REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance 19-49, an Ordinance Amending 2009 West Jordan Municipal Code Title 12 (Sign Regulations), regarding the change to the Council-Mayor Form of Municipal Government.

SUMMARY: Adoption of this Ordinance would update the Sign Title, to comply with the change to the Council-Mayor Form of Municipal Government.

FISCAL/ASSET IMPACT: There is no cost or financial impact to the City (revenue neutral).

STAFF RECOMMENDATION: Staff recommends approval of this Ordinance, as discussed in the December 4, 2019 Council Work Session.

MOTION RECOMMENDED: “I move to approve Ordinance 19-49, Ordinance Amending 2009 West Jordan Municipal Code Title 12 (Sign Regulations), regarding the change to the Council-Mayor Form of Municipal Government.”

[Roll Call Vote required.]

Prepared and Presented by:

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Assistant City Attorney

Recommended by:

Korban Lee
Assistant City Manager

Authorized for Council Consideration:

David R. Brickey
City Manager

Reviewed for Legal Sufficiency:

Duncan T. Murray
City Attorney’s Office
THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 19-49
[CHANGE OF FORM OF GOVERNMENT (Title 12 – Sign Regulations)]

AN ORDINANCE AMENDING TITLE 12, “SIGN REGULATIONS.”

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the City and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the City and its inhabitants, and to protect property in the City; and

WHEREAS, the West Jordan City Council reviewed Title 12, Chapters 1, 4, 5 and 6 of the 2009 City Code for the upcoming change of form of government and found no changes were needed at this time; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 12, Chapters 2 and 3 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

Section 1. Title 12, Chapter 2, Section 3 of the 2009 City Code shall hereafter read as follows:

12-2-3: SIGN PERMIT:

A. Permit Required: A sign permit shall be required prior to the erection, construction, reconstruction, location, relocation, placement, replacement, restoration, extension, enlargement, modification, alteration, repair or use of any sign within the city, except exempt signs described in section 12-2-5 of this chapter.

B. Issuance of Permit: The development services department or its designee is empowered to:

1. Issue permits to erect, construct, reconstruct, locate, relocate, place, replace, restore, extend, enlarge, modify, alter, repair or use signs which conform to this title and title 13 of this code; and

2. Determine that all sign applications conform to this title and title 13 of this code.
C. Zoning District Approval: Before any sign permit shall be issued, the development services department or its designee shall review the sign application to determine compliance with title 13 of this code.

D. Planning Commission Approval: Before a sign permit may be issued, planning commission approval shall be required as follows:

1. A sign development plan for all nonresidential developments that require site plan review by the planning commission;

2. Revised sign development plans for existing developments;

3. Signs requiring a conditional use permit as identified in section 13-17-2 of this code;

4. Historical monuments and markers in any zone;

5. The renewal of expired off premises development signs; and

6. Conceptual sign plans included in development plans for all mixed use developments in the WSPA zone.

E. Zoning Administrator Approval: All other sign permits may be approved by the zoning administrator or his/her designee.

F. Application Submittal: The following information shall be submitted to the development services department with the permit application:

1. Monument and pole signs:

   a. A site plan showing the relationship of the sign to buildings, other signs, and property lines and setbacks from public rights of way, intersections, easements and driveways;

   b. Accurately dimensioned, scaled drawings showing height, color, dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street;

   c. Details of sign construction, including electrical plan, foundation scheme, and value of the sign; and

   d. Length of property street frontage.

2. Wall Signs:

   a. Scaled drawings showing dimensions of both the building face and the sign, sign composition and type of illumination;

   b. An architectural elevation drawing of the sign on the building to show how the sign will appear from the street/parking area; and
c. Details of sign construction and attachment, including an electrical plan, if applicable.

3. Temporary Signs:
   
   a. Site plan showing the relationship of the sign to buildings, property lines and other signs; and setbacks from each public rights of way, intersections, easements, and driveways existing and adjacent to the property on which the temporary sign is to be situated. The site plan does not need to be professionally drawn; and
   
   b. Length of requested period for display.

4. Bus Bench/Shelter Signs:
   
   a. Written approval from the property owner of the proposed location for the bus bench/shelter. The property owner's approval shall be required whether the bench/shelter is to be located on private property or within an adjacent street right of way;
   
   b. A letter of approval from the Utah transit authority;
   
   c. A site plan, vicinity map and specifications for bus bench/shelters, as well as any improvements needed for the particular site;
   
   d. A signed contract with the city for each bus bench/shelter sign located on public property; and
   
   e. A fee, in an amount established by resolution of the city council.

5. Off Premises Development and Private Directional Signs: Written consent from the owner of the property upon which the sign will be located.

6. Kiosk Signs:
   
   a. Written approval from the property owner of the proposed location for the kiosk sign;
   
   b. A letter of approval from UDOT, if applicable;
   
   c. A kiosk location plan shall be prepared showing the site of each kiosk;
   
   d. An approved kiosk location plan shall be resubmitted for approval every twelve (12) months; and
   
   e. An annual fee, in an amount established by resolution of the city council.

7. Additional Information Required for all Sign Permits:
   
   a. Proof of current city business license, where applicable;
   
   b. Business address and phone number;
c. Address of real property owner and phone number;

d. General or electrical contractor license, phone number and address;

e. Estimated fair market value of the sign and its cost of manufacture or construction; and

f. Property owner approval.

G. Expiration of Permit:

1. All sign permits shall expire one hundred eighty (180) days following the date of issuance of the sign permit, unless the sign is fully constructed according to the plans submitted with the application for the sign permit.

2. Permits issued for bus bench/shelter signs, off premises development signs and kiosk signs are valid for only one calendar year. A change in the text of the sign on the bus bench/shelter sign or kiosk sign or a substitution of benches/shelters or signs on the kiosk shall not require the issuance of a new permit, if the bus bench/shelter or kiosk is placed in the same location as originally permitted.

3. Except for billboard signs, conditional use permits issued for all other signs may be revoked pursuant to section 13-7E-10 of this code. (2001 Code §§ 89-6-1102, 89-6-1106, 89-6-1108, 89-6-1110; amd. 2009 Code; Ord. 19-__, __-__-2019, Effective at 12 noon on January 6, 2020)

Section 2. Title 12, Chapter 3, Section 3 of the 2009 City Code shall hereafter read as follows:

12-3-3: EXCEPTIONS AND QUALIFICATIONS FOR SPECIFIC SIGN TYPES:

A. A-Frame Signs: The use of A-frame signs is limited to areas of high volume pedestrian traffic and is limited to normal business hours. A-frame signs shall be stored indoors at all other times. A-frame signs shall not be used outdoors when high wind or heavy snow conditions exist.

B. Awning Signs: Awning signs may be displayed, if striping of not more than one color (including black and white) is used, and the background shall not be considered design space. Awnings placed on canopies or marquees are exempted from the twenty five percent (25%) limitation specified in section 12-3-2 of this chapter, but shall not exceed five feet (5’) in height.

C. Bus Bench Signs and Bus Shelter Signs:

1. Placement: Only one double sided sign is permitted in a bus shelter. This sign shall be placed inside the shelter and shall be securely attached to the opposite wall of the shelter that faces oncoming traffic.

2. On Benches Prohibited: Signs shall not be placed on benches located inside bus shelters.
3. Insurance: For any bus bench or bus shelter sign, the company or person responsible for the bus bench or shelter sign shall enter into an agreement with the city, which must be approved by the city attorney. This agreement will require, among other things, that the company or person responsible for the bus bench or bus shelter sign provide to the city proof of liability insurance in the minimum amount of one million dollars ($1,000,000.00), name the city as an additional insured, and indemnify and hold harmless the city from any and all injuries and defense costs arising from the placement or use of the bus bench or bus shelter sign.

4. Sign Permit Required: A sign permit shall be required for each bus bench sign and bus shelter sign, and all applications for a sign permit must include the following:

   a. Written approval from the property owner of the proposed location for the bus bench/shelter sign is required and shall be submitted with the sign permit application. This approval shall be required whether the bench or shelter is to be located on private property or within an adjacent street right of way;

   b. A letter of approval from the Utah transit authority;

   c. A fee, in an amount established by resolution of the city council. The permit shall be valid for one calendar year. A change in the text of the sign on the bus bench/shelter sign or a substitution of benches shall not require the issuance of a new permit or the payment of an additional fee, if the bench/shelter is placed in the same location as originally permitted;

   d. A signed contract with the city for each bus bench or bus shelter sign located on public property; and

   e. Include a site plan, vicinity map and specifications for bus bench and shelters, as well as any improvements needed for the particular site.

