

## ORDINANCE NO. 2020-24

### AN ORDINANCE AMENDING THE MIXED USE RESIDENTIAL COMMERCIAL ZONE AND SIGN ORDINANCE.

WHEREAS, the Heber City Council finds that this ordinance furthers the Envision Heber 2050 General Plan.

WHEREAS, the Heber City Council finds the proposed ordinance furthers the public good by streamlining the sign permitting process..

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.42.090 of Heber City Municipal Code is amended to read as follows:

#### **18.42.090 Signs**

At the time of subdivision preliminary approval or a commercial site plan approval, developer shall submit a sign concept plan showing the location, design and dimensions for all proposed freestanding signs in the development. Signs shall be consistent with Chapter 18.103 Signs.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.103.070 of Heber City Municipal Code is amended to read as follows:

#### **18.103.070 Prohibited Sign Devices**

The following devices used to attract pedestrian or vehicular attention are prohibited in any zone in Heber City. Any sign not specifically allowed here is also prohibited.

- A. Hot or cold air balloons, or inflatables, except as specifically allowed by this ordinance for temporary signs or as part of a grand opening period or special promotion.
- B. Any sign which is animated or rotating, flashes, blinks, uses chaser lights, etc., or moves in any way, animate or inanimate, or constitutes a traffic hazard or nuisance as determined by the Zoning Administrator or Planning Commission. (Commercial signs may be approved with time/temperature or electronic message center capability.) Subtle lighting changes of low intensity are allowed. No electronic message center shall be located within any residential zone.
- C. Statuary bearing the likeness or suggestion of any product or logo.
- D. Projecting signs which project over property lines, except as allowed only in the C-3 Commercial Zone.
- E. Snipe sign.
- F. Wind sign.
- G. Wall Sign.
- H. Temporary Sign.
- I. Any truck, trailer, or other vehicle conspicuously or regularly parked on or off-premise with an advertising message or logo displayed to attract attention to a business, product or promotion. The Zoning Administrator shall require a business to remove same if such vehicle is being utilized for advertising purposes. A vehicle is considered in violation of this provision if such vehicle is unregistered, inoperable or unlicensed, or is regularly or intermittently parked in such a manner as

to attract attention from the public street to the business, or is painted with a sign and the vehicle appears to be used primarily for sign purposes and not used for transportation purposes.

- J. Graffiti.
- K. Spotlights directed into the night sky except as part of an approved promotional period for temporary signs.
- L. Off-Premise signs except as allowed herein.
- M. Billboards.
- N. Hand-bills, signs-public places and objects. Except as otherwise stipulated, no person shall paint, mark or write on, or post or otherwise affix, any hand-bill or sign to or upon any public property, park, street, right of way, sidewalk, crosswalk, curb, curbstone, park strip, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley wire pole, or wire appurtenance thereof or upon any lighting system, public bridge, drinking fountain, life saving equipment, street sign or traffic sign.
  - 1. Any hand-bill or sign found posted upon any public property contrary to the provisions of this Section may be removed by the Police Department, the Public Works Department, the Parks and Recreation Department, or the Community Development Department. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost.
  - 2. Nothing in this Section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location, or personality for which the Department of Public Works has granted a written permit.
  - 3. Nothing in this Section shall apply to the painting of house numbers upon curbs.

BE IT ORDAINED by the City Council of Heber City, Utah, Section 18.103.090 of Heber City Municipal Code is amended to read as follows:

**18.103.090 Signs That Require A Permit**

- A. Purpose - Streetscape. The streetscape is the combination of vehicles, buildings, signs, landscaping, roads, utility poles, etc., that dominate the view of the driver or pedestrian. The streetscape tells residents and visitors how the City as a whole feels about the environment, safety, aesthetics, and its sense of order, among other things. A useful, attractive, and safe streetscape is one that necessarily regulates the size, location, and design of business signs. Because a proliferation of poorly designed, oversized, and inappropriately located signs in commercial and industrial areas can be detrimental to the achievement of effective, safe and attractive streetscapes, it is important that the permanent signs in these areas receive approval (permits) from the City. Commercial and industrial uses are generally more intensive than those found in residential zones. Since these uses are designed by size, location, and style to attract attention and provide services to the public, they generally need signage to achieve that end. Business signs of any kind in residential neighborhoods can diminish the quality of life for which those zones were specifically created. However, there may be some residential uses which merit a sign, though much smaller and subdued than in commercial or industrial zones. Therefore, it is the intent and purpose of this section to outline regulations and design standards for signs in both commercial/industrial and residential areas that will allow the business to identify itself while allowing Heber City to create and maintain safe and aesthetically pleasing streetscapes regardless of zone.
- B. Sign Theme Required. All planned shopping centers/buildings and developments of parcels 19,000 square feet or larger must submit a proposal for all on-premise signs to the Planning

