CITY OF SARATOGA SPRINGS
CITY COUNCIL WORK SESSION AMENDED AGENDA

Tuesday, January 19, 2016
Meeting held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

Councilmembers may participate in this meeting electronically via video or telephonic conferencing

City Council Work Session

5:30 p.m.

1. Rezone and General Plan Amendment for Holiday Oil, Located at 3990 South Redwood Road, Mike Wagstaff-Applicant.

2. Transportation Master Plan Update

3. Amendments to the Saratoga Springs Land Development Code (Section 19.18 Sign Code).

4. Agenda Review:

    a. Discussion of City Council policy agenda items.
    b. Discussion of future City Council policy and work session agenda items.

5. Adjourn to Policy Session.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.

City Council
Memorandum

Author:	Jamie Baron, Planner I
Memo Date:	Tuesday, January 12, 2016
Meeting Date:	Tuesday, January 19, 2016
Re:	Holiday Oil Rezone, General Plan Amendment, and Concept Plan

Background & Request
The property owner is requesting a work session to present additional information and address the public concerns prior to the public hearing. The property owner will bring the additional information to the meeting.

Recommendation
Staff recommends that the City Council hear the presentation of the property owner.

Attachments
A. Planning Commission Staff Report
B. Planning Commission draft minutes
C. Related Exhibits

1307 North Commerce Drive, Suite 200 • Saratoga Springs, Utah 84045
801-766-9793 x 161 • 801-766-9794 fax
jbaron@saratogaspringscity.com

Planning Commission
Staff Report

Rezone, General Plan Amendment, Concept Plan
Holiday Oil
December 10, 2015
Public Hearing

Report Date:	December 3, 2015
Applicant:	Wagstaff Investments LLC
Owner:	White Elk Frontiers
Location:	3990 South Redwood Road
Major Street Access:	Redwood Road
Parcel Number(s) & Size:	45:228:0066 – 2.001 acres
Parcel Zoning:	Neighborhood Commercial
Adjacent Zoning:	R-3 Low Density Residential
Current Use of Parcel:	Vacant
Adjacent Uses:	Low Density Residential
Previous Meetings:	None for this application
Previous Approvals:	None
Type of Action:	Legislative
Land Use Authority:	City Council
Future Routing:	City Council
Author:	Jamie Baron, Planner I

A. Executive Summary:

The applicant is requesting a Rezone and General Plan Amendment for 2.001 acres of property located at 3990 South Redwood Road in order to build a Convenience Store with fuel services.

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing on the Holiday Oil Rezone and General Plan Amendment, take public comment, review and discuss the proposal, provided feedback on the Concept Plan, and choose from the options in Section "H" of this report. Options include forwarding a positive recommendation, forwarding a negative recommendation, or continuing the application to a later meeting.

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B. **Background:** On November 6, 2015, the City received applications for Rezone, General Plan Amendment, and Concept Plan for a commercial development on 2.001 acres located at 3990 South Redwood Road.

The subject property has been zoned as Neighborhood Commercial (NC) since 2005. In July of 2008 convenience stores were removed from the NC zone. Prior to 2008, convenience stores were allowed as a Conditional Use.

C. **Specific Request:** The applicant requests a rezone from Neighborhood Commercial (NC) to Regional Commercial (RC) and a General Plan Amendment from NC to RC for the purpose of building a 4,000 square foot convenience store with a single bay automated carwash and fuel services, located at 3990 South Redwood Road on parcel 45:228:0066 (2.001 acres). The attached Concept Plan shows the proposed layout of the site.

D. **Process:**

Rezone and General Plan Amendment
Section 19.17.03 outlines the process requirements for a Rezone and General Plan Amendment, requiring all rezone and general plan applications to be reviewed by both the Planning Commission and City Council. The City Council is the land use authority for Rezone and General Plan applications and shall review and either approve or deny the application, after receiving a formal recommendation from the Planning Commission. Both the Planning Commission and City Council reviews involve a public hearing.

Concept Plan
Section 19.17.02 states "Petitions for changes to the City's Zoning Map to all land use zones shall be accompanied by an application for Concept Plan Review or Master Development Agreement approval pursuant to Chapter 19.13 of this Code."

The applicant has submitted a Concept Plan for the proposed Convenience Store. Per Section 19.13 of the City Code, the process for a Concept Plan includes an informal review of the Concept Plan by both the Planning Commission and the City Council. The reviews shall be for comment only, no public hearing is required and no recommendation or action made.

E. **Community Review:** The Rezone and General Plan Amendment portions of this application has been noticed as a public hearing in the *Daily Herald*, City website, and Utah Public Notice Website, and mailed notices have been sent to all property owners within 300 feet of the subject property at least 10 days prior to this meeting. As of the date of this report, public input has been received. The public comments have consisted of concern about increased traffic, light pollution, noise, and public safety. All received emails have been attached. The Concept Plan does not require a public hearing.

F. **General Plan:** The Land Use Element of the General Plan designates the property as Neighborhood Commercial. The applicant requests that the General Plan be amended to

designate the property as Regional Commercial in order to build a Convenience Store, as Convenience Stores are not permitted in the NC zone.

The Regional Commercial designation is defined by the General Plan as follows:

> **Regional Commercial**. Regional Commercial areas shall be characterized by a variety of retail users including big box retail configured in developments that provide excellent vehicular access to and from major transportation facilities. Developments located in Regional Commercial areas shall be designed so as to create efficient, functional conglomerations of commercial activities.
>
> As Regional Commercial areas are to be located in close proximity to substantial roadways, careful consideration shall be given to the arrangement of structures and other improvements along those corridors. Consideration shall also be given to the existing or potential availability of mass transit facilities as sites in this designation are designed.
>
> Among the many tenants anticipated in these areas are large destination oriented businesses. With that in mind, individual sites shall be designed so as to make automobile access a priority. Even so, specific areas for pedestrian activity shall be designated and appropriately improved. Plazas and other features shall be provided as gathering places which should be incorporated so as to make each site an inviting place to visit.
>
> Developments in these areas shall contain landscaping and recreational features as per the City's Parks, Recreation, Trails, and Open Space Element of the General Plan. In this land use designation, it is estimated that a typical acre of land may contain 5 equivalent residential units (ERU's).

Staff conclusion: *Consistent, if the General Plan Amendment is granted.*

Based on the Concept Plan, the proposed site is consistent with the proposed land use designation of Regional Commercial as indicated below.

1. The proposed Convenience Store is located adjacent to Redwood Road.
2. The site has been designed so that automobiles have access priority.
3. The proposed site indicates the required trail improvements on Redwood Road and Harbor Bay Parkway.

The proposed site is not consistent with the proposed land use designation of Regional Commercial as indicated below.

1. The proposed site does not include plazas and other features to create gathering places.

The current Neighborhood Commercial designation is defined by the General Plan as follows:

Neighborhood Commercial. The Neighborhood Commercial designation is intended to identify locations where small-scale neighborhood oriented commercial developments are to be located. These commercial developments are to provide goods and services that are used on a daily basis by the surrounding residents.

Commercial structures in these areas shall be limited to 15,000 square feet. Neighborhood Commercial developments should be large enough to accommodate functioning traffic patterns but should not exceed 10 acres in size.

Parcels considered for this designation should be located in close proximity to residential areas where pedestrian activity between residents and the development is likely to occur. Improvements such as trails, seating and lighting that would help create gathering spaces and promote pedestrian activity are expected and shall be considered and essential part of developments in the Neighborhood Commercial areas.

Developments in these areas shall contain landscaping and recreational features as per the City's Parks, Recreation, Trails, and Open Space Element of the General Plan. In this land use designation, it is estimated that a typical acre of land may contain 4 equivalent residential units (ERU's).

Staff Finding:
The Planning Commission may determine that, based on the Concept Plan, the proposed site is consistent with the current land use designation of Neighborhood Commercial as indicated below.

1. The proposed Convenience Store offers goods and services that are used on a daily basis.
2. The proposed Concept Plan indicates that the total area of the structures is 11,340 square feet.
3. The proposed site is 2.001 aces in size.
4. The proposed use is adjacent to residential areas on the north and east sides and is accessible by pedestrians from the adjacent neighborhood.
5. The development would complete the required trail and right of way improvements on Redwood Road and Harbor Parkway.

On the other hand, the Planning Commission may find that the proposed concept plan is not consistent with the current land use designation of Neighborhood Commercial as indicated below.

1. Convenience Stores are not permitted in the zone.

G. Code Criteria:

Rezones and General Plan amendments are legislative decision; therefore, the Council has significant discretion when making a decision on such requests. Because of this legislative discretion, the Code criteria below are guidelines and are not binding.

<u>Rezone and General Plan Amendment</u>

19.17, General Plan, Ordinance, and Zoning Map Amendments

- Planning Commission/City Council Review
  - The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of the Title.

Possible Finding: *Rezone will be consistent if the General Plan Amendment is granted.*

- Consideration of General Plan, Ordinance, or Zoning Map Amendment
  - The Planning Commission and City Council shall consider, but are not bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:
    1. the proposed change will conform to the Land Use Element and other provision of the General Plan;
    2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;
    3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and
    4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.

Possible Finding: Consistent*. The request is consistent with the outlined criteria as follows:*

1. *The applicant has applied for a General Plan Amendment and will be consistent if the amendment is granted.*
2. *With conditions to minimize light and noise, address increased traffic and public safety, the proposed change will not pose a threat to the general welfare of the public.*
3. *The proposed change will be providing services to the southern area of the City as this area has expanded, which will aid in the orderly growth of the City, enhance the economic well-being of the City, and promote the growth of the City in accordance with the Land Use Element of the General Plan.*
4. *The applicant proposes the change in order to build a commercial development that will offer retail and fuel amenities to the surrounding neighborhoods and the marina. The public has expressed concern about light pollution, noise,*

increased traffic, and public safety. These concerns can be mitigated with conditions and adherence to the City Land Use Code and will not effect the proposed amenities.

<u>Concept Plan</u>

19.04, Regional Commercial Land Use Zone. Complies, or compliance to be verified with future applications.