5. Approval: Once an applicant has obtained approval for the location of the bus bench/shelter sign, the approval shall continue as long as the permit is maintained or until the property owner withdraws the approval in writing.

D. Billboard Signs:

1. Compliance With Law: Unless expressly provided otherwise, the erection, construction, reconstruction, location, relocation, placement, replacement, restoration, extension, enlargement, alteration, modification, upgrade, repair and maintenance of a billboard must comply with this title, title 13 of this code, and applicable state law.

2. Location: Billboard signs shall only be located on lots or parcels adjacent to streets that are adjacent to arterial streets as identified on the future roadway network map in the West Jordan master transportation plan, including Airport Road, Old Bingham Highway, New Bingham Highway and Bangerter Highway. Billboards shall not be allowed along the Mountain View Corridor.
3. Density: A billboard shall be considered a sign for the purpose of density on lots or parcels of land that qualify for a sign, except that if the billboard was located on the lot pursuant to a bona fide lease agreement with a third party prior to the installation of the pole sign, the billboard may remain upon the lot as a nonconforming billboard.

4. Residential, Mixed Use (Residential, Commercial, Office), Or Mixed Use Overlay Zone Prohibition: A billboard shall not be located within a residential zone or within a two hundred fifty foot (250') radius from a residential zone, except billboard signs along Bangerter Highway which shall not be located within a one hundred fifty foot (150') radius of a residential zone. A billboard sign (digital display) shall not be located closer than three hundred feet (300') from any residential zoning district boundary and shall not be located closer than five hundred feet (500') from any residential zoning district boundary if the billboard faces a residential area as determined through the conditional use permit review process. A billboard sign shall not be located within any mixed use or mixed use overlay zone, regardless of the underlying zoning classification. The minimum separation between billboard signs (digital display) and any other billboard sign shall be one thousand two hundred fifty feet (1,250'). The separation distance may be reduced where the planning commission finds that there are extenuating circumstances that justify a reduction in the separation requirement such as reducing the negative effects of ambient lighting or visual impacts on adjoining uses or mitigating safety concerns. In no case shall the minimum separation between billboards be less than seven hundred fifty feet (750').

5. Numerical Limit: The sum total of all conforming and nonconforming billboards in the city shall not exceed fourteen (14). Up to seven (7) of the fourteen (14) total billboards shall be located to the east of Bangerter Highway and up to seven (7) shall be located to the west of Bangerter Highway. Signs on lots or parcels directly adjacent to either side of Bangerter Highway can be counted toward the limit of seven (7) for either side of Bangerter Highway.

6. Expiration And Revocation:

   a. The standards and requirements for revoking a conditional use permit set forth in section 13-7E-10 of this code shall not apply to this section. Whether conforming or nonconforming, a billboard and associated rights shall be terminated only pursuant to the provisions of this section and applicable state law.

   b. If a billboard is conforming, any time after five (5) years from the date the billboard was approved, the planning commission may reevaluate the conditional use for the billboard to determine if conditions under which the permit was issued have changed and necessitates the revocation of the permit. Conditions shall be deemed to have changed if any of the following has occurred:

      (1) The owner of the billboard has failed to keep the lot where the billboard is located free of weeds and litter;

      (2) The owner of the billboard has failed to maintain the billboard in a safe condition, including, but not limited to, maintaining the billboard's borders, trims, faces, and its weight bearing and bracing structures; or
(3) Conditions included with the approval of the conditional use permit are not being met.

7. Repair, Rebuild, Restore, Modification:

a. A billboard owner may rebuild, maintain, repair or restore a billboard structure if it is damaged by casualty, an act of God, or vandalized.

b. (1) A billboard owner may rebuild or take other measures to correct a mistake in the placement or erection of a billboard for which the city has previously issued a permit, if the proposed rebuilding or other measure is consistent with the intent of the permit.

(2) The city may deny a billboard owner's request to rebuild a billboard or take other measures to correct a mistake in the placement or erection of the billboard if the mistake resulted from an intentionally false or misleading statement by the billboard owner in the application regarding the placement or erection of the billboard.

c. A nonconforming billboard shall not be rebuilt or replaced by anyone other than the billboard owner.

d. A billboard owner may structurally modify or upgrade a billboard. If a billboard owner structurally modifies or upgrades a billboard, the billboard owner:

(1) May erect the billboard:

   (A) To a height that is at least the same as, but no higher than, the previous use or structure, unless the city ordinances allow or the city consents to a higher structure; and

   (B) To a height and angle to make it clearly visible to traffic on the main traveled way of the street or highway on which the billboard is located; and

(2) May install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before its relocation; and

(3) Shall comply with the Utah outdoor advertising act, Utah Code Annotated title 72, chapter 7, part 5, to the extent applicable.

8. Relocation:

a. Correcting Mistakes:

(1) A billboard owner may relocate a billboard to correct a mistake in the placement or erection of the billboard for which the city has previously issued a permit, if the relocation is consistent with the intent of the permit.
(2) The city may deny a billboard owner's request to relocate a billboard to correct a mistake in the placement or erection of the billboard if the mistake resulted from an intentionally false or misleading statement by the billboard owner in the application regarding the placement or erection of the billboard.

b. Relocation To Commercial, Industrial Or Manufacturing Zones:

(1) A billboard owner may relocate a billboard into any commercial, industrial or manufacturing zone within the city boundaries, if the relocated billboard is:

(A) Within two thousand six hundred forty feet (2,640') of its previous location;

(B) No closer than five hundred feet (500') from an off premises sign existing on the same side of the street or highway; and

(C) The city and the billboard owner agree on a location that is mutually acceptable.

(2) If a billboard owner relocates a billboard under this subsection, the billboard owner:

(A) May erect the billboard:

(i) To a height that is at least the same as, but no higher than, the previous use or structure, unless the city ordinances allow or the city consents to a higher structure; and

(ii) To a height and angle to make it clearly visible to traffic on the main traveled way of the street or highway on which the billboard is located; and

(B) May install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before its relocation; and

(C) Shall comply with the Utah outdoor advertising act, Utah Code Annotated title 72, chapter 7, part 5, to the extent applicable.

9. Eminent Domain: The city shall be considered to have initiated the acquisition of a billboard structure by eminent domain if the city prevents a billboard owner from:

a. Rebuilding, maintaining, repairing or restoring a billboard structure that is damaged by casualty, an act of God, or vandalism;

b. Relocating, rebuilding, or taking other measures to correct a mistake in the placement or erection of a billboard for which the city has previously issued a permit, if the proposed relocation, rebuilding or other measure is consistent with the intent of the permit;
c. Structurally modifying or upgrading a billboard; or

d. Relocating a billboard into any commercial, industrial or manufacturing zone within the city boundaries, if the relocated billboard is:

(1) Within two thousand six hundred forty feet (2,640') of its previous location;

(2) No closer than five hundred feet (500') from an off premises sign existing on the same side of the street or highway; and

(3) The city and the billboard owner cannot agree to a mutually acceptable location within sixty (60) days after the billboard owner submits a written request to relocate the billboard.

