



AGENDA

HIGHLAND CITY PLANNING COMMISSION Tuesday, October 23, 2012 – Regular Meeting 7:00 p.m.

Highland City Council Chambers, 5400 West Civic Center Drive, Highland Utah

CALL TO ORDER: Chris Kemp, Chair

- Attendance – Chris Kemp, Chair
- Invocation – Commissioner Scott Temby
- Pledge of Allegiance – Commissioner Tim Heyrend

APPEARANCES:

Time has been set aside for the public to express their ideas, concerns, and comments on non-agenda items. Speakers will be limited to two (2) minutes.

WITHDRAWALS AND CONTINUANCES:

PUBLIC HEARING ITEMS:

1. Z-12-01 A request by Daron Young of Ivory Homes to change the zoning from R-1-40 (Residential) to R-1-20 (Residential) for a 5.36 acre piece of property located at approximately 9976 North Alpine Highway. This rezone request would increase the density from one unit per forty thousand square feet to one unit per twenty thousand square feet. *Legislative.*
2. TA-12-04 A request by the Highland City Council to amend the Highland City Development Code for the purpose of removing Article 4.8 Open Space Density Bonus and Section 5-4-400 Open Space Subdivision Option. This action will remove open space subdivisions as a development option. *Legislative.*
3. TA-11-14 A request to amend the Highland City Development Code Article 7 Section 3-712 Temporary Signs to create new regulations and requirements for temporary signs. *Legislative.*

OTHER BUSINESS:

- Planning Commission Calendar

APPROVAL OF MINUTES:

- July 10, 2012 – Regular Meeting

PLANNING STAFF REPORT:

- Review of recent City Council Actions

COMMISSION COMMENTS AND SUGGESTIONS:

ADJOURNMENT:

NEXT MEETING: *Tuesday, November 13, 2012* at 7:00 pm City Council Chambers

Legislative: An action of a legislative body to adopt laws or polices.

Administrative: An action reviewing an application for compliance with adopted laws and polices.

FOR SPECIAL ACCOMMODATIONS

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Recorder at (801) 772-4506 at least 48 hours prior to the Commission meeting.

CERTIFICATE OF POSTING

The undersigned does hereby certify that the above agenda notice was posted in three public places within Highland City limits on this 18th day of October, 2012. These public places being bulletin boards located inside the City offices and located in the Highland Justice Center, 5400 W. Civic Center Drive, Highland, UT; and the bulletin board located inside Lone Peak Fire Station, Highland, UT. On this 18th day of October, 2012 the above agenda notice was posted on the Highland City website at www.highlandcity.org.

Gina Peterson, City Recorder

HIGHLAND CITY
PLANNING COMMISSION MEETING
OCTOBER 23, 2012

| | | | |
|---------------------------------|--|----------------|---------------------------|
| REQUEST: | PUBLIC HEARING – Rezone 5.36 acres from R-1-40 (Residential) to R-1-20 (Residential). The request would increase the density for the parcel. | | |
| APPLICANT: | Daron Young, Ivory Development | | |
| FISCAL IMPACT: | Expected Increase in General Fund Expenditures | | |
| GENERAL PLAN DESIGNATION | CURRENT ZONING | ACREAGE | LOCATION |
| Low Density Residential | R-1-40 | 5.36 | 9976 North Alpine Highway |

BACKGROUND:

A rezoning is a legislative process.

SUMMARY OF REQUEST:

1. The request is to rezone approximately 5.36 acres from R-1-40 (Residential) to R-1-20 (Residential) to allow a seven lot single-family residential subdivision. The applicant has submitted a conceptual plat. A subdivision plat will be required prior to development of the single-family residential development.
2. Access to the site will be available from Alpine Highway via a new local road which will align with Windsor Park Drive.

ANALYSIS:

General Plan

- The property is designated as low density residential on the General Plan Land Use Map. This category encourages large lot land patterns and densities. A specific density range is not specified although the category encourages a wider variety of housing styles and types for future residential uses. The R-1-20 District is consistent with the low density residential land use category. The proposed rezoning is also consistent with the goal of maintaining the established land use patterns.

Zoning and Land Use Compatibility

- The maximum density in the R-1-40 District, excluding overlay districts, is one unit per 40,000 square feet. The maximum number of lots currently permitted is five lots or one unit per acre. The maximum density in the R-1-20 District is one unit per 20,000 square feet. A maximum of eleven lots or 2.05 units per acre would be permitted by the R-1-20 District.

- The property to the north is zoned R-1-40 and is part of the Quail Hollow Subdivision. The density of this development is: 1.3 units per acre. The two lots immediately adjacent to the parcel are 1.076 acres and 1.32 respectively.
- The property to the east is zoned R-1-20 and is part of the Mystic Cove Subdivision. The density of this development is: 1.12 units per acre. The three lots immediately adjacent to the parcel are 0.91, 0.67, and 0.69 acres.
- The property to the west is zoned R-1-40 and is part of the Windsor Meadows Subdivision. The Windsor Meadows Subdivision is an open space subdivision with lot sizes ranging from 0.25 to 0.42 acres. The density of this development is: 1.6 units per acre.
- The property to the south is zoned R-1-20 and is part of the Cobble Creek Subdivision. The density of this development is: 2.4 units per acre. The three lots immediately adjacent to the parcel are 0.34, 0.37, and 0.51 acres.
- The applicant is proposing a seven lot subdivision for a density of 1.3 units per acre with lot sizes ranging between 0.48 acres to 0.93 acres. The two lots adjacent to Quail Hollow are 0.72 and 0.82 acres in size. The two lots adjacent to Mystic Cove are 0.93 and 0.98 acres in size. The two lots adjacent to Cobblewood Creek are 0.48 and 0.56 acres. The proposed density and lot sizes are compatible with existing adjacent development.

Site Analysis

- Large lot residential development costs more for the City to serve (police, fire, library, roads, etc.) than the revenue that is generated through property taxes. Increasing the density will lessen but not eliminate the gap.
- Utilities will be extended into the site by existing water, pressurized irrigation, and sewer lines in Alpine Highway. The impact of the rezoning on water, wastewater, and public safety facilities is not an issue. The City will have the capacity to serve future demand under either zoning designation. Further, the additional trips per day will not significantly impact the traffic carrying capacity of Alpine Highway.
- The conceptual plat will be reviewed for compliance with the Development Code at the time of preliminary plat approval.
- At the northeast corner, the property slopes significantly from west to east. The location of the building pad and associated issues will be evaluated at the time of preliminary plat review.

CITIZEN PARTICIPATION:

The applicant conducted a neighborhood meeting at 6:00 PM on October 9, 2012 in the multi-purpose room at city hall. According to materials presented by the applicant five people (other than the applicant or property owners) attended the meeting. The attendees had questions regarding setbacks, access to Alpine Highway, and how the developer could be limited to seven lots.

A notice of the Planning Commission public hearing was published in the Daily Herald on October 7, 2012. The property was posted on September 25, 2012. Letters were mailed to 73 property owners on October 9, 2012. One email in opposition and one email in support have been received, as well as one letter in opposition.

FINDINGS:

The proposed rezoning meets the following findings:

- The rezoning is in substantial conformance with the City’s General Plan.
- The proposed zoning district will result in compatible land use relationships.
- There is adequate infrastructure to serve the site.

RECOMMENDATION AND PROPOSED MOTION:

Staff recommends that the Planning Commission hold a public hearing and recommend **APPROVAL** of the proposed rezoning subject to the following stipulation:

1. The preliminary and final plats shall substantially conform to the conceptual plat dated September 2012 and the maximum number of lots shall not exceed seven.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the case Z-12-01 a request to rezone 5.35 acres located at 9976 North Alpine Highway from R-1-40 to R-1-20 subject to the one stipulation recommended by staff.