- Zone: RC (proposed)
- Use: Convenience Store - Permitted
- Setbacks: **Complies**.
    - The setbacks are as follows:
        - Front – 20'
        - Sides – 30' when adjacent to residential or agricultural zones, 20' when adjacent to all other zones.
        - Rear – 30' when adjacent to residential or agricultural zones, 20' when adjacent to all other zones, 40' when the rear of a building faces an Arterial or Collector Street.
- Lot size – Minimum of 20,000 square feet for all uses. **Complies.** The site is a total of 87,163.56 square feet (2.001 acres).
- Structure Height – Maximum height of 50 feet. Will be reviewed at site plan.
- Coverage – 50% maximum. **Complies.** The building, with the carwash, and the fuel canopy equal a total of 11,340 square feet for 13% lot coverage. The fuel canopy shall be shown as part of coverage calculation on plan.
- Building size – Minimum of 1,000 square feet above grade. **Complies**. The proposed building is 4,000 square feet in size, with an additional 1,375 square feet with the attached car wash.
- Landscaping:
    - Required front yard areas, and other yard areas facing a public street shall have a landscaped area of not less than 20'. **Complies**. All yard areas are proposed to be landscaped.
    - There shall be a minimum of 10' of landscaping between parking areas and side or rear property lines adjacent to agricultural and residential land uses. **Complies.** There is a 20' or larger landscaping area along all property lines that abut the adjacent residential properties.
    - A landscape plan will be required with the site plan.
- Sensitive Lands – No sensitive lands.
- Trash – Will be reviewed with site plan.
- Buffering/Screening – Will be reviewed with site plan.

- **19.05, Supplemental Regulations**

- Flood Plain – N/A
- Water & sewage – Will connect to City Infrastructure.
- Transportation Master Plan – The right of way improvements on Redwood Road are required to be improved with the development of the property. **Complies**. The future improvements are shown on the Concept Plan.
- Property access – **Complies**. The proposed development has access to public streets.

- **19.06, Landscaping and Fencing** – Will be reviewed with site plan.

- **19.09, Off Street Parking**
  - General Provisions
  - Parking Requirements / Design – The proposed building requires 5 parking stalls per 1,000 square feet. **Complies.** The proposed building is 4,000 square feet, requiring 20 parking stalls. 21 Parking stalls are provided.
  - Dimensions – 90degree parking stalls shall be 9 feet in width and 18 feet in length. Drive isles shall be a minimum of 24' in width. **Complies.** The parking stalls are 9' wide and 18' long. The drive isles are 26' or larger in width.
  - Accessible – One stall per 25 parking stalls. **Complies**. There are a total of 21 parking stalls with two accessible parking stalls located directly in front of the building with an access isle and curb ramp.
  - Landscaping – One 9'x18' landscaping island every 10 stalls on single row parking. **Complies.** The concept plan shows a landscape island at 9 stalls on one side and 4 on the other.

- **19.14, Site Plans**
  - Commercial Use
  - Development Standards:
    - Buffering – Will be reviewed with Site Plan.
    - Access – Each roadway shall not be more than 40 feet in width, except as increase by permissible cure return radii; and the entire flare of a return radii shall fall within the right of way. **Complies**. The proposed road ways for access are 40 feet in width.
    - Utilities – Will be reviewed with Site Plan.
    - Grading & drainage – Will be reviewed with Site Plan.
    - Water – Will be reviewed with Site Plan.
    - Irrigation – Will be reviewed with Site Plan.
  - Special Provisions – Will be reviewed with Site Plan.
  - Maps and Drawings Required – Will be reviewed with Site Plan.
  - Bond or DA – Will be reviewed with Site Plan.

19.18, Signs – Will be reviewed with site plan.

H. Recommendation and Alternatives:

Staff recommends that the Planning Commission conduct a public hearing, take public input, discuss the application, provide feedback on the Concept Plan and choose from the following options.

Option 1 – Positive Recommendation

"I move to **forward a positive recommendation** to the City Council for the Holiday Oil Rezone and General Plan Amendment with the Findings and Conditions in the Staff Report dated December 3, 2015:"

Findings

1. With conditions, the application complies with the criteria in sections 19.04 & 19.17 of the Development Code, as articulated in Section "G" of the staff report, which section is incorporated by reference herein.
2. With conditions, the application is consistent with the General Plan, as articulated in Section "F" of the staff report, which section is incorporated by reference herein.

Conditions:

1. All conditions of the City Engineer shall be met, including but not limited to those in the Staff report in Exhibit 1.
2. The Rezone and General Plan Amendments shall not be recorded until a site plan is approved.
3. Any other conditions or changes as articulated by the Planning Commission: _____
_____.

Option 2 – Continuance

The Planning Commission may also choose to continue the item. "I move to **continue** the Holiday Oil Rezone and General Plan Amendment to another meeting on [DATE], with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

1. _____
2. _____

Option 3 – Negative Recommendation

The Planning Commission may also choose to forward a negative recommendation of the application. "I move to **forward a negative recommendation** to the City Council for the Holiday Oil Rezone and General Plan Amendment with the Findings below:

1. The Holiday Oil Rezone and General Plan Amendment is not consistent with the General Plan, as articulated by the Planning Commission:
_____, and/or,

2. The Holiday Oil Rezone and General Plan Amendment is not consistent with Section [SECTION] of the Code, as articulated by the Planning Commission: _____, and/or

Comments on Concept Plan:

1. At the time of Site Plan there may be issues that will need to be mitigated such as, lighting, noise, and traffic. Some of these may be mitigated through screening with a concrete wall, reduction of hours of operation, adjusting the site layout, conditions on the type and hours of operation of the carwash, and road improvement requirements.
2. Any comments from the Planning Commission; _____.

I. Attachments:

1. City Engineer's Report (pages 10-11)
2. Location & Zone Map (page 12)
3. Location and Land Use Map (page 13)
4. Concept Plan (page 14)
5. Utility Plan (page 15)
6. Emails from the public (page 16-17)

City Council
Staff Report

Author: Jeremy D. Lapin, City Engineer
Subject: Holiday Oil
Date: December 10, 2015
Type of Item: Concept Plan Review

CITY OF
SARATOGA SPRINGS

Description:

A. Topic: The applicant has submitted a concept plan application. Staff has reviewed the submittal and provides the following recommendations.

B. Background:

Applicant:	*Wagstaff Investments LLC*
Request:	*Concept Plan*
Location:	*3990 South Redwood Road*
Acreage:	*2.001 Acres – 1 lot*

C. Recommendation: Staff recommends the applicant address and incorporate the following items for consideration into the development of their project and construction drawings.

D. Proposed Items for Consideration:

A. Prepare construction drawings as outlined in the City's standards and specifications and receive approval from the City Engineer on those drawings prior to receiving Final approval from the City Council.

B. Consider and accommodate existing utilities, drainage systems, detention systems, and water storage systems into the project design. Access to existing facilities shall be maintained throughout the project.

C. Comply with the Land Development Codes regarding the disturbance of 30%+ slopes.

D. Incorporate a grading and drainage design that protects adjacent homes from storm water runoff.

E. Provide a traffic impact study in compliance with the standards specified in the City's Transportation Master Plan to determine the necessary improvements to existing and proposed roads to provide an acceptable level of service for the proposed project.

F. Project must meet the City Ordinance for Storm Water release (0.2 cfs/acre for all developed property) and all UPDES and NPDES project construction requirements.

G. Meet all applicable city ordinances and engineering conditions and requirements in the preparation of the Construction Drawings.

H. Project bonding must be completed as approved by the City Engineer prior to recordation of plats.

I. All review comments and redlines provided by the City Engineer are to be complied with and implemented into the construction drawings.

J. All work to conform to the City of Saratoga Springs Standard Technical Specifications, most recent edition.

K. Developer shall prepare and record easements to the City for all public utilities not located in a public right-of-way.

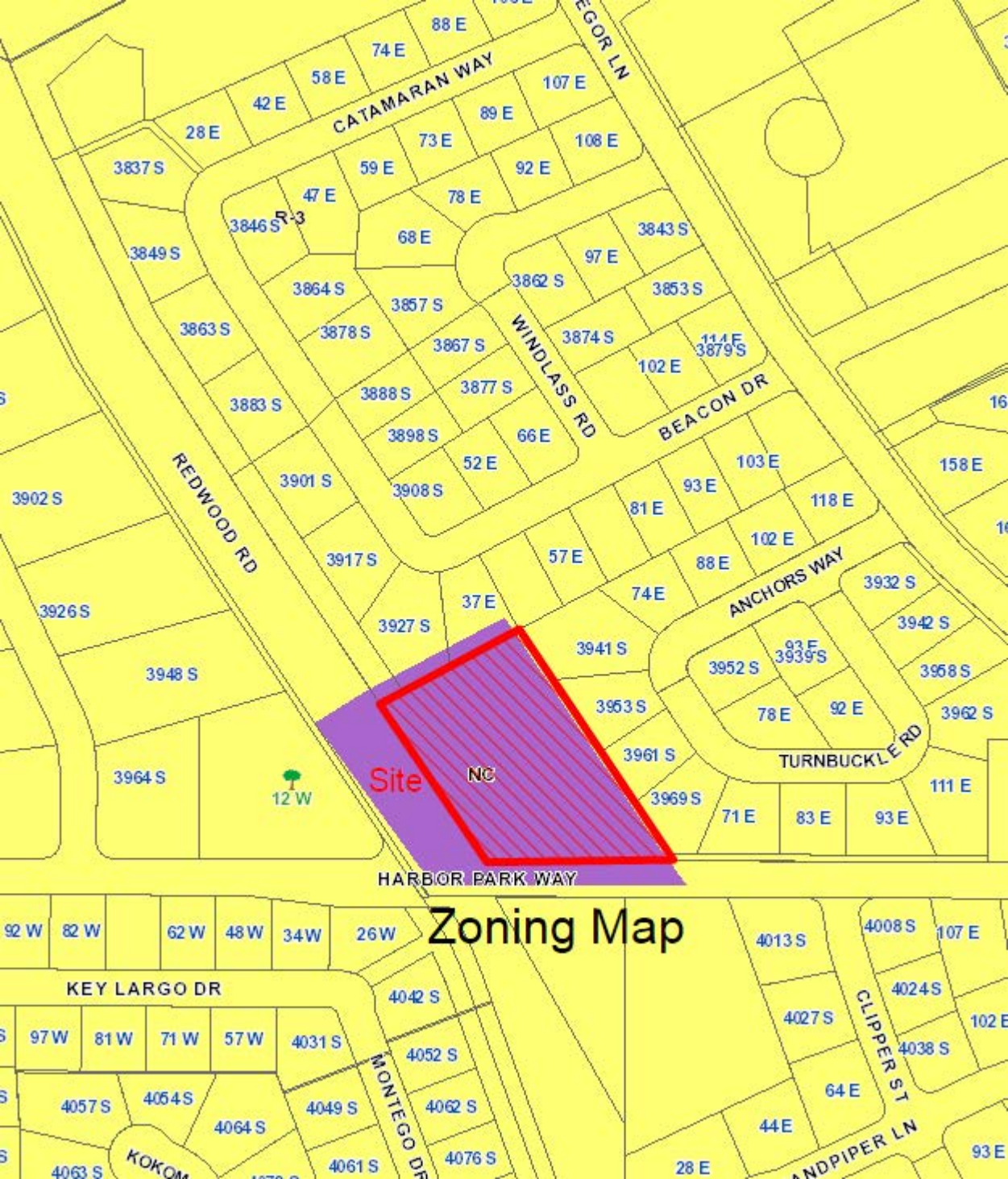
L. Developer is required to ensure that there are no adverse effects to adjacent property owners and future homeowners due to the grading and construction practices employed during completion of this project.

