

1. October 3, 2018 Planning Commission Agenda

Documents:

[100318.PCWM.PDF](#)

2. October 3, 2018 Packets

Documents:

[ITEM A1 - TRANSIENT LODGING REGULATION REVISIONS.PDF](#)

[ITEM A2 - SIGN ORDINANCE REVISIONS.PDF](#)

[ITEM A3 - HOLIDAY LIGHTING REVISIONS.PDF](#)



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**PLANNING COMMISSION NOTICE AND AGENDA**  
**THE SPRINGDALE PLANNING COMMISSION WILL HOLD A WORK MEETING ON**  
**WEDNESDAY, OCTOBER 3, 2018**  
**AT SPRINGDALE TOWN HALL, 118 LION BLVD., SPRINGDALE, UTAH**  
**THE MEETING WILL BEGIN AT 5:00PM.**

**Approval of the agenda**

**Commission discussion and announcements**

**A. Discussion/Non-action Items**

1. Continued discussion of revisions to transient lodging regulations
2. Discussion of changes to section 10-24 regulating sign standards
3. Discussion of changes to section 10-15C pertaining to holiday lighting dates

**B. Adjourn**

This notice is provided as a courtesy to the community and is not the official notice for this meeting/hearing. This notice is not required by town ordinance or policy. Failure of the Town to provide this notice or failure of a property owner, resident, or other interested party to receive this notice does not constitute a violation of the Town's noticing requirements or policies.

If you have questions regarding any of the agenda items, or other community development comments, please contact the Community Development staff at 435-772-3434 or [dcd@infowest.com](mailto:dcd@infowest.com).

**The Town of Springdale complies with the Americans with Disabilities Act by providing accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for Townsponsored public meetings, services, programs, or events should call Springdale Town Clerk Darci Carlson (435.772.3434) at least 24 hours before the meeting.**

Packet materials for agenda items will be available here: <http://www.springdaletown.com/AgendaCenter/Planning-Commission-7>

## **DEFINITIONS OF SHORT-TERM RENTAL / HOSTEL / TRANSIENT LODGING UNIT**

Hostel: A type of transient lodging facility that offers basic accommodations typified by dormitory style sleeping quarters and shared bathroom and living areas.

Short Term Rental: A residential structure or property, or any portion of a residential structure or property, that is rented or leased in exchange for any form of payment or trade for any period less than 90 consecutive days. Commonly referred to as a vacation rental.

TRANSIENT LODGING FACILITY: Any establishment that receives payment in any form of exchange for the use of any dwelling for thirty (30) consecutive days or less, including any hotel, motel, bed and breakfast, ~~boarding house~~, hostel or the like.

### **10-9A-14: SPECIAL REGULATIONS AND REQUIREMENTS:**

A. Commercial Residential Use: It shall be deemed to be a prohibited use in all FR zones to issue or rent any dwelling or other structure, or portion thereof, for lodging purposes for a period of ~~sixty (60)~~ ninety (90) days or less.

### **10-9B-13: SPECIAL REGULATIONS:**

A. Commercial Residential Use: It shall be deemed to be a prohibited use in all VR zones to issue or rent any dwelling or other structure, or portion thereof, for lodging purposes for a period of ~~sixty (60)~~ ninety (90) days or less.

## **TYPES OF TRANSIENT LODGING FACILITIES**

The following are allowed types of Transient Lodging Facilities in Springdale. Types of transient lodging facilities not on this list are not allowed:

1. Bed and Breakfast
2. Hotel/Motel
3. Short-term rental (also referred to as vacation rental)
4. Hostel

For the purpose of determining the number of transient lodging units the following standards apply:

1. Bed and Breakfast: Every bedroom in the Bed and Breakfast counts as one TLU
2. Hotel/Motel: Each bedroom with its own bathroom and separate entrance counts as a TLU. Suite units where two or more bedrooms have their own bathroom and separate entrance count as multiple units based on the number of bedroom / bathroom/ entrance combinations there are.
3. Short-term rental: Every two bedrooms in the short term rental count as a one TLU.
4. Hostel: Each 175 square feet of sleeping area counts as one TLU.

