

ORDINANCE NO. 2020-30

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING MULTIPLE SECTIONS IN THE HIGHLAND CITY DEVELOPMENT CODE RELATING TO TEMPORARY SIGNS AS SHOWN IN FILENAME TA-20-06.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Commission held a public hearing on this Ordinance on March 24, 2020 and

WHEREAS, the City Council held a public hearing on this Ordinance on April 21, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1. AMENDMENT "3-702 Sign Permit Required" of the Highland Development Code is hereby *amended* as follows:

1. It is unlawful to erect or remodel any sign upon or over public or private property within the City **except in compliance with this Article.**
2. Any person who desires to erect or remodel any sign within the City shall first **until an application for** apply for a sign permit **therefore has been obtained** from the Zoning Administrator and pay all appropriate fees for the permit, **have been paid,** unless this sign is specifically exempted from the permitting requirements under subsection 5.
3. All applications for **such** a sign permit shall be on such forms as established by the Zoning Administrator and shall include a detailed and appropriately scaled site plan, elevations, and drawing(s) showing the location, size, and details of the sign, **property, building, and appropriate supports (and/or footings).; proof of current Highland City business license; business address and phone number; address and phone number of property owner and the license information, phone number, and address of the contractor(s) who will install the sign**
4. All commercial signs shall require a licensed sign contractor to install the sign as per state law. This does not apply to temporary grand opening or promotional signs which have received a permit and approval from Highland City. Any sign which requires an electrical connection must have the Building Inspector's signature on the permit and receive an electrical inspection from the Building Inspector. A sign permit is not required for real estate signs as defined in this Code, Section 3-706.
5. The following signs are exempt from the permitting requirements described above but must otherwise comply with all provisions set forth in this Code:
 - a. Real Estate Signs;
 - b. Residential signs that identify the occupant's name and the property address;
 - c. "No Solicitation" signs;
 - d. Political Signs.

~~1. Additional information required for a sign permit shall include: proof of current Highland City business license; business address and phone number; address of property owner and phone number; general or electrical contractor license, phone and address (if applicable); square footage of the sign, sealed drawing of elevations and site plan of building, sign, and sign location.~~

SECTION 2. AMENDMENT “3-703 Penalty For Installing A Sign Without A Permit” of the Highland Development Code is hereby *amended* as follows:

Signs for which a permit is required that are installed or maintained without a permit will be required to be removed and may be charged a penalty fee of \$100, or a double sign permit fee, whichever is greater. The fee will be assessed at the time the owner/operator of the sign makes application for a sign permit with the Community Development Department. If the applicant does not apply for a sign permit, and a permit is required, then the sign will be removed by the Zoning Administrator and a minimum penalty fee of \$100 will be assessed to the property owner. Damages incurring with the enforcement of this ordinance shall be the responsibility of the sign owner.

SECTION 3. AMENDMENT “3-704 Safety And Locations For Signs” of the Highland Development Code is hereby *amended* as follows:

1. No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.
2. No sign shall be erected at any intersection improved for vehicular traffic, within a triangular area on each corner of the intersection formed by the property lines at points on each property line 40 feet from the intersection of the property lines (within the traffic safety sight area).
3. No sign shall be erected or maintained which has less horizontal or vertical clearance from any communication or electric power line than that prescribed by the laws of the state of Utah or any other applicable law, regulation or ordinance.
4. No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public driveway or right-of-way. In no case shall a sign be erected in such a manner that any portion of the sign or its support will extend within or over a public or private walkway or public driveway that endangers the health, safety, or welfare of the public or exceeds the maximum height of the zone it is located in.
5. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the Building Code or as otherwise determined to be safe by the Building Inspector.
6. Wall signs for shopping centers or office buildings may only be placed within a designated sign area usually designed as a band or area above the entrance or entrances for each business.
7. Signs shall be designed to provide an un-obstructed clear view of the public right-of-way to any pedestrians, bicyclists, or motor vehicles.
8. No signs shall be permitted to be erected or maintained on public property except for the following signs:

- a. Political signs in a park strip fronting on private property, subject to the private property owner's permission;
- b. Signs exempt from the requirements of this chapter under Section 3-714(1).