10. Termination/Removal:

a. The city may terminate a billboard and associated property rights pursuant to Utah Code Annotated section 10-9a-512, or its successor.

b. Notwithstanding subsection D10a of this section, the city may remove any billboard without compensating the billboard owner if:

(1) The development services department or its designee determines:

   (A) By clear and convincing evidence that the billboard owner intentionally made a false or misleading statement in the billboard owner's permit application regarding the placement or erection of the billboard; or

   (B) By substantial evidence that the billboard:

      (i) Is structurally unsafe;

      (ii) Is in an unreasonable state of repair; or

      (iii) Has been abandoned for at least twelve (12) months; and

(2) The city notifies the billboard owner in writing that:

   (A) The billboard meets one or more of the conditions listed in subsection D10b(1) of this section;

   (B) Upon written request, the billboard owner is entitled to a hearing as set forth in subsection D11 of this section to explain why the billboard shall not be removed;

   (C) The billboard owner shall remedy the condition or conditions within the time period set forth in subsection D10b(3) of this section; and
(3) The billboard owner fails to remedy the condition or conditions within:

   (A) Ninety (90) calendar days after receipt of the city's written notice, unless the city's intent to remove is because the billboard is structurally unsafe; or

   (B) If the billboard is structurally unsafe, ten (10) business days after receipt of the city's written notice or a longer period if necessary because of a natural disaster; and

(4) Upon hearing or an opportunity for a hearing as provided in subsection D11 of this section it is found:

   (A) By clear and convincing evidence that the billboard owner intentionally made a false or misleading statement in the billboard owner's permit application regarding the placement or erection of the billboard; or

   (B) By substantial evidence that the billboard:

      (i) Is structurally unsafe;

      (ii) Is in an unreasonable state of repair; or

      (iii) Has been abandoned for at least twelve (12) months.

11. Hearing:

   a. Within five (5) calendar days after receipt of the notice required by subsection D10b(2) of this section, the billboard owner shall request in writing a hearing to explain why the billboard should not be removed.

   b. If no hearing is requested within the time provided in subsection D11a of this section, the city's findings under subsection D10b(4) of this section shall be deemed established, and the city shall be entitled to remove the billboard.

   c. If a hearing is requested, the city shall schedule a hearing within five (5) calendar days after receiving the written request.

   d. The billboard owner shall have the burden of proving why the billboard should not be removed.

   e. The city shall not remove the billboard if none of the conditions in subsection D10b(4) of this section have been met.

12. Hearing Board: The mayor shall hear and decide all issues regarding the removal of billboards in accordance with subsections D10b and D11 of this section or, alternatively, may appoint one or more persons to hear such matters. Whether as an individual or when constituted of more than one person, the person or persons designated shall be designated as the hearing board.
13. Billboard Signs (Digital Display): In addition to subsections D1 to D12 of this section, all billboard signs (digital display) shall meet the following standards unless contrary to the provisions of applicable state or federal law:

a. New billboard signs (digital display) are limited to a "double sided" configuration (i.e., 1 sign face or display area mounted on opposite sides of the same support structure so that both sign faces are at the same elevation and are effectively not visible at the same time from any vantage point as reasonably determined by the city).

b. A billboard sign that is converted to a billboard sign (digital display) shall not be larger or taller in height, width or display area than the sign from which it was converted. The planning commission may increase the height of the sign to the maximum allowed under section 12-3-2 of this chapter where the planning commission finds that safety is a concern. A single faced sign may not be converted to a double faced sign.

c. Each electronic display area capable of showing a separate electronic message shall be considered to be a separate billboard with an electronic digital display including those sharing the same support structure.

d. The text, images and graphics on a billboard sign (digital display) shall be static and complete within themselves, without continuation in content to the next image or message or to any other sign. Serial messages that require multiple passes or multiple signs to comprehend the message are prohibited.

e. All text and images must be of a size and shape to not cause drivers to reduce speed or become unreasonably distracted in order to comprehend the message. The city's focus under this subsection shall be the method (in terms of letter size and other quantifiable physical attributes) used to convey a message on a billboard sign (digital display) rather than the content of such message.

f. A billboard sign (digital display) shall not include animation, full motion video, flashing, scrolling, strob ing, 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.

g. The transition from one static display to another must be effectively instantaneous, with a twirl time not exceeding 0.25 second.

h. Every billboard sign (digital display) shall be equipped with a mechanism that automatically controls the sign's display period at all times as provided in this section. The dwell time for each message on a billboard sign (digital display) shall be at least eight (8) seconds, such that each message shall be illuminated and static for at least eight (8) seconds before transitioning to a new static display.

i. A billboard sign (digital display) shall comply with the following illuminance requirements:

(1) No billboard sign (digital display) shall cause illuminance in excess of three-tenths (0.3) foot-candle above ambient light as measured perpendicular to the billboard at a distance in feet calculated as follows:
(A) The square root of the product of 100 multiplied by the sign face area (a) (in square feet).

\[ \sqrt{a \cdot 100} \]

For example, if the billboard sign's (digital display's) electronic sign face measures ten feet by thirty feet (10' x 30') (300 square feet), then the illuminance caused by such use could not exceed three-tenths (0.3) foot-candle above ambient light at a perpendicular distance of 173 feet from the billboard sign (digital display) sign face.

\[ \sqrt{300 \cdot 100} = 173 \]

j. Every billboard sign (digital display) shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's illuminance as provided above in direct correlation with natural ambient light conditions at all times.

k. A billboard sign (digital display) may not be illuminated, lit or operated between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. if it is oriented toward and located within three hundred feet (300') of any property zoned or occupied for a residential use unless the message is an emergency public safety warning or alert, such as an "Amber Alert".

l. The following certifications are additional conditions of approval or continuation of any billboard sign (digital display):

(1) Within ten (10) calendar days after a billboard sign (digital display) is first placed into service, a written certification shall be submitted to the city from the owner/applicant that the sign has been tested and complies with the motion, dwell time, twirl time, illuminance and other requirements of this section.

(2) Based on complaints received, or for other reasonable cause, the city may from time to time require the owner or operator of a billboard sign (digital display) to provide, within ten (10) calendar days after receipt of the city's written request, an updated written certification that the sign has been retested and has been repaired or modified, as necessary, to comply with the requirements of this section.

(3) The city also may, at its option, from time to time verify a billboard sign's (digital display's) compliance with the requirements of this section, including by selecting and engaging qualified experts to measure the sign's illuminance and indirect illuminance. If the city reasonably determines that a billboard sign (digital display) is not in compliance with such requirements, then the owner or operator of the sign shall correct the noncompliance within ten (10) calendar days after written notice from the city, and shall reimburse all of the city's costs reasonably incurred in connection with such determination.
m. Any billboard sign (digital display) not conforming to the requirements of this section is prohibited.

E. Directional Signs:

1. Off-premises private directional signs are permissible only in cases where, due to its unusual location, a business is not easily seen from or is not located near a street.

2. Private directional signs shall contain only the name or logo of an establishment or directions such as "parking", "drive-through" or "exit".

F. Freeway Oriented Signs: Freeway oriented signs shall only be approved in conjunction with an overall sign plan for a regional shopping center.

G. Historic Monuments And Markers: Historic monuments and markers shall be constructed of masonry or noncorrotable metal materials, or other materials as approved by the planning commission.

H. Home Occupation Signs\(^3\): Advertising signs shall be limited to one unanimated, nonilluminated wall sign for each dwelling. The sign shall be placed either in a window or on the exterior wall on the front of the dwelling and shall not have an area greater than two (2) square feet. Minimal mailbox identification is permitted.

I. Inflated Sign Displays:

1. Display Period: Inflated signs may be displayed for no longer than fourteen (14) consecutive days per calendar quarter, and no longer than thirty (30) days during a grand opening.

2. Safety: Inflated signs shall be placed upon and securely tethered to the ground and shall be located in a manner that it shall not obstruct the use of public rights of way or otherwise constitute a safety hazard. Flammable gases shall not be utilized for inflated signs.

J. Monument Signs:

1. Height: The height of a monument sign may vary depending on the grading of landscaping upon which the sign is located. However, the combined height of the sign plus any landscape berming shall not exceed eight feet (8') above the elevation of the nearest sidewalk. The entire frontage of the site which the sign serves, not just the sign location, must have berming incorporated into the landscape design.

2. Construction: Monument signs in A, BR-P, P-O, M-P and P-F zones shall be constructed of brick or masonry materials which match the buildings identified by the monument sign, and shall be designed to be harmonious with the building architecture.

3. Copy Content: Copy of individual monument signs in A, BR-P, P-O, M-P and P-F zones shall consist only of the name and address of the occupant. Additional information may be displayed in an electronic message sign or changeable copy sign.
K. Off Premises Development Signs:

1. Sign Density Interpretation: The density standard of one sign per one hundred (100) residential units shall mean the following: One sign is allowed for a development with up to one hundred (100) residential units; an additional sign is allowed for a development with between one hundred one (101) and two hundred (200) residential units; a third sign is allowed for a development with between two hundred one (201) and three hundred (300) residential units, and so forth.