## HOTEL DESIGN STANDARDS

- 1- New transient lodging facilities with more than eight guestrooms, as well as additions or renovations to existing hotels that will add or renovate more than 12 guest rooms, must use National Park Service Rustic architecture (sometimes called “parkitecture”) as typified by the Zion Lodge, Nature Center, Superintendent’s Quarters, Grotto Museum, and other buildings of similar vintage in Zion National Park as the main architectural style in the development. Parkitecture is the rustic architectural style found in National Park development architecture from the 1930’s era. It emphasizes the natural environment over the built environment by using low profile roof lines and massing, local building materials, and colors and textures that mimic the surrounding natural environment. Specific requirements for transient lodging developments as described above are:
  - a. The building or structure must make use of the following materials as primary exterior building materials:
    - i. Roughly dressed sandstone (similar in appearance to sandstone naturally occurring in the Springdale area) spaced with wide mortar joints, used particularly on columns, pillars, and building corners.
    - ii. Painted or stained wood siding with horizontal planking.
    - iii. Roughhewn heavy square timbers, used particularly on gable roof ends and covered porches.
  - b. Secondary exterior building materials allowed are: metal (rusted or painted), earth-toned stucco (no stucco may be used on building faces visible from SR-9), and other materials compliant with other sections of this title and which the Planning Commission finds are complementary to the parkitecture style of the building.
  - c. The building or structure must have a roof with minimum 3:12 pitch and gable ends.
  - d. Rooflines must extend a minimum of 18 inches beyond the exterior wall surface of the building.
  - e. Exposed rafter tails must be visible in roof overhangs and in gable ends of roofs.
- 2- In addition to the complying with the virtual plane standards established by chapter 10-15A, structures must meet the following height standards:
  - a. Within 40 feet of the SR9 right-of-way no part of a building or structure may be more than 20 feet higher than the lowest elevation of the SR9 paved roadway within 100 feet of that part of the building or structure.
  - b. In the CC zone, building height increases with increased setback, as shown below:
    - i. 15 foot setback = 16 foot height limit
    - ii. 25 foot setback = 18 foot height limit
    - iii. 35 foot setback = 22 foot height limit
    - iv. 45 foot setback = 26 foot height limit

## SIGN DESIGN STANDARDS

All freestanding signs must be monument style signs using sandstone covered bases.

## **HOUSING / LODGING MIX**

### **Options**

- No more than four transient lodging units may be developed for each residential unit developed in the Town.
- If a property owner on a commercially zoned property develops rental dwelling units on the property the Planning Commission may grant the incentives listed below. In order to qualify for these incentives, the rental housing must not be employee housing occupied by employees of a business on the same property, or on a separate property which is owned or managed by the property owner:
  - Two additional transient lodging units for each rental housing unit (up to 10 additional transient lodging units), or
  - 2% reduction in landscape area required for each rental housing unit (up to 10% reduction in landscape area required).

## CHAPTER 24 – SIGN REGULATIONS

### 10-24-1 PURPOSE AND OBJECTIVES

A. The Town has a national and international reputation for its natural beauty. Signs have a strong visual impact on the quality and character of the community; they can attract the viewing public, enhance the safety for both pedestrians and motorists and set an overall tone for the community. Accordingly, the Town adopts these regulations to provide for a healthy business environment considering safety aspects while maintaining those aesthetic qualities reflective of the natural surroundings.

B. The goals of these sign regulations are:

1. To provide effective identification of businesses.
2. To allow sufficient creativity for each business to reflect its character and image through signage while still maintaining the Town's character and unique sense of place.
3. To provide harmony within the Town's signage while allowing for competitive opportunities and protection of property values to preserve a healthy business environment and a sustainable economy.
4. To promote a Town image that reflects the relationship with Zion National Park and the surrounding natural scenic grandeur.
5. To maintain the safety of pedestrians and motorists and promotion and protection of the public welfare.

### 10-24-2 PROHIBITED SIGNS

It is unlawful for any person, whether acting as owner, occupant, or contractor, or otherwise, to display, erect, install, suspend, attach, move, enlarge, replace, convert, or alter a sign unless the sign is authorized under this Chapter.

The following signs are specifically prohibited in all zones:

- A. Any sign that is unlawful under this Chapter.
- B. A sign for which a permit is required but has not been obtained by the sign owner.
- C. Any sign displayed on property that is owned or controlled by the Town of Springdale, the State of Utah, or Zion National Park, including but not limited to any right of way, building, park, or street pole.
- D. Abandoned Signs (including all structural and support elements).
- E. Roof Mounted Signs.
- F. Flying Signs.
- G. Lighted beacons, searchlights, and other lights or lighted devices that attract attention to a property.
- H. Billboards, outdoor advertising, and off-site signs (except as specifically allowed in this Chapter)
- I. Electronic Changeable Signs and Video Signs.
- J. A sign that includes intensely lighted or exposed luminary sources such as exposed bulbs or tubes.
- K. A sign that is visible from a public way that is tacked, posted, or otherwise affixed to the wall of a building, barn, or shed, or on a tree, pole, post, fence, or other similar structure.

- L. A sign that is painted on or affixed to any natural object in its natural location such as, but not limited to, a boulder, tree or cliff face.
- M. A sign that has components or elements that move, shimmer, or contain reflective devices.
- N. A mobile commercial sign affixed to a vehicle or trailer that is parked on a public way or on private property in such a way as to attract attention to or advertise a business.
- O. A sign that includes pornographic or obscene content (as defined by the U.S. supreme court in *Miller v. California*, 413 U.S. 15, 24 (1973)).
- P. A sign that emits audible sound, odor or visible matter;
- Q. A sign that, because of its size, location, movement, content, coloring or manner of illumination, could be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- R. A sign, other than one that is specifically required by law, that interferes with free ingress to or egress from any door, window, or fire escape;
- S. A sign that is attached, maintained, painted or otherwise affixed to any public property, including but not limited to any curb, sidewalk, post, pole, hydrant, bridge, bench, tree or other surface on public property or over or across any street or public thoroughfare.
- T. A Flag that is faded, torn, or stained.
- U. A sign that is not in compliance with adequate safety and maintenance standards or that is dangerous or defective.
- V. A marquee or reader board.
- W. Inflated Sign.