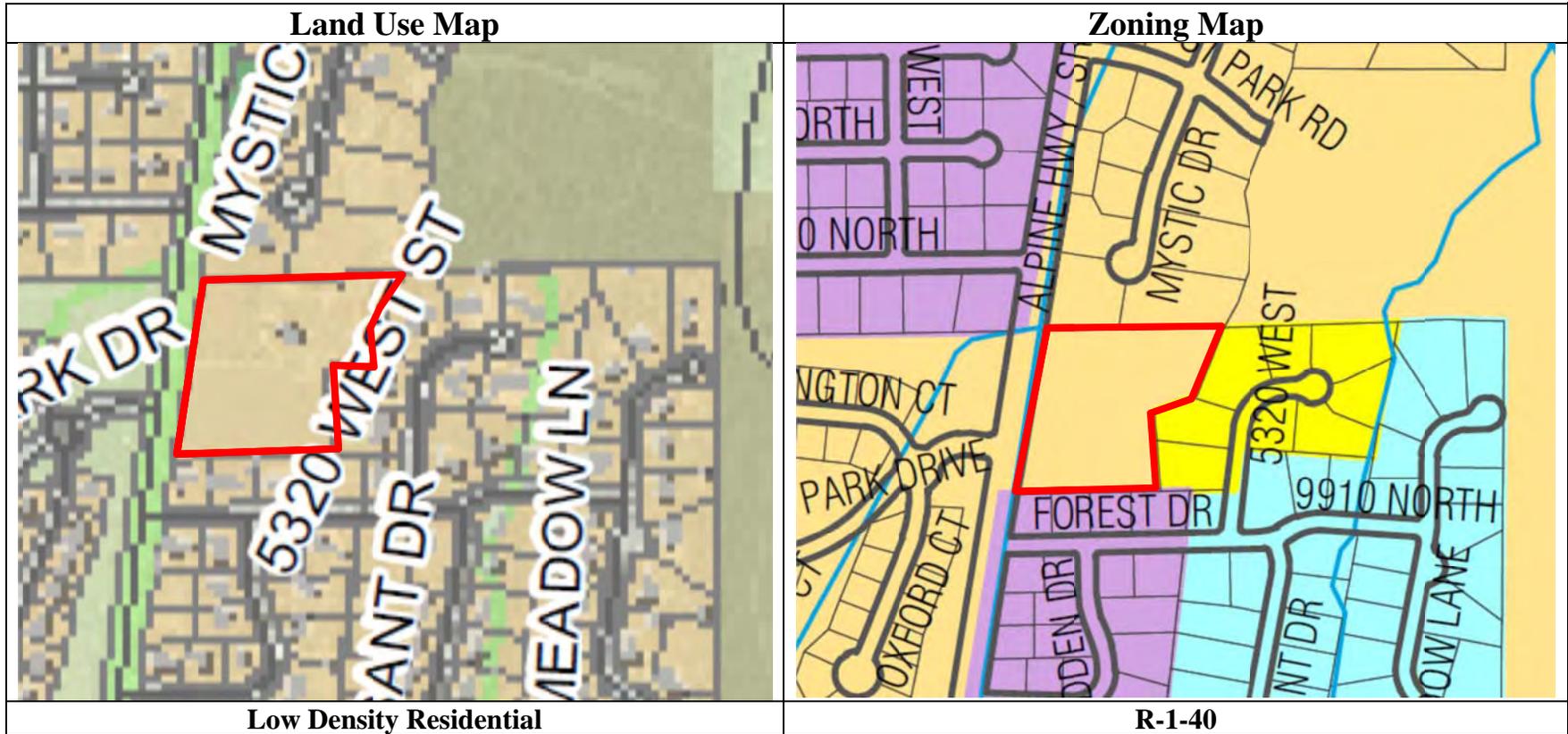
ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** of case Z-12-01 based on the following findings: (The Commission should draft appropriate findings.)

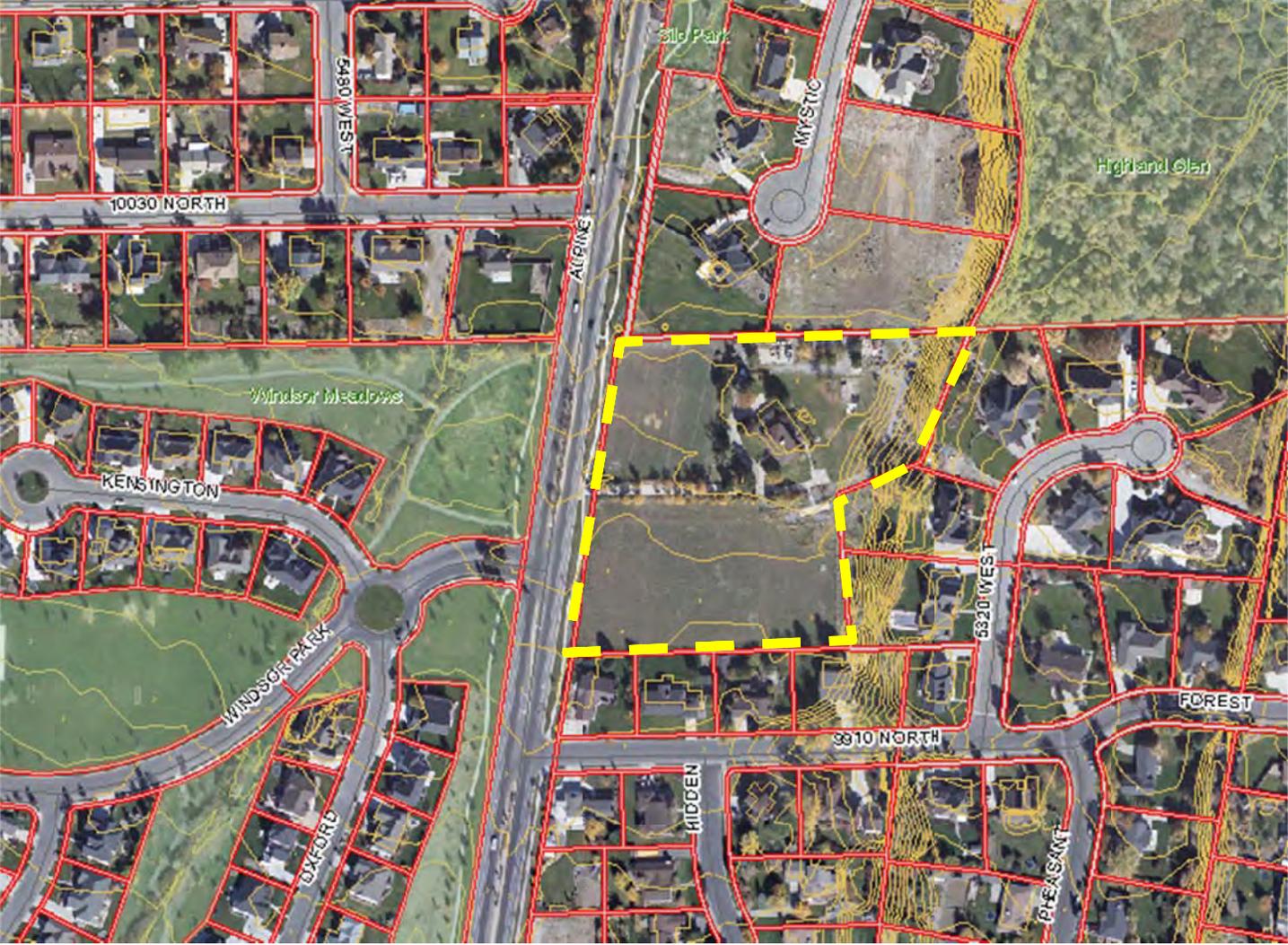
ATTACHMENTS:

- Attachment A – General Plan and Zoning Map
- Attachment B – Aerial
- Attachment C – Applicant’s Narrative
- Attachment D – Neighborhood Meeting Summary
- Attachment E – Citizen Comments
- Attachment F – Conceptual Plat

General Plan Land Use Map and Zoning Map



Aerial Photo





978 Woodoak Lane
Salt Lake City, UT 84117

801-747-7440
fax 801-747-7091

September 19, 2012

City of Highland
Office of the Community Development Department
5400 West Civic Center Dr. Ste 1
Highland, UT 84003

RE: Narrative for the Judson Property Rezone located at 9978 N Alpine Hwy from R-1-40 to R-1-20.

The proposed plan exceeds the requirements of R-1-20 zone as described in the Highland City Development Code. Our proposed plan is really a blend of the R-1-40 and R-1-20 zones. While the R-1-20 zone is necessary for this property to achieve the best use, we're proposing a 7-lot plan instead of the 9-lot plan that could be requested, and our plans do not seek to maximize density or minimize lot size.

In order to be sensitive to the neighbors to the north and east who are zoned R-1-40 or who have larger lots in the R-1-20 zone, we have placed our larger .72 acres, .82 acres, .93 acres and .68 acres lots along the North and East boundary of the property. The neighboring subdivision to the north has lots that range from .45 acres to about 1 acre. The R-1-20 zone matches the zone of the neighborhoods to the East and South.

We accomplish the blend between the R-1-20 zone and the R-1-40 zone by reducing the number of lots from 9 to 7. This new 7 lot plat better accommodates the concerns the neighboring property owners expressed in 2007 when a 9 lot proposal was made. For these reasons we request that this new plat be placed in front City Council for a public hearing and vote as soon as possible.

The rezone and proposed plan for this project will be executed by Ivory Homes, Utah's largest homebuilder for 25 consecutive years. The rezone request is in accordance with

the City's General Plan and the reasons provided in the Development Code for the R-1-20 zone. This community will consist of large custom homes. See attached photos of homes to see images of plans that may be built in this community. The homes built here will enhance the area and add value to the surrounding properties.

Sincerely,

Daron Young
Acquisition and Development
Ivory Homes







Judson Property Rezone Neighborhood Meeting

October 9, 2012 at 6 PM
Highland City Hall Multi-Purpose Room

Notes/Summary

The applicant's introduction introduced the project, location, current zoning, zone requested and history of the project. The neighbors who attended were aware of former applications for an "high-density age-restricted" community and a 9 lot subdivision. The applicant displayed the proposed lot layout with 7 lots that average .7 acres. This lot layout was also submitted to the city with the rezone application.

There were questions regarding the road and how it would line up with the cut in the median in the Alpine Highway. Ivory indicated that the intent was to match the street with the current break in the median and to line up the street with 5560 West on the West side of the Alpine Highway.

There were questions about setbacks and building height. Ivory read from the Highland City Code that indicated that the height limit setbacks are the same for the current zone r-1-40 and for the proposed zone r-1-20 except for a 5 ft difference in the side setback requirement. One individual proposed that the rezone be granted with the condition that the applicant be required to adhere to the r-1-40 setbacks.

