

CITY OF BLUFFDALE, UTAH

ORDINANCE NO. 2015-13

AN ORDINANCE AMENDING SECTIONS 11-2 and 11-22 OF TITLE 11 OF THE BLUFFDALE CITY CODE IN ORDER TO REVISE STANDARDS FOR NON-APPURTENENT ADVERTISING STRUCTURES

WHEREAS the City of Bluffdale Land Use Ordinance provides for standards for various types of signs and outdoor advertising;

WHEREAS the proposed ordinance provides opportunities for billboard owners to update their illumination technology and make their existing signs more visible to the travelling public; and

WHEREAS the proposed text amendments set forth herein have been reviewed by the Planning Commission and the City Council, and all appropriate public hearings have been held and public notice given in accordance with Utah law and local ordinance to obtain public comment regarding the proposed amendments to the Land Use Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH:

Section 1. Text Amendments. The City Council hereby adopts the following amendments to Title 11 of the Bluffdale City Code, as indicated in the attached Exhibit 'A'. (All parts of these sections and subsections not specifically listed shall remain unaffected).

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall take effect upon recording in the office of the City Recorder, publication, posting, or thirty (30) days after passage, whichever occurs first.

APPROVED, ADOPTED AND PASSED and ordered published by the Bluffdale City Council, this 28th Day of October, 2015.

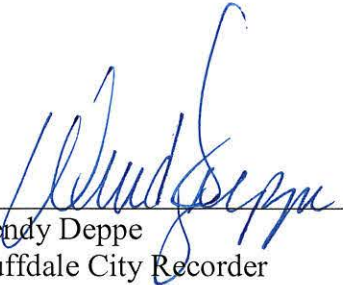
CITY OF BLUFFDALE



Mayor

ATTEST:





Wendy Deppe
Bluffdale City Recorder

Council members

Voting:

	AYE	NAY
Alan Jackson	X	_____
Bruce Kartchner	_____	X
Mark Lemery	_____	X
Ty Nielsen	X	_____
Justin Westwood	X	_____

Exhibit A. Bluffdale City Code, Amendment Request

Amend Section 11-2-2 to read as follows (new language is underlined):

...

SIGN, ELECTRONIC DISPLAY (EDS): Any nonappurtenant advertising structure, or portion thereof, that displays electronic images, graphics or pictures, with or without textual information. Such a nonappurtenant advertising structure has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights, including light emitting diodes (LEDs), fiber optics, plasma displays, light bulbs, or other illumination devices within the display area where the message is displayed. Electronic display signs include computer programmable, microprocessor controlled electronic or digital displays.

...

SIGN, NONAPPURTENANT: Any sign which advertises products, services or business establishments which are not located, conducted, manufactured or sold upon the same premises upon which the sign is erected.

SIGN, NONAPPURTENANT ADVERTISING STRUCTURE (BILLBOARD): A Nonappurtenant Sign, commonly referred to as a billboard, that is mounted or otherwise affixed to a pylon or other support structure.

SIGN, NONCONFORMING: Any sign or nonappurtenant advertising structure ~~or sign~~ which was lawfully erected and maintained prior to such time as it came within the purview ~~preview~~ of this chapter, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter.

...

Amend Section 11-22-14 to read as follows (new language is underlined):

11-22-14: NONAPPURTENANT ~~OUTDOOR~~ ADVERTISING STRUCTURES (BILLBOARDS):

Nonappurtenant advertising structures (billboards) shall be permitted ~~along~~ within 350 450 feet of the nearest edge of the Interstate I-15 right of way in the light industrial (I-1) zone and shall be erected and maintained only in conformance with the following provisions:

- A. ~~Minimum~~ Maximum Area: Each nonappurtenant ~~outdoor~~-advertising structure shall may have a maximum area of six hundred seventy five (675) square feet per face.
- B. Maximum Height: Notwithstanding any contrary provisions in this chapter, nonappurtenant Aadvertising structures, including nonconforming nonappurtenant advertising structures, shall may have a maximum height of thirty five feet (35') measured from the surface of the nearest traveled lane of the adjacent public street, or of the nearest travelled lane of Interstate 15 if the nonappurtenant advertising structures is within four hundred and fifty feet (450') of the Interstate 15 right of way, whichever is greater.

C. Location: All such nonappurtenant advertising structures shall be located behind the line of the required front yard setback of the zone in which it is located and a minimum of four hundred feet (400') from the nearest residential zone. The nonappurtenant advertising structures shall also be spaced with a minimum of one thousand feet (1,000') maintained between each nonappurtenant advertising structure measured in any direction.