### **10-24-3 GENERAL STANDARDS FOR SIGNS**

A. A sign that requires permit approval must meet the following regulations:

1. The sign color shall conform to the Town color palette, in accordance with chapter 17 of this title.
2. Fluorescent colors and reflective metal surfaces are not allowed.
3. Signs may be constructed of painted, stained or carved wood; brick or stone; metal which is painted or anodized, or otherwise treated to prevent reflective glare.
4. Plastics, polymers or glass may be used for text portions of internally illuminated signs, but may not be used for the background, graphics or other non-text portions of the sign.
5. Wood signs shall be solid wood, or if plywood, MDO grade or equivalent.
6. An illuminated sign must be consistent with Chapter 15C of this title.
7. A sign that is prohibited in a residential zone may not be placed within twenty feet (20') of any residential zone boundary.
8. A person may not place a sign or other advertising material near the intersection of any streets in a manner that obstructs the free and clear vision of traffic.
9. A sign shall include, in a permanent position thereon, a clearly legible identification plate stating the name and address of the sign owner and the date of installation, and if the sign has any electrical components, a clearly legible specification of the amperages at the full load input.

B. All signs must be consistent with the following regulations:

1. All signs shall comply with the appropriate detailed provisions of the building code relating to design, structural members and connections.
2. Signs shall also comply with the provisions of the national electrical code and the additional construction standards hereinafter set forth in this section.
3. Signs must be consistent with any requirements imposed by the building inspector regarding the weight and wind load requirements, distance from overhead electrical conductors, and safety concerns regarding materials used.
4. No sign shall be placed or maintained so as to interfere with free ingress or egress from any door, window or fire escape.
5. No sign shall be placed or maintained in any manner which will interfere with any opening required for ventilation.
6. A parapet wall or roof must be designed for and have sufficient strength to support any sign which is attached thereto.
7. A sign must be safe, presentable, and in good structural material condition at all times, and must have had the repair, replacement of defective parts, painting, repainting, cleaning and other acts necessary for the maintenance of the sign.
8. The town and its agents and officials are not liable for the negligence or failure of a sign owner, or the person responsible for any damage caused by defective conditions related to a sign within the town.

**10-24-4 SIGNS IN THE RESIDENTIAL ZONES**

This section governs signs in the FR and VR zones.

A. Only one low-profile identification sign is allowed per parcel. The sign must be either freestanding, attached to a building wall, or attached to a wall or fence.

B. A Freestanding Sign:

- a. Must not have an area of more than 8 square feet or be more than 4 feet tall;
- b. Shall be located a minimum of six feet (6') from the public right of way;
- c. Shall be incorporated into a landscaping design or planter box; and

C. A Wall- or Fence-Mounted Sign:

- a. Must not have an area of more than 8 square feet;
- b. Must not extend more than twelve inches (12") at all points from the wall or fence to which it is attached;
- c. Must not exceed eight feet (8') in height nor extend above the roofline, for signs mounted on a building wall; and
- d. For a sign attached to an entrance wall or fence, not extend above said wall or fence.



D. Additional Street Frontage: Notwithstanding 10-24-4(A), an additional sign is allowed on a single parcel if the parcel is more than five (5) acres and has frontage on more than one public dedicated street. The additional sign must be located on the additional frontage and must be consistent with the regulations under this Chapter.

#### **10-24-5 SIGNS IN THE AGRICULTURAL ZONE**

A sign is allowed in the AG zone only in accordance with the regulations in this section. Each parcel (or group of parcels under common ownership and operated under common management) is allowed one freestanding sign and one building-mounted sign, as regulated below:

##### **A. A freestanding sign**

1. May not be more than 30 square feet;
2. May not be more than twelve feet tall;
3. Shall be at least six feet from the public right-of-way; and
4. Shall be incorporated into a landscaping design or planter box.

##### **B. A building-mounted sign:**

1. May not be more than 20 square feet;
2. Must be mounted on a building wall; and
3. May not be more than fifteen feet tall, as measured from the ground to the top of the sign.

#### **10-24-6: SIGNS PERMITTED IN THE COMMERCIAL ZONES:**

This section governs signs in the CC and VC zones. A duly licensed business is limited to the following signs: a primary sign, secondary sign, a tertiary sign, and subject to the requirements of Section 10-24-7, a banner.

A. A primary sign must either be freestanding or wall-mounted and must comply with the following restrictions:

1. A freestanding sign and the corresponding support structure shall be designed to complement the building architecture and the surrounding areas, in accordance with chapter 16 of this title, and:
  - a. The freestanding sign shall not exceed twelve feet (12') in height nor forty (40) square feet in area;
  - b. The base of the freestanding sign shall be incorporated into a landscaping design or planter box;
  - c. No portion of the sign shall be located closer than three feet (3') from any public right of way.
2. A sign that is mounted on a building shall be integrated into the building and be designed so that architectural features and expression of the building are not obscured. Building mounted signs must be wall signs, suspended signs, projecting signs, or awning signs. A projecting sign

must not present a safety hazard to pedestrians. An awning sign must not be illuminated. A building mounted primary sign must:

- a. Have a maximum area of the lesser of forty (40) square feet or one square foot for each linear foot of building frontage (with the exception of subsection A2d of this section);
- b. Not extend beyond the roofline or parapet wall, nor extend a maximum of fifteen feet (15') in height;
- c. In the case of a wall mounted sign, be permanently attached or painted and shall not extend more than twelve inches (12") from said wall;
- d. In the case of a projecting sign, not extend from the building face a distance greater than six feet (6'), and no projecting sign shall extend over public property a distance greater than twelve inches (12");
- e. In the case of projecting signs, awning signs and suspended signs, maintain a minimum eight foot (8') clearance between the lowest point of the sign and the grade immediately below;
- f. If a business has both an entrance and a building mounted sign set back more than one hundred feet (100') from the front of the property, and if the building containing the business has more than one hundred feet (100') of building frontage, the size of the building mounted sign for the business may be increased by thirty percent (30%).

B. Additional Signs: Each duly licensed business on a separate property may display one secondary sign. If a primary sign is freestanding, the secondary sign shall be building mounted. In the event a primary sign is building mounted, the secondary sign shall either be freestanding or located on a building frontage other than that upon which the primary sign is located. A secondary sign shall:

1. Have a maximum sign area of the lesser of twenty (20) square feet or one square foot for every two (2) linear feet of building frontage;
2. Not extend beyond the roofline or parapet wall, nor a maximum of fifteen feet (15') in height if building mounted; and
3. If building mounted, be permanently attached to or painted on the building.

C. Tertiary Signs: Each duly licensed business on a separate property may display a tertiary sign on the parcel. It may be a changeable sign, provided that the sign is 6 square feet or less and is not electronically changeable.

- (1) A person cannot display more than one tertiary sign on a parcel at any time.
- (2) A tertiary sign cannot be larger than two (2) square feet.
- (3) A tertiary sign must either be building mounted or attached to a freestanding sign, but the tertiary sign must be at least three feet (3') from any public right of way.

D. Businesses Without SR-9 Frontage: For a business operating on a parcel without frontage on SR-9, one additional directional freestanding sign may be permitted at the closest intersection with SR-9, providing such sign must:

1. Not exceed eight (8) square feet in area nor four feet (4') in height;

2. Be located entirely on private property with permission of the property owner, in which case the sign allowed under this Section is not counted against the owner of the private property in terms of signage allowed to that owner;
3. Be at least three feet (3') away from any public right of way;
4. Not interfere with traffic visibility triangles.

E. Business Centers: For a group of two (2) or more duly licensed businesses associated by a common agreement or common ownership with common parking facilities or housed in one structure, the following signs are permitted:

1. Freestanding: One additional freestanding sign posted by the business center is allowed, provided the sign must not exceed forty (40) square feet in area, unless specifically stated otherwise elsewhere in this chapter, nor twelve feet (12') in height.

(a) The square footage calculation of the sign allowed under this Section shall be the sum total of its individual sign components measured individually.

(b) The sign area allowed for business centers with more than three (3) distinct businesses (each with at least 1,000 square feet of dedicated business area in the business center) shall be increased by twenty five percent (25%).

(c) A second freestanding sign shall be allowed at a property on which a business center operates, only if all the following criteria are met:

(i) The business center property has more than five hundred feet (500') of frontage on SR-9.

(ii) The entrances to individual businesses in the business center are either more than one hundred feet (100') from the nearest point of the SR-9 right of way or more than three feet (3') below the grade of the nearest point of the SR-9 right of way.

(iii) The second freestanding sign is at least two hundred feet (200') from any other freestanding sign on the business center property and is at least three feet (3') from the right of way.

(iv) The second freestanding sign is no larger than twenty (20) square feet in area, and no taller than eight feet (8') in height.

2. Building Mounted: One building mounted sign shall be permitted at each business. Building mounted signs must be wall signs, suspended signs, projecting signs, or awning signs. A projecting sign must not present a safety hazard to pedestrians. An awning sign must not be illuminated. A building mounted sign must:

(a) Be limited in area to:

(i) Twenty (20) square feet if the freestanding sign for the business center exceeds twenty (20) square feet, or

(ii) Forty (40) square feet if the freestanding sign for the business center is limited to twenty (20) square feet or less;

(b) Not extend above the roofline or parapet wall, nor a maximum of fifteen feet (15') in height; and

(c) Be permanently attached to or painted on the building.

F. Master Sign Program For Business Centers: A Master Sign Program shall be required for any new use, new construction or any sign or building permit request involving a building or development containing two (2) or more businesses. This Master Sign Program shall identify all sign types, sizes, locations, illumination, materials and design for all signs both presently proposed and those anticipated in the future. While specific details may not necessarily be available for future signs, the Master Sign Program shall serve as a framework for such signs. The purpose of such a Master Sign Program shall be to ensure continuity and compatibility of all signs within a business center and prevent needless repetition and proliferation of signage. The property owner shall be responsible for the permit application process and implementation of said Master Sign Program. Amendments to an approved Master Sign Program shall require submission of a new application and reconsideration in the same manner as originally reviewed. New or additional tenant signs shall be reviewed on an individual basis and shall conform to the approved Master Sign Program.