There were a few neighbors who expressed concerns about how the Ivory would be held/required to build the current 7 lot plan if the rezone is granted. It was indicated that the neighbors support the rezone for the proposed 7 lot plan, but want to ensure that the applicant doesn't try to seek more lots after the rezone is granted. Ivory indicated that there was absolutely no intent to to build more than 7 lots and that we doubted that would be possible even with the r-1-20 zone.

The Judson's and their agent were present. The agent, Michelle Jensen presented a petition that indicated support for the rezone and current 7 lot plan that was signed by no less than 25 neighbors living within 500 ft of the Judson property. The general concensus among the neighbors was that they like the plan, they like the size of the lots, they want more neighbors in the area and as long as it can be ensured that the applicant does not pursue more than 7 lots on the property, the re-zone will be supported.

**Citizen Comments as of October 18, 2012
Judson Rezone – Z-12-01**

Email Received from Randy and Colleen Madsen dated October 10, 2012

From: Randy Madsen [mailto:rooster410@gmail.com]
Sent: Wednesday, October 10, 2012 5:16 PM
To: Jill Ballamis
Subject: Daron Young Case Z-1-12-01

To whom it may concern,

My name is Randy Madsen. I currently live at 5319 W. 10400 N. Highland Utah. I own the property 10044 N. Mystic Circle Highland Utah. I am adjacent to the proposed zoning change. I am in the preparatory stages of building on my lot. I am strongly and emphatically opposed to allowing the zoning change from R-1-40 to R-1-20. We purchased this property specifically for the neighborhood zoning, size of lots, quality of homes, property value and landscape. This would all change for the negative if this zoning was allowed to change. I find it hugely unfair that this would be allowed to happen. (Bait and switch) I am unavailable for the proposed time for the public hearing, however I would be happy to discuss this at another time.

Randy and Colleen Madsen

Email Received from Matt Godfrey dated October 11, 2012

From: Matt Godfrey [mailto:matthewpgodfrey@gmail.com]
Sent: Thursday, October 11, 2012 9:21 PM
To: Jill Ballamis
Subject: Case Z-12-01

I am writing in regards to Case Z-12-01 changing the zoning from R-1-40 to R-1-20 at 9976 N. Alpine Highway. Both my wife and I are in favor of this proposed rezoning.

Thank you for your time.

Matt Godfrey



Patrick Hendrickson

5094 West Jerling Circle, Highland Utah 84003

Phone: 801.573.4575 Fax: 801.302.8320

phendrickson@cadenceusa.com

October 18, 2012

Jill Ballamis, Planning Coordinator
Highland City Planning Commission Members

Re: Ivory Homes Rezoning Request (9976 North Alpine Highway)
Objections to Zone Change Request

Dear Ms. Ballamis and Planning Commission Members:

I am responding to the zone-change request as an adjacent property owner. As a long-time Highland resident and former City Council Member, I appreciate your efforts in keeping Highland a beautiful and well-planned city.

With regard to the proposed zone change, I have the following objections to granting the Zone Change request:

1. This Request is Not Supported by Proper Zone-Change Justification. The applicant is unable to provide the Planning Commission with proper justification for a zone change:

- This request is not in the better interests of the City's plan
- This request is not in the better interests of the neighboring property owners
- The development can proceed under the current zone

2. The Request Has Been Denied by the Planning Commission and City Council.

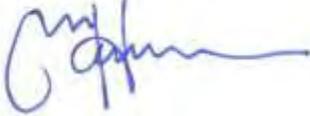
The Planning Commission considered the zone change request by another applicant on September 25, 2007 and denied it. At that time, the applicant was unable to provide the Planning Commission with justification for changing the zone. The applicant still submitted its request to the City Council, which also denied the zone-change request. The circumstances have not changed, and the valid reasons for a denial remain.

3.2. The Request Would Reward the Financial Interests of the Developer to the Detriment of the City Plan and Adjacent Property Owners. Granting a zone-change request would violate legitimate justifications for a zone-change. Granting a zone-change request would also violate the sound planning principles of consistency and predictability, rewarding the financial interests of developers to the detriment of the City's plan and adjacent property owners' expectations and reliance on that plan.

Based on these reasons, I request that the zone-change request be denied.

Thank you for your consideration of my objections.

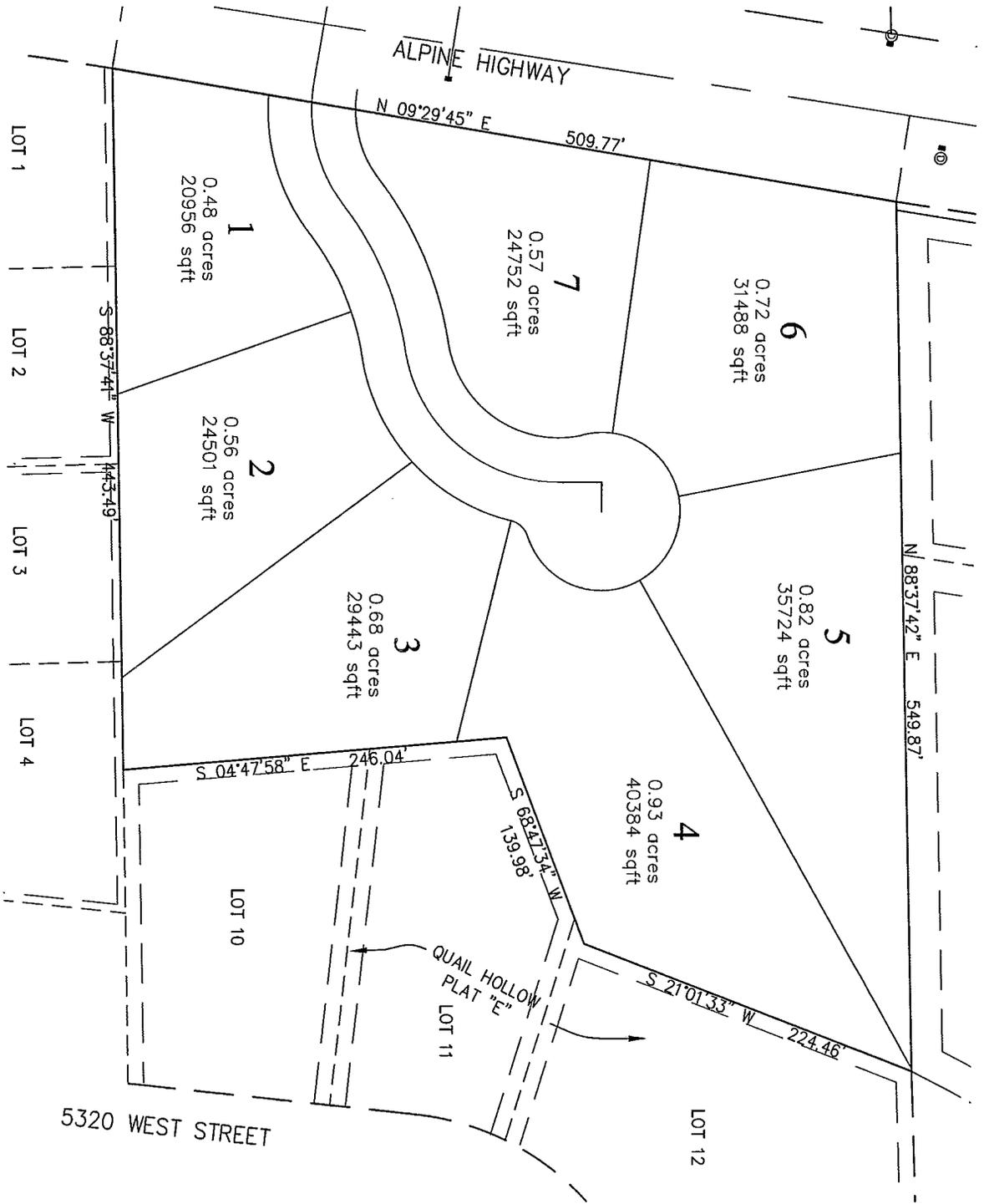
Sincerely,



Patrick Hendrickson

Judson Property Proposal

Sep 2012



**HIGHLAND CITY
PLANNING COMMISSION MEETING
OCTOBER 23, 2012**

| | | | |
|--|--|-----------------------|-----------------------------|
| REQUEST: | PUBLIC HEARING – Removing Article 4.8 Open Space Density Bonus and Chapter 5-4-400 Open Space Subdivision Open from the Highland City Development Code. (TA-12-04) | | |
| APPLICANT: | Highland City Council | | |
| FISCAL IMPACT: | Unknown | | |
| GENERAL PLAN DESIGNATION N/A | CURRENT ZONING N/A | ACREAGE N/A | LOCATION Citywide |

BACKGROUND:

On March 20, 2012, the City Council approved a six month moratorium on new open space subdivisions. No applications for new open space subdivisions have been received.

At the October 2, 2012 meeting the City Council directed staff to prepare an amendment to the Development Code removing the option to approve new open space subdivisions.

A Development Code amendment is a legislative process.

DISCUSSION:

Open Space subdivisions are allowed under Article 4.8 Open Space Density Bonus and Chapter 5-4-400 Open Space Subdivision Open of the Highland City Development Code.

Based upon the review of the record staff has concluded that Open Space Subdivisions (OSS) were created to: 1) obtain parks, trails, and preserve open space and environmentally sensitive lands; 2) address the lack of maintenance and water consumption issues on larger lots; 3) address affordable housing by providing alternate housing products; 4) address concerns of land owners who were considering disconnection; 5) provide a financially viable alternative development option to the R-1-40 without allowing medium to high density tract housing.

