOB) offer the following comments and suggestions to the draft Sign Ordinance.

Definitions

Request:

To enhance clarity and prevent confusion in the future, we propose the inclusion of further terms in the Definitions, specifically: Temporary Signs, Permanent Signs, Portable Signs, Electric Signs, Lot(s), and Yard Signs.

Rationale:

- We are pleased to note the incorporation of additional terms into the Definitions section of the proposed ordinance.
- One of our members possesses a rigid, metal sign affixed to a spring-loaded frame, which may be considered a permanent sign by the business. Clarity in the definition of 'Permanent' becomes crucial in Section C/Nonconforming Signs, where only 'Permanent' signs are eligible for nonconforming status.
- Several BOB members have backlit signs which comply with the Outdoor Lighting Ordinance but could be considered as Electric Signs.
- An additional Definition for addition or clarification is the term 'Lot'. 'Lot' is used in Table E as a parameter to determine the allowable quantity of signs for a business. However, the term 'Lot', used in this way, could be confusing as the premises of a business often occupy several, individual lots.
- To avoid potential misunderstandings, we also recommend a clear definition for 'Yard Signs' to distinguish them from banners.

Maximum Sign Area

Request:

For business properties with a large area or large frontage along Highway 191, members are requesting a sign area larger than 40 sq ft.

Rationale:

- Members request the origin of the 40 sq ft limit for a single sign and request insight into the reasoning or industry standard employed.
- Businesses with large frontage areas may prefer a single sign exceeding 40 sq ft for enhanced aesthetics over multiple 40 sq ft signs.
- If P & Z has not already done so, we suggest an objective approach to derive sign area using standards from the non-profit, research-based United States Sign Council Foundation (USCC). Variables to be considered include speed limit, lanes of traffic, distance from curb, legibility, and number of letters on the sign.

Public Right of Way

Request:

We suggest adding a sentence instructing signs be placed only on-premises, i.e. on a property owner's land, and that it is illegal to place signs in the Right of Way.

Rationale:

- The Town of Bluff's proposed Sign Ordinance states where signs should *not* be placed. We suggest the Right of Way topic be strengthened by adding explicit instructions on where to place signs.
- Our members question whether the Right of Way along state Highway 191 falls under the jurisdiction of the Town of Bluff or the Utah Department of Transportation (UDOT). To clarify this matter, members had a direct conversation with David Mower from UDOT Outdoor Signs (telephone 801-965-4166). According to Mr. Mower, UDOT has jurisdiction over the Right of Way along Highway 191, emphasizing that placing signs in the highway Right of Way is deemed illegal at all times. Further, he conveyed that UDOT possesses the authority to remove any sign placed in the Right of Way as per Utah Code 72-7-104/1 as shown below.

72-7-104 Installations constructed in violation of rules -- Rights of highway authorities to remove or require removal.

(1) If any person, firm, or corporation installs, places, constructs, alters, repairs, or maintains any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, outdoor advertising sign, or any other structure or object of any kind or character within the right-of-way of any highway without complying with this title, the highway authority having jurisdiction over the right-of-way may:

- (a) remove the installation from the right-of-way or require the person, firm, or corporation to remove the installation; or
 - (b) give written notice to the person, firm, or corporation to remove the installation from the right-of-way.
- Using suggestions such as '33 feet from the center of the highway' are misleading as the Highway Right of Way varies throughout Bluff. To illustrate the non-uniformity of the Right of Way, snapshots from Town of Bluff Zoning Maps are shown in Figures 1 and 2 below.