G. Temporary Signage: A business may display a temporary sign if the total sign area is ten (10) square feet or less and is displayed for three (3) consecutive days or less. A temporary sign is subject to the same standards for colors, materials, and placement as are banners.

#### **10-24-7: BANNERS**

A. Permit Required: A banner is allowed in the VC and CC zones only with a permit. To apply for a permit under this section, a person must submit a fully completed application on the form provided by the town.

B. Permit Application Review: The Director of Community Development is authorized to process banner permits. The Director will either approve or reject the banner application based on the regulations provided in Section 10-24-6(C).

C. General Standards:

1. A banner must not be displayed for more than 17 calendar days. Each property or business center shall not display more than four banners per year. No consecutive approval will be granted. There must be a minimum interval of three (3) weeks between banner approvals received by the same property or business center.
2. A banner may not exceed twenty (20) square feet.
3. No more than one (1) banner per business or community group may be displayed at any one time.
4. Banners must be constructed of a strong cloth or vinyl material.

#### **10-24-8 PUBLIC USE ZONE**

A sign is not permitted in the Public Use zone unless it is exempt under Section 10-24-9(A).

#### **10-24-9: EXEMPT SIGNS; NO PERMIT REQUIRED**

A. A sign is exempt from all regulations under this Chapter if it is displayed, owned, or maintained by the Town of Springdale, the Washington County School District, the State of Utah, or Zion National Park.

B. The following signs do not require a permit under this Chapter, but are otherwise subject to the other regulations of this Chapter:

1. An Incidental Sign, provided that there are no more than two Incidental Signs affixed to the same structure.
2. An original art display that does not constitute a commercial sign.
3. Non-illuminated seasonal decorations.
4. Flag, provided that it does not exceed eight feet (8') long in its largest dimension, is placed on a flagpole that is not attached to a building or structure, and is no more than twenty-five feet (25') in height.
5. Temporary Commercial Signs Posted on Marketed Property: A nonilluminated, portable sign placed on a parcel that is for sale or for rent at the time the sign is displayed, and seven days after, provided that the sign is four square feet or less, and less than four feet tall.
6. Temporary Noncommercial Signs: One noncommercial sign in a residential parcel may be displayed on a temporary basis for no longer than 90 days at a time, provided that the sign is four square feet or less, and less than four feet tall.
7. Window Signs:
  - a. Permanent: Non-illuminated permanent window signs may be painted on or otherwise displayed, provided the total copy area of such signs shall not exceed a maximum of twenty five percent (25%) of the total window area of the building face on which it is displayed, or one square foot per linear front foot of the premises occupied, whichever is the lesser;
  - b. Illumination: Illuminated window signage positioned to be primarily visible from outside the business structure is allowed only if there are no more than two (2) illuminated window signs per business space and each sign measures less than three and a half (3.5) square feet. Such signs must not be illuminated when the business is closed;
  - c. Window signs must conform to the color palette standards for signage found in chapter 17 of this title.

#### **10-24-10: PERMITS AND APPROVAL PROCESS**

A. Permits Required: No sign shall be displayed, erected, installed, suspended, attached, moved, enlarged, replaced, converted or altered except pursuant to a sign permit obtained as provided in these sign regulations, unless the sign is specifically exempt under Section 10-24-9. The applicant shall complete the application and review process before entering into binding commitments incurring expense in the design, preparation or construction of the proposed sign. Any sign permit issued shall become null and void if the proposed sign work is not completed or significant progress toward completion has not been achieved within ninety (90) days from the date of issuance.

B. Application for Permit: Any person desiring to obtain a sign permit shall submit an application, signed by the property owner and the applicant, to the town office, on a form provided by the town, which must include the following information:

1. Rendering: A rendering, to scale, showing the proposed sign as it will appear on the project and illustrating its relationship to its surroundings;
2. Site Plan: In the case of a freestanding sign, a site plan showing the location of the proposed sign in relation to other structures on the site;
3. Elevations: Front and side elevations of the sign, drawn to scale, which indicate:
  - a. Dimensions of the sign, lettering and corresponding building;
  - b. Construction supports;
  - c. Foundation;
  - d. Method of attachment; and
  - e. Style of lettering showing the complete lettering.
4. Materials: Description and samples, if feasible, of sign materials for background and lettering, including samples of finishes of the background and lettering to demonstrate light transmission or reflection;
5. Color: Color samples;
6. Illumination: Applications for illuminated signs shall include:
  - a. A description of proposed illumination;
  - b. Sufficient technical data of all proposed illumination systems so as to allow evaluation of proposed light levels;
  - c. All fixtures, types, locations, mounting and wattage shown on plans and elevations;
7. Landscaping: Landscaping plans for the base, if freestanding;
8. Projection: The extent to which, if any, the sign is proposed to project into or over public property;
9. Master Sign Program: In the case of a master sign program, the information requested above shall be included for all signs proposed or anticipated for the entire project;
10. Additional Information: Any additional information the DCD deems relevant to the application.

C. Fees For Permit: Each application shall be accompanied by payment of the appropriate fee as prescribed by resolution of the town council.