The development and build out of open space subdivisions have caused a number of concerns and issues for the city and residents within these developments. These concerns include but are not limited to: ownership and maintenance of open space areas, building setbacks, lot coverage, and yard sizes.

Large lot residential development costs more for the City to serve (police, fire, library, roads, etc.) than the revenue that is generated through property taxes. Increasing the density will lessen but not eliminate the gap.

If OSS are removed as a development option, staff believes that other alternatives, such as, adding additional General Plan residential land use categories, allowing planned residential developments, and

creating higher density residential zoning districts should be considered to address needs for alternative housing products.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on October 7, 2012. No comments have been received.

RECOMMENDATION:

The Planning Commission should conduct a public hearing and determine if:

- The proposed amendment is consistent with the General Plan.
- The proposed amendment is consistent with the purpose of the Development Code.
- The proposed amendment is needed to update the Zoning Ordinance.

If the Planning Commission determines that the amendment is in the best interest of the community, the Commission should draft findings and recommend approval of the proposed amendment.

If the Planning Commission determines that the amendment is not in the best interest of the community, the Commission should draft findings and recommend denial of the proposed amendment.

**HIGHLAND CITY
PLANNING COMMISSION MEETING
OCTOBER 23, 2012**

| | | | |
|---------------------------------|--|----------------|-----------------|
| REQUEST: | PUBLIC HEARING AND ORDINANCE – Amending the Highland City Development Code Section 3-712 Temporary Signs and 3-718 Sign Definitions to create new regulations and requirements for temporary signs (TA-11-14). | | |
| APPLICANT: | Highland City Council | | |
| FISCAL IMPACT: | N/A | | |
| GENERAL PLAN DESIGNATION | CURRENT ZONING | ACREAGE | LOCATION |
| N/A | N/A | N/A | Citywide |

PRIOR REVIEW:

This item has been considered by the Planning Commission and City Council. The proposed regulations have been modified based on the comments from the Planning Commission and City Council. Due to the extent of the changes, the amendment is being brought back to the Planning Commission for their review and recommendation.

BACKGROUND:

At the request of the City Council, staff drafted a text amendment that will update the temporary sign regulations in the Zoning Ordinance.

Temporary signs are intended to be displayed for a short period of time only. They are used to advertise temporary uses, special events, grand openings, seasonal sales, and promotions. Real estate signs, political signs, personal ideology signs, and garage sale signs also fall within this category.

Temporary signs serve a valid purpose, but when left unchecked can detract from the character of the community. They can also obstruct sidewalks, block sight visibility, distract motorists, and create other unsafe conditions. Consequently, the need for temporary signs must be balanced with other community objectives.

Temporary Signs are currently regulated by Section 3-712 of the Development Code. These regulations limit temporary signs to grand opening signs, promotional signs, agricultural signs, model home signs, garage sale signs, and political signs. The placement of temporary signs is also prohibited anywhere within the public right-of-way; on or over any sidewalk, street, alley, or public place; and on private property within required sight distance triangles. In addition, with the exception of A-frame signs temporary signs are only allowed on the building. A permit is required for all temporary signs.

The Development Code allows promotional temporary signs to be displayed for a time not to exceed six days. The number of times temporary signs can be displayed to five times per year. Grand opening signs can be displayed for sixty days.

SUMMARY OF THE REQUEST:

1. The proposed text amendment adds Section 914 Temporary Signs to the Zoning Ordinance. All regulations related to temporary signs will be consolidated into this subsection. Any temporary sign not specifically listed will be prohibited with the exception of signs required by government agencies.
2. The proposed amendment will allow all temporary signs without a sign permit. It also includes a variety of other general and specific standards. These address the size and location of specific signs, when they can be displayed, and when they have to be removed.

ANALYSIS:

- The proposed amendment will update and clarify the City's temporary sign regulations. This will make them easier to understand, administer, and enforce.
- Temporary signs will continue to be prohibited within the public right-of-way.
- The proposed regulations address the time, place, and manner in which temporary signs can be displayed. These are the minimum regulations needed to protect the safety and character of the community.

FINDINGS:

- The proposed amendment will make the city's temporary sign regulations easier to understand, administer, and enforce.
- The proposed amendment will provide adequate temporary signage to meet the needs of the community.
- The proposed amendment will help to ensure that temporary signs do not detract from the character of the community or create hazards for pedestrians, bicyclists, and motorists.

CITIZEN PARTICIPATION:

A notice of the Planning Commission public hearing was published in the Daily Herald on November 20, 2011. No comments have been received.

The proposed amendment was emailed to the commercial land owners on December 19, 2011 requesting their review and comment. No comments have been received.

A notice of the City Council public hearing was published in the Daily Herald on January 1, 2012. No comments have been received.

The proposed amendment was mailed to all commercial business owners on September 25, 2012. Two business owners have responded to the request for comments.

The owner of Arctic Circle and Great Clips requested that the time for grand opening and special promotions be changed to increase the length of time and the number of times per year these signs could

be displayed as follows:

Arctic Circle:

Temporary signs may be used to advertise special promotions for a maximum of ~~ten (10)~~ THIRTY (30) consecutive days no more than ~~three (3)~~ SIX (6) times each calendar year. There shall be a minimum of thirty (30) days between each display.

The owner of Arctic Circle also asked for the enforcement of the regulations relating to removal of political signs.

Great Clips:

Temporary signs may be used to advertise special promotions for a maximum of ~~ten (10)~~ FOURTEEN (14) consecutive days no more than ~~three (3)~~ FIVE (5) times each calendar year. There shall be a minimum of thirty (30) days between each display.

A notice of the Planning Commission public hearing was published in the Daily Herald on October 7, 2012. No comments have been received.

RECOMMENDATION AND PROPOSED MOTIONS:

Staff recommends that the Planning Commission accept the findings and recommend **APPROVAL** of the proposed amendment. The Planning Commission will need to provide a specific recommendation for grand opening and special promotion signs.

I move that the Planning Commission accept the findings and recommend **APPROVAL** of the amendment to the Highland City Development Code Section 3-712 Temporary Signs and 3-718 Sign Definitions to create new regulations and requirements for temporary signs.

ALTERNATIVE MOTION:

I move that the Planning Commission recommend **DENIAL** the proposed amendment based on the following findings: (The Planning Commission should draft appropriate findings).

ATTACHMENTS:

Attachment A – Proposed Regulations

Attachment B – Existing Regulations

Attachment C – Minutes of the Planning Commission and City Council Meetings

ORDINANCE NO. 2011-**

**AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING THE
HIGHLAND CITY DEVELOPMENT CODE SECTION 3-712 TEMPORARY SIGNS
AND 3-718 SIGN DEFINITIONS TO CREATE NEW REGULATIONS AND
REQUIREMENTS FOR TEMPORARY SIGNS AS SHOWN IN FILENAME TA-11-14.**

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

WHEREAS, the Commission held a public hearing on this Ordinance on XXXX and recommend approval of the amendment; and

WHEREAS, the City Council held a public meeting on this Ordinance on January XXXX; and

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

SECTION 1. That the Highland City Development Code is hereby amended to amending the Highland City Development Code amending Section 3-712 Temporary Signs and 3-718 Sign Definitions to create new regulations and requirements for temporary signs as shown on Exhibit A attached to incorporated herein by reference.

SECTION 2. That the Mayor, the City Administrator, the City Recorder and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its first posting or publication.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Highland City Council, XXX, 2012.

HIGHLAND CITY, UTAH

Lynn Ritchie, Mayor

ATTEST:

Gina Peterson, City Recorder

COUNCILMEMBERS VOTING "AYE"

COUNCILMEMBERS VOTING "NAY"

1 **EXHIBIT A**

2
3 Temporary Sign Regulations
4 (rev. 9-25-12)
5

6 Section 3-712: Temporary Signs
7

8 1. Permitted Temporary Signs
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10 Any temporary sign not specifically listed as permitted is prohibited. This shall not preclude
11 signs required by government agencies such as road construction, fire department access and
12 public hearing notice signs.
13

14 2. General Requirements
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- 16 a. Temporary signs shall not be placed in the public right-of-way or attached to any street
17 light, street sign, traffic signal, utility pole, utility box, fire hydrant, bus shelter, or other
18 structure in the public right-of-way. This prohibition shall not apply to street banners and
19 temporary use directional signs when authorized under other provisions of this ordinance.
20
- 21 b. Temporary signs shall not obstruct any driveway, drive aisle, parking space, fire lane,
22 street, sidewalk, pedestrian path or trail.
23
- 24 c. Temporary signs shall be placed at least one (1) foot behind the sidewalk when otherwise
25 allowed adjacent to a public or private street. The sign shall be placed at least five (5) feet
26 behind the back of curb if no sidewalk exists. If no sidewalk or curb exists, then the sign
27 shall be placed at least five (5) feet behind the edge of pavement.
28
- 29 d. A minimum sight distance triangle of forty (40) feet shall be maintained at all street and
30 driveway intersections.
31
- 32 e. Temporary signs may be displayed on private property only with the permission of the
33 property owner.
34
- 35 f. Temporary signs shall not be animated by human, mechanical, or other means. This shall
36 not prevent the use of searchlights allowed in conjunction with special events and
37 promotions.
38
- 39 g. Temporary signs may be illuminated with one light not exceeding 50 watts, fully shielded
40 and directed downward. This shall not prevent the use of searchlights allowed in
41 conjunction with special events and promotions nor the use of existing lights for
42 illumination.
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44 3. Temporary Signs Allowed Without a Permit:
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46 a. Political Signs
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- 48 i. Political signs are allowed in all zoning districts.