M. UDOT review and approval will be required for all Redwood Road improvements and access locations. Redwood Road improvements shall be as per the City's Transportation Master Plan including a 60' half width dedication and 30' landscaping and Trail Improvements.

N. Developer shall improve and dedicate the half width of Harbor Parkway adjacent to this site and provide access improvements including improvements to the intersection as necessary to provide adequate queuing and turn lanes and the proper alignment of Harbor Parkway on the East and West sides of Redwood Road.

N. The developer shall provide an adequate photometric plan that complies with all City requirements. The illumination projected from the site to a residential use shall at no time exceed 0.1 foot-candle.

M. The project will require both a drainage and geotechnical report.


Zoning Map
Site
NC
R-3
CATAMARAN WAY
REDWOOD RD
WINDLASS RD
BEACON DR
ANCHORS WAY
TURNBUCKLE RD
HARBOR PARK WAY
KEY LARGO DR
MONTEGO DR
CLIPPER ST
88 E
74 E
58 E
42 E
28 E
107 E
89 E
73 E
108 E
59 E
92 E
47 E
78 E
68 E
3837 S
3846 S
3849 S
3843 S
97 E
3862 S
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3898 S
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92 E
3962 S
3961 S
3964 S
12 W
3969 S
71 E
83 E
93 E
111 E
92 W
82 W
62 W
48 W
34 W
26 W
4013 S
4008 S
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4042 S
4024 S
97 W
81 W
71 W
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102 E
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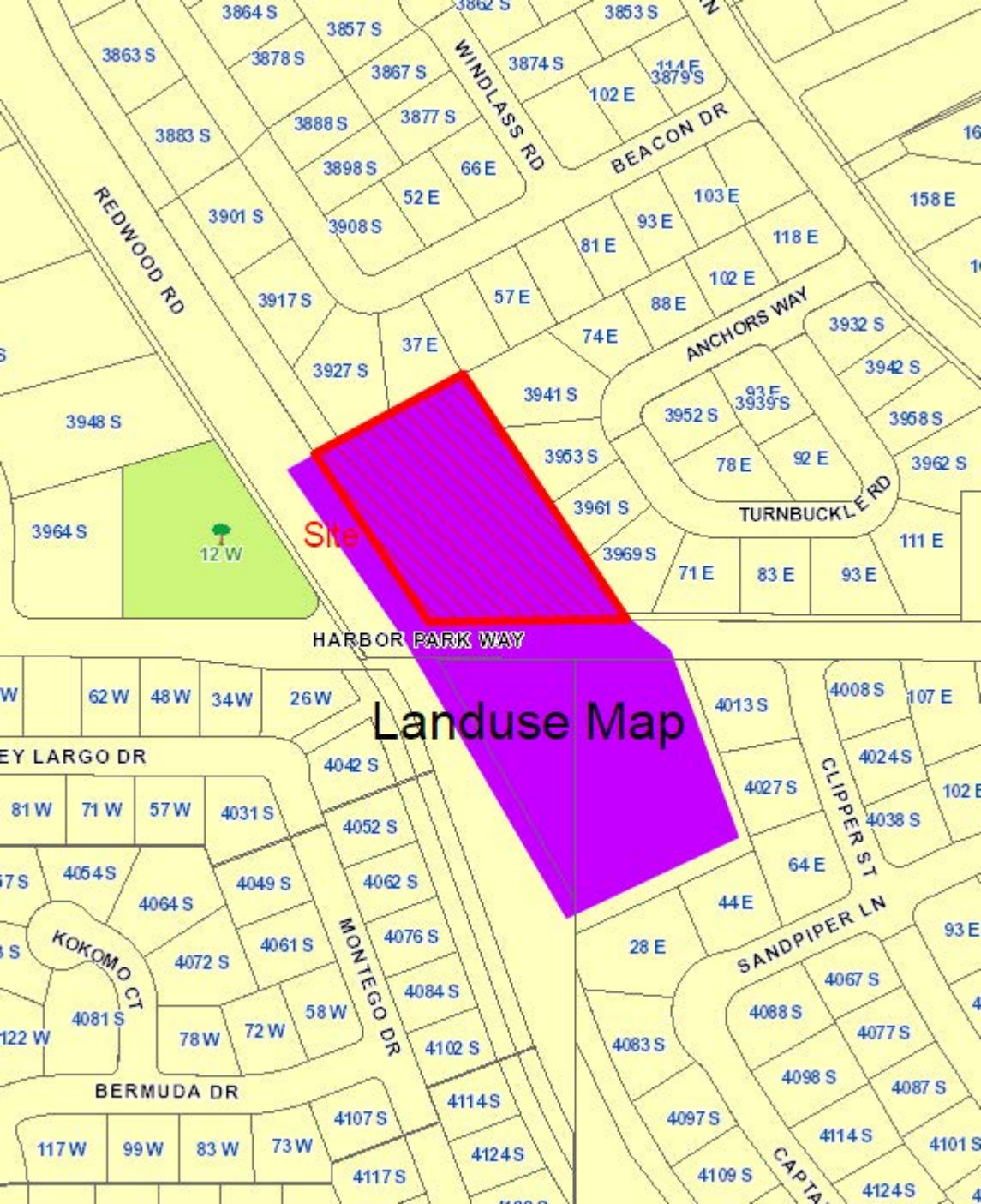
4061 S
4076 S
28 E
93 E


Landuse Map
Site
REDWOOD RD
WINDLASS RD
BEACON DR
ANCHORS WAY
TURNBUCKLE RD
HARBOR PARK WAY
MONTEGO DR
KOKOMO CT
BERMUDA DR
CLIPPER ST
SANDPIPER LN
3863 S
3864 S
3857 S
3878 S
3867 S
3874 S
3853 S
3879 S
102 E
3883 S
3888 S
3877 S
3898 S
66 E
52 E
3901 S
3908 S
103 E
93 E
118 E
81 E
102 E
88 E
57 E
74 E
3917 S
37 E
3927 S
3932 S
3942 S
3941 S
3952 S
3939 S
3958 S
3948 S
3953 S
78 E
92 E
3962 S
3961 S
3964 S
12 W
3969 S
71 E
83 E
93 E
111 E
62 W
48 W
34 W
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4013 S
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71 W
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4064 S
44 E
4061 S
4076 S
28 E
4072 S
4084 S
4081 S
58 W
78 W
72 W
4102 S
4067 S
4088 S
4077 S
4083 S
4098 S
4087 S
4107 S
4114 S
117 W
99 W
83 W
73 W
4124 S
4097 S
4101 S
4117 S
4109 S
4124 S

HOLIDAY OIL CONVENIENCE STORE

NORTH

0 10 20 40

(IN FEET)
1 inch = 20 ft.

CONCEPT NARRATIVE COMMERCIAL

LOCATED IN SARATOGA SPRINGS, UTAH COUNTY, UTAH

NO. OF BUILDINGS	2
MAIN BUILDING AREA	4,000 SQFT
CARWASH BUILDING AREA	1,375 SQFT
FUEL CANOPY AREA	5950 SQFT
TOTAL PARKING STALLS PROVIDED	21
HANDICAP STALLS PROVIDED	2
OPEN SPACE	29,911 SQFT/0.67 AC/34%

ZONE REQUIREMENTS

FUTURE LAND USE MAP	NEIGHBORHOOD COMMERCIAL
LOT SIZE:	2.0 ACRES

SENSITIVE LANDS

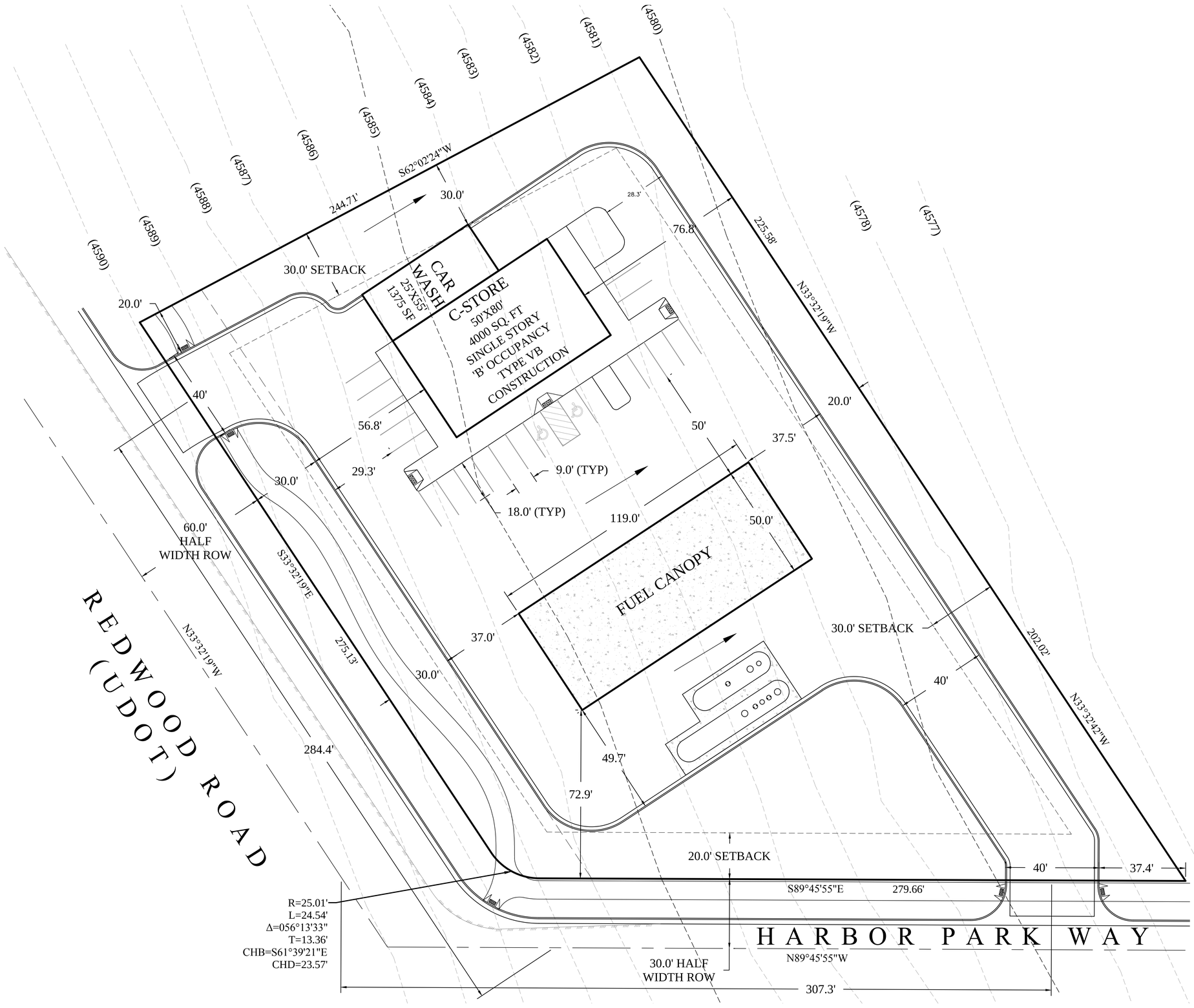
THERE DOES NOT APPEAR TO BE ANY SENSITIVE LANDS ON THE PROPERTY IN ACCORDANCE WITH SECTION 19.02.02 OF THE LAND DEVELOPMENT CODE.