SECTION 4. AMENDMENT “3-706 Signs In Residential And Agricultural Zones” of the Highland Development Code is hereby *amended* as follows:

Commercial signs in residential zones are prohibited except as outlined in this Section. In addition to any other permitted sign or signs, signs for special purposes set forth in this Section shall be permitted as provided herein:

1. A sign may be erected to advertise the individual sale, rent, or lease of property on which the sign is located and shall not exceed an area of six square feet or six feet in height. One additional sign may be allowed on property with multiple frontages on a public street and shall not exceed six square feet or six feet in height.
2. One name plate or marker, not to exceed two square feet in area, shall be allowed for each dwelling to indicate only the occupant’s name **and the property address**. Said name plate shall not contain an occupational designation, except that the nameplate or marker may include an occupational designation if the home occupation permit has been issued for the premises pursuant to Section 3-620.
3. **One "No Solicitation" sign, not to exceed two square feet in area, shall be allowed in accordance with Municipal Code Section 5.16.170.**
4. One development-promotional sign may be placed on the premises of each subdivision having five or more lots or dwelling units to advertise the sale of new lots within a new subdivision. A real estate development-promotional sign shall require a sign permit. Said sign may have an area of up to a maximum of thirty-two (32) square feet in size, a maximum of eight (8) feet in height (12 feet maximum height including four (4) additional feet for the support structure), and a minimum setback of thirty (30) feet from an existing right-of-way. An approved development sign may continue in service, if properly maintained, from the date of the sign permit approval to the shorter of:
 1. Two years, or
 2. Until eighty percent (80%) of the lots offered for sale are sold one time.
 3. Said sign shall be removed immediately following its expiration period. Signs that are not removed per these requirements shall be in violation of this chapter and shall be subject to Section 3-713 and 3-714 of this Code.
5. If the original development sign becomes dilapidated or not maintained at a high standard it shall be required to be removed prior to the allotted time period. A new sign may be installed after obtaining an additional sign permit for the new sign which may continue for the time period which existed with the original development sign.
6. Each model home sign shall be allowed within the immediate front yard with a maximum size of sixteen (16) square feet with a height from ground level not to exceed 10’ and shall not be located any closer to any right-of-way than it’s height from grade. No model home shall display banners, vendors, flags, or balloons.
7. Violation. Signs that are not removed prior to the expiration date of the model home shall be in violation of this chapter and shall be subject to Section 3-713 and 3-714 of this Code.

8. Funeral Homes. Funeral Homes adjacent to an arterial street are permitted one unlit monument sign not to exceed four feet in height and twenty square feet in size per sign. Said sign shall include a one foot base of rock or brick consistent in design and material to the building and shall be landscaped in accordance with Section 3-709.5.

SECTION 5. AMENDMENT “3-712 Temporary Signs” of the Highland Development Code is hereby *amended* as follows:

This Section shall require a temporary sign permit application and provides for commercial and retail establishments an opportunity to temporarily advertise on special occasions only ~~(ex: holidays, clearance sales, daily menus B-restaurant establishments only, grand openings, etc.)~~. A temporary sign shall not be permitted to advertise specific items (ex: roses, beer, gas, soda, etc.). A person or business applying for a temporary sign, **other than a temporary garage sale or yard sale sign for the property within a residential or agricultural zone**, must possess a current business license within Highland City. Temporary signs that are not permitted as defined in this Section are specifically not permitted within Highland City. Temporary signs that may be applied for are used exclusively for:

1. Temporary Grand Opening Signs. A person may obtain a permit for a Temporary grand opening sign upon approval of the Zoning Administrator for a specific period of time not to exceed 60 days. It shall be the responsibility of the applicant to first obtain a permit for such a sign and to remove the same sign after expiration of the term of the permit. Temporary Grand Opening signs shall only be available one time per business or change in ownership.
2. Temporary Promotional Signs. Temporary promotional signs may be permitted upon approval of the Zoning Administrator for a specific period of time not to exceed six (6) days (Monday B Saturday). Temporary promotional signs shall only be placed in a location specified by the City Council (ex: part of the allotted window front, directly in front of leased space and within 10 feet of the entrance, etc.). It shall be the responsibility of the applicant to first obtain a permit for such a sign and to remove the same sign after expiration of the term of the permit. Temporary signs shall only be available B five (5) - times per year per business. Unless otherwise specified within this code only the following list of temporary signs shall be permitted and all others shall be specifically not permitted:
 - a. Banner Signs. Banner signs not to exceed twenty-four (24) square feet in size. Banner signs shall only be permitted to be placed within the approved banner supports or on the building within the leased space of the business of which the sign is associated as designated by the City Council. A banner sign may not be attached in any way to a significant supporting structure (columns), significant architectural feature, or above an eave, parapet or roof line of a building.
 - b. A-frame Signs. A-frame signs must be placed within fifteen (15) feet from the primary entrance for the business advertising on it. A-frame signs may not exceed 48” in height and 36” in width. A-frame signs may not be placed in a manner that would impede pedestrian or vehicular access.

3. Temporary Agricultural Signs: designated to be displayed no longer than forty-five days.
 - a. A temporary agricultural sign shall be no larger in area than sixteen square feet and stand no higher than ten feet from the ground.
 - b. These signs shall not be placed within any road right-of-way, shall not obstruct the view of vehicular traffic or pedestrians, shall not be placed on any traffic regulatory sign, and shall not be lighted.
 - c. These signs shall advertise only produce, fruit, livestock or other crops produced in Highland City.
 - d. Temporary agricultural signs shall be exempt from requirement of sign permit and fee; however, failure to comply with above regulations shall constitute littering, punishable as a misdemeanor. All nonconforming signs shall be removed at the expense of the person or persons responsible for their erection. If no person can be found it shall be assumed the person at the location advertised shall be responsible.
4. One temporary "A-frame" sign not to exceed 32" x 48" may be permitted for a model home. The sign shall be placed behind the sidewalk on model home private property and only displayed while the realtor of the model home is present to let passers-by know they are open.
5. Temporary Garage Sale or Yard Sale Signs. (Amended 11/15/05)
 - a. Garage sale or yard sale signs shall not exceed six (6) square feet in area and shall stand no higher than six (6) feet from the ground, shall not be lighted, shall not be placed in any road right-of-way, shall not obstruct view of vehicular traffic or pedestrians, or shall not be placed on any traffic sign or utility pole.
 - b. Garage sale or yard sale signs shall only be displayed for a period not to exceed 48 hours.
 - c. Garage sale signs shall require a temporary sign permit. (Amended 11/15/05)
 - d. Temporary garage sale or yard sale sign permits shall be available five (5) times per year.
 - e. Garage or yard sale signs shall only be placed on property where the garage sale is occurring.
 - f. Off-site directional signs for garage or yard sales are specifically prohibited with exception to specific "community announcement" locations as approved by the Highland City Council.
6. ~~Political Signs.~~
 - a. ~~Political signs are allowed in all zoning districts.~~
 - b. ~~The maximum sign area shall be thirty two (32) square feet and the maximum height shall be eight (8) feet.~~
 - c. ~~Political signs shall not be displayed more than forty (45) days prior to the date of the election to which they refer.~~
 - d. ~~Political signs shall be removed not later than seven (7) days after the date of the election to which they refer. This shall not prevent a sign displayed for a primary election to remain if the candidate is part of a subsequent run-off election.~~
 - e. ~~Political signs shall not be permitted in the park strips directly in front of the home without the home owners permission. Signs may be taken down by home owners.~~
 - f. ~~Political signs shall not be permitted in the clear vision triangle.~~