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- ii. The maximum sign area shall be thirty-two (32) square feet and the maximum height shall be eight (8) feet.
- iii. Political signs shall not be displayed more than sixty (60) days prior to the date of the election to which they refer.
- iv. Political signs shall be removed not later than ten (10) days after the date of the election to which they refer. This shall not prevent a sign displayed for a primary election to remain if the candidate is part of a subsequent run-off election.

b. Garage, Yard, and Estate Sale Signs

- i. Temporary signs for individual garage, yard, and estate sales are permitted in all zoning districts.
- ii. The maximum sign area shall be four (4) square feet and the maximum height shall be three (3) feet.
- iii. Sale signs may be located onsite or placed offsite in the immediate area.
- iv. Sale signs shall not be displayed more than 24 hours before the start of the sale.
- v. Sale signs shall be removed within two days after the sale.

c. Real Estate Signs

- i. Real estate signs are permitted in all zoning districts.
- ii. Real estate signs are allowed only on property being offered for sale, lease, or rent.
- iii. One (1) sign shall be allowed for each three hundred thirty (330) feet of street frontage. The minimum distance between signs on the same parcel shall be two hundred (200) feet.
- iv. Residential:
 - 1. Each sign shall have a maximum area of six (6) square feet and a maximum height of five (5) feet on parcels less than one acre. For parcels one acre or larger each sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.
- v. Non-Residential:
 - 1. Each sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.

1 d. Open House Signs

- 2
- 3 i. Open house directional signs are allowed in all zoning districts.
- 4
- 5 ii. Signs may be located onsite or placed offsite in the immediate area.
- 6
- 7 iii. The maximum sign area shall be four (4) square feet and the maximum height
- 8 shall be three (3) feet.
- 9
- 10 iv. No more than four (4) signs related to the open house may be displayed at one
- 11 time.
- 12
- 13 v. Signs shall be displayed only when a salesperson is on duty at the open house and
- 14 must be removed at the end of each sale day.
- 15

16 e. Grand Opening and Special Promotions

- 17
- 18 i. Temporary signs may be used to advertise grand openings and special promotions
- 19 in all zoning districts.
- 20
- 21 ii. Grand openings and special promotions may include pennants, banners,
- 22 streamers, flags, balloons, inflatable structures, search lights, character or product
- 23 likenesses, attention attracting media and devices, and other non-merchandise
- 24 displays.
- 25
- 26 iii. Grand openings and special promotions are subject to the following limitations:
- 27
- 28 1. Displays shall not be animated by human, mechanical, or other means.
- 29
- 30 2. Displays shall not be illuminated with the exception of searchlights.
- 31
- 32 3. Displays shall not be placed on the roof of any building.
- 33
- 34 4. All balloons and inflatable structures shall be tethered.
- 35
- 36 5. Lighter than air balloons shall not exceed twice the allowed building
- 37 height or 100 feet whichever is less.
- 38
- 39 iv. Business Signs
- 40 1. Grand opening signs are allowed for a maximum of ninety (90)
- 41 consecutive days when a new business opens, the business name changes,
- 42 or there is a change in business ownership. There shall be a minimum of
- 43 one hundred eighty (180) days between displays.
- 44
- 45 2. Temporary signs may be used to advertise special promotions for a
- 46 maximum of ten (10) consecutive days no more than three (3) times each
- 47 calendar year. There shall be a minimum of thirty (30) days between each
- 48 display.

1
2 f. Portable Business Identification Signs
3

- 4 i. Portable signs may be used for onsite business identification and advertising in all
5 commercial districts.
6
7 ii. The minimum separation between portable signs shall be twenty (20) feet.
8
9 iii. Portable signs shall not exceed four (4) feet in width and three (3) feet in height.
10
11 iv. The sign shall be displayed only during the hours the business is open to the
12 public.
13
14 v. Freestanding businesses may place a portable sign anywhere on the property not
15 otherwise prohibited by this ordinance.
16
17 vi. Businesses in a shopping center or other multi-tenant complex may place a
18 portable sign adjacent to the business, at the perimeter of the site, or in a
19 landscaped common area unless otherwise prohibited by this ordinance.
20
21 vii. Portable signs shall not be located:
22
23 1. Closer than thirty (30) feet to the edge of an access drive or street
24 intersection right-of-way;
25
26 2. In raised landscaped medians or any other landscaped area that is
27 maintained by the City;
28
29 3. Across any public street from the business;
30
31 4. In parking spaces, driveways or drive aisles;
32
33 5. Where there is less than four (4) feet of clearance for pedestrian passage or
34 at any other location that would pose a potential hazard to pedestrian
35 traffic; or
36
37 6. On top of any vehicle, structure, screen wall, boulder, or landscaping other
38 than turf or decorative rock.
39
40 viii. Portable sign standards:
41
42 1. Portable signs shall be constructed of durable and weather-resistant
43 materials, placed at grade level, and anchored or weighted down to avoid
44 being displaced in windy conditions as determined at the time of permit
45 approval.
46
47 2. A-Frame signs:
48

- a. Shall be constructed of a minimum one-half (1/2) inch thick, high density, exterior grade compressed wood or medium density overlay board with sufficient weight to withstand wind gusts and weather;
- b. Shall have a protective water resistant coating that is impervious to weather;
- c. Shall be constructed with fixed letters that are non-reflective and not interchangeable; and
- d. Shall be maintained in a professional manner so as to be free of chipping paint, cracks, gouges, loss of letters, and fading.

3. Attachments to portable signs, including but not limited to balloons and ribbons are prohibited.

g. Future Development Signs

- i. Future development signs are allowed on undeveloped parcels zoned for non-residential use.
- ii. One (1) sign shall be allowed per parcel on each street frontage. The sign must pertain to the property on which it is located.
- iii. On parcels less than one (1) acre, the sign shall have a maximum area of six (6) square feet and a maximum height of five (5) feet.
- iv. On parcels one acre or larger, the sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.
- v. A sign permit shall not be issued prior to site plan approval.
- vi. The sign shall be removed if building permits have not been issued within one year from the date the sign permit is issued.
- vii. The sign shall be removed prior to or concurrent with the placement of a construction sign on the site.

h. Construction/Contractor Sign

- i. Construction signs are allowed in all zoning districts.
- ii. One (1) sign shall be allowed per parcel on each street frontage. The sign must pertain to the property on which it is located.

- 1 iii. The sign shall have a maximum area of thirty-two (32) square feet and a
2 maximum height of eight (8) feet.
- 3
- 4 iv. A sign permit shall not be issued prior to the issuance of a building permit.
- 5
- 6 v. The sign shall be removed prior to the issuance of a certificate of occupancy for
7 the site.
- 8

9 i. Temporary Use Signs

- 10 i. Identification signs for temporary uses approved under Section 3-623 of this
11 ordinance are allowed in all zoning districts subject to obtaining a temporary use
12 permit.
- 13
- 14 ii. One (1) onsite sign shall be allowed per street frontage.
- 15
- 16 iii. In residential districts the maximum sign area shall be sixteen (16) square feet and
17 the maximum height shall be five (5) feet.
- 18
- 19 iv. In non-residential districts the maximum sign area shall be thirty-two (32) square
20 feet and the maximum height shall be eight (8) feet.
- 21
- 22 v. Signs shall not be displayed more than seventy-two (72) hours prior to the start of
23 the temporary use.
- 24
- 25 vi. All signs must be removed promptly at the end of the temporary use.
- 26
- 27

28 j. Neighborhood and Community Event Signs

- 29 i. Neighborhood and community event signs are permitted in all zoning districts.
- 30
- 31 ii. The number of onsite and offsite signs for each event shall be determined at the
32 time of sign permit approval.
- 33
- 34 iii. The maximum sign area shall be eight (8) square feet and the maximum height
35 shall be three (3) feet.
- 36
- 37 iv. Signs shall not be displayed more than seventy-two (72) hours prior to the event.
- 38
- 39 v. All signs must be removed within 24 hours after the event.
- 40
- 41

1 New Definitions:

2

3 Construction Sign: A temporary sign identifying an architect, engineer, contractor, subcontractor, or
4 material supplier who participates in construction on the property on which the sign is located.

5

6 Future Development Sign: A temporary sign which provides information about the future development
7 of a property and may include a depiction of an approved site plan, approved building elevations, as well
8 as contact information for parties involved in the project.

9

10 Grand Opening Sign: A temporary sign used to indicate the opening of a new business or residential
11 community. Grand opening signs can take the form of pennants, banners, flags, inflatables, character or
12 product likenesses, attention attracting media and devices, and other inanimate non-merchandise
13 displays.

14

15 Neighborhood and Community Event Sign: A temporary sign used to display the date and time of
16 neighborhood or community events.

17

18 Open House Sign: A temporary sign used to advertise the sale of a house and direct traffic to the house
19 for sale.

20

21 Portable Business Identification Sign: A self-supporting, portable sign with one or two faces that are
22 adjoined at the top and displayed at an angle, which is not permanently anchored or secured and
23 designed to be placed upon a private sidewalk, plaza or other area where pedestrians walk or gather.

