

## **TOWN OF BLUFF, UTAH ORDINANCE NO. 2024-7-5**

### **An Ordinance Amending Code Provisions Regulating the Placement of Signs**

The following describes the intent and purpose of this ordinance:

- A. To enhance the character of the community and protect viewsheds;
- B. To recognize that signs are critical to the success of local businesses;
- C. To regulate the time, place and manner under which signs are permitted, and not the expression of free speech and ideas; and
- D. To encourage sign design that supports successful wayfinding, conveys new information, and matches the characteristics of the Town;
- E. To integrate sign rules with the Town’s existing Outdoor Lighting Ordinance, Chapter 6.60; and
- F. To create clear and reasonable rules for business owners and the public.

Section 6.01.140, Signs, in the Town of Bluff Zoning Ordinance is hereby repealed and the following is enacted.

### **Chapter 6.61 SIGNS**

#### **6.61.010 DEFINITIONS**

- A. Words used in this Chapter are defined as follows.
  - 1. 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.

2. BULLETIN BOARD. A surface or structure intended for the posting of public messages.
3. DEVICE/SIGN STRUCTURE. A piece of mechanical or electronic structure that supports or is designed to support a sign.
4. ELECTRIC SIGN. Electric signs that are designed to be visible at night or in low-light conditions. Electric signs use various methods of illumination, including LEDs or incandescent bulbs.
5. FLAG. Means a piece of cloth or similar material conveying information attachable by one edge to a pole or rope.
6. FREE STANDING SIGN. A sign supported permanently upon the ground by poles, pylons, braces, or a solid base and not attached to any building.
7. 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.
8. KIOSK. A free standing informational, educational, or directional permanent sign for the public that is affixed to the ground.
9. LOT. A surveyed and bounded plot of land that is defined by a legal record or survey map.
10. 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.

11. GOVERNMENTAL SIGN. A sign erected or placed by a governmental agency to demarcate government facilities, boundaries, traffic control, or public functions.
12. MURAL. Means a graphic depiction attached to a wall for purposes of artistic expression, and not for business or commercial purposes.
13. NONCONFORMING SIGN. A sign that was lawfully erected and which does not conform to current sign ordinances.
14. OFF-PREMISE SIGN. A sign that advertises an activity, service, event, person, or business that is located on a lot other than the lot on which the activity, service, event, person, or business is located. Utah Department of Transportation (UDOT) Tourist Oriented Directional (TOD) signs are excluded from this definition.
15. PERMANENT SIGN. A sign constructed of durable materials and permanently affixed to the ground, a building, or other structure.
16. TEMPORARY SIGN. Means a sign that is: i) not permanently affixed to the ground, a building, or other structure, including any sign that rests upon the ground, a frame, a building, or other structure or item; and ii) intended to advertise a transitory event, business, cause, or purpose.
17. PUBLIC RIGHT OF WAY. Public right-of-way means the area on, below, or above a public road, highway, street, public sidewalk, alley, waterway, or easement in which a federal, state, or local government has an interest.
18. SIGN. Means any lettered, numbered, symbolic, pictorial, illuminated, statue, or similar device or display which is visible from a public right of way and designed or intended

to advertise, identify, or convey information, or direct or attract attention to a product, place, activity, person, institution, or business. The term “sign” includes banners, pennants, streamers, balloons, moving mechanisms, and/or lights intended to direct attention in the same manner, regardless of whether the device includes text or graphics.

#### **6.61.20 SIGN PERMITTING**

- A. Unless exempt, all signs are subject to review and approval by the Bluff Planning and Zoning Commission, either individually through the issuance of a sign permit, or in conjunction with other development review.
- B. To ensure compliance with this Chapter, a sign permit must be issued prior to the installation, reconstruction, alteration, or replacement of any sign subject to regulation under this Chapter. Persons wishing to obtain a sign permit shall submit the permit application on the form adopted by the Town and pay a permitting fee upon submission of the application. The sign permit fee is waived if the review of sign(s) is done in conjunction with another development application (e.g. a subdivision, site plan, or similar zoning review). All sign permit applications must be complete and accurately describe the sign(s) in question.
- C. A sign permit application will be reviewed for completeness. If the application is deemed incomplete the Town will promptly notify the applicant and explain the deficiency. Incomplete applications are not subject to further review until the deficiency is cured. When the application is complete it shall be reviewed by the Planning and Zoning Commission, which may approve the application, deny the application, or approve the application subject to conditions. Decisions on sign

application shall be issued in writing, signed, and dated by the Commission. If an application is denied, the Commission shall explain its reasons for the denial.

D. The Planning and Zoning Commission will utilize the following review criteria in evaluating a sign permit or other application subject to this Chapter:

1. Whether the application shows compliance with all applicable requirements of this Chapter and applicable construction codes or other ordinances of the Town;
2. Whether the proposed sign(s) is/are situated or constructed in such a manner so as to present unreasonable negative impact(s) on adjacent (or nearby) residential or business properties including, but not limited to: excessive lighting, obstructing business views or access, obstructing other signage, impairment of solar access, or other adverse impacts;
3. Whether the sign would constitute a public safety hazard; or
4. Whether the proposed sign(s) would cause an excessive concentration of signage in a particular property or area of the Town.

Upon approval, the applicant is responsible for obtaining a building permit and constructing the sign(s) in conformity with all terms and conditions of approval and all applicable Town ordinances and construction codes.