D. Action On Permit Applications: The DCD shall review the application and accept it as complete or reject it as incomplete within five (5) working days from the date of filing. The DCD shall give written notice of any application rejected, mailed or otherwise delivered to the applicant within ten (10) working

days, together with a brief written statement of the reasons for rejection and the steps, if any, necessary to gain acceptance for said application. No sign permit application shall be accepted if:

1. The applicant has installed any sign in violation of the provisions of this chapter and, at the time of the submission of the application, such illegal sign has not been legalized, removed or included in the application; or
2. Any sign under the control of the applicant or property owner on the premises of the proposed sign was installed in violation of this chapter and at the time of submission of the application, such illegal sign has not been legalized, removed or included in the application.

E. Permits Reviewed By DCD: The DCD shall review sign permit applications for individual businesses and signs within a business center for which a master sign program has been previously approved by the planning commission. The DCD shall approve or deny the application within ten (10) business days of acceptance of a sign permit application.

F. Permits Reviewed By Planning Commission: Following application approval by the DCD, the application shall appear on an agenda of the next regularly scheduled meeting of the planning commission for which the agenda request time requirements shall be followed. The planning commission shall review such application for action in conformity with the provisions of this chapter. The planning commission shall either approve, approve with conditions, or deny a permit based on the criteria set forth in subsection G of this section.

G. Sign Review Findings: Prior to approving a sign permit application, the DCD and planning commission shall find:

1. The sign shall be in proportion with and visually consistent with the architectural character of the building and the surrounding area;
2. The sign shall not obscure from view or unduly detract from existing signing in the area;
3. Proposed signs in a residential zone shall be harmonious and compatible with the residential character of the zone;
4. The sign complies with all provisions of this chapter and is consistent with the architectural and design guidelines.

H. Issuance Or Denial:

1. Issuance: The DCD shall issue a permit for said sign when the application has been given final approval as prescribed in this chapter and the proposed sign, and the building or business with which it is associated, complies with all appropriate laws and ordinances.
2. Suspension, Revocation: The DCD may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of material fact or fraud.
3. Denial: When a sign permit is denied by the DCD or planning commission, the DCD shall give written notice, mailed within ten (10) working days, of the denial to the applicant, together with a brief written statement of the reasons for the denial.

4. Unlawful: No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

I. Bar on Refiling: No sign permit application shall be accepted which is substantially the same as an application previously denied, unless twelve (12) months have elapsed from the date of the final decision on the application and appeals thereof, or new evidence or proof of significantly changed conditions is furnished in the new application.

J. No New Permit Required: A new permit is not required for any repainting, cleaning, or other normal maintenance and repair of a sign not involving structural, design, color or character changes or alterations. Substitution of a new or different advertiser is not considered normal maintenance and shall be considered creating a new sign requiring the issuance of a sign permit.

F. Ownership; Notification of Change: Whenever there is a change in the sign user, sign owner, or owner of the property on which the sign is located, the new sign user, sign owner or new property owner shall forthwith notify the DCD of the change. No new sign permit is required, unless the sign is altered, converted, replaced, enlarged or moved.

#### **10-24-11: REMOVAL AND DISPOSITION OF SIGNS**

A. The DCD, or designee, may direct the repair, painting, alteration, or removal of any unlawful sign in accordance with this Section.

B. The DCD shall prepare a notice that describes the sign and specifies the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this section.

1. Notices: All notices shall be mailed by mail to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any of such persons is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and shall be posted on said sign or on the premises.

2. Time Periods: Any time periods provided in this section shall be deemed to commence on the date of the certified mailing. If more than one notice is sent by certified mail, the date of the first notice mailed shall apply.

3. Appeal: The sign owner or property owner on whose property the sign is located may appeal the determination ordering removal or compliance by filing a written notice of appeal with the DCD after mailing of the notice pursuant to section 10-24-15 of this chapter.

#### **10-24-12: DISPOSAL OF SIGNS AND COSTS**

A. Authority: Any sign removed by the DCD pursuant to the provisions of subsection 10-24-12E of this chapter shall become the property of the town and may be disposed of in any manner deemed appropriate by the town. The cost of removal and disposal shall be considered a debt owed to the town by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the town. The cost of removal and disposal shall include any and all incidental expenses incurred by the town in connection with the sign removal and disposal.

B. Summary Removal:



1. A sign that is placed or displayed in violation of Section 10-24-2(V) may be immediately removed by town personnel, without notice to the violator, and persons responsible for placing the signs shall be liable for the cost of removal.

2. If the DCD determines that a sign presents an imminent danger to the public safety, and phone contact cannot be made with the sign owner or property owner, the DCD may correct the danger without notice to the owner, all costs being charged to the sign owner and property owner.

C. Sale Of Signs: If it shall be necessary for the DCD to remove a sign pursuant to the provisions hereof, and it should be practical to sell or salvage any material derived in the aforesaid removal, the DCD may sell the same at private or public sale at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the costs of removal to be charged to the sign owner or property owner. The town may file suit in court to collect any excess over such proceeds and the cost of such removal shall be levied as an assessment against the property on which the sign is located.