EXISTING CONDITIONS

THERE ARE NOT EXISTING STRUCTURES, ROADS, DRAINAGES, WELLS SEPTIC SYSTEMS, BUILDINGS OR UTILITIES.

GENERAL NOTE:

INFORMATION PROVIDED ON THIS PLAN IS BASED ON THE BEST AVAILABLE DATA AT THE TIME OF PREPARATION AND MAY CHANGE AT ANYTIME FOR ANY REASON. THIS PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY.



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SANDY, UTAH 84070 PH: (801) 352-0075
www.focusutah.com

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HOLIDAY OIL CONVENIENCE STORE

NORTH

UTILITY SCHEMATIC

ALL UTILITIES TO SERVICE THE PROPERTY ARE LOCATED WITH HARBOR PARK WAY. APPROXIMATE LOCATIONS ARE SHOWN ON THE GRAPHIC.

1. DRAINAGE:
   THE PROPERTY WILL DETAIN ON SITE WITH A DETENTION BASIN AND METER INTO THE EXISTING STORM DRAIN LINE IN HARBOR PARK WAY.
2. CULINARY WATER:
   THE PROPERTY WILL INSTALL (2) 1.0" WATER METERS TO SERVICE BOTH THE CARWASH AND THE BUILDING.
3. SANITARY SEWER:
   THE PROPERTY IS INSTALL A GREASE TRAP AND TYPICAL COMMERCIAL CONNECTION TO THE EXISTING LINE IN HARBOR PARKWAY.
5. SECONDARY WATER
   THE PROPERTY WILL INSTALL A 3/4" SECONDARY WATER METER TO SERVICE THE OPEN SPACE.

GENERAL NOTE:

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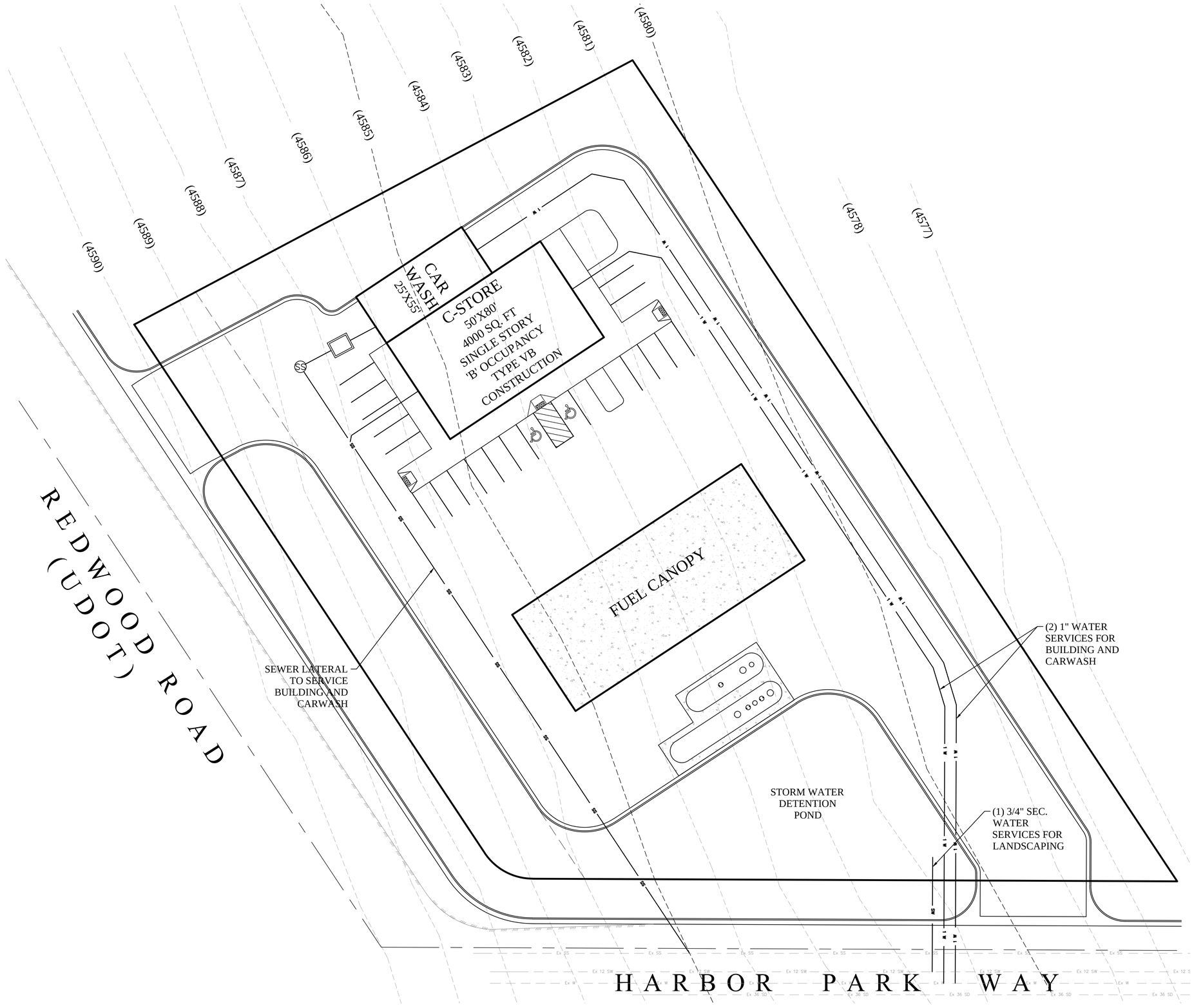

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www.focusutah.com

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Jamie Baron

From: dan chavez <hunt4life73@gmail.com>
Sent: Wednesday, December 02, 2015 8:29 AM
To: Jamie Baron
Subject: RE: Holiday oil @ harborbay

Thank you for the quick response! My address is
192 east harbor bay drive Saratoga Springs utah 84045

On Dec 2, 2015 7:11 AM, "Jamie Baron" <JBaron@saratogaspringscity.com> wrote:

Mr. Chavez,

Thank you for your input. During public hearings we request those who address the Planning Commission or Council to state their name and address for the record. Can I get your address so that when we include your email as public input it will be included in the record.

Thanks,

Jamie Baron

City of Saratoga Springs

Planning and Zoning

Planner I

(801) 766-9793 Ex. 161

JBaron@saratogaspringscity.com

"Life's Just Better Here..."

From: Mark Christensen
Sent: Tuesday, December 01, 2015 8:47 PM

To: dan chavez; Jamie Baron
Subject: Re: Holiday oil @ harborbay

Dan,

Thank you for your email. I have copied this to Jamie Baron a staff member that is helping to process this application. We will include your email with meeting minutes for the appropriate public hearings. Please contact Jamie with any additional comments or questions about this development.

Sincerely,

Mark Christensen

On Dec 1, 2015, at 8:34 PM, dan chavez <hunt4life73@gmail.com> wrote:

> Mr Christensen
> I am writing you this email to voice my strong opposition to the proposed rezoning of the property regarding this project. It is VERY disappointing that this is even a consideration. I moved my family out here to get away from this very type of environment. I understood when I moved that there were no 'convenience' stores close, and was looking for that rural feel. I know first hand what kind of traffic and element this will bring, and I don't want it! I watched my last house/neighborhood deteriorate and loose value in the name of convenience and took the loss to move away. Please take this as a verified NO THANK YOU! from a current homeowner in the harbor bay development. I cannot attend the scheduled meeting on Thursday because of a prior business appointment but would appreciate a reply noting you received this message. If there is anybody else that you suggest I contact please include that with your reply as well.
> Thanks in advance
> Dan and April Chavez

City of Saratoga Springs
Planning Commission Meeting
December 10, 2015
Regular Session held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

Planning Commission Minutes

Present:
Commission Members: Kirk Wilkins, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham, Brandon MacKay
Staff: Kimber Gabryszak, Sarah Carroll, Kevin Thurman, Nicolette Fike, Mark Christensen, Janelle Wright, Kara Knighton, Jamie Baron, Owen Jackson
Others: Paul Sellers, H. Ronald Johnston, Shelly Johnston, Richard Veasey, Peter Staks, Mark Victor, Morgan Humphries, Nathan Hite, Sean Dowdle, Mike Wagstaff, Mike Baley, Brian McElligott, Karen McElligott, Chad Spencer, Charlie Meyers, Bob Krejci, Jeremiah Johnson, Deborah Johnson, Chris Porter, Wade Williams, Lamonte Wilcox, Callae Wilcox.
Excused:

Call to Order - 6:30 p.m. by Chairman Kirk Wilkins
Pledge of Allegiance - led by Shelly Johnston
Roll Call – A quorum was present

Mark Christensen introduced Kayla Moss as the new City Recorder to the Planning Commission.

Public Input Open by Chairman Kirk Wilkins
Paul Sellers spoke about the new development in his area, they allow the weeds to grow high and all the weeds and tumble weeds will end up in his yard.
Public Input Closed by Chairman Kirk Wilkins

Kimber Gabryszak responded to public comment to clarify the area Mr. Sellers was concerned about.