Commission for design and placement approval as part of a new or change of use development approval by the Planning Commission

- C. Electronic Message Centers, Changeable Copy Areas and Reader Boards. Such signs are permitted but discouraged and shall only be permitted as part of a main sign and shall not exceed 25% of the total sign copy area of the sign. No such sign shall blink, scroll, flash, use chaser lights or move in any way, and shall not display the message in a manner that constitutes a traffic hazard or nuisance as determined by the Zoning Administrator or Planning Commission.
- D. On-Premise Freestanding Signs. The Zoning Administrator may approve one freestanding sign per street frontage. No free standing sign shall be allowed for any parcel that has less than 19,000 square feet or less than 99 feet of street frontage. Sign height shall not exceed twenty-five (25) feet. Signs must be located 45 feet from the street corner. Sign area may not exceed 50 square feet. There shall be a minimum of 7 feet of open space below the sign. Each sign shall be located upon a lawn or landscaped area, or within a masonry, concrete, stone, or brick landscape box at least 18 inches in height or within a landscaped area surrounded by a 6 inch tall control curb if located upon a hard surfaced area.
  - 1. As a conditional use, the Planning Commission may approve a request for a freestanding sign upon a parcel less than 19,000 square feet or less than 99 feet of street frontage if the Planning Commission finds that the property, property location, existing structures and driveways are configured such that a monument sign would constitute a hazard to traffic and pedestrians. Any sign approved in this manner must meet all other applicable standards for freestanding signs in this Chapter.
- E. On-Premise Freestanding Signs for Planned commercial/industrial developments. The Zoning Administrator may approve one freestanding sign per street frontage for planned shopping centers with 3 or more tenants. No freestanding sign shall be allowed for any planned center or parcel that has less than 99 feet of street frontage. Sign height shall not exceed twenty-five (25) feet. Signs must be located 45 feet from the street corner. Sign area shall not exceed 20 square feet per tenant or 150 square feet, whichever is less. The sign shall have a logo/identification theme as part of the sign. There shall be a minimum of 7 feet of open space below the sign. Each sign shall be located upon a lawn or landscaped area, or within a masonry, concrete, stone, or brick landscape box at least 18 inches in height or within a landscaped area surrounded by a 6 inch tall control curb if located upon a hard surfaced area.
  - 1. As a conditional use, the Planning Commission may approve a request for a freestanding sign upon a parcel with less than 99 feet of street frontage if the Planning Commission finds that the property, property location, existing structures and driveways are configured such that a monument sign would constitute a hazard to traffic and pedestrians. Any sign approved in this manner must meet all other applicable standards for freestanding signs in this chapter.
- F. Monument Signs. One monument sign is allowed for any size parcel. Parcels with two street frontages are allowed a sign on each street. However, the signs must be separated by at least 100 feet as measured diagonally across the property from center to center of both signs or only one (1) sign will be allowed. Monument signs within a planned commercial/industrial development must have a logo/identification theme as part of the sign. Monument signs for individual businesses or free standing buildings within a planned commercial/industrial development shall be located no closer than 100 feet to each other or other free standing signs. Signs within the 45 foot corner visibility triangle may be allowed with the permission of the Heber City Engineer, if such sign does not present a traffic hazard. Back lit/illuminated cabinets are allowed but discouraged. Monument signs shall be located upon a lawn or landscaped area, or may be located upon a paved surface if incorporated into a masonry, stone, brick, or concrete landscape box at least 18 inches in height. There are three (3) types of monument signs, regulated as follows:

1. Freestanding Monument Sign. This monument sign shall be limited in height to eight (8) feet and 32 square feet in area. The sign shall be supported by no less than 2 pole supports and shall have 2 feet of open space below the sign.
  2. Monolithic Monument Sign. This monument sign shall be limited in height to 9 feet and 50 square feet in area. The monument sign shall have no visible supports or poles other than the sign itself and shall be supported at its base with a masonry, concrete, stone, or brick base at least 18 inches in height.
  3. Decorative Monument Sign. This monument sign shall be limited in height to 12 feet and 50 square feet in area. The sign must incorporate a decorative design element/logo at the top of the sign. The monument sign shall be supported by no less than 2 pole supports and shall have 2 feet of open space below the sign. At least 30 percent of the area located between the pole supports shall remain open space. This monument sign shall be incorporated into a masonry, stone, brick, or concrete landscape box at least 18 inches in height.
- G. Flat Signs. Flat signs should be the primary form of identification for business uses in the City. Each business is entitled to one flat sign if the following criteria are met:
1. The sign may not occupy more than 15% or 300 square feet, which ever is less, of the front flat wall area of the first floor or story of the building.
  2. The 15% area of the primary wall may be divided into more than one sign under the following requirements and restrictions:
    - a. The sign package blends with the aesthetics of the building and surrounding natural and manmade environment.
    - b. The sign package color, style, size, scale and proportion enhances the exterior of the building and does not place too much bulk and external distractions on the exterior of the building.
    - c. The number of signs is appropriate to the scale of the building.
    - d. The maximum number of flat signs on any given wall, including multi-tenant buildings, shall be seven [7]. For the purpose of this ordinance, a sign will be considered a complete phrase and the suggested layout of the sign package (i.e., the individual words may either be lumped together as one phrase to equal 1 sign, or spread out to be many different signs, such as "1 Hour Photo" would be considered one sign.)
    - e. The maximum number of multiple flat signs on any given wall shall be limited to seven [7]. The maximum square footage shall be limited be 300 square feet or 15% of the wall, whichever is less.
    - f. Multi-tenant buildings may receive a conditional use permit so that the building may exceed the maximum number of signs to accommodate the additional sign if the Planning Commission judges the additional sign to be consistent with the criteria set forth above.
    - g. Multiple flat signs shall utilize individual lettering and logos only. No multiple cabinet signs or combination of cabinet and individual lettering signs shall be approved. It is encouraged that the use of multiple materials and lettering styles, such as exposed neon, different type styles, and use of logos in conjunction with the lettering be implemented.
  3. Painted signs applied directly to any building face are specifically prohibited.
  4. Buildings or businesses with exposure on the side(s) and front may choose which wall to mount their sign upon. Signs are allowed on the rear of the building with Planning Commission approval.
  5. Owners of buildings that have small offices inside, accessory and/or secondary to the main use are required to create a building identification sign instead of trying to obtain signage for every tenant. This is especially true for buildings with two or more levels.

6. Flat signs on sloping roofs shall be erected so as to appear as a sign applied to a similarly vertical wall surface and finished in such a manner that the visual appearance from all sides is such that they appear to be part of the building itself. All such signs shall be installed or erected in such a manner that there is no visual support structure such as guy wires or braces and shall not project more than 3 feet above the top edge of the vertical surface of the wall.
  7. No flat sign including any light box or structural part, shall project more than 18 inches from the face of the building to which it is attached.
- H. Off-premise Signs. Off-premise signs are permitted only in the C-2 Commercial, I-1 Industrial, and C-4 Commercial Zones.
1. Location. Off-premise signs shall be allowed only on property adjacent to and fronting a public street. These signs must be oriented for street viewing only and be located within 50 feet of the nearest highway lane. All off premise signs must be located within a landscaped area. Placement upon a hard surface is prohibited.
  2. Size, Height and Spacing. Off-premise signs shall be regulated as follows:
    - a. Size. Maximum area of one side of a sign (whether single or double faced) shall be 24 square feet.
    - b. Height. Maximum height of off-premise signs shall be 18 feet above the grade of the traveled way of the street.
    - c. Spacing. No off-premise sign shall be erected within 400 feet of another existing off-premise sign or within 20 feet from any adjoining private property boundary line. Sign structures shall not be located so close to intersections as to obstruct the view of automobile drivers and in no event shall be placed within a triangular area formed by the street property lines and a line connecting them at a point 45 feet from the intersection of the street lines.
- I. Suspended and projecting Signs. Suspended or projecting signs are allowed if the architecture of the building or planned center lends itself to that design and a sign theme is submitted and approved by the Zoning Administrator. The following shall apply:
1. The Zoning Administrator must review any proposal for a suspended sign for compatibility with the building. No more than one suspended/projecting sign is permitted for each street frontage per business or tenant.
  2. Any sign may not exceed 15% of the front flat wall first story or floor of the tenant space, or 300 square feet, whichever is less.
  3. No sign may project beyond the outside limit of the arcade, marquee, or canopy or facade to which they are attached.
  4. No sign may project above the roof-line of the building to which they are attached.
  5. Such signs may project up to 3 feet across the front property line but not closer than two feet to the curb and gutter. Where a building is near the property line, a 3 foot projection will be allowed from the property line. Where state or federal regulations limit or prohibit projection over property lines, such regulations will take precedence.
  6. No sign may project over property lines except in the C-3 Commercial Zone.
  7. Any sign must have at least an 8 foot clearance above the sidewalk or 7 feet above any landscaped area. Signs which project over streets, alleys or any vehicular traveled way or access must maintain a minimum clearance of fourteen feet.
  8. There must be a minimum horizontal distance of 5 feet on both sides between suspended signs.
  9. Supports for projecting signs must be hidden, and the sign must appear to be attached to the wall and not from a pole.
- J. Awning Signs. Awning signs are allowed only under the following circumstances:
1. The Zoning Administrator may approve any applicant for an awning sign which fully complies with sign standards.