2. Illumination: Off premises construction or development signs shall not be illuminated.

L. Kiosk Signs:

1. Limited Purposes: Sign panels on kiosks may be permitted for the purpose of providing directional information to community facilities, homebuilders, residential developments under construction and multi-family homebuilders, developments and for those subdivisions, planned residential developments and multi-family developments having final recordation.

2. Location:
   a. Kiosks shall be located only on private property;
   b. Kiosks shall not be located in clear vision areas at intersections or driveways and shall not obstruct sidewalks, roadways or other locations where the signs may pose a hazard to motorists or pedestrians; and
   c. Kiosks proposed on property adjacent to state roads shall comply with all applicable state provisions governing the location and site development standards for such advertising.

3. Construction And Materials:
   a. Kiosks and sign panels shall be constructed of metal, fiberglass or rigid plastic/vinyl materials;
   b. Each kiosk frame shall be constructed of steel;
   c. The individual kiosk signs shall not exceed one foot (1'\) in height and four feet (4') in width;
   d. Kiosks shall not exceed twelve feet (12') in height and four feet six inches (4'6") in width;
   e. The minimum and maximum number of sign panels on each side of the kiosk shall be at least two (2), but no more than seven (7) signs;
   f. Kiosks shall be securely fastened to the ground;
g. Upon removal of a kiosk, the site shall be restored to its prior condition or better;

h. The header of the kiosks shall be painted with the city logo and all surfaces of the sign and lettering shall be in colors approved by the city planner or his/her assignee;

i. Changeable copy, internal illumination, ground mounted lights, overhead lights, exposed neon, pan channel letters, cabinet and painted signs are prohibited; and

j. All street improvements for the property on which the kiosk is located shall be completed, including all curbs, gutters and sidewalks.

M. Pole Signs: Notwithstanding the density standards for pole signs listed in section 12-3-2 of this chapter, the owner or lessee of a pad site contained within a nonresidential development for which a sign development plan has been approved, shall not be permitted to have a pole sign upon the pad site solely by reason of the frontage, unless the pole sign was approved as part of the sign development plan. Pole signs shall be located as close to the midpoint of a lot or development as possible.

N. Temporary Signs:

1. All temporary signs shall be securely attached to a building or to the ground.

2. There shall be no specific spacing requirement between freestanding temporary signs and other temporary or permanent signs. However, signs shall be placed as far apart as possible in order to provide equal visibility for all signs. Signs shall not be placed so as to block the view of or obscure another sign.

3. Except for the signs permitted by subsection P of this section, no sign shall be located within a street right of way or within clear vision areas at intersections of streets or intersections of streets and driveways.

O. Promotional Signs:

1. Portable Signs Not Included: Promotional signs do not include portable signs.

2. Display Period: A temporary sign permit may be issued for promotional signage and is valid for a period not to exceed thirty (30) consecutive calendar days. However, no such permit may be issued for the same property or business more than four (4) times during any calendar year or for longer than sixty (60) consecutive days within the first year of a business's grand opening. A minimum of fourteen (14) days shall elapse between each display period.

3. Searchlights: Searchlights shall be directed upward at an angle of at least forty five degrees (45°) and operated only between dusk and eleven fifty nine o'clock (11:59) P.M.

4. Promotional Signs In P-O Zones: The use of a promotional sign in P-O zones shall be limited to one promotional sign at any given time regardless of the number of businesses occupying the building on the individual parcel.
P. Use Of Temporary Signs During Periods Of Major Street Construction:

1. During times of major street construction along arterial and collector roads, temporary, portable signs may be placed in the public right of way to mark points of ingress and egress. Such signs may include the messages "Business Access Only" or "Open For Business". The temporary sign may also include an arrow directing patrons to a specific driveway or alternate entrance and/or the name or logo of the business.

2. The maximum display period for temporary signs used during periods of major street construction shall be for a period not to exceed sixty (60) days beyond substantial completion of construction. The starting date for display of a temporary sign shall correlate with the commencement date of major street construction.

3. Businesses may qualify for these exceptions if the said business is:
   a. Materially impacted by major street construction.
   b. Located on an arterial or collector right of way.
   c. Located within a half mile radius of the boundary (limits) of street construction.

4. A temporary sign displayed during periods of major street construction shall not obstruct the use of a public right of way, impede regular street construction work, obstruct a clear vision area of a street intersection, and/or create a direct or indirect safety hazard to pedestrians or vehicles.

5. The maximum number of temporary signs used during periods of major street construction shall be limited to one temporary double sided sign per business.

6. The size, height, density and spacing of a temporary sign used during periods of major street construction shall be the same as directional signs, section 12-3-2 of this chapter. The location of such a sign shall not extend beyond the frontage of the property that is affected by construction or beyond the nearest accessible driveway.

7. All signs shall be securely anchored to the ground.

The boundary and scope of impact will be approved by city council after a recommendation from city staff.

Q. Wall Signs In BR-P, P-O Zones: Wall signs in BR-P and P-O zones shall consist only of the name of the occupant of the building.

R. Neighborhood Entryway Signs:

1. Subdivisions or planned residential developments of less than five (5) acres with final approval may not utilize a "neighborhood entryway sign", as defined in section 12-1-4 of this title, but may utilize one monument sign per entrance.
2. Subdivisions or planned residential developments of five (5) or more acres with final approval may utilize "neighborhood entryway signs", as defined in section 12-1-4 of this title, or monument signs. However, the use of neighborhood entry signs shall prohibit the use of monument signs, and the use of monument signs shall prohibit the use of neighborhood entry signs.

3. If neighborhood entryway signs are utilized, the maximum number of signs on each side of an entry point shall be one sign.

4. If monument signs are utilized, the maximum number of signs on each side of an entry point shall be one single sided monument sign. A double sided monument sign is permitted on only one side of the entrance or in a center median.

5. All neighborhood entryway and monument signs shall be architecturally compatible with on site signs, structures and streetscape walls.

6. All planned residential developments shall incorporate landscaping into the signage and obtain planning commission approval of it in the planned residential development plan approved by the planning commission.

7. Changeable copy, internal illumination, exposed neon, pan channel letters, cabinet and painted signs are prohibited.

S. Changeable Copy Signs In P-O Zones: Changeable copy signs will only be allowed to be placed in monument or pole signs within the P-O zone district.

T. Planned Center Signage And Planned Center Gateway Signs: Planned center signs and gateway signs shall be applied to projects serving a variety of facilities and uses where the buildings are distributed in a contiguous campus, regional business center, research park, or large planned development type of setting. The purpose of this type of signage is to advertise businesses along major rights of way in a campus type of setting, where due to the scale of uses on several properties, larger on campus signage is warranted and necessary.

1. Location: The placement and location of a planned center sign or gateway sign is subject to review by the zoning administrator through an administrative conditional use permit process. The intent is to allow for such a sign or sign(s) to direct people and traffic to a large campus or regional business center. It is considered an on premises sign. The planned center sign and gateway sign is common to all properties in the campus and may be located on any lot or common area within the campus. The intent is to allow signage that displays only those businesses and facilities located within the campus or business center.

2. Base: Planned center signs and gateway signs shall incorporate a brick or stone base that is no less than two feet (2') in height. Alternative materials of equal quality and durability may be substituted for brick or stone if approved by the zoning administrator. Aluminum, stucco and/or concrete shall not be considered for material substitution.
U. Hearing and Notice Procedures for Modifying Sign Regulations:

1. Consistent with Utah Code Annotated section 10-9a-213, or successor provisions, prior to any hearing or public meeting to consider a proposed land use regulation or land use application modifying sign regulations for a unified commercial development sign within any unified commercial development, notice of the proposed unified commercial development sign shall be given to:

   a. each property owner within a 500-foot radius of the sign site;

   b. a municipality or county within a 500-foot radius of the sign site;

   c. any outdoor advertising permit holder described in Utah Code Annotated subsection 72-7-506(2)(b), or successor provisions; and

   d. the notice shall include the schedule of public meetings at which the proposed changes will be discussed.