4. Public Hearing: Preliminary and Final Plat, Site Plan and Conditional Use Permit for Saratoga Springs 4 Church located at approximately 1150 S Redwood Road between Redwood Road and Old Farm Road, Evans & Associates Arch. Chad Spencer, applicant.
Jamie Baron presented the plat. The Preliminary Plat is for a one lot subdivision for the church and to dedicate Tanner Lane (which connects to Redwood Road) to the City.
The Applicant was present.

Public Hearing Open by Chairman Kirk Wilkins
Paul Sellers lives south of this and was concerned because he heard the church west of here caused damage to homes when they put pilings 20ft. in the ground. He was told they did not repair the damage. He was concerned it would do the same thing it did before and wanted assurance that if something happens again that it will be taken care of. He reminded them about the water drainage issue he spoke about a few months ago.
Public Hearing Closed by Chairman Kirk Wilkins

Kimber Gabryszak said they turned the water drainage issue over to the City Engineer. Concerning the construction process she requested the applicant speak to that.
Chad Spencer noted the church up the hill had very bad soils with 18 ft. of collapsible soils they had to excavate out. This site does not have the bad soils and will not be over excavated, just typical grading and footings. They shouldn't have any substantial dirt work. He noted they had one letter from one home

owner; the problem was turned over to the contractor to work out with the homeowner. Since there was prior cracking on the house before this took place it was hard to prove what happened when, so there was no resolution. For this project they will go to all the homes this time and walk their homes and take photos and note existing damage so they will have a record of them for any disputes that come up.

Kevin Thurman suggested that with engineering items, we don't typically address those at this stage; it is usually later with a preconstruction meeting. This is good feedback that the engineers can discuss at the construction meeting when all the plans will be looked at in more detail.

Ken Kilgore asked for clarification on the trees along Tanner Lane.

Chad Spencer and staff noted trees on the plans.

Troy Cunningham asked about lights on the plans.

Jamie Baron commented on the plans where there is a condition noting the 16 ft. height of the lights. There is a 26 ft. arterial street light on Redwood Road which is City Standard.

Hayden Williamson had no concerns at this time.

David Funk asked why the pavilion was being built late.

Chad Spencer said the Stake that will be occupying this building will be responsible for donating labor or cost for 20% of that and until they make the decision on whether it will be labor or cost then the Church won't move forward, it will be sometime down the road.

David Funk is concerned that it may be put off and never get done. He asked about sprinklers or lawn in the area.

Chad Spencer said as of now it's not in the plans. They have blocked out that area and will put bark in, in anticipation of doing construction then it will be part of the permit set.

David Funk is concerned that he has seen too many projects when things are not completed and it would be easier to get things done at the same time.

Hayden Williamson asked if they could put a condition that they would put grass in.

Kimber Gabryszak said they could not leave it as unfinished ground indefinitely but could put other material down. The bark is allowed by code.

Brandon MacKay had no additional comments.

Motion made by Hayden Williamson to forward a positive recommendation for the Saratoga Springs 4 Church Preliminary Plat, Site Plan, and Conditional Use Permit to the City Council as outlined in exhibits 4, 5, & 6 with the Findings and Conditions in the Staff Report dated December 3, 2015. Seconded by Troy Cunningham. Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.

5. Public Hearing: Site Plan Amendment for Lakeview Academy, located at 527 West 400 North, Rick Veasey, applicant.

Sarah Carroll presented the amendment. This is a request to amend the Lakeview Academy site plan to add 11,860 square feet to the existing building which will allow for the addition to a gym, restrooms, 4 classrooms, a multimedia room and associated control rooms, and ship rooms for the space program. The applicant has stated that they will not increase their student body with this request. The depth of the detention basin will also be increased slightly. No other site changes are proposed. There were no concerns with bulk. She noted they have enough parking for staff with several for guest stalls. Pick Up and Drop off are the peak traffic times.

The applicant was present for questions.

Public Hearing Open by Chairman Kirk Wilkins

No comments were made.

Public Hearing Closed by Chairman Kirk Wilkins

Brandon MacKay had no major concerns at this time.

David Funk understands they aren't adding programs per se, but now having a place to have events such as concerts, he would think in the evenings they may have quite a bit of need for parking.

Rick Veasey clarified they already had one gym and this is just adding the back 1/3 of the other gym. The outer loop becomes additional parking for evening events, about 70 spaces. They will just continue the same events they have now.

Hayden Williamson tends to be of the opinion that they know their parking situation better than we do, he doesn't recall problems when he had kids go there.

Troy Cunningham also had a daughter attend this school and doesn't remember problems with parking. He noted he got to see the current space ship they had.

Rick Veasey said these two ships will allow classes to divide up and fly the missions at the same time.

Ken Kilgore had no other concerns.

Kirk Wilkins noted all his questions had been answered.

Motion made by Hayden Williamson that Based upon the evidence and explanations received today, I move that the Planning Commission approve the site plan amendment for Lakeview Academy, located at 527 West 400 North, subject to the findings and conditions listed in the Staff Report. Seconded by David Funk. Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.

6. Public Hearing: Rezone, General Plan Amendment, and Concept Plan for Holiday Oil, located at 3990 S Redwood Road, Mike Wagstaff, applicant.

Jamie Baron presented. The applicant requests a rezone from Neighborhood Commercial (NC) to Regional Commercial (RC) and a General Plan Amendment from NC to RC for the purpose of building a 4,000 square foot convenience store with a possible single bay automated carwash and fuel services.

Mike Wagstaff was present to answer questions

Public Hearing Open by Chairman Kirk Wilkins

Chad Logan is in opposition to the rezoning. He thinks there are lots already zoned further north that would serve the purpose better rather than rezoning here.

Jeramiah Johnson noted his backyard was on the boundary line and stands in opposition to this. He noted there are zones for this already existing 30 seconds north. He noted there is already confusion and congestion along the road when boats come to the harbor. There are more appropriate lots north. When they moved in they were aware it was a Neighborhood Commercial and they feel this would violate the spirit and continuity of the surrounding community.

Ron Johnston boarders this property and asks that Planning Commission put themselves in their position of no longer having privacy. He has been a Class A driver and done fuel deliveries and notes that lights and noise would be a problem. It will affect his ability to sleep during the day. He presented the commissioners with a list of items they are opposed to. There are other locations that would be better served and they would have a better clientele.

Sean Dowdle also boarders the property. He is also in opposition, echoing a lot of sentiments. There are other properly zoned sites that would be better suited. This community deserves what it was zoned for. There are concerns from lighting at night to soils impacts. They should stand against the rezone.

Charlie Meyers is concerned that when he moved in he checked the zoning and was told the zone would never change and there wouldn't be a gas station in the back yard. He and the neighbors moved there and made those decisions based on what they were told by the City

Brian McElligott stands opposed for all the reasons previously stated. They purposely moved that far to be away from those types of things.

Shelly Johnston strongly objects to this for several reasons. Her biggest concerns are the financial situation and how it would decrease the value of their homes. It's an eyesore when you are entering an area with half million dollar homes. She has a child with severe heart conditions and emotional problems and he spends 90% of his time in the room which is directly next to this. It very much concerns her that her future is in their hands.

Karen McElligott is opposed for all the reasons previously stated.

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Nathan Hite is opposed and would like to add that the type of traffic they will bring to their neighborhood is not what they would like in their neighborhood. It is a common drug traffic road and he doesn't want them stopping near his house, as well as things like diesel trucks.

Morgan Humphries is a little farther away from this and is neutral to the idea but there are definitely measures that should be put in place if this is approved, like a noise wall and specific lighting that does not produce light pollution. He would suggest that they are both part of HOA's and both have aesthetic requirements and all buildings should be held to those standards.

Debbie Johnson who boarders this property said there wouldn't be a wall tall enough to block their view of this. She is upset that we are entertaining the idea of this. We were here first and the entire neighborhood moved here with certain expectations. She is concerned about the children in the neighborhood. More people could be coming through the neighborhood. To consider a business over the people who already live there is a concern. They already get tons of traffic because of the boats and now there will be more. It is unacceptable to her to accept a business to a rezone that was not already in place.

Mike Baggley's home faces the proposed gas station. There are concerns with the noise and lighting and adds his opposition to the rest of the people who spoke and also had concerns about the value that it would take away from their homes. He asks that Planning Commission put themselves in their shoes. He mentioned that his neighbors Matt and Lee Pease couldn't be here and also sent their opposition.

Holly Wilcox is in opposition to the gas station being built. They would like to keep the area as residential as possible. The increase in noise, lights and crime are all concerns.

Mark Victor is opposed on an economic basis as well as he believes it would devalue their homes. It would never have been allowed where he moved from, especially where it was already zoned something else. Up the street is already another commercially viable spot.

Nathan Archibald is pro-development but planning has to be done the right way and the right businesses have to go in the right places. He thinks when the right businesses come in it will add value to the neighborhood. That can be a great value to the neighbors and now they are being asked to give that up for something worse in return. It will be a burden for everyone in the area. There is no value in this to the neighborhoods and it sets a bad precedence. It devalues the properties and he is opposed for basic common sense reasons. There are plenty of alternate places it could go.

Staff read letters from

Cory and Richard Kartchener, were opposed and feel it would be a blemish in the area and create traffic problems.

Dan and April Chavez were concerned that it would take away from the feel of the neighborhood and traffic was a concern.

Kirk Wilkins asked the applicant to respond.

Mike Wagstaff thought from their position they thought it would be a great opportunity to build a station there with access close to the marina and the growth that will continue to take place. The accessibility on this property vs. other spots was the reason they chose here; this was the most viable for them to say it would be a successful site. They think it would be a great place. Some things they could mitigate with landscaping and so forth like lighting. They believe they add value to communities with the services rendered there.

Kirk Wilkins asked Kevin Thurman to touch on what is before Planning Commission tonight to decide.

Kevin Thurman clarified that it wasn't the City that was proposing this rezone, a property owner has a right to come in and ask for a rezone and that is what is occurring at this point. Right now the decision is on a Rezone, which is a legislative decision. Council will have discretion whether to grant this Rezone if they feel it promotes the general welfare or they can deny it.

Mike Wagstaff noted that in So Jordan and other cities their Neighborhood Commercial allowed a gas station so as they pursued this property he was under the understanding that the Neighborhood Commercial here would allow it as well, so it was a curveball to have to go through this process for them.

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Kimber Gabryszak noted they have been asked if other cities allow gas stations in Neighborhood Commercial, she said it's up to the individual cities. At the time this was zoned Neighborhood Commercial the City allowed gas stations in the zone, but in 2008 that Use was taken out but it remained Neighborhood Commercial. A comment was made that someone said the City said the zone would never change but zoning changes frequently. Whatever the zoning is when you move in is not guaranteed to stay but that being said that is why they go through this process that allows people to weigh in. People do have property rights and they do have the right to apply for a rezone, which is what is happening tonight. Other comments were that they were surprised the City would consider this but according to law the City has to consider this. This meeting is part of the process. Public will also have a chance to be heard at the City Council meeting. Tonight is a concept plan for a layout, with an actual Site plan you will get more details. No matter what the decision is tonight the process is not over.