SECTION 6. AMENDMENT “3-713 Non-Conforming Signs” of the Highland Development Code is hereby *amended* as follows:

Any lawfully erected sign which has become unlawful by passage of this chapter may continue to be maintained under the following conditions:

1. The sign shall not be changed to or replaced by another nonconforming sign.
2. No alterations shall be made to such sign which would prolong the life of the sign or which would alter the shape, size, type or design of the sign. No alteration or restoration of any sign to prolong its life or usefulness shall be made.
3. No such sign shall be re-established after the activity, business or usage to which it relates has been discontinued for thirty days or longer.
4. No such sign shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty percent of the reproduction cost.
5. The property owner shall have the burden of establishing that the sign was originally erected in conformance with governing law, in accordance with Chapter 3, Article 2 of this Code.

SECTION 7. AMENDMENT “3-714 Exceptions” of the Highland Development Code is hereby *amended* as follows:

1. This Chapter shall have no application to signs used exclusively for:
 - a. The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
 - b. Directional, warning, or information signs of a public nature, directed and maintained by a public authority or public utility.
 - c. Any sign of a non-commercial nature when used to protect the health, safety or welfare of the public.
 - d. Any flag, pennant, or insignia of any nation, state, city, or other political subdivision.
 - e. Any sign legally mandated by state, federal, or municipal law.
 - f. Any temporary sign of a non-commercial nature which is displayed for addressing community events or community groups for the purpose of announcing special events which may benefit the community as a whole. Temporary community event signs shall only be placed in areas designated by the city for such purposes and be approved by the City Zoning Administrator. These signs will be identified by an attached label indicating when the sign shall be removed.
 - g. Monument signs may be installed within public property identifying public points of interest (parks, library, City Hall, etc.) by Highland City.
2. Political Signs shall be permitted as follows:
 - a. Political signs are allowed in all zoning districts.
 - b. The maximum sign area for any political sign shall be thirty-two (32) square feet and the maximum height shall be eight (8) feet.

- c. Political signs are not permitted on private property or in a park strip fronting on private property without the private property owner's permission. Signs may be taken down by the private property owner.
- d. Political signs shall not be permitted in the clear vision triangle.

SECTION 8: AMENDMENT "3-718 Signs" of the Highland Development Code is hereby *amended* as follows:

- 39. Sign, Political, ~~Campaign or Election. A sign that advertises a candidate or issue to be voted upon on a definite election day, a sign relating to a candidate, political party, ballot issue, or other political issue to be voted upon in any public election, or~~ A sign relating to the expression or communication of constitutionally protected speech, other than commercial speech, and excluding any permitted billboard.
- 50. Sign, Temporary Garage or Yard Sale. Means a sign placed to advertise a garage or yard sale of items owned and being sold by the family or neighborhood at the place shown on said sign. ~~Does not include any sign that indicates the presence or operation of a home occupation or other commercial activity. Said place shall be within the city of Highland, Utah.~~

SECTION 9: That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

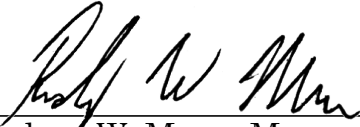
SECTION 10: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 11: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 12: EFFECTIVE DATE This Ordinance shall be in full force and effect from September 15, 2020, or after the required approval and publication according to law, whichever is later.

PASSED AND ADOPTED by the Highland City Council, September 15, 2020

HIGHLAND CITY, UTAH



Rodney W. Mann, Mayor

ATTEST:



Stephanie Cottle, City Recorder



COUNCILMEMBER	YES	NO
Timothy A. Ball	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Brittney P. Bills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kurt Ostler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L.Smith	<input type="checkbox"/>	<input checked="" type="checkbox"/>