24

25 Real Estate Sign: A temporary sign indicating the availability for sale, rent, or lease of a specific parcel,
26 building, or portion of a building, along with contact information for the associated property owner or
27 real estate broker.

28

29 Special Promotion Sign: A temporary sign used to advertise a sale event or other similar special
30 promotion. Signs can take the form of pennants, banners, flags, inflatables, character or product
31 likenesses, attention attracting media and devices, and other inanimate non-merchandise displays.

32

33 Temporary Sign: A sign not intended or deigned for permanent display.

34

35 Temporary Use Sign: A temporary sign used to advertise an approved temporary use.

36

Existing Regulations

3-712: Temporary Signs. (Amended 11/15/05, 4/3/07) This Section shall require a temporary sign permit application and provides for commercial and retail establishments an opportunity to temporarily advertise on special occasions only (ex: holidays, clearance sales, daily menus B restaurant establishments only, grand openings, etc.). A temporary sign shall not be permitted to advertise specific items (ex: roses, beer, gas, soda, etc.). A person or business applying for a temporary sign must possess a current business license within Highland City. Temporary signs that are not permitted as defined in this Section are specifically not permitted within Highland City. Temporary signs that may be applied for are used exclusively for:

- (1) **Temporary Grand Opening Signs:** A person may obtain a permit for a Temporary grand opening sign upon approval of the Zoning Administrator for a specific period of time not to exceed 60 days. It shall be the responsibility of the applicant to first obtain a permit for such a sign and to remove the same sign after expiration of the term of the permit. Temporary Grand Opening signs shall only be available one time per business or change in ownership.
- (2) **Temporary Promotional Signs:** Temporary promotional signs may be permitted upon approval of the Zoning Administrator for a specific period of time not to exceed six (6) days (Monday B Saturday). Temporary promotional signs shall only be placed in a location specified by the City Council (ex: part of the allotted window front, directly in front of leased space and within 10 feet of the entrance, etc.). It shall be the responsibility of the applicant to first obtain a permit for such a sign and to remove the same sign after expiration of the term of the permit. Temporary signs shall only be available B five (5) - times per year per business. Unless otherwise specified within this code only the following list of temporary signs shall be permitted and all others shall be specifically not permitted:
 - (a) **Banner Signs:** Banner signs not to exceed twenty-four (24) square feet in size. Banner signs shall only be permitted to be placed within the approved banner supports or on the building within the leased space of the business of which the sign is associated as designated by the City Council. A banner sign may not be attached in any way to a significant supporting structure (columns), significant architectural feature, or above an eave, parapet or roof line of a building.
 - (b) **A-frame Signs:** A-frame signs must be placed within fifteen (15) feet from the primary entrance for the business advertising on it. A-frame signs may not exceed 48” in height and 36” in width. A-frame signs may not be placed in a manner that would impede pedestrian or vehicular access.
- (3) **Temporary Agricultural Signs** - designated to be displayed no longer than forty-five days.
 - (a) A temporary agricultural sign shall be no larger in area than sixteen square feet and stand no higher than ten feet from the ground.
 - (b) These signs shall not be placed within any road right-of-way, shall not obstruct the view of vehicular traffic or pedestrians, shall not be placed on any traffic regulatory sign, and shall not be lighted.
 - (c) These signs shall advertise only produce, fruit, livestock or other crops produced in Highland City.
 - (d) Temporary agricultural signs shall be exempt from requirement of sign permit and fee; however, failure to comply with above regulations shall constitute littering, punishable as

a misdemeanor. All nonconforming signs shall be removed at the expense of the person or persons responsible for their erection. If no person can be found it shall be assumed the person at the location advertised shall be responsible.

- (4) **One temporary “A-frame”** sign not to exceed 32” x 48” may be permitted for a **model home**. The sign shall be placed behind the sidewalk on model home private property and only displayed while the realtor of the model home is present to let passers-by know they are open.
- (5) **Temporary Garage Sale or Yard Sale Signs.** (Amended 11/15/05)
 - (a) Garage sale or yard sale signs shall not exceed six (6) square feet in area and shall stand no higher than six (6) feet from the ground, shall not be lighted, shall not be placed in any road right-of-way, shall not obstruct view of vehicular traffic or pedestrians, or shall not be placed on any traffic sign or utility pole.
 - (b) Garage sale or yard sale signs shall only be displayed for a period not to exceed 48 hours.
 - (c) Garage sale signs shall require a temporary sign permit. (Amended 11/15/05)
 - (d) Temporary garage sale or yard sale sign permits shall be available five (5) times per year.
 - (e) Garage or yard sale signs shall only be placed on property where the garage sale is occurring.
 - (f) Off-site directional signs for garage or yard sales are specifically prohibited with exception to specific “community announcement” locations as approved by the Highland City Council.
- (6) **Political Signs.**
 - (a) **Construction and Location.** Temporary political signs may be erected in the city of Highland on private property only unless otherwise approved by the City Council. These signs shall be no larger in area than thirty-two square feet and stand no higher than ten feet from the ground. These signs shall not be erected within any road right-of-way, shall not obstruct the view of vehicular traffic or pedestrians, shall not be placed on any traffic regulating sign and shall not be lighted.
 - (b) Temporary political signs shall be exempt from requirement of sign permit and fee; however, failure to comply with above regulations shall constitute littering, punishable as a misdemeanor. All nonconforming signs shall be removed at the expense of the person or persons responsible for their erection or shall be removed by any highland city official. If the person accountable for erecting the sign cannot be found it shall be assumed the person advertised shall be responsible.

Minutes of the Planning Commission and City Council Meetings

Draft Minutes of the December 13, 2012 Planning Commission Meeting

PRESENT: Commissioner: Tim Irwin
Commissioner: Jay Roundy
Commissioner Chris Kemp
Commissioner: Tim Heyrend
Commissioner: Kelly Sobotka
Commissioner: Steve Rock
Alternate Commissioner: Sherry Carruth

ABSENT: Commissioner: Abe Day

TA-11-14 A request to amend the Highland City Development Code Article 7 Section 3-712 Temporary Signs to create new regulations and requirements for temporary signs. *Legislative.*

Mr. Crane reviewed the amendment. He explained that this request is coming from the City Council. He indicated that prior to his arriving at the City there were a lot of concerns expressed by the Council regarding the temporary sign ordinance. They directed staff to not enforce the temporary sign ordinance. Recently the Council came back and said that we need to address the temporary sign ordinance. Our goal is to clarify and simplify our regulations. We are replacing all of our regulations with new regulations. Mr. Crane addressed enforcement of signs; as with any code enforcement issue, it is complaint driven. He explained that it is always good to have a regulation in place if a complaint is made instead of having to retroactively address an issue. This ordinance also helps us address sign maintenance and removal. Mr. Crane went over pictures of signs he took in the city to show the problems that we are experiencing.

Commissioner Sobotka asked who becomes liable if a sign is placed in the right of way if an accident occurs. Mr. Crane indicated that he believes the City would be responsible.

Mr. Crane explained that the regulations were built around what type of sign it is, defined what the size of the sign can be, the duration that the sign can be placed for, whether or not a permit is required, and definitions that we did not previously have were included. Some general regulations were included. Signs are not permitted in the right of way, need property owner permission, no animation; these really create a safety hazard. Commissioner Sobotka asked if the blow-up guys are considered animation. Mr. Crane said they are. This could be the person dressed as a tax person or the guy standing with a pizza sign on the corner.

Going back to the general regulations, Mr. Crane stated that illuminated signs are not permitted; some may be permitted with a temporary use permit. Some regulations were also included for portable signs; A-frames and those types of signs. These types of signs need to be built durably.

Mr. Crane reviewed the types of signs that do not require a temporary sign permit: political signs, garage sale signs, real estate signs, open house signs, portable signs, and neighborhood and community event signs. The signs that do require a permit are: grand opening and special promotion signs, model home and future development signs, construction and contractor signs, and temporary use signs. The basis behind requiring a permit is that we have a timeframe in which we can go by for removal or expiration of the sign. We know when the sign goes up, so therefore, we know when it should come down. Mr. Crane stated that is the ordinance in a nutshell and he would be happy to answer the Commission's questions.

Commissioner Irwin opened the public hearing at [9:23:46 PM](#).

Chris Dalley, resident, commented that something needs to be done about the temporary signs.

Commissioner Irwin closed the public hearing [9:24:39 PM](#).

Mr. Crane indicated that a shopping center even approached the City regarding temporary signs and what the regulations are. They are being overrun by temporary signs and it is negatively impacting their business.

Commissioner Kemp remarked that the lack of enforcement over the past year and half or so has really had a negative impact on the city. There are temporary signs all over the place.

Commissioner Roundy asked if we are unable to enforce the temporary sign ordinance. Mr. Crane said we can enforce it, however, the Council has directed us not to. Commissioner Roundy stated that it is a travesty that we would be arbitrary and capricious to choose what laws we enforce in the city. All laws should be held of equal importance in his opinion. Mr. Crane expressed that we were instructed to not enforce any of the temporary signs.