#### **6.61.030 EXEMPTIONS**

A. The following signs are exempt from a sign permit as long they meet the requirements of this Chapter :

1. In residential or agricultural zoning districts, non-electric signs that are twelve (12) square feet or less in area and which are constructed in a manner consistent with this Chapter.
2. Illuminated Window Signage, provided that all such signage complies with the outdoor lighting ordinance, Section 6.60.070(F)
3. Governmental signs.
4. Holiday decorations or displays of any type.
5. Murals or other works of art that have no commercial or business purpose.

#### **6.61.040 PROHIBITED SIGNS**

1. A. The following signs are prohibited in all zoning districts within the Town. Signs that interfere with governmental signs, public traffic safety signs, traffic signals, or which otherwise obstruct a driver's view of approaching or merging traffic or pedestrians.
2. Signs that encroach upon or overhang any public right-of-way, or which are attached, affixed, or applied to any utility pole, lighting pole, tree, rock, or natural feature.
3. Signs that blink, flash, have moving text or images (or the appearance of same), or which have electronically modifiable text or images—including video, electronically variable messaging, mechanically or electronically activated lighting, or the like.
4. Moving figures, inflatable figures, or advertising balloons.
5. Signs that exceed the dimensional, lighting, or other requirements of this Chapter or other applicable law.
6. Signs that are broken, damaged, or which are a safety hazard to persons or property.
7. Signs that are noncompliant with the Outdoor Lighting Ordinance.

## **6.61.050 NON-CONFORMING SIGNS**

A. Permanent nonconforming signs in existence as of the effective date of this Chapter are allowed to continue, subject to the requirements of this Section.

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 one (1) year or more. 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; allowed to collapse or become structurally unsound; iii) allowed to deteriorate such that it is rendered unreadable; or iv) advertises a product or business that is no longer in existence.
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 to a nonconforming sign, all changes shall be performed in compliance with applicable construction codes. .
4. If a nonconforming sign is destroyed or damaged by fire, flood, weather, collision, or other calamity it may be restored to a condition substantially identical to that existing prior to the damage event. Restoration must be completed within one (1) year from the date of the damage event.

**6.61.060 SIGN REGULATION BY ZONE, TABLE A**

<b>Zone</b>	<b>Sign Type</b>	<b>Max size per sign (square ft)</b>	<b>Maximum total square footage of all signs (per lot)</b>	<b>Max Height from ground (ft)</b>
R	Up to two types from table B	Twelve (12) square ft	Twenty-four square feet	8 ft
C1	See sign table B	Eighty-six square ft	none	20 ft
C2	See sign table B	Eighty-six square ft	none	20 ft
C3	See sign table B	Eighty-six square ft	none	20 ft
FI	See sign table B	Forty square ft	none	20 ft
A1	See sign table B	Twelve square ft	none	15 ft
A2	See sign table B	Twenty square ft	none	15 ft
A3	See sign table B	Forty square ft	none	15 ft

**TYPES OF SIGNS, TABLE B**

<b>Sign Type</b>	<b>Zone allowed in</b>	<b>Max Size</b>	<b>Amount (#) per business site</b>	<b>Duration</b>
A-Frame/Sandwich-style/Portable	all	Twelve (12) square ft	Two (2)	During Operating Hours Only
Building Mounted	all	See Sign Table A	NA	Permanent
Bulletin Board	all	Forty (40) square ft	N/A	Permanent
Neon	None, except as exempted in Section 030(A)(2)	See Section 030(A)(2) for exemption.	NA	Permanent
Kiosk	all	Eighty-six (86) square ft	NA	Permanent
Off-Premises	A2, A3, C1, C2, C3, FI	Thirty-two (32) square ft	Two (2) per business and one (1) total per lot.	Permanent



Pylon/Pole/ Ground Mounted/ Monument	C1, C2, C3, FI	Eighty-six (86) square ft	One (1)	Permanent
Wind sign/ windless/waving banner/feather flag	all	Twenty (20) square ft	Four (4)	Permanent

C. Ground elevation shall not be increased for purposes of evading any sign height requirement.

**6.61.070 GENERAL PROVISIONS**

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

B. MAINTENANCE. The sign owner or property owner shall repair or replace any sign that is damaged, defective, or which presents a safety hazard to persons or property.

**6.61.080 ENFORCEMENT**

A. Prior to invoking any remedies, the Town shall provide written notice to the property owner and/or lessee (if applicable) identifying the breach or violation(s). Within thirty (30) days of the date of written notice, the sign owner shall 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 Chapter.
2. In the event of any violation of this Chapter that is not cured within thirty (30) days, the Town may:
  - a. Withhold Land Use Clearances, building permits, or certificates of occupancy;

- b. Obtain an injunction to halt or abate zoning violations or violations of this Title;
  - c. Impose a civil penalty of one hundred dollars (\$100) per week, per violation;
  - d. Any other remedies available at law or equity, including the remedy of specific performance. The Town may combine remedies at its discretion and pursue some or all at different times, as may fit the circumstances. In any enforcement action the Town may recover its reasonable attorney fees and court costs, in addition to any other relief specified in this Chapter or available at law.
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.

This ordinance shall take effect immediately upon adoption.

APPROVED BY THE BLUFF TOWN COUNCIL AT A DULY NOTICED PUBLIC MEETING ON THIS 7th DAY OF MAY, 2024 BY THE FOLLOWING VOTE:

	Yes	No	Abstain	Absent
Mayor Ann Leppanen	<u>X</u>	_____	_____	_____
Mayor Pro-tem Britt Hornsby	<u>X</u>	_____	_____	_____
Town Council Member Davila	<u>X</u>	_____	_____	_____
Town Council Member Hook	<u>X</u>	_____	_____	_____
Town Council Member Sosa	<u>X</u>	_____	_____	_____

Mayor:   
 Mayor Ann K. Leppanen

Attest:   
 Town Recorder Linda Sosa