2. Awning signs in planned centers must be designed to conform to an approved sign theme.
  3. No awning signs will be allowed on multi-tenant buildings or in planned centers unless the building or center has consistent treatment.
  4. Awning signs shall be limited to single story buildings or to the first level only of multi-story buildings.
  5. Awning signs must function as true awnings by being placed over a doorway, window, or walkway to protect such from the elements.
  6. Awning signs are not allowed on or above sloping or mansard roof.
  7. The area of awning signs shall be a maximum of 300 square feet or 15% of the flat wall area of the floor or story occupied by the business upon which the sign is mounted, whichever is less.
  8. Area of copy/logo on awnings shall be limited to 40% of the awning. Illuminated signs on other sides shall be permitted.
  9. Awning signs shall conform to all provisions of the Building Code governing such structures.
  10. Illuminated (backlit), translucent, vinyl awnings are not permitted. Translucent letters or accents sewn into opaque canvas or acrylic awnings are permitted.
  11. Awning signs shall not project out from the wall more than 8 feet, nor less than 2 feet, and in no event closer than 2 feet from the back of curb. In the case of entrance canopies the awning may project out from the building over a walkway and must lead to a bona fide business entrance. Such canopies will be permitted if they are compatible with the architecture of the building.
  12. Awning signs shall not project above the roof line, defined as the highest part of the vertical wall.
  13. Awning signs shall maintain a minimum clearance of 7 feet to the bottom of the valance and 8 feet to the frame above the sidewalk and comply with all other clearance requirements.
  14. Awning signs shall be maintained in a clean, safe and attractive condition. Awnings must be replaced every 10 years or when the awning falls into a sun bleached and/or deteriorated condition as determined by the Zoning Administrator. Failure to do so will result in revocation of the sign permit.
- K. Canopies (Gas Stations). Signs for canopies over gas islands are regulated as follows:
1. Sign copy, corporate logos, etc. may be a maximum of 15% of one face of the canopy.
  2. Up to 3 sides of the canopy may be used for signs.
  3. The height to the top of the canopy may not exceed 20 feet from grade and no canopy fascia may exceed 4 feet in height.
  4. Individual letters, logos, or symbols may not exceed 4 feet in height or project out from the surface of the canopy more than 18 inches or project above or below the canopy face.
  5. Gas price signs are allowed on the monument sign or below the canopy over the pumps. One double faced sign for each type of fuel sold is allowed per gas island with a maximum of 4 sets per station. Area of said sign may not exceed 4 square feet each.
- L. Signs in the Residential and Residential-Commercial Zones. Conditional uses may risk being more intensive uses allowed in residential zones. Therefore, the sign allowances are more restrictive than in commercial areas.
1. On-Premise Signs for Home Occupations, Hair and Beauty Salons, and Day Care and Nursery Schools. The Zoning Administrator may permit one non-illuminated flat wall sign 2 square feet in area which identifies the name of the business. This applies to uses operated out of a single family home.
  2. Signs for all other non-residential uses permitted in Residential and Residential-Commercial Zones. These signs are a conditional use to be approved by the Planning Commission at the time of approval of such use through the commercial concept

approval process, conditional use process, or other such applicable process. Each such use is limited to one monument sign of 16 square feet in area and 5 feet in height, or one wall sign, awning sign, or suspended/projecting sign having a maximum area of 2 percent of the front flat wall area of the first floor or story of the building, not to exceed 10 square feet, whichever is less. Such signs may not have changeable copy capability. Multi-tenant buildings with monument signs must identify the center primarily.

- M. Roof Signs. Roof signs shall not exceed 15% of the front flat wall area of the first floor or story of the building, or 300 square feet, whichever is less.
- N. Total Sign Area. The total area of all signs located on a building shall not exceed 15% of the front flat wall area of the first floor or story of the building, or 300 square feet, whichever is less.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 15<sup>th</sup> day of September 2020.

	AYE	NAY	ABSENT	ABSTAIN
Heidi Franco	<u>X</u>	_____	_____	_____
Wayne Hardman	<u>X</u>	_____	_____	_____
Rachel Kahler	<u>X</u>	_____	_____	_____
Michael Johnston	<u>X</u>	_____	_____	_____
Ryan Stack	<u>X</u>	_____	_____	_____

APPROVED:

Kelleen L. Potter  
 Mayor Kelleen L. Potter



ATTEST:

Anna W. Coche Date: 9/1/2020  
 RECORDER