#### **10-24-13: VARIANCES**

Any person or entity desiring a waiver or modification of the requirements of this chapter as applied to a sign that such person owns, leases, or in which such person holds some other beneficial interest, may apply to the appeal authority for a variance in accordance with section 10-3-3 of this title.

#### **10-24-14: APPEALS**

Any person aggrieved by a decision of the planning commission or DCD may appeal in writing within thirty (30) days of said decision pursuant to section 10-3-11 of this title.

#### **10-24-15: NONCOMPLYING SIGNS**

Any sign or sign structure which was legal when created, but because of subsequent changes in the regulations, no longer conforms with the regulatory ordinances of the town, shall be deemed noncomplying and shall be governed by the provisions of section 10-21-12 of this title.

#### **10-24-16: SUBSTITUTION**

Noncommercial content may be substituted with the message on any sign that is permitted or exempt under this Chapter.

#### **10-24-17 SEVERABILITY**

If any court rules that a particular provision of this Chapter is unenforceable for any reason, the remaining provisions of this Chapter shall not be affected or impaired thereby.

#### **10-24-18: DEFINITIONS**

The words, phrases and terms used in this Chapter have the meanings assigned to them by this Section:

ABANDONED SIGN: A sign, including all structural, support and other componential elements, that is (a) located on a property, premises or structure which becomes vacant and unoccupied for a period of one hundred eighty (180) days or more; (b) no longer used by the person who constructed or displayed the sign, as determined by the cessation of the use of the property where the sign is located; or (c) damaged, and repairs and restoration are not started within 90 days of the damage, or the repair and restoration are not diligently pursued once started.

**ALTER OR ALTERATION:** Any change or rearrangement of the structural parts or its design.

**AREA:** A. The number of square feet enclosed within the smallest polygon containing no more than ten (10) sides within which the sign face can be enclosed. If the sign consists of more than one section or module, all areas will be totaled. In determining the area of an individual sign which has more than one sign face, only one side of a back to back or double face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty five degrees (45°); or

B. The property and buildings or structures adjacent to and within a five hundred foot (500') radius of the sign, building, property or item in question.

**AWNING:** A shelter, cover or roofed structure placed so as to extend outward from the building with supports extending back to the building, supported entirely by the building.

**AWNING SIGN:** Any sign or graphic attached to, painted on, or applied to, an awning.

**BACKGROUND:** The entire area of a sign on which copy could be placed, as opposed to the copy area, where copy is in fact painted or otherwise attached.

**BANNER:** A flexible sign characteristically supported by two (2) or more points and hung on a building or otherwise suspended down or along its face, or across a public street. The banner may or may not include copy or graphic symbols. It is generally made of fabric or other nonrigid materials with no enclosing frame.

**BILLBOARD:** Any structure, building or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of the premises or the nature of the business conducted thereon, or the products primarily sold or manufactured thereon, or any structure or portion thereof, the area of which is devoted to any advertising purpose. This definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office, or posted by a public officer in the performance of a public duty, or bulletin boards used to display announcement of meetings to be held on premises wherein such bulletin boards are permitted and located, nor shall it be held to include a real estate sign advertising "for sale" or "rent", the property upon which it stands, nor shall it include temporary "open house" real estate signs placed on private premises in compliance with this title.

**BUILDING FACE OR WALL:** A window or wall area of a building in one plane or elevation.

**BUILDING FRONTAGE OR FRONT FOOTAGE:** The linear width of that side of a building which contains the main entrance for pedestrian ingress and egress. If more than one main entrance exists, the one that more nearly faces or is oriented to the street of highest classification as portrayed on the comprehensive street plan shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest linear dimension shall be considered the building frontage for measurement purposes.

**BULLETIN BOARD:** A sign on a premises which accommodates changeable copy and displays information on activities and events.

**BUSINESS CENTER:** A group of two (2) or more duly licensed businesses associated by a common agreement or common ownership with common parking facilities or housed in one structure.

**CANOPY:** An awning which may or may not be totally supported by the building to which it is attached. A canopy shall be considered an awning for purposes of these sign regulations.

**CHANGEABLE SIGN:** A sign on which copy or side panels may be changed manually, electronically or automatically, such as boards with changeable letters or pictorial panels, reader boards, message centers or "time and temperature" signs.

**COMMERCIAL SIGN:** Any sign or banner that contains text and/or graphics designed proposing or promoting a commercial transaction or directing attention to a business, commodity or service.

**COPY:** The working text on a sign surface.

**DCD:** The Director of Community Development or his designees.

**DILAPIDATED:** A sign where:

- A. The lettering or background material or any part of the sign has flaked, broken off, changed color;
- B. Structural supports or frame members are visibly corroded, stained, bent, broken, dented; or
- C. Sign supports are twisted, leaning or at angles other than those at which the sign was originally erected.

**DIRECTIONAL SIGN:** A sign which facilitates traffic or pedestrian flow and safety, not erected by a governmental agency, containing generic information such as, but not limited to, entrance-exit, caution, parking, right or left turn only, stop or tow away zone.

**EAVES:** That portion of the roofline extending beyond the building wall, a canopy attachment on the wall having the simulated appearance of an eaves, or the lowest horizontal line of any roof.