2. The City shall require the property owner or applicant to commence in good faith the construction of the commercial or industrial development within one year after the installation of the unified commercial development sign. (2001 Code §§ 89-6-502, 89-6-1108; amd. 2009 Code; Ord. 11-10, 4-6-2011; Ord. 12-07, 4-4-2012; Ord. 13-17, 4-24-2013; Ord. 14-22, 6-11-2014; Ord. 14-29, 8-27-2014; Ord. 16-50, 11-16-2016; Ord. 19-30, 10-23-2019; Ord. 19-__, ___-2019, Effective at 12 noon on January 6, 2020)

Section 3. Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the City Council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

Section 4. This Ordinance shall become effective at 12 noon on January 6, 2020.

Passed and adopted by the City Council of the City of West Jordan, Utah this ___ day of ____, ___.

CITY OF WEST JORDAN

By: __________________________

JIM RIDING
Mayor

ATTEST:

JAMIE BROOKS, CMC
Interim City Clerk
Voting by the City Council

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CITY CLERK/RECORDE R'S CERTIFICATE OF PUBLICATION

I, Jamie Brooks, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the _____ day of ____________, ____, pursuant to Utah Code Annotated, 10-3-711.

JAMIE BROOKS, CMC
Interim City Clerk/Recorder

[SEAL]
12-2-3: SIGN PERMIT:

A. Permit Required: A sign permit shall be required prior to the erection, construction, reconstruction, location, relocation, placement, replacement, restoration, extension, enlargement, modification, alteration, repair or use of any sign within the city, except exempt signs described in section 12-2-5 of this chapter.

B. Issuance Of Permit: The development services department or its designee is empowered to:

1. Issue permits to erect, construct, reconstruct, locate, relocate, place, replace, restore, extend, enlarge, modify, alter, repair or use signs which conform to this title and title 13 of this code; and

2. Determine that all sign applications conform to this title and title 13 of this code.

C. Zoning District Approval: Before any sign permit shall be issued, the development services department or its designee shall review the sign application to determine compliance with title 13 of this code.

D. Planning Commission Approval: Before a sign permit may be issued, planning commission approval shall be required as follows:

1. A sign development plan for all nonresidential developments that require site plan review by the planning commission;

2. Revised sign development plans for existing developments;

3. Signs requiring a conditional use permit as identified in section 13-17-2 of this code;

4. Historical monuments and markers in any zone;

5. The renewal of expired off premises development signs; and

6. Conceptual sign plans included in development plans for all mixed use developments in the WSPA zone.

E. Zoning Administrator Approval: All other sign permits may be approved by the zoning administrator or his/her designee.

F. Application Submittal: The following information shall be submitted to the development services department with the permit application:

1. Monument and pole signs:
   a. A site plan showing the relationship of the sign to buildings, other signs, and property lines and setbacks from public rights of way, intersections, easements and driveways;
   b. Accurately dimensioned, scaled drawings showing height, color, dimensions, landscaping, sign composition, type of illumination, and how the sign will appear from the street;
c. Details of sign construction, including electrical plan, foundation scheme, and value of the sign; and

d. Length of property street frontage.

2. Wall Signs:
   a. Scaled drawings showing dimensions of both the building face and the sign, sign composition and type of illumination;
   b. An architectural elevation drawing of the sign on the building to show how the sign will appear from the street/parking area; and
   c. Details of sign construction and attachment, including an electrical plan, if applicable.

3. Temporary Signs:
   a. Site plan showing the relationship of the sign to buildings, property lines and other signs; and setbacks from each public rights of way, intersections, easements, and driveways existing and adjacent to the property on which the temporary sign is to be situated. The site plan does not need to be professionally drawn; and
   b. Length of requested period for display.

4. Bus Bench/Shelter Signs:
   a. Written approval from the property owner of the proposed location for the bus bench/shelter. The property owner’s approval shall be required whether the bench/shelter is to be located on private property or within an adjacent street right of way;
   b. A letter of approval from the Utah transit authority;
   c. A site plan, vicinity map and specifications for bus bench/shelters, as well as any improvements needed for the particular site;
   d. A signed contract with the city for each bus bench/shelter sign located on public property; and
   e. A fee, in an amount established by resolution of the city council.

5. Off Premises Development And Private Directional Signs: Written consent from the owner of the property upon which the sign will be located.

6. Kiosk Signs:
   a. Written approval from the property owner of the proposed location for the kiosk sign;
   b. A letter of approval from UDOT, if applicable;
   c. A kiosk location plan shall be prepared showing the site of each kiosk;
   d. An approved kiosk location plan shall be resubmitted for approval every twelve (12) months; and
   e. An annual fee, in an amount established by resolution of the city council.
7. Additional Information Required For All Sign Permits:
   a. Proof of current city business license, where applicable;
   b. Business address and phone number;
   c. Address of real property owner and phone number;
   d. General or electrical contractor license, phone number and address;
   e. Estimated fair market value of the sign and its cost of manufacture or
      construction; and
   f. Property owner approval.

G. Expiration Of Permit:

1. All sign permits shall expire one hundred eighty (180) days following the date of
   issuance of the sign permit, unless the sign is fully constructed according to the plans
   submitted with the application for the sign permit.

2. Permits issued for bus bench/shelter signs, off premises development signs and
   kiosk signs are valid for only one calendar year. A change in the text of the sign on the bus
   bench/shelter sign or kiosk sign or a substitution of benches/shelters or signs on the kiosk
   shall not require the issuance of a new permit, if the bus bench/shelter or kiosk is placed in
   the same location as originally permitted.

3. Except for billboard signs, conditional use permits issued for all other signs may be
   revoked pursuant to section 13-7E-10 of this code. (2001 Code §§ 89-6-1102, 89-6-1106,
   89-6-1108, 89-6-1110; amd. 2009 Code; Ord. 19-__, __-2019, Effective at 12 noon on
   January 6, 2020)

12-3-3: EXCEPTIONS AND QUALIFICATIONS FOR SPECIFIC SIGN TYPES:

A. A-Frame Signs: The use of A-frame signs is limited to areas of high volume pedestrian traffic
   and is limited to normal business hours. A-frame signs shall be stored indoors at all other
   times. A-frame signs shall not be used outdoors when high wind or heavy snow conditions
   exist.

B. Awning Signs: Awning signs may be displayed, if striping of not more than one color
   (including black and white) is used, and the background shall not be considered design
   space. Awnings placed on canopies or marquees are exempted from the twenty five percent
   (25%) limitation specified in section 12-3-2 of this chapter, but shall not exceed five feet (5')
   in height

C. Bus Bench Signs And Bus Shelter Signs:

1. Placement: Only one double sided sign is permitted in a bus shelter. This sign shall
   be placed inside the shelter and shall be securely attached to the opposite wall of the shelter
   that faces oncoming traffic.

2. On Benches Prohibited: Signs shall not be placed on benches located inside bus
   shelters.
3. Insurance: For any bus bench or bus shelter sign, the company or person responsible for the bus bench or shelter sign shall enter into an agreement with the city, which must be approved by the city attorney. This agreement will require, among other things, that the company or person responsible for the bus bench or bus shelter sign provide to the city proof of liability insurance in the minimum amount of one million dollars ($1,000,000.00), name the city as an additional insured, and indemnify and hold harmless the city from any and all injuries and defense costs arising from the placement or use of the bus bench or bus shelter sign.

4. Sign Permit Required: A sign permit shall be required for each bus bench sign and bus shelter sign, and all applications for a sign permit must include the following:

   a. Written approval from the property owner of the proposed location for the bus bench/shelter sign is required and shall be submitted with the sign permit application. This approval shall be required whether the bench or shelter is to be located on private property or within an adjacent street right of way;

   b. A letter of approval from the Utah transit authority;

   c. A fee, in an amount established by resolution of the city council. The permit shall be valid for one calendar year. A change in the text of the sign on the bus bench/shelter sign or a substitution of benches shall not require the issuance of a new permit or the payment of an additional fee, if the bench/shelter is placed in the same location as originally permitted;

   d. A signed contract with the city for each bus bench or bus shelter sign located on public property; and

   e. Include a site plan, vicinity map and specifications for bus bench and shelters, as well as any improvements needed for the particular site.

5. Approval: Once an applicant has obtained approval for the location of the bus bench/shelter sign, the approval shall continue as long as the permit is maintained or until the property owner withdraws the approval in writing.