D. Number Of Sign Faces Permitted: Each nonappurtenant ~~sign or outdoor~~ advertising structure shall be limited to one sign face, except that two (2) sign faces may be permitted when said faces are mounted back to back with the faces in parallel planes at distances not exceeding four feet (4') apart; or that two (2) sign faces may also be permitted when the faces are mounted in a "V" configuration, when said faces are attached on one end and have a maximum distance of thirty feet (30') apart at the other end. Two (2) sign faces may also be permitted if the total area of two (2) is not greater than the maximum area for one face, if both faces were originally erected together. (Ord. 10-24-00-1, 10-24-2000)

E. Materials And Construction: All nonappurtenant ~~signs and outdoor~~ advertising structures shall be constructed of materials prescribed by the international building code, and construction techniques shall be approved by the building official. All said nonappurtenant ~~signs and outdoor~~ advertising structures must be issued a building permit prior to construction. (Ord. 10-24-00-1, 10-24-2000; amd. 2013 Code)

F. Maintenance: The owner or persons in control ~~of any sign~~ shall be responsible for maintaining such ~~signs~~ nonappurtenant advertising structures, including border, trims, faces, weight bearing and bracing structures, and surrounding grounds or environment in a litter free and safe manner. Signs shall not be allowed to deteriorate and must be repaired or removed. (Ord. 10-24-00-1, 10-24-2000)

G. Upgrade of Nonappurtenant Advertising Structures: Notwithstanding any contrary provisions in this chapter, a nonappurtenant advertising structure, including a nonconforming, nonappurtenant advertising structure, may be modified to include an electronic display. Upgrade to an electronic display shall not affect a nonconforming, nonappurtenant advertising structure's status as a nonconforming use or a nonconforming structure.

1. The applicant must submit a complete building permit application in accordance with section 11-22-4(A).
2. The nonappurtenant advertising structure must be located within 450 feet of the nearest edge of the I-15 right of way and located no closer than 1,000 feet from another nonappurtenant advertising structure with an electronic display oriented to the same direction of traffic on I-15.
3. A nonappurtenant advertising structure located within a zoning district that allows residential uses shall not be upgraded to include an electronic display.
4. Upgrade to an electronic display sign may not increase a nonappurtenant advertising structure's size of its display area.

5. The electronic display may occupy the entire display area of the sign.
6. The electronic display may use any method of illumination identified in section 11-2-2, or a similar technology approved by the Zoning Administrator.
7. All electronic display signs shall comply with the following illumination requirements:
 - a. All electronic display signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements set forth in Section 11-22-14(G)(7)(b). In addition, electronic display signs must have a default mechanism to hold constant static image or turn off the sign within twenty- four (24) hours of a reported malfunction that causes the display to violate these illumination requirements.
 - b. Sign illumination levels for electronic display signs shall never operate at a brightness intensity to exceed 0.3 footcandles over ambient lighting conditions when measured at the distance set forth in Section 11-22-14(G)(7)(e). Light cutoff devices shall minimize light above the sign.
 - c. The illuminance of an electronic display sign shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the electronic display signs off, and again with the electronic display sign displaying a white image for a full color capable electronic display sign, or a solid message for a single color electronic display sign. All measurements shall be taken perpendicular to the face of the electronic display sign at the distance determined by the total square footage of the electronic display sign, as set forth in Section 11-22-14(G)(7)(e).
 - d. The application shall include a written certification from the sign manufacturer, showing that the electronic display sign is properly equipped and will be configured upon installation to meet the requirements of this Section 11-22-14(G)(7).
 - e. Measurement Distance for electronic display signs.

<u>Area of Sign (sq. ft.)</u>	<u>Measurement Distance (ft.)</u>
<u>0 – 100</u>	<u>100</u>
<u>101 – 350</u>	<u>150</u>
<u>351 – 650</u>	<u>200</u>
<u>Over 650</u>	<u>250</u>

8. The interval between message changes on an electronic display shall not be more frequent than eight seconds and the actual message rotation process must be accomplished in one second or less.

9. Electronic display sign faces which contain, include, or are illuminated by any flashing, intermittent, full motion video, 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, are prohibited.
10. The text, images and graphics of the electronic display sign shall be static and complete within themselves, without continuation in content to the next image or message, or to any other sign.
11. Any sign face upgraded under this subsection that is located within three hundred fifty feet, measured from the electronic display face to a residential dwelling, hotel, motel, hospital, or similar commercial or institutional facility where overnight or transient lodging occurs, and oriented toward a legally occupied residential dwelling, hotel, motel, hospital, or similar commercial or institutional facility where overnight or transient lodging occurs, shall be required to adhere to the curfew described below:
 - a. If a nonappurtenant advertising structure with an electronic display face is within three hundred fifty feet of a legally occupied dwelling, hotel, motel, hospital, or similar commercial or institutional facility where overnight or transient lodging occurs that is within a forty-five-degree radius area measured from the center point of the electronic display face, then this electronic display face shall display only one static illuminated message nightly from eleven p.m. until six a.m.;
 - b. If a nonappurtenant advertising structure with an electronic display face is within one hundred fifty feet of a legally occupied dwelling, hotel, motel, hospital, or similar commercial or institutional facility where overnight or transient lodging occurs that is within a ninety-degree radius area measured from the center point of the electronic display face, then this electronic display face shall be shut off nightly from eleven p.m. until six a.m.; and
 - c. The curfew conditions set forth in Sections 11-22-14(C)(12) are not applicable if the message displayed is an emergency public safety warning or alert, such as an AMBER Alert.
12. This Section 11-22-14(G) does not authorize the location of a new nonappurtenant advertising structure in a location not permitted or allowed under the existing and applicable ordinances.