Mr. Crane said that there was a former part time city employee who drove around enforcing the temporary sign ordinance. The Commission asked Mr. Crane if he has anyone that can enforce this proposed ordinance. Mr. Crane indicated that he does not; it is either take a very proactive approach to enforcement or we take a reactive approach. Commissioner Irwin said that taking a proactive approach may mean hiring additional staff. Commissioner Kemp suggested that whatever regulations that are passed by City Council should be mailed out to businesses with a date of when enforcement of the ordinance will begin. Commissioner Sobotka commented that we went from one extreme to the other and we are now trying to get back to the middle ground. He thinks that Mr. Crane has done a good job in putting this together and we are getting back to that middle ground.

Commissioner Irwin asked which of these types of temporary signs really need a permit and what does a permit give us. As Mr. Crane said, the permit starts the clock ticking so we know when a sign should come down. Commissioner Irwin said the person who follows the rules would come in, pay their fee, and get their permit. The person who does not follow the rules puts their sign up and nothing happens unless a complaint is received. So it seems the person following the rules is paying extra. This does not make sense to Commissioner Irwin.

Commissioner Roundy asked how we go through everything here with complaints that have been lodged and then being told to turn the blind eye. Commissioner Irwin clarified that the question is, how does the City plan to re-implement the enforcement of temporary signs? Mr. Crane stated that if this

ordinance goes through and is what the Council wants, we will start with an education campaign. Then we would go from there. Commissioner Kemp asked what happens if a sign does not come down at that point. Mr. Crane reminded the Commission that with temporary signs, we cannot pick and choose which signs are enforced. We have to be consistent. We would tell them the sign needs to come down. Commissioner Kemp asked what if it is a giant roof sign. Mr. Crane explained that we would go through the code enforcement process which involves letters and in most cases ends up in the court system.

Commissioner Sobotka asked if someone puts up a sign that is not approved and they then come in to apply for a permit could they be denied. Mr. Crane said if the sign meets the ordinance, we cannot deny it. He expressed that our ultimate goal here is temporary compliance.

Commissioner Irwin stated that his point is that we can have the regulation and we can enforce it, but we do not necessarily need a permit.

Commissioner Carruth asked why the ordinance stopped being enforced. Mr. Crane stated that the Council believed the current regulations were too strict. Commissioner Sobotka added that they also felt that during the economic downturn that they wanted to give businesses an opportunity to pull in business. Commissioner Carruth asked what the leniency is with this new ordinance. Mr. Crane said that for example, a permit was required for garage sale signs and the number allowed were limited to where they could be put. With the proposed ordinance, we will not require a permit, we just ask that you pick them up when you are finished advertising.

Commissioner Kemp asked about signs nailed or taped to light or telephone poles. Mr. Crane said those are prohibited.

Commissioner Irwin addressed the Commission and asked if they want a permit process and if so, for what types of signs. Commissioner Kemp indicated he was fine without doing permits if it works, as long as they meet the size and other requirements. Mr. Crane stated the only issue he has with it is that with a permit he has an indicator of when the timeframe began. Commissioner Irwin stated that the risk is that we end up with a sign up a little longer than we wanted. If a sign does not comply, it can be taken down immediately. Mr. Crane said if it really becomes an issue, we can come back and say that we need a permit.

Commissioner Kemp asked for clarification on the thought behind no balloons or ribbons. Mr. Crane explained it is more of an aesthetic issue where those are attached to an A-frame. Commissioner Kemp asked if the guy holding the pizza sign is too distracting. Mr. Crane said that is something the Commission needs to determine.

Commissioner Irwin commented that in regards to the balloons, there really is not a way to differentiate between a local business or a baby shower and we cannot discriminate between the two.

Commissioner Kemp stated that he spoke with Ace Hardware when they opened. They were very discouraged at their lack of ability to advertise. He said he feels that for a business to come to the city and want to have a grand opening, we should do everything thing we can to let them have balloons, banners, or maybe go a little bit over for the first period of time. Businesses would then be able to let people know they are open. Commissioner Irwin said we are going to permit balloons. Commissioner Kemp said it needs to be a certain height though. Mr. Crane asked where so we draw the line.

Commissioner Roundy expressed that with a business, their signs are going to be located in front of the business, not in front of a home so he feels that it is more acceptable for them to have the ability to put up signs advertising their business.

Mr. Crane reviewed the ordinance and indicated that in regards to the A-frame or portable signs, balloons and ribbons are prohibited. He stated that he feels this takes care of that issue for portable signs. Mr. Crane referenced page 7 of 13 under the section Grand Opening and Special Promotions. He indicated that these may include pennants, banners, streamers, flags, balloons, and inflatable structures. Mr. Crane explained that this is stating that we understand that a business is opening and we want you to promote your business and be successful. These are the types of things a business would be able to do under this category. A model home, however, would not be able to have balloons. Commissioner Irwin asked if there is a height limit. Mr. Crane said there is.

Commissioner Irwin said that as it relates to model homes, it could fall under a special promotion. He said they could have balloons, but not there permanently. Mr. Crane stated that is right, but that is why we defined it under a separate category.

Commissioner Heyrend posed the question whether thirty days is really long enough for businesses for a grand opening sign. He expressed that two months or even ninety days seems more realistic. Commissioner Heyrend stated that this advertising time period seems really short. Commissioner Irwin agreed that ninety days seems more realistic.

Commissioner Heyrend indicated that the model home section states the same timeframe. This is short for a model home, where they just get set up and maybe have a couple of bad weekends and then it is time to remove the signage. Mr. Crane stated the model home sign is different than the development or future development sign. The model home sign is the sign located at the model home. Mr. Crane expressed that a little more stringency with a model home is ideal. Commissioner Irwin asked if a model home sign by definition is a temporary sign. Mr. Crane said that he has seen model home signs up for two years. Commissioner Irwin said he thinks that would be considered temporary. Mr. Crane indicated that if the Commission would like, the model home sign can be tied back to their conditional use permit. Commissioner Kemp asked if a model home sign is allowed to have a sign in front of their location that is not a temporary sign. Mr. Crane said he would need to check whether that is tied to the conditional use permit currently. After referencing the Development Code, he explained that current code states that a model home shall be allowed a sign in the immediate front yard with the maximum size of sixteen square feet, the height from ground level not to exceed ten feet, and shall not be located closer to any right of way than its height from grade. No timeframe is used. Commissioner Irwin indicated he would like the timeframe removed from the proposed ordinance.

MOTION: Commissioner Roundy moved that the Planning Commission accept the findings and recommend APPROVAL of case TA-11-14 a request to amend Section 3-712 Temporary Signs of the Highland City Development Code subject to the following provisions:

- 1. Eliminate the permit process.**
- 2. Increase the grand opening sign length to 90 days.**
- 3. Delete the model home section on page 7 (B).**

4. Recommend to City Council to enforce this ordinance as soon as possible.

Motion seconded by Steve Rock.

Those voting aye: Commissioner Rock, Commissioner Sobotka, Commissioner Heyrend, Commissioner Carruth, and Commissioner Roundy. Commissioner Tim Irwin abstained since this item will be heard by the City Council in January.

Motion carried.

EXCERPT OF MEETING MINUTES FOR

CITY COUNCIL MEETING

Tuesday, January 17, 2012

PRESENT: Mayor Lynn V. Ritchie, conducting
Councilmember Brian Braithwaite
Councilmember Tom Butler
Councilmember Tim Irwin
Councilmember Jessie Schoenfeld
Councilmember Scott L. Smith

7:00 P.M. PUBLIC HEARING

ORDINANCE – Amending the Highland City Development Code Section 3-712 Temporary Signs and 3-718 Sign Definitions to create new regulations and requirements for temporary signs (Agenda Item 7)

[7:33:23 PM](#)

Nathan Crane, Community Development Director indicated that at the request of the City Council, staff drafted a text amendment to update the temporary sign regulations in the Zoning Ordinance.

He said temporary signs are intended to be displayed for a short period of time only. They are used to advertise temporary uses, special events, grand openings, seasonal sales, and promotions. Real estate signs, political signs, personal ideology signs, and garage sale signs also fall within this category. Temporary signs serve a valid purpose, but when left unchecked can detract from the character of the community. They can also obstruct sidewalks, block sight visibility, distract motorists, and create other unsafe conditions. Consequently, the need for temporary signs must be balanced with other community objectives. The regulations limit temporary signs to grand opening signs, promotional signs, agricultural signs, model home signs, garage sale signs, and political signs. The placement of temporary signs is also prohibited anywhere within the public right-of-way; on or over any sidewalk, street, alley, or public place; and on private property within required sight distance triangles. In addition, with the exception of A-frame signs temporary signs are only allowed on the building. A permit is required for all temporary signs.

Mr. Crane stated temporary signage typically becomes a community value issue. He outlined pictures of various temporary signs around the City.

Mr. Crane reviewed the following findings:

The proposed amendment will make the city's temporary sign regulations easier to understand, administer, and enforce.

The proposed amendment will provide adequate temporary signage to meet the needs of the community.

The proposed amendment will help to ensure that temporary signs do not detract from the character of the community or create hazards for pedestrians, bicyclists, and motorists.

Mr. Crane summarized the following general regulations for temporary signs in the ordinance:

Cannot be in the public right-of-way

Cannot obstruct driveway, sidewalk, sight distance, etc.

Can only be placed with permission of the property owner

Cannot have animation by human, mechanical or other reasons (i.e. Little Caesars pizza person holding a sign on the street corner)

Cannot illuminated

No permit is required

[7:39:07 PM](#)

Mayor Ritchie opened the public hearing at 7:39 p.m.