D. Billboard Signs:

1. Compliance With Law: Unless expressly provided otherwise, the erection, construction, reconstruction, location, relocation, placement, replacement, restoration, extension, enlargement, alteration, modification, upgrade, repair and maintenance of a billboard must comply with this title, title 13 of this code, and applicable state law.

2. Location: Billboard signs shall only be located on lots or parcels adjacent to streets that are adjacent to arterial streets as identified on the future roadway network map in the West Jordan master transportation plan, including Airport Road, Old Bingham Highway, New Bingham Highway and Bangertor Highway. Billboards shall not be allowed along the Mountain View Corridor.

3. Density: A billboard shall be considered a sign for the purpose of density on lots or parcels of land that qualify for a sign, except that if the billboard was located on the lot pursuant to a bona fide lease agreement with a third party prior to the installation of the pole sign, the billboard may remain upon the lot as a nonconforming billboard.

4. Residential, Mixed Use (Residential, Commercial, Office), Or Mixed Use Overlay Zone Prohibition: A billboard shall not be located within a residential zone or within a two hundred fifty foot (250') radius from a residential zone, except billboard signs along Bangertor Highway which shall not be located within a one hundred fifty foot (150') radius of a residential zone. A billboard sign (digital display) shall not be located closer than three
hundred feet (300') from any residential zoning district boundary and shall not be located closer than five hundred feet (500') from any residential zoning district boundary if the billboard faces a residential area as determined through the conditional use permit review process. A billboard sign shall not be located within any mixed use or mixed use overlay zone, regardless of the underlying zoning classification. The minimum separation between billboard signs (digital display) and any other billboard sign shall be one thousand two hundred fifty feet (1,250'). The separation distance may be reduced where the planning commission finds that there are extenuating circumstances that justify a reduction in the separation requirement such as reducing the negative effects of ambient lighting or visual impacts on adjoining uses or mitigating safety concerns. In no case shall the minimum separation between billboards be less than seven hundred fifty feet (750').

5. Numerical Limit: The sum total of all conforming and nonconforming billboards in the city shall not exceed fourteen (14). Up to seven (7) of the fourteen (14) total billboards shall be located to the east of Bangerter Highway and up to seven (7) shall be located to the west of Bangerter Highway. Signs on lots or parcels directly adjacent to either side of Bangerter Highway can be counted toward the limit of seven (7) for either side of Bangerter Highway.

6. Expiration And Revocation:

   a. The standards and requirements for revoking a conditional use permit set forth in section 13-7E-10 of this code shall not apply to this section. Whether conforming or nonconforming, a billboard and associated rights shall be terminated only pursuant to the provisions of this section and applicable state law.

   b. If a billboard is conforming, any time after five (5) years from the date the billboard was approved, the planning commission may reevaluate the conditional use for the billboard to determine if conditions under which the permit was issued have changed and necessitates the revocation of the permit. Conditions shall be deemed to have changed if any of the following has occurred:

   (1) The owner of the billboard has failed to keep the lot where the billboard is located free of weeds and litter;

   (2) The owner of the billboard has failed to maintain the billboard in a safe condition, including, but not limited to, maintaining the billboard’s borders, trims, faces, and its weight bearing and bracing structures; or

   (3) Conditions included with the approval of the conditional use permit are not being met.

7. Repair, Rebuild, Restore, Modification:

   a. A billboard owner may rebuild, maintain, repair or restore a billboard structure if it is damaged by casualty, an act of God, or vandalized.

   b. A billboard owner may rebuild or take other measures to correct a mistake in the placement or erection of a billboard for which the city has previously issued a permit, if the proposed rebuilding or other measure is consistent with the intent of the permit.

   (1) The city may deny a billboard owner’s request to rebuild a billboard or take other measures to correct a mistake in the placement or erection of the billboard if the mistake resulted from an intentionally false or misleading statement by the billboard owner in the application regarding the placement or erection of the billboard.
c. A nonconforming billboard shall not be rebuilt or replaced by anyone other than the billboard owner.

d. A billboard owner may structurally modify or upgrade a billboard. If a billboard owner structurally modifies or upgrades a billboard, the billboard owner:

(1) May erect the billboard:

(A) To a height that is at least the same as, but no higher than, the previous use or structure, unless the city ordinances allow or the city consents to a higher structure; and

(B) To a height and angle to make it clearly visible to traffic on the main traveled way of the street or highway on which the billboard is located; and

(2) May install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before its relocation; and

(3) Shall comply with the Utah outdoor advertising act, Utah Code Annotated title 72, chapter 7, part 5, to the extent applicable.

8. Relocation:

a. Correcting Mistakes:

(1) A billboard owner may relocate a billboard to correct a mistake in the placement or erection of the billboard for which the city has previously issued a permit, if the relocation is consistent with the intent of the permit.

(2) The city may deny a billboard owner's request to relocate a billboard to correct a mistake in the placement or erection of the billboard if the mistake resulted from an intentionally false or misleading statement by the billboard owner in the application regarding the placement or erection of the billboard.

b. Relocation To Commercial, Industrial Or Manufacturing Zones:

(1) A billboard owner may relocate a billboard into any commercial, industrial or manufacturing zone within the city boundaries, if the relocated billboard is:

(A) Within two thousand six hundred forty feet (2,640') of its previous location;

(B) No closer than five hundred feet (500') from an off premises sign existing on the same side of the street or highway; and

(C) The city and the billboard owner agree on a location that is mutually acceptable.

(2) If a billboard owner relocates a billboard under this subsection, the billboard owner:
(A) May erect the billboard:

(i) To a height that is at least the same as, but no higher than, the previous use or structure, unless the city ordinances allow or the city consents to a higher structure; and

(ii) To a height and angle to make it clearly visible to traffic on the main traveled way of the street or highway on which the billboard is located; and

(B) May install a sign face on the billboard that is at least the same size as, but no larger than, the sign face on the billboard before its relocation; and

(C) Shall comply with the Utah outdoor advertising act, Utah Code Annotated title 72, chapter 7, part 5, to the extent applicable.

9. Eminent Domain: The city shall be considered to have initiated the acquisition of a billboard structure by eminent domain if the city prevents a billboard owner from:

a. Rebuilding, maintaining, repairing or restoring a billboard structure that is damaged by casualty, an act of God, or vandalism;

b. Relocating, rebuilding, or taking other measures to correct a mistake in the placement or erection of a billboard for which the city has previously issued a permit, if the proposed relocation, rebuilding or other measure is consistent with the intent of the permit;

c. Structurally modifying or upgrading a billboard; or

d. Relocating a billboard into any commercial, industrial or manufacturing zone within the city boundaries, if the relocated billboard is:

   (1) Within two thousand six hundred forty feet (2,640') of its previous location;

   (2) No closer than five hundred feet (500') from an off premises sign existing on the same side of the street or highway; and

   (3) The city and the billboard owner cannot agree to a mutually acceptable location within sixty (60) days after the billboard owner submits a written request to relocate the billboard.

10. Termination/Removal:

a. The city may terminate a billboard and associated property rights pursuant to Utah Code Annotated section 10-9a-512, or its successor.

b. Notwithstanding subsection D10a of this section, the city may remove any billboard without compensating the billboard owner if:

   (1) The development services department or its designee determines:

      (A) By clear and convincing evidence that the billboard owner intentionally made a false or misleading statement in the billboard owner's permit application regarding the placement or erection of the billboard; or
(B) By substantial evidence that the billboard:

(i) Is structurally unsafe;

(ii) Is in an unreasonable state of repair; or

(iii) Has been abandoned for at least twelve (12) months; and

(2) The city notifies the billboard owner in writing that:

(A) The billboard meets one or more of the conditions listed in subsection D10b(1) of this section;

(B) Upon written request, the billboard owner is entitled to a hearing as set forth in subsection D11 of this section to explain why the billboard shall not be removed;

(C) The billboard owner shall remedy the condition or conditions within the time period set forth in subsection D10b(3) of this section; and

(3) The billboard owner fails to remedy the condition or conditions within:

(A) Ninety (90) calendar days after receipt of the city's written notice, unless the city's intent to remove is because the billboard is structurally unsafe; or

(B) If the billboard is structurally unsafe, ten (10) business days after receipt of the city's written notice or a longer period if necessary because of a natural disaster; and

(4) Upon hearing or an opportunity for a hearing as provided in subsection D11 of this section it is found:

(A) By clear and convincing evidence that the billboard owner intentionally made a false or misleading statement in the billboard owner's permit application regarding the placement or erection of the billboard; or

(B) By substantial evidence that the billboard:

(i) Is structurally unsafe;

(ii) Is in an unreasonable state of repair; or

(iii) Has been abandoned for at least twelve (12) months.