**ELECTRONIC CHANGEABLE SIGN.** Any sign that uses electronic means such as combinations of LEDs, fiber optics, light bulbs, or other illumination devices within a display area to cause one display to be replaced by another.

**EXPOSED LUMINARY SOURCE:** An illumination source which is the signing element to be read directly, without diffusion or reflection, such as exposed bulbs or neon.

**FEDERAL:** Relating to the government of the United States of America.

**FLAG:** A piece of cloth or other flexible material varying in size, shape, color and design, usually attached at one (1) edge of a staff or cord.

**FLYING SIGN:** A sign that is designed to be kept aloft by mechanical, wind, chemical, or hot air means that are attached to the property, ground, or other permanent structure

**FREESTANDING SIGN:** A sign not attached to any building and having its own support structure.

**FRONT FOOTAGE:** See definition of building frontage or front footage.

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

**ILLUMINATED SIGN:** Any sign which is lighted from within or without.

**INCIDENTAL SIGN:** A sign that has an area of less than two square feet.

**INFLATED SIGN:** A sign that is attached to a parcel, ground, or other permanent structure, including but not limited to balloons.

**INTERNALLY ILLUMINATED SIGN:** A sign that is illuminated by a concealed light source within the sign that projects light through the sign face.

**LOW PROFILE SIGN:** A freestanding sign erected near ground level or a wall mounted sign of small size and limited to identifying the name of a building, institution, subdivision or the like.

**MAJORITY AREA:** An area greater than fifty percent (50%) of the total sign area.

**MANSARD:** A roof with two (2) angles of slope, the lower portion of which is no more than a thirty-degree (30°) angle from perpendicular.

**MARQUEE OR READER BOARD:** A permanent structure with changeable letters that is used to advertise events.

**MASTER SIGN PROGRAM:** Identification of the location, type, height, size, illumination, materials and design of signs for an overall building center to include all present or proposed businesses within the center.

**NONCOMPLYING SIGNS:** Any sign or sign structure which was legal when created, but because of subsequent changes in the regulations, no longer complies with the regulatory ordinances of the Town.

**PARAPET:** A low wall used to protect the edge of a roof from view or an extension of a false front or wall above the roof level.

**PORTABLE SIGN:** Any sign not permanently affixed to the ground or a structure on the site it occupies.

**PROJECTING SIGN:** A sign which extends out from a building face, wall or structure so that the sign face is perpendicular or at an angle to the building face, wall or structure.

**REFLECTIVE SIGN:** A sign whose surface material reflects light so as to generate a contrast between the sign and adjacent surfaces or surrounding area.

**ROOF MOUNTED SIGN:** Any sign located on, attached to or extending from any portion of a roof, mansard, eaves or parapet wall of a building.

**ROOFLINE:** The highest point of a structure, including parapets, but not to include spires, chimneys or heating or cooling mechanical devices.

**SIGN:** An object that has a visual display visible from a public right of way and is designed to identify, announce, direct, or inform.

**SIGN FACE:** The entire area of a sign on which copy, graphics, or logos could be placed.

**SIGN STRUCTURE:** Any structure which supports, has supported or is designed to support a sign.

**SIGN, TEMPORARY:** A sign displayed for short periods of time, generally not longer than one (1) month, as specified within the required sign permit.

**SUSPENDED SIGN:** A sign attached to and located below any permanent eaves, roof, canopy or awning and not mounted to a wall in any way.

**VIDEO DISPLAYS:** An electronic changeable message sign using instantaneous transitions and giving the illusion of motion, with no meaningful dwell time between changes in the display.

**VISUALLY CONSISTENT:** Giving a visual impression of continuity and harmony.

**WALL MOUNTED SIGN:** A sign attached to, or painted on, and parallel to, a building or wall.

**WINDOW SIGN:** Any sign printed, attached, glued or otherwise affixed to or behind a window or similar opening for purposes of viewing from outside the premises. This term does not include merchandise located in the window.

**10-15C-8: EXEMPTIONS:**

The following shall be exempt from the requirements of this chapter:

- A. Holiday lighting from ~~November~~October 15 to January 15 as long as it does not create a hazard or nuisance from glare.
- B. Traffic control signals and devices.
- C. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
- D. The lighting of federal or state flags, provided that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light flag, while at the same time fulfilling the purposes of this chapter.
- E. Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level.
- F. The Planning Commission, as part of its review as outlined in this chapter, may approve lighting that does not conform to these standards if need is established. An applicant requesting such lighting is required to provide proof of requirements of property insurance or findings of competent research demonstrating the need for the requested lighting. The Planning Commission may attach other conditions to the approval of such lighting that will make the lighting comply with the spirit of this chapter.

**10-15C-9: PROHIBITED LIGHTING:**

The following are prohibited:

- A. Uplighting to illuminate buildings and other structures, or vegetation, except as allowed by subsection [10-15C-4B7](#) of this chapter.
- B. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between ~~November~~October 15 and January 15.
- C. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.
- D. Searchlights, laser source lights, or any similar high intensity light.
- E. Except when used in window signage pursuant to subsection [10-24-8B18c](#) of this title, neon or luminous tube lighting, either when outdoor mounted or indoor mounted if visible beyond the property boundaries.