Chris Dalley said the signs around Kohlers are a mess. She noted for years the City enforced the sign ordinance and it was a clean and orderly city. Now there are signs everywhere. She suggested permits be required for temporary signs to help with tracking.

[7:40:51 PM](#)

Jim Webber stated it seems harsh to prohibit the pizza guy on the corner from waving his sign. He has several young sons and in these current economic times he does not agree with that prohibition.

[7:41:29 PM](#)

Tyler Call, Troop 1117, suggested fundraiser signs still be allowed because they are for a good cause.

[7:42:28 PM](#)

John Johnston asked why Highland City would be allowed to put signs in the Right-of-Way but residents or businesses would not. Mr. Crane stated in this instance it would be street banners that would be attached to a pole up high that would advertise City events such as the Highland Fling.

[7:43:49 PM](#)

Robert Cvetko talked about limiting people on the street corner holding signs. He has a concern about free speech and feels it is a fine line between someone promoting their business or a campaign.

Jacob Abbott stated during the winter the people that stand on the corners usually aren't doing anything and it's cold so they should just be allowed to post a sign there. He said there should be a limited number of signs to minimize distractions.

Joshua Whitmer said with all the future Eagle Scouts in the room, some may do blood drives for Eagle projects. This would eliminate people from standing outside to advertise the blood drive.

****Mayor Ritchie closed the public hearing at 7:46 p.m.****

[7:46:26 PM](#)

Brian Braithwaite expressed appreciation for the comments. He agreed with campaigning on a corner not being different from the kid dancing on the corner advertising pizza. He would rather the human animated signs than many of the temporary signs around the City. Brian Braithwaite stated his biggest concern with this ordinance is that there is no enforcement provision. He would like the ability for someone to get a free permit. If someone looks at the signage and there is no permit they pull the sign. He outlined areas in the proposed ordinance he thought should be changed:

Decrease the amount of times political signs can remain after election day from 10 days to five days;

Increase the amount of time a garage sale sign can stay up from 24 hours to 48 or 72 hours.

Regulate the total number of yard sales allowed without having to obtain a business license. He feels five per year is adequate.

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Disallowing non-reflective letters is overkill. Mr. Crane indicated it was done to minimize driver distraction.

Expressed concern that this ordinance would prohibit temporary signs for events like wedding receptions.

[7:58:34 PM](#)

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needs. He asked for clarifications on parts of the ordinance. He also suggested requiring a permit on signs that people profit from.

Much discussion took place on the distance requirements and clarification. Mr. Crane stated the recommendation from the Planning Commission is that there are no permits required for any temporary signs. Initially there were two different types of signs, ones that required a permit and ones that didn't.

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[8:14:12 PM](#)

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Tom Butler clarified that the ordinance was sent to the commercial property owners, but asked if business owners were sent information. Mr. Crane said it was only sent to the property owners and no feedback was received. Tom Butler felt it would be beneficial to get feedback from business owners. He would also exempt political signs from placing signs in the right-of-way.

[8:25:43 PM](#)

Tom Butler went through the ordinance and gave suggested modifications.

Mr. Crane indicated that staff does not have a preference on the signage and will implement what the City Council desires. He said temporary signs are a community value issue that the City Council needs to determine. It is open for the City Council to modify.

[8:37:48 PM](#)

John Park stated he disagrees with allowing illumination on temporary signs. He said Highland City works hard to ensure that light pollution does not occur and that lights from poles are not shining into neighbors' yards. He said if the City Council wants to allow illumination there should be some standards created that are associated with it. He said illumination is one issue that affects neighbors more than anything else.

[8:38:58 PM](#)

Jessie Schoenfeld asked for clarification about aspects of the ordinance as well.

The City Council requested business owners be notified.

Lots of discussion took place about enforcement and provisions that could be put in place to accommodate enforcement. The following summarizations from the discussions were noted:

The City Council wants an iron clad system,

Possibly requiring a sticker on the back noting a date when the sign was placed,

Someone responsible for sign enforcement,

Balloons are questionable based on aesthetics

Public education will take place in the newsletter and on the City website,

No requiring permits. If the ordinance doesn't work the permit issue can be readdressed.

Mayor Ritchie stated he has listened to this discussion six different times over the years at the Planning Commission or City Council level. He stated it is definitely a hard issue. Based on the suggestions made by the City Council he requested the item be continued. The City Council was directed to send any comments regarding the ordinance to Mr. Crane.

[8:56:12 PM](#)

John Park suggested the proposal also go to the Economic Development Committee for review and indicated businesses could be notified that a copy of the proposed ordinance is on the website for review.

MOTION: Tom Butler moved to continue the ordinance amending the Highland City Development Code Section 3-712 Temporary Signs and 3-718 Sign Definitions to create new regulations and requirements for temporary signs. Tim Irwin seconded the motion. Those voting

aye: Brian W. Braithwaite, Tom Butler, Tim Irwin, Jessie Schoenfeld, and Scott Smith. The motion passed with a unanimous vote.

EXCERPT OF MEETING MINUTES FOR

CITY COUNCIL MEETING

Tuesday, January 17, 2012

PRESENT: Mayor Lynn V. Ritchie, conducting
Councilmember Brian Braithwaite
Councilmember Tom Butler
Councilmember Tim Irwin
Councilmember Jessie Schoenfeld
Councilmember Scott L. Smith

7:00 P.M. PUBLIC HEARING

ORDINANCE – Amending the Highland City Development Code Section 3-712 Temporary Signs and 3-718 Sign Definitions to create new regulations and requirements for temporary signs (Agenda Item 7)

[7:33:23 PM](#)

Nathan Crane, Community Development Director indicated that at the request of the City Council, staff drafted a text amendment to update the temporary sign regulations in the Zoning Ordinance.

He said temporary signs are intended to be displayed for a short period of time only. They are used to advertise temporary uses, special events, grand openings, seasonal sales, and promotions. Real estate signs, political signs, personal ideology signs, and garage sale signs also fall within this category. Temporary signs serve a valid purpose, but when left unchecked can detract from the character of the community. They can also obstruct sidewalks, block sight visibility, distract motorists, and create other unsafe conditions. Consequently, the need for temporary signs must be balanced with other community objectives. The regulations limit temporary signs to grand opening signs, promotional signs, agricultural signs, model home signs, garage sale signs, and political signs. The placement of temporary signs is also prohibited anywhere within the public right-of-way; on or over any sidewalk, street, alley, or public place; and on private property within required sight distance triangles. In addition, with the exception of A-frame signs temporary signs are only allowed on the building. A permit is required for all temporary signs.

Mr. Crane stated temporary signage typically becomes a community value issue. He outlined pictures of various temporary signs around the City.

Mr. Crane reviewed the following findings:

The proposed amendment will make the city's temporary sign regulations easier to understand, administer, and enforce.

The proposed amendment will provide adequate temporary signage to meet the needs of the community.

The proposed amendment will help to ensure that temporary signs do not detract from the character of the community or create hazards for pedestrians, bicyclists, and motorists.

Mr. Crane summarized the following general regulations for temporary signs in the ordinance:

Cannot be in the public right-of-way

Cannot obstruct driveway, sidewalk, sight distance, etc.

Can only be placed with permission of the property owner

Cannot have animation by human, mechanical or other reasons (i.e. Little Caesars pizza person holding a sign on the street corner)

Cannot illuminated

No permit is required

[7:39:07 PM](#)

****Mayor Ritchie opened the public hearing at 7:39 p.m.****

Chris Dalley said the signs around Kohlers are a mess. She noted for years the City enforced the sign ordinance and it was a clean and orderly city. Now there are signs everywhere. She suggested permits be required for temporary signs to help with tracking.

[7:40:51 PM](#)

Jim Webber stated it seems harsh to prohibit the pizza guy on the corner from waving his sign. He has several young sons and in these current economic times he does not agree with that prohibition.

[7:41:29 PM](#)

Tyler Call, Troop 1117, suggested fundraiser signs still be allowed because they are for a good cause.

[7:42:28 PM](#)

John Johnston asked why Highland City would be allowed to put signs in the Right-of-Way but residents or businesses would not. Mr. Crane stated in this instance it would be street banners that would be attached to a pole up high that would advertise City events such as the Highland Fling.

[7:43:49 PM](#)

Robert Cvetko talked about limiting people on the street corner holding signs. He has a concern about free speech and feels it is a fine line between someone promoting their business or a campaign.

Jacob Abbott stated during the winter the people that stand on the corners usually aren't doing anything and it's cold so they should just be allowed to post a sign there. He said there should be a limited number of signs to minimize distractions.

Joshua Whitmer said with all the future Eagle Scouts in the room, some may do blood drives for Eagle projects. This would eliminate people from standing outside to advertise the blood drive.

****Mayor Ritchie closed the public hearing at 7:46 p.m.****

[7:46:26 PM](#)

Brian Braithwaite expressed appreciation for the comments. He agreed with campaigning on a corner not being different from the kid dancing on the corner advertising pizza. He would rather the human animated signs than many of the temporary signs around the City. Brian Braithwaite stated his biggest concern with this ordinance is that there is no enforcement provision. He would like the ability for someone to get a free permit. If someone looks at the signage and there is no permit they pull the sign. He outlined areas in the proposed ordinance he thought should be changed:

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