Figure 1. Town of Bluff Zoning Map East Central Bluff

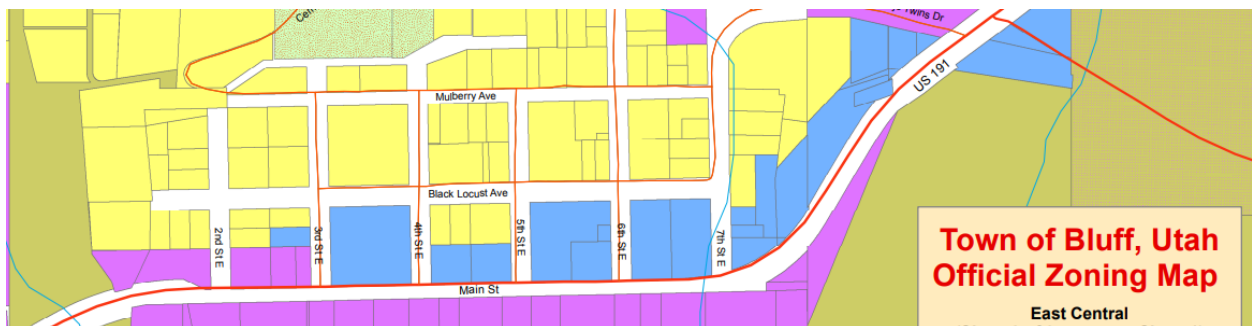
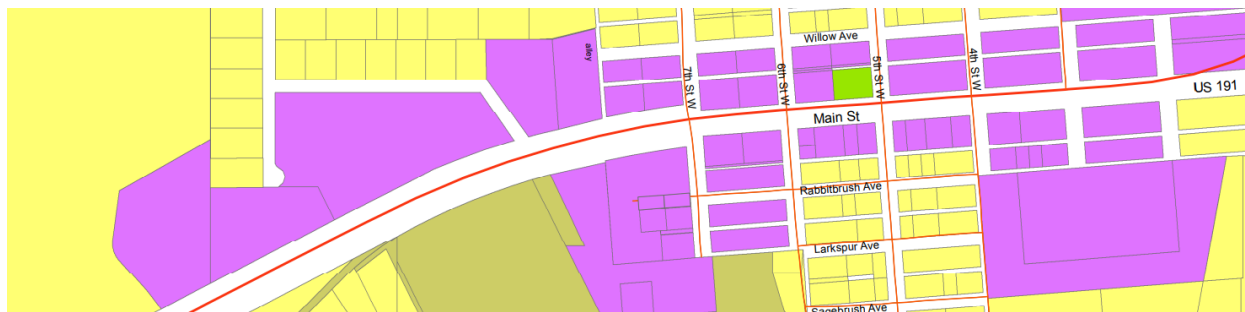


Figure 2. Town of Bluff Zoning Map West Bluff



Prohibited Signs

Request:

We propose allowing moving/waving signs to be used without a time restriction but limiting the number per business or per foot of frontage access, as long as they are well maintained and in good condition.

Rationale:

- We express disappointment with the categorization of moving/waving signs as Prohibited Signs, except for temporary use. Our members view these signs as a cost-effective and efficient means of advertising. Traditional pole-mounted or building-affixed signs entail substantial expenses, including logo development, graphic design, production, and installation, often amounting to thousands of dollars. For new businesses, these costs can be prohibitive at a crucial time when public awareness is essential. In contrast, acquiring a moving/waving sign is a more affordable option, typically costing a few hundred dollars. They are easy to install and serve as an effective way to communicate a business's status or offerings.

Nonconforming Signs

Request:

We request removal of the word 'Permanent' from the Section C description.

Rationale:

- Within Section C, the initial sentence now imposes a restriction, permitting only 'permanent' nonconforming signs existing at the date of the initial approval of the Sign Ordinance. We perceive this as a targeted measure to eliminate the use of Moving/Waving signs currently employed by two large hotels.
- As communicated previously to Planning and Zoning, the moving/waving signs were utilized by these businesses because of the total sign area restriction in the current Zoning Ordinance and the need to promote multiple entities on the property (restaurant, spa, guiding company). The

definition of banners/waving in the current Zoning Ordinance lacked clarity, prompting the businesses to challenge P & Z, leading to a referral to the Town of Bluff's legal counsel for an opinion. The outcome of that opinion remains unknown to us, and if rendered, we request its public disclosure.

- The proposed Sign Ordinance is compelling these businesses, without a legal opinion, to remove these effective and well-maintained signs. This mandate forces the businesses to dismantle a valuable asset, incurring costs. If the hotels desire to continue promoting individual entities on their property, they must bear the expense and inconvenience of designing and constructing a new sign. Notably, these two properties are significant contributors to the Town of Bluff's annual revenues through sales tax, resort tax, municipal transient room tax and property tax.
- We propose a more equitable solution: permitting moving/waving signs to be deemed as nonconforming signs (removing the 'Permanent' requirement) and allowing their continuation if well maintained.

Request:

Please change the text in the sentence in C. Nonconforming Signs to read: "...signs in existence at the date of the initial approval of the standalone Sign Ordinance are allowed."

Rationale:

- This sentence holds significant importance.
- To eliminate any potential confusion, please specify whether the referenced ordinance is the standalone Sign Ordinance currently under consideration or the older Zoning Ordinance that includes sign regulations.