Sean Dowdle said it is saying something that the legislators of the City chose to take this Use out of the Zone. It has to be for the betterment of the community and he feels it was shown tonight that this would be to the detriment of the community. He asks that they put themselves in the residents' chairs.

Jeramiah Johnson believes in property rights as long as it doesn't affect the other person. Yes they have the right to process this application, but you have the job to protect our properties as well. He asks that they preserve the residential lots and petitions for the protection of their property.

Ron Johnston would go off of what Mr. Wagstaff said and that his most important concern was that he had accessible driveways and no more than that.

Kevin Thurman addressed the audience to explain how Planning Commission worked. This was a recommending body for rezones and the City Council would make the decision on the rezone. Also, you never have a right to a specific zone unless you put in an application before the zone changes. A zones change is a legislative decision and there is considerable discretion.

Public Hearing Closed by Chairman Kirk Wilkins

Ken Kilgore asked if staff knew why the gas station was taken out of the zone.

Sarah Carroll said they did a comprehensive review and in those discussions there was a conversation that a gas station was not neighborhood friendly.

Ken Kilgore asked to have clarified the definition of a automotive refueling station in the code

Jamie Baron noted that an auto refueling station would be something like the gas station on Smiths property, a less than 200 sf space that services the primary use of the pump. This is a larger store so this would be a Convenience Store under the Code.

Ken Kilgore asked if the refueling services and car wash are still Conditional Uses.

Jamie Baron replied the fuel services are included in the convenience store definition and was allowed, the car wash would be a conditional use.

Ken Kilgore noted that Commissioner Steele who could not be here suggested he check Title 19.15. He visited the site and noted Wayman Park that was across the street and wondered about the Special Consideration.

Jamie Baron said that section is for conditional uses, which in this case would be the carwash. In that requirement we have both full-service and self-service carwash designations and so in this situation the only one that could be approved would be a full-service. So the special consideration would not apply.

Troy Cunningham asked about the lighting. He noted the lighting in their store in Eagle Mountain is not bright. We also have a dark sky ordinance and asked what kinds of things they can do to reduce the lighting.

Mike Wagstaff said the City Code specifies how much lighting they have and shielding. There are a lot of things they can do to mitigate light leaving their lot.

Hayden Williamson thanked everyone for showing up. He asked Mr. Wagstaff about why he chose this site vs. Regional Commercial further north.

Mike Wagstaff said that UDOT says the closest you can get to your business is 500 feet from the corner for a driveway. To buy that amount of real estate is expensive. Their typical lot is an acre and a half, this is about 2 ½. Also the ease of cars getting in and out. This would be a right-in right-out so that cuts it down to 300 ft. If you are on the corner and you can't get access to that driveway you can't get access unless you get an easement over someone else's property. He is not aware of the spot just north that everyone asked about. They built a Neighborhood Commercial station in Lehi recently and assumed the same thing was

here. There was another spot but again with the driveway according to UDOT they would have to buy 3 acres, and there were elevation problems as well so they didn't pursue that property.

Hayden Williamson would like something down south, he hears from others in the south that they don't want to drive so far for gas and milk so he would like that opportunity for people in the south but he is also always very concerned about changing zoning. As a gas station is a rather heavy use for something abutting residential properties, they would typically want a buffer there and for those reasons he struggles with this. But he feels some commercial down there would be good for residents. He is uncomfortable changing the zoning at this time.

Sarah Carroll said they are processing an application on Village Parkway to pull commercial zoning more towards the center away from the detention basin and Redwood Road frontage. They have also shown a gas station in previous concept plans.

Mike Wagstaff said they were working with him on that application and there you were again in the middle of no intersection for access. They have looked at multiple places down in that area and this lot made the most sense for them.

Hayden Williamson asked if we had thought about creating different zones, there doesn't seem to be anything in the middle of Neighborhood Commercial and Regional Commercial.

Kimber Gabryszak replied that they have a goal of creating a third commercial zone that would be in the middle; something that would serve a larger area than Neighborhood Commercial, but not have as big of a draw like Regional Commercial.

David Funk wanted to say he felt for the people in that area, having been in a similar situation. He does like Holiday Oil and understands their right to apply for this. He also feels there could be a station in the south but isn't positive this is the correct location. From both a homeowners and commercial position location is very important. Also no matter what we decide tonight the City Council will make the final decision and he hopes everyone realizes that so if it's not the way they want it to be tonight they can make their comments again to City Council.

Brandon MacKay wanted to state he did know the applicant and his business model but did not have any financial stake in his business or properties. He wanted some ideas of what types of revenue generating business could be in Neighborhood Commercial.

Kimber Gabryszak said something like a small neighborhood grocer or dance studio would fit in that zone and size of lot.

Brandon MacKay thought this might be a reoccurring situation in this area until something was built there. It's an ideal place for weekend traffic. He doesn't have a strong position on this now but does understand the owner has rights. It will be an ever-going topic for the city as they look at business in the south area. Right now he would like to make it a win-win if possible. He understands the thoughts of the residents and will take those into consideration.

Kirk Wilkins asked when the applicant purchased this land.

Mike Wagstaff said they did not own it yet and would only purchase if it was zoned to allow a gas station. He understood that Neighborhood Commercial would allow a gas station based on building in other cities in the area they worked with. They also worked with the neighbors to mitigate hours and lights and things and in most cases they came up with a win-win situation and they had been a positive situation. Most of the problems they could mitigate.

Kirk Wilkins feels we have looked at this from many sides. He thanked them all for their patience, explanations and information.

Motion made by Hayden Williamson to forward a Negative recommendation to the City Council for the Holiday Oil Rezone and General Plan Amendment with the finding that it is not consistent with the General Plans Seconded by David Funk. Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham. Abstain: Brandon MacKay. Motion passed 5 - 0.

7. Site Plan for Fairways Office Park, located at approximately 2246 S Talons Cove Drive, Peter Staks, applicant. (Continued from November 12, 2015)

Kara Knighton presented. The Site Plan proposal is for two 30,000 sq. ft. commercial office buildings in the Regional Commercial zone on a 4.84 acre parcel. The proposal consists of 50,000 sq. ft. of Professional

Office space and 10,000 sq. ft. of Medical/Health Care office space. She reviewed comments from Development Review Committee. She noted changes made since they last met. The applicant added a second dumpster. They have put recommendations for a 4 ft. guard rail and a screened fence. They have gone down to one monument sign. It will be up lit and have shrubs in front. The architect added two feet to the third section of the buildings to screen the roof so the total height is 46 ft.

Kirk Wilkins asked them to discuss the traffic study

Janelle Wright said the study only really dealt with the traffic to Fairway Blvd. but it will affect the access onto Redwood Road. UDOT encouraged us to ask the applicant to apply for a permit because it will affect traffic on that road.

Sarah Carroll noted that UDOT will be widening Redwood Road in the coming future and at that time they would require acceleration and deceleration lanes so based on the projected construction, completion in 2016, and Redwood Road construction in 2018, at that time UDOT will look at if a light is warranted. This is a phased plan so the impact and traffic study will happen with the first phase and they don't have timing on the second building at this time. Considering the timeline, do you put in an acceleration lane now that would be ripped out a year or two later.

Peter Staks said he tried to respond to all the "shall complies." The roof top extension is because there will be equipment on the roof and this will cover it. With the traffic study in 2018 the plan is to widen it so in the interim if a traffic light comes they wouldn't need the acceleration lanes. Today it is probably warranted but if they build it at 100% their cost it's a problem when it would be replaced in two years. The options are to apply for the lane, or ask UDOT for a traffic signal, or do nothing and wait until the road is widened.

Mark Christensen noted they met with UDOT earlier this week and they noted one of the main problems was that merge lane on parkway at the north end of Saratoga Springs Development. People are forcing a merge in rather than using it as an acceleration, it's creating a free right and that is the traffic back up. They cited that element that as it's currently functioning it's creating traffic. The elements of ripping it out in a year, does that make sense. Let them make their application and let UDOT make the recommendation as to what they see fit.

Brandon MacKay asked on the acceleration lane if it would go into Saratoga Springs Development.

Peter Staks said it would leave Fairway Blvd. and go north onto Redwood Road.

David Funk commented that one of the concerns last time was there was so much that could comply and it looks like he has addressed that, thank you for those efforts.

Hayden Williamson said it looks better and he is a lot more comfortable with that. He asked if the traffic study said it warranted a light today.

Staff responded that even though the applicant did a study, UDOT does their own studies, with their own standards.

Hayden Williamson said last time they discussed Saratoga Springs Development putting a gate in. In this design there is an entrance in front of the gate but also behind the gate that would allow people to drive through his lot to bypass the gate.

Peter Staks responded that there are possibilities to potentially regulate that. The amount of grade separation is steep; there is no real easy possibility to put a driveway earlier on Talons Cove Dr. You would almost have to drive through Talons Cove and drive back out, its fairly circuitous. They could extend the lower median and place a gate below that. As a private business they could monitor no cut through traffic. If it really became an issue they could consider a one way situation.

Hayden Williamson said cut through traffic is an issue but security and privacy is also an issue. He agrees it would have to be bad for people to go through the parking lots to get around the gate. If they approved this today and the HOA put in a gate would he agree to help foot the bill to move the gate?

Peter Staks said they could participate in modifications to the median.

Brandon MacKay asked if the gate would have to be east of the condos to the south so you couldn't go around those either.

Mark Christensen said there is a ripple effect with construction, that this is the right vein to be looking in so that security can be addressed. It would be a good condition to add.

Troy Cunningham was concerned with the traffic. He thought they should petition the State to put a light in.

Ken Kilgore noted last time Mr. Staks said there would be no equipment on the roof and now there is. He passed on that Commissioner Steele asked that if possible they match the trim on the screen wall with the

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rest of the building. On the roof plan there is a ladder access that is outside the screen wall and wonders if there is a way for the person to access it from inside. If there has to be a door, perhaps there could be a backer or make it face away from residents.

Peter Staks thought that was a good point.

Ken Kilgore clarified that the new height included the screen wall. (Yes.)

Kirk Wilkins asked about the intersection and about traffic from the west that crosses 4 lanes to go northbound and with these new people coming in the peak hours, it's already a dangerous situation trying to cross the lanes and wondered how would that be addressed for safety.