11. Hearing:

a. Within five (5) calendar days after receipt of the notice required by subsection D10b(2) of this section, the billboard owner shall request in writing a hearing to explain why the billboard should not be removed.

b. If no hearing is requested within the time provided in subsection D11a of this section, the city's findings under subsection D10b(4) of this section shall be deemed established, and the city shall be entitled to remove the billboard.

c. If a hearing is requested, the city shall schedule a hearing within five (5) calendar days after receiving the written request.
d. The billboard owner shall have the burden of proving why the billboard should not be removed.

e. The city shall not remove the billboard if none of the conditions in subsection D10b(4) of this section have been met.

12. Hearing Board: The city manager mayor shall hear and decide all issues regarding the removal of billboards in accordance with subsections D10b and D11 of this section or, alternatively, may appoint one or more persons to hear such matters, with the advice and consent of the city council. Whether as an individual or when constituted of more than one person, the person or persons designated shall be designated as the hearing board.

13. Billboard Signs (Digital Display): In addition to subsections D1 to D12 of this section, all billboard signs (digital display) shall meet the following standards unless contrary to the provisions of applicable state or federal law:

a. New billboard signs (digital display) are limited to a "double sided" configuration (i.e., 1 sign face or display area mounted on opposite sides of the same support structure so that both sign faces are at the same elevation and are effectively not visible at the same time from any vantage point as reasonably determined by the city).

b. A billboard sign that is converted to a billboard sign (digital display) shall not be larger or taller in height, width or display area than the sign from which it was converted. The planning commission may increase the height of the sign to the maximum allowed under section 12-3-2 of this chapter where the planning commission finds that safety is a concern. A single faced sign may not be converted to a double faced sign.

c. Each electronic display area capable of showing a separate electronic message shall be considered to be a separate billboard with an electronic digital display including those sharing the same support structure.

d. The text, images and graphics on a billboard sign (digital display) shall be static and complete within themselves, without continuation in content to the next image or message or to any other sign. Serial messages that require multiple passes or multiple signs to comprehend the message are prohibited.

e. All text and images must be of a size and shape to not cause drivers to reduce speed or become unreasonably distracted in order to comprehend the message. The city's focus under this subsection shall be the method (in terms of letter size and other quantifiable physical attributes) used to convey a message on a billboard sign (digital display) rather than the content of such message.

f. A billboard sign (digital display) shall not include animation, full motion video, flashing, 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.

g. The transition from one static display to another must be effectively instantaneous, with a twirl time not exceeding 0.25 second.

h. Every billboard sign (digital display) shall be equipped with a mechanism that automatically controls the sign's display period at all times as provided in this section. The dwell time for each message on a billboard sign (digital display) shall be at least eight (8) seconds, such that each message shall be illuminated and static for at least eight (8) seconds before transitioning to a new static display.

i. A billboard sign (digital display) shall comply with the following illuminance requirements:
(1) No billboard sign (digital display) shall cause illuminance in excess of three-tenths (0.3) foot-candle above ambient light as measured perpendicular to the billboard at a distance in feet calculated as follows:

(A) The square root of the product of 100 multiplied by the sign face area ($a$) (in square feet).

\[ \sqrt{a \cdot 100} \]

For example, if the billboard sign's (digital display's) electronic sign face measures ten feet by thirty feet (10' x 30') (300 square feet), then the illuminance caused by such use could not exceed three-tenths (0.3) foot-candle above ambient light at a perpendicular distance of 173 feet from the billboard sign (digital display) sign face.

\[ \sqrt{300 \cdot 100} = 173 \]

j. Every billboard sign (digital display) shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's illuminance as provided above in direct correlation with natural ambient light conditions at all times.

k. A billboard sign (digital display) may not be illuminated, lit or operated between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. if it is oriented toward and located within three hundred feet (300') of any property zoned or occupied for a residential use unless the message is an emergency public safety warning or alert, such as an "Amber Alert".

l. The following certifications are additional conditions of approval or continuation of any billboard sign (digital display):

(1) Within ten (10) calendar days after a billboard sign (digital display) is first placed into service, a written certification shall be submitted to the city from the owner/applicant that the sign has been tested and complies with the motion, dwell time, twirl time, illuminance and other requirements of this section.

(2) Based on complaints received, or for other reasonable cause, the city may from time to time require the owner or operator of a billboard sign (digital display) to provide, within ten (10) calendar days after receipt of the city's written request, an updated written certification that the sign has been retested and has been repaired or modified, as necessary, to comply with the requirements of this section.

(3) The city also may, at its option, from time to time verify a billboard sign's (digital display's) compliance with the requirements of this section, including by selecting and engaging qualified experts to measure the sign's illuminance and indirect illuminance. If the city reasonably determines that a billboard sign (digital display) is not in compliance with such requirements, then the owner or operator of the sign shall correct the noncompliance within ten (10) calendar days after written notice from the city, and shall reimburse all of the city’s costs reasonably incurred in connection with such determination.

m. Any billboard sign (digital display) not conforming to the requirements of this section is prohibited.

E. Directional Signs:
1. Off premises private directional signs are permissible only in cases where, due to its unusual location, a business is not easily seen from or is not located near a street.

2. Private directional signs shall contain only the name or logo of an establishment or directions such as "parking", "drive-through" or "exit".

F. Freeway Oriented Signs: Freeway oriented signs shall only be approved in conjunction with an overall sign plan for a regional shopping center.

G. Historic Monuments And Markers: Historic monuments and markers shall be constructed of masonry or noncorrodible metal materials, or other materials as approved by the planning commission.

H. Home Occupation Signs*: Advertising signs shall be limited to one unanimated, nonilluminated wall sign for each dwelling. The sign shall be placed either in a window or on the exterior wall on the front of the dwelling and shall not have an area greater than two (2) square feet. Minimal mailbox identification is permitted.

I. Inflated Sign Displays:

1. Display Period: Inflated signs may be displayed for no longer than fourteen (14) consecutive days per calendar quarter, and no longer than thirty (30) days during a grand opening.

2. Safety: Inflated signs shall be placed upon and securely tethered to the ground and shall be located in a manner that it shall not obstruct the use of public rights of way or otherwise constitute a safety hazard. Flammable gases shall not be utilized for inflated signs.

J. Monument Signs:

1. Height: The height of a monument sign may vary depending on the grading of landscaping upon which the sign is located. However, the combined height of the sign plus any landscape berming shall not exceed eight feet (8') above the elevation of the nearest sidewalk. The entire frontage of the site which the sign serves, not just the sign location, must have berming incorporated into the landscape design.

2. Construction: Monument signs in A, BR-P, P-O, M-P and P-F zones shall be constructed of brick or masonry materials which match the buildings identified by the monument sign, and shall be designed to be harmonious with the building architecture.

3. Copy Content: Copy of individual monument signs in A, BR-P, P-O, M-P and P-F zones shall consist only of the name and address of the occupant. Additional information may be displayed in an electronic message sign or changeable copy sign.

K. Off Premises Development Signs:

1. Sign Density Interpretation: The density standard of one sign per one hundred (100) residential units shall mean the following: One sign is allowed for a development with up to one hundred (100) residential units; an additional sign is allowed for a development with between one hundred one (101) and two hundred (200) residential units; a third sign is allowed for a development with between two hundred one (201) and three hundred (300) residential units, and so forth.

2. Illumination: Off premises construction or development signs shall not be illuminated.
L. Kiosk Signs:

1. Limited Purposes: Sign panels on kiosks may be permitted for the purpose of providing directional information to community facilities, homebuilders, residential developments under construction and multi-family homebuilders, developments and for those subdivisions, planned residential developments and multi-family developments having final recordation.