Request:

Please clarify whether a new owner requires a permit to change text or graphics. We propose additional language be added to Section C to state, "The text or graphics on the nonconforming sign can be changed with new sign ownership."

Rationale:

- We appreciate the inclusion of C.2 stating 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."
- Our members are unclear on whether the owner can change sign text or graphics without a permit.

Sign Table E (Types of Signs)

Request:

We request an additional Sign Type be added to Sign Table E and an increase to the area of A-Frame/Sandwich-style Signs. Add 'Rigid Metal Signs on Spring Stands'. Allow 'Rigid Metal Signs on Spring Stands' in all Commercial Zones, 1 per business, a maximum size of 9 sq ft and a Duration of NA.

Rationale:

- One of our members has been using a Rigid Metal Sign on a Spring Stand placed perpendicular to Highway 191 with excellent results. Costs for that sign far exceed the costs of an A-frame sandwich board. Additionally, the sign is sturdy enough that it can be left in position (out of right of way) for an unspecified amount of time.
- We wish to make certain the business' rigid metal sign affixed to a spring platform is included as an appropriate sign. Since 'permanent' is not defined, we are uncertain if a 'rigid metal sign affixed to a spring platform' is considered permanent or not. We suggest adding this type of sign to Sign Table E with the parameters outlined above.

Request:

For 'A-Frame/Sandwich-style Signs', we suggest increasing the Maximum Area to 12 sq ft which would equate to a 3' x 4' sign rather than a 6 sq foot sign (2 x 3' sign).

Rationale:

- A-Frame signs are required to be positioned on the property, potentially within the business' parking area, posing a higher risk of being run over and damaged. Expanding the sign area mitigates the likelihood of sign damage as they are more visible.

Permitting

Request:

We request additional language be added to allow a business with a sign permit to change text and/or graphics without the need to obtain an additional permit.

Rationale:

- For example, Bluff Bakery (an imaginary company) has an approved sign and has received a permit through P & Z's permitting process. If Bluff Bakery wants to revise the text and/or graphics of their sign, does that require another permit? (Change to graphics or text; business ownership remains same)
- If Bluff Bakery is sold to ACME Markets, does ACME Markets need a new permit for a new sign? (Business is sold)

Off-Premise Signs

Request:

For an Off-Premise sign, please clarify responsibilities for obtaining a sign permit.

Rationale:

- In the scenario that follows, Business Owner A wants an off-premise sign. They negotiate an agreement with a property owner and obtain permission for the sign. Business Owner A is then responsible for obtaining a sign permit from P & Z. Business Owner A sells to Business Owner B. Is a new sign permit required?

Request:

Businesses would be allowed two, Off-Premise Signs

Rationale:

- Businesses would be allowed two signs based on east and west entrances to the town. If only one sign is allowed, visitors may pass the business before seeing the sign.

Request:

In C3 zones areas, businesses would be allowed more than 1 sign per property. A minimum distance of 200 feet is required between signs.

Rationale:

- Since the C3 zoned areas are larger properties, more than 1 sign per property may be workable if widely spaced.

Request:

Increase the size limit of Off-Premise Signs from 20 sq ft to 40 sq ft.

Rationale:

- We believe 20 sq ft is too small to be effective along Highway 191 with a speed limit of 40 mph.
- Off-Premise signs will most likely have a line of text for the business name and an additional line of text for a wayfinding message such as 'turn right' or '1 block to the left'.
- We performed a calculation for sign area using a rule of thumb guidance from the United States Sign Council Foundation (USSC). The USSC is a non-profit organization engaged in conducting university-level research and the publication of industry standards. See Attachment 1. Our calculations demonstrate that 20 sq ft is an inadequate size sign area for a sign with 2 lines of text placed on Highway 191 with the 40 mph speed limit.

Yard Signs

Request:

Yard signs featuring political commentary should be restricted from community owned property.

Rationale:

- Areas around community owned property should be neutral zones and not show bias towards a, political view.

In conclusion, we extend our sincere gratitude to the Planning and Zoning Commission for their thoughtful consideration of the proposed changes to the draft Sign Ordinance. Your attention to the concerns and suggestions presented by the Business Owners of Bluff reflects a commitment to fostering a collaborative and thriving business community. We appreciate the open dialogue and look forward to the continued partnership in shaping a regulatory framework that supports both economic growth and community aesthetics. Thank you for your dedication to creating a vibrant and prosperous environment for all stakeholders in Bluff.

Sincerely,



Pamela Yearous
President
Business Owners of Bluff