2. Location:
   
   a. Kiosks shall be located only on private property;
   
   b. Kiosks shall not be located in clear vision areas at intersections or driveways and shall not obstruct sidewalks, roadways or other locations where the signs may pose a hazard to motorists or pedestrians; and
   
   c. Kiosks proposed on property adjacent to state roads shall comply with all applicable state provisions governing the location and site development standards for such advertising.

3. Construction And Materials:
   
   a. Kiosks and sign panels shall be constructed of metal, fiberglass or rigid plastic/vinyl materials;
   
   b. Each kiosk frame shall be constructed of steel;
   
   c. The individual kiosk signs shall not exceed one foot (1') in height and four feet (4') in width;
   
   d. Kiosks shall not exceed twelve feet (12') in height and four feet six inches (4'6") in width;
   
   e. The minimum and maximum number of sign panels on each side of the kiosk shall be at least two (2), but no more than seven (7) signs;
   
   f. Kiosks shall be securely fastened to the ground;
   
   g. Upon removal of a kiosk, the site shall be restored to its prior condition or better;
   
   h. The header of the kiosks shall be painted with the city logo and all surfaces of the sign and lettering shall be in colors approved by the city planner or his/her assignee;
   
   i. Changeable copy, internal illumination, ground mounted lights, overhead lights, exposed neon, pan channel letters, cabinet and painted signs are prohibited; and
   
   j. All street improvements for the property on which the kiosk is located shall be completed, including all curbs, gutters and sidewalks.

M. Pole Signs: Notwithstanding the density standards for pole signs listed in section 12-3-2 of this chapter, the owner or lessee of a pad site contained within a nonresidential development for which a sign development plan has been approved, shall not be permitted to have a pole sign upon the pad site solely by reason of the frontage, unless the pole sign was approved as part of the sign development plan. Pole signs shall be located as close to the midpoint of a lot or development as possible.
N. Temporary Signs:

1. All temporary signs shall be securely attached to a building or to the ground.

2. There shall be no specific spacing requirement between freestanding temporary signs and other temporary or permanent signs. However, signs shall be placed as far apart as possible in order to provide equal visibility for all signs. Signs shall not be placed so as to block the view of or obscure another sign.

3. Except for the signs permitted by subsection P of this section, no sign shall be located within a street right of way or within clear vision areas at intersections of streets or intersections of streets and driveways.

O. Promotional Signs:

1. Portable Signs Not Included: Promotional signs do not include portable signs.

2. Display Period: A temporary sign permit may be issued for promotional signage and is valid for a period not to exceed thirty (30) consecutive calendar days. However, no such permit may be issued for the same property or business more than four (4) times during any calendar year or for longer than sixty (60) consecutive days within the first year of a business's grand opening. A minimum of fourteen (14) days shall elapse between each display period.

3. Searchlights: Searchlights shall be directed upward at an angle of at least forty five degrees (45°) and operated only between dusk and eleven fifty nine o'clock (11:59) P.M.

4. Promotional Signs In P-O Zones: The use of a promotional sign in P-O zones shall be limited to one promotional sign at any given time regardless of the number of businesses occupying the building on the individual parcel.

P. Use Of Temporary Signs During Periods Of Major Street Construction:

1. During times of major street construction along arterial and collector roads, temporary, portable signs may be placed in the public right of way to mark points of ingress and egress. Such signs may include the messages "Business Access Only" or "Open For Business". The temporary sign may also include an arrow directing patrons to a specific driveway or alternate entrance and/or the name or logo of the business.

2. The maximum display period for temporary signs used during periods of major street construction shall be for a period not to exceed sixty (60) days beyond substantial completion of construction. The starting date for display of a temporary sign shall correlate with the commencement date of major street construction.

3. Businesses may qualify for these exceptions if the said business is:
   a. Materially impacted by major street construction.
   b. Located on an arterial or collector right of way.
   c. Located within a half mile radius of the boundary (limits) of street construction.

4. A temporary sign displayed during periods of major street construction shall not obstruct the use of a public right of way, impede regular street construction work, obstruct a clear vision area of a street intersection, and/or create a direct or indirect safety hazard to pedestrians or vehicles.
5. The maximum number of temporary signs used during periods of major street construction shall be limited to one temporary double sided sign per business.

6. The size, height, density and spacing of a temporary sign used during periods of major street construction shall be the same as directional signs, section 12-3-2 of this chapter. The location of such a sign shall not extend beyond the frontage of the property that is affected by construction or beyond the nearest accessible driveway.

7. All signs shall be securely anchored to the ground.

The boundary and scope of impact will be approved by city council after a recommendation from city staff.

Q. Wall Signs In BR-P, P-O Zones: Wall signs in BR-P and P-O zones shall consist only of the name of the occupant of the building.

R. Neighborhood Entryway Signs:

1. Subdivisions or planned residential developments of less than five (5) acres with final approval may not utilize a "neighborhood entryway sign", as defined in section 12-1-4 of this title, but may utilize one monument sign per entrance.

2. Subdivisions or planned residential developments of five (5) or more acres with final approval may utilize "neighborhood entryway signs", as defined in section 12-1-4 of this title, or monument signs. However, the use of neighborhood entry signs shall prohibit the use of monument signs, and the use of monument signs shall prohibit the use of neighborhood entry signs.

3. If neighborhood entryway signs are utilized, the maximum number of signs on each side of an entry point shall be one sign.

4. If monument signs are utilized, the maximum number of signs on each side of an entry point shall be one single sided monument sign. A double sided monument sign is permitted on only one side of the entrance or in a center median.

5. All neighborhood entryway and monument signs shall be architecturally compatible with on site signs, structures and streetscape walls.

6. All planned residential developments shall incorporate landscaping into the signage and obtain planning commission approval of it in the planned residential development plan approved by the planning commission.

7. Changeable copy, internal illumination, exposed neon, pan channel letters, cabinet and painted signs are prohibited.

S. Changeable Copy Signs In P-O Zones: Changeable copy signs will only be allowed to be placed in monument or pole signs within the P-O zone district.

T. Planned Center Signage And Planned Center Gateway Signs: Planned center signs and gateway signs shall be applied to projects serving a variety of facilities and uses where the buildings are distributed in a contiguous campus, regional business center, research park, or large planned development type of setting. The purpose of this type of signage is to advertise businesses along major rights of way in a campus type of setting, where due to the scale of uses on several properties, larger on campus signage is warranted and necessary.
1. Location: The placement and location of a planned center sign or gateway sign is subject to review by the zoning administrator through an administrative conditional use permit process. The intent is to allow for such a sign or sign(s) to direct people and traffic to a large campus or regional business center. It is considered an on premises sign. The planned center sign and gateway sign is common to all properties in the campus and may be located on any lot or common area within the campus. The intent is to allow signage that displays only those businesses and facilities located within the campus or business center.

2. Base: Planned center signs and gateway signs shall incorporate a brick or stone base that is no less than two feet (2') in height. Alternative materials of equal quality and durability may be substituted for brick or stone if approved by the zoning administrator. Aluminum, stucco and/or concrete shall not be considered for material substitution.

U. Hearing and Notice Procedures for Modifying Sign Regulations:

1. Consistent with Utah Code Annotated section 10-9a-213, or successor provisions, prior to any hearing or public meeting to consider a proposed land use regulation or land use application modifying sign regulations for a unified commercial development sign within any unified commercial development, notice of the proposed unified commercial development sign shall be given to:
   a. each property owner within a 500-foot radius of the sign site;
   b. a municipality or county within a 500-foot radius of the sign site;
   c. any outdoor advertising permit holder described in Utah Code Annotated subsection 72-7-506(2)(b), or successor provisions; and
   d. the notice shall include the schedule of public meetings at which the proposed changes will be discussed.

2. The City shall require the property owner or applicant to commence in good faith the construction of the commercial or industrial development within one year after the installation of the unified commercial development sign. (2001 Code §§ 69-6-502, 89-6-1108; amd. 2009 Code; Ord. 11-10, 4-6-2011; Ord. 12-07, 4-4-2012; Ord. 13-17, 4-24-2013; Ord. 14-22, 6-11-2014; Ord. 14-29, 8-27-2014; Ord. 16-50, 11-16-2016; Ord. 19-30, 10-23-2019; Ord. 19--__, __-__2019, Effective at 12 noon on January 6, 2020)