Mark Christensen said they spoke again with UDOT about Ring Road; it's not a quick fix. This is something they will be looking at when the applicant submits a formal request to UDOT. We see the concern but it's up to UDOT to address this situation.

Peter Staks said the answer from their traffic study is a light. UDOT has to have their warrants before they will put something in. Right now the only potential easy solution is a right-in right-out without going into the intersection.

Sarah Carroll commented that the condition in the report is for them to submit a report to UDOT and follow their recommendation.

Hayden Williamson still feels like they need a condition that gives the HOA some protection if they decide to gate that.

Ken Kilgore believes the HOA owns the access so he would have to work with them.

Peter Staks replied that they would have to work with the HOA.

Kevin Thurman said his concern with that is in an ideal world they would work together but he isn't aware of a requirement in the code that says they have to work together. There has to be something in the code in order to make it a requirement.

Hayden Williamson asked if the HOA had any control over the access.

Kevin Thurman said it would depend on the bylaws and CCRs of the HOA.

Mark Christensen said to be cautious of giving the HOA a blank check, where they can require so much of Mr Staks that it becomes burdensome or unfair.

Kirk Wilkins noted things they had discussed, acceleration/deceleration lanes, the median, the screen wall matching paint, and the door having a backer wall or facing the back.

Ken Kilgore noted that the last two were just a request.

Kevin Thurman noted if the City needed to they could require developers to mitigate impacts that are caused by the development; such as imposing requirements for Redwood Road improvements. The City could place an express condition that they address the impacts on the city. Even though it's a UDOT road we have our residents using it so it's a public safety issue. UDOT doesn't have to comply with our ordinances. The developer has to provide adequate access to address the impacts the developer has on the City. In requiring the developer to make improvements to the road, we can't require UDOT to say yes, but we can require the developer to address the impacts somehow. There are things we can do even though it's a UDOT road.

Kirk Wilkins asked if there was any discussion to moving the road construction sooner than 2018.

Mark Christensen said they have talked about it at length yet he can't say one way or the other right now.

Kimber Gabryszak clarified that this wasn't originally in the request because he doesn't directly access Redwood Road, but UDOT suggested that as they are impacting traffic on Redwood Road that it be addressed.

Peter Staks said the data is in their study but UDOT will do their own study and then we would have to access their right of way to build a lane if that is determined.

Mark Christensen mentioned that we want to say is it fair to require something besides what UDOT would ask when it would be torn down for UDOT expansion within a year or two.

Hayden Williamson wants to be sure that as far as the access permit in condition 2. Could they be relatively certain that if UDOT denies anything is needed that something will be done to take care of the problems?

Kevin Thurman said if we are convinced that this will create additional impacts on the city then the developer should address and mitigate those impacts. There is already traffic that is an issue created by previous developments. We can't make the new developer solve the entire problem we can only make them solve their proportionate share of the problem.

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Hayden Williamson wants to make sure that if something is required that it happens, something that will give him confidence that UDOT will look at it and require for something happen.

Kimber Gabryszak said at their meeting recently they talked about this particular project and it sounds like they will actually look at the numbers and do the study, not let it slide through. Condition 2 should cover the concern.

Motion made by Hayden Williamson to forward a positive recommendation to the City Council for The Fairways Office Park Site Plan with the Findings and Conditions in the Staff Report. Seconded by Brandon MacKay.

Kara Knighton noted that they needed to add the additional conditions they added last time.
Hayden Williamson amended the motion to **including the additional conditions in the presentation. Amendment was accepted by Brandon MacKay.**

Additional conditions:
1. An ADA accessible route shall be provided.
2. Any rooftop equipment shall be enclosed.
3. Access to the roof shall be from the interior
4. Roof drains shall be on the interior of the building.

Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.

8. Public Hearing: Proposed Code Amendments: Title 19 all chapters, including 19.18 – Sign Regulations, and other changes.

Kimber Gabryszak presented the Code Amendments. Most of the changes were cleaning the language and putting things together in one place. Some of the proposed amendments include: Group all Annexation processes and requirements in one place. Ensure all references to parking lot landscaping are consistent. Remove the Urban Design Committee throughout the code. Fix references to and standards for group homes. Allow plat amendments that affect PUEs to be approved by staff. Add requirement for delineation of outdoor display areas. Improve consistency throughout. Add parking requirements for residential facilities. Development review process.

Hayden Williamson asked on the Community Review requirements, if they had talked about increasing the boundary that is noticed.

Kimber Gabryszak doesn't recall that discussion. We are required by code to notice 300 ft.

Kevin Thurman said state law defers to municipalities on the notice distance. We are going above and beyond what the minimum requirement is.

Hayden Williamson wanted to make sure for instance if we are Rezoning something that is going to impact people for a further distance that we are noticing appropriately. He doesn't think 300 feet covers it but there are things to consider like the cost to the City.

Kevin Thurman said they could require posting on the property. That helps as well.

Ken Kilgore didn't think the code specified the conditional use table for self-serve auto car wash.

Kimber Gabryszak said it comes down to the definitions. Those items in the definition use list. They don't want to have definitions all over the place. A convenience store is defined differently than an auto re-fueling station.

Ken Kilgore said right now it sounds like all car washes.

Kimber Gabryszak will take a look at that.

David Funk asked why she changed 10 feet to 8 feet on landscaping parking lot buffers.

Kimber Gabryszak said they were referenced different in places so they made them all the same.

Kimber Gabryszak addressed sign code changes. We can't regulate any content of signs. The problem is that you can't refer to signage by type. If you have to read a sign to decide what type it is, then it's content based. They had to consider all types of signs to change the content regulation. The current proposal

includes the deletion of the current sign code in its entirety, and replacement with a new chapter that regulates signage by zone rather than by use or by type. The amount of signage permitted for each property will, in most cases, not be reduced. In some instances, such as in the case of the currently permitted Development Information or Grand Opening Signs, the amount of signage has been reduced or eliminated to avoid on content-based regulation.

Public Hearing Open by Chairman Kirk Wilkins

Wade Williams had a suggestion after he reviewed the new code. They didn't have all the details from Smiths and the building signs. They came to section 19.18.10.4a and realized Smiths Marketplace building has two main entrances and the code currently says they can only have a sign on one. So they ask that retail businesses that are larger than 50,000 sq. ft. may have a second primary sign in lieu of a secondary sign.

Kevin Thurman said they would have to look at content based regulation.

Suggested: A Building that is larger than 50,000 sq. ft. and has more than one primary entrance may have a second primary sign.

Public Hearing Closed by Chairman Kirk Wilkins

Hayden Williamson thinks our sign code has been bordering on too restrictive.

Kimber Gabryszak said in the past they have limited buildings to signs on two facades in this case they end up with the same amount of signage. They end up with about the same amount of signage but take out the option to give the option of a third or 4th sign for some and not for others.

Hayden Williamson has always had issues with us limiting signs. Businesses don't typically throw them up willy-nilly; they should have the ability to advertise their store. If he sees a building with two frontages he doesn't see that as an eyesore. He would like to see us ease up and give business a better opportunity to better market their businesses.

Mark Christensen understands but earlier they had an example where too many signs would be bad. Like the gas station that had a sign on all sides. Even on Walmart you may not want a sign on the back road. You don't want your signs going towards residential. They don't necessarily need full frontage on all roads.

Hayden Williamson sees that, then we will always have to determine major entrances, most only have two. We could handle those concerns with saying signs on that side have to be so many lumens or something. And we don't put Regional Commercial against residential for those concerns.

Ken Kilgore noted that his wife's business in Orem has less sign restrictions than in Saratoga Springs. She likes the restrictions to help businesses decide where to put their signs. Typically business won't put signs on all sides because they want to direct customers towards their security and main entrances. Why put a sign on a side without an entrance; customers get confused. From what he has seen businesses want signs only on the main sides.

Hayden Williamson tries not to get into what is best for the business. Let them decide what is best for their business.

Ken Kilgore responded that residents have said we don't want Redwood Road to look like Orem State Street.

Hayden Williamson doesn't think people are concerned with more signs; they can't see them all at any time. He went through some definitions that seemed missing, like flashing signs. He was concerned with electronic signs. That is hard for gas stations that change prices all the time to not allow them.

Kimber Gabryszak noted this was a carryover from the previous committee that felt strongly about not allowing electronic signs. The gas stations use mechanical signs.

Mark Christensen said if we allow an electronic sign, we've given away the ability to monitor content, so we are looking at what we have at Thanksgiving Point. City Council passed a resolution that we intend to change the code. Primarily we wanted to change the code to meet the need of the Supreme Court ruling. These are probably concerns we want to address at a different time.

Kevin Thurman would ask that you forward this on with any recommendation to make sure it can be compliant with the Supreme Court decision.

David Funk commented that he had some of the same feelings that we are too restrictive, we are considered one of the more restrictive communities in a study he recently read, in some areas, and we need to keep that in mind.

DRAFT

Mark Christensen feels there were some things misconstrued in that study and he would not base the decision tonight on that study.
Ken Kilgore wondered about including "ideas" or "message" in the definition of signs. Right now it's more commercial based.
Kevin Thurman thought it was a good point. That is a little more subtle and we can make it more generic. We could strip it down so it's broader.
Ken Kilgore asked about hand held signs.
Kimber Gabryszak said typically they are not considered signs because it's a person expressing their "idea."
Kevin Thurman said they would want to be careful with that. Restrictions could only be safety related.
Ken Kilgore thought where it's tied to commercial activity there would be more regulation.
Kevin Thurman responded that you had to look at every type of speech the same, if you regulate those signs then you have to regulate other similar signs.
Mark Christensen said the only thing that is different from a person holding a protest sign or a business sign; the only thing you are differentiating it by is the content and then you are limiting content.
Kevin Thurman said a person has the right to free speech in a traditional public forum, sidewalks are considered a traditional public forum. You can place time, place, and manner restrictions that are content neutral.
Ken Kilgore asked if graffiti would count as art or signage.
Mark Christensen said we discussed the same item, it was suggested that the difference is if they have permission to put the art on the building, if they don't then it's graffiti. This would be better to come back to later.
Ken Kilgore asked if Snipe Sign included lost dog type signs.
Kimber Gabryszak said technically yes, it would be an issue to call those out separately.

Motion made by Hayden Williamson that Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Sections [19.01, 19.02, 19.04, 19.05, 19.07, 19.09, 19.12, 19.13, 19.14, 19.22] with the Findings and Conditions in the Staff Report with the additional conditions 1 and 2 as indicated in Kimber's notes. Seconded by Ken Kilgore

Kimber Gabryszak asked him to **include 19.18** in the motion as well.
Hayden Williamson and Ken Kilgore **accepted the amendment.**

1. **A Building that is larger than 50,000 sq. ft. and have more than one primary entrance may have a second primary sign.**
2. Modify the definition of Sign as suggested by Commissioner Kilgore.

Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.

9. Approval of Minutes:
1. November 12, 2015.

Motion made by David Funk to approve the minutes of November 12, 2015. Seconded by Hayden Williamson. Aye: David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 6 - 0.

10. Reports of Action. - No reports tonight.

11. Commission Comments. – No additional comments were made.

12. Director's Report:

- **Council Actions**
  - Kimber Gabryszak reviewed City Council actions taken at the previous meeting.
- **Applications and Approval**
  - We are at about 150 applications.
- **Upcoming Agendas**
  - There are no additional meetings this month. Next meeting is in January.
- **Other**
  - Mark Christensen spoke with Rob Smith earlier about the new school proposal that has come for the school in Legacy Farms. They have announced they would like to open the school in August 2016. We will likely receive a site plan next week.

13. Motion to enter into closed session. - No closed session

Meeting adjourned by Chairman Kirk Wilkins without objection.

Adjourn 9:50 p.m.

_____
Date of Approval

_____
Planning Commission Chair
Kirk Wilkins

_____
Nicolette Fike, Deputy City Recorder

DRAFT

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

To Whom it may concern: 06/10/2015

The access that White Elk frontier is applying for at Harbor Park Way and SR68 Redwood road , As long as the all requirements that came out from the Pre application meeting along with Variance request signed by the Traffic Engineer access should be granted.

Stuart Hoff

Permits Officer II

Region Three Headquarters • 658 North 1500 West • Orem, Utah 84057
telephone 801-227-8000 • facsimile 801-227-8061 • www.udot.utah.gov

UDOT Keeping Utah Moving
STATEWIDE ACCESS MANAGEMENT PROGRAM

Application Form

This form is being provided to applicants interested obtaining a Conditional Access Permit (street or driveway connection) from the Department. A Conditional Access Permit is required before an access point on a state highway is constructed, modified, relocated, or closed. A Conditional Access Permit is also required if there is a change of use or intensity on a property with an existing access point, or if the use of a nonconforming access point has been discontinued for a period of 12-months or more.

Please complete all fields through the bottom of page one then contact the appropriate UDOT Region Permitting Office to schedule the required Pre-Application Concept Meeting. This form must be brought to the scheduled meeting where the remaining fields on the following pages will be completed in collaboration with the Region Permitting Office.

PROPERTY OWNER INFORMATION		APPLICANT INFORMATION	
Name:	R & T Investments LC	Name:	White Elk Frontier
Mailing Address:	51 West Center #604	Mailing Address:	4150 South 530 East
City, State, Zip:	Orem, Utah 84057	City, State, Zip:	Salt Lake City, Utah 84107
Email:		Email:	tr_elk@hotmail.com
Phone:		Phone:	801-448-1449
PROPOSED ACCESS INFORMATION			
Physical Address:	3960 South Redwood Road	Parcel Number:	45:228:0066
State Route ID:	SR-68	Milepost Marker:	25.4
Latitude (decimal degrees)	40.2844445	Longitude (decimal degrees)	111.877222222
Access Width (in feet):	30	Access Use:	Commercial
Access Category:	4	Side of Highway (N,S,E,W):	East

PROJECT NAME AND BRIEF SCOPE OF WORK DESCRIPTION

The project is a convenience store and gas station located on this 2 acre parcel. The proposed scope of work include site improvements including a parking lot, landscaping, a convenience store and gas bays as well as roadway improvements including the completion of half-width improvements along Redwood Road per UDOT and Saratoga Springs development standards Frontage improvements will also include the The point of access is proposed to be a right-in/right-out (approximately 30' in width) located at the north end of the property along Redwood Road approximately 300' North of the intersection of Harbor Park Pay and Redwood Road Due to the proximity of the adjacent residential development to the north and east of the site, significant buffering and mitigation will be included in the Site design at the request of Saratoga Springs including landscaping, a 6' - 8' solid wall/fence, and the inclusion of an access on Redwood Road to minimize the amount of traffic in the residential neighborhood

OWNER/APPLICANT CERTIFICATION AND ACKNOWLEDGEMENT

I understand the pre-application meeting is not binding to the Department or the applicant Information presented and findings generated during the meeting may be documented and confirmed (on this form). However, any pre-application written notification or communication from the Department (including this form) shall not be considered binding (UAC R930-6-8(3)(c)(i)).

I also understand for typical access applications, one pre-application meeting shall be provided in regards to a specific access application. A second pre-application meeting may be allowed at the Department's discretion to address complex access situations, or to include other affected jurisdictional partners. Additional meetings shall not be held until after the application has been submitted and the appropriate fee has been rendered (UAC R930-6-8(3)(c)(ii))

Any access allowed under this conditional access permit creates only a license to access a state highway to the extent provided in the permit, and the access may be closed, modified or relocated by Department if, at any time, the Department determines in its sole discretion that safety, efficiency or other reasons so require. This conditional access permit does not allow construction or other activities within a state right of way, and an encroachment permit must be separately applied for and issued before any construction within a state right-of- way is commenced.

In addition, I understand once an application is submitted for review the application shall be deemed withdrawn if the applicant fails to provide requested documents, plan alterations, or similar application components as required by the Department within sixty (60) days of such a request. If any application is withdrawn under these administrative rule provisions the applicant must submit a new application, include a complete re-submittal of the current plans/studies, and render a new application review fee before the Department can begin the formal review process again (UAC R930-6-8(9)(b) and (c)).

Finally, I understand any intentional misrepresentation of existing or future conditions or of information requested for the application for the purposes of getting a more favorable determination is sufficient ground for the rejection or denial of the application or revocation of a conditional access permit (UAC R930-6-8(5)(e)).

Owner Name (Printed):	R+T Investments	Sign Name:	Ron Lindorf	Date:	7/6/15
Applicant Name (Printed):	White Elk Frontier	Sign Name:	Toby Relfe	Date:	7-6-15

PRE-APPLICATION MEETING DATE

7-7-15

UDOT PERMIT POINT OF CONTACT

Austin Tripp atripp@utah.gov

MEETING PARTICIPANT LIST

	Name (please print)	Representing	Email	Phone
1	Toby Rolfe	White Elk Frontiers	toby.rolfe@hotmail.com	801-638-1852
2	Paul Sims	Civil Science	psims@civilscience.com	435-503-1930
3	Jerome Bady	Developer		801-448-1449
4				
5				
6				
7				
8				
9				
10				
11				
12				

ACCESS APPLICATION AND TRAFFIC IMPACT STUDY REVIEW LEVEL

Your Review Fee is $475

Level	Non-Refundable Application Review Fee
I	$75.00
II	$475.00
III	$1,000.00
IV	$2,300.00

*Work with local UDOT Region personnel to determine payment method.

DOCUMENTS REQUIRED TO SUBMIT FORMAL APPLICATION

		Document Type	Additional Information
1	*	Detailed Site Plan	11" X 17" (24" X 36" acceptable)
2		Traffic Impact Study	Level:
3	**	Variance Request Form	www.udot.utah.gov/go/VarianceRequestForm
4		Future Shared Access Easement/Agreement	
5		Cross Easement	
6	*	Non-Refundable Application Review Fee	
7		Other	
8		Other	
9		Other	
10		Other	
11		Other	

Once all required documents have been compiled, checked for quality and completeness, and are ready for formal application review the applicant can apply online by going to this web address: www.udot.utah.gov/go/onlinepermitsystem. Please ensure all documents have been converted into an electronic file format and are ready to be uploaded (PDF format preferred). For additional Conditional Access Permit-related information please navigate to www.udot.utah.gov/go/AccessManagement.

SITE PLAN/ACCESS NOTES

Access Category 5 500' minimum spacing required
Show right in right out design with "pork chop" and signing with B5 curb
Show right turn accel/decell with striping, storage, and tapers to UDOT Standards (Include standard drawings)
Show access spacing in feet to adjacent driveways and streets on plan
Show right of way line and speed limit on plan
Add All UDOT Notes from Page 5 of the STEP TWO Technical Application Preparation Packet
Show relocation of all Power poles and other above ground features on plan to be relocated out of AASHTO clear zone
Show materials cross-section from page 4 of the STEP TWO Technical Application Preparation Packet with pavement to right of way line

TRAFFIC IMPACT STUDY NOTES

Variance Request will be required

Griffin will review variance, no TIS required at this time

TIS WAIVER					
Approved	☐	Print Name		Sign Name	

UTILITIES NOTES

DRAINAGE NOTES

Show roadway and site drainage, include 18" min culvert under approach in cut ditch (see details in STEP TWO Technical Application Preparation Packet).

OTHER

We will provide more comments once we have a detailed set of plans with all UDOT Standards and Specs included. See STEP TWO Technical Application Preparation Packet for requirements

Permits Meeting Attendees

Date: 7-7-15

Rux Rowland	X
Austin Tripp	X
Brent Schvaneveldt	X
Griffin Harris	X
Brent Wallwork	X
Ben Maughn	X
Brian Phillips	X
Dan Avila	X
Brad Mortensen	X

Kimber Gabryszak, AICP
Planning Director

City Council Memorandum

Author: Kimber Gabryszak, AICP
Memo Date: Tuesday, January 12, 2016
Meeting Date: Tuesday, January 19, 2016
Meeting Type: Work Session and Continued Decision
Re: Sign Code Rewrite – 19.18

Background: the City Council held a public hearing on a rewrite of the Sign code (19.18) at their meeting on January 5, 2016. At that meeting, the Council closed the public hearing and voted to continue the decision to their January 19, 2016 meeting. The Council also requested a work session prior to taking final action.

Council Direction: the City Council discussed several changes to the draft. Some requests will take additional time and research, while the remaining requests have been addressed and are up for discussion with the Council.

The draft has been amended as requested by the Council, outlined below, and tracked in the updated draft:

- Allow commercial building signs on 3 building elevations
- Allow additional temporary signage for new businesses
- Allow additional temporary signage for properties that are for sale or rent
- Define "balloon sign"
- Clarify addresses on monument and pedestal signs
- Define window
- Remove "idea" from "art" definition
- Limit flags by pole in all zones
- Prohibit neon in residential zones
- Clarify vehicle signs
- Clarify setbacks for A-frames
- Prohibit illuminated signs facing abutting residentially zoned or developed property
- Clarify residential entry signs, and add height limits for sign copy
- Tighten timeframe for temporary signs on agricultural and vacant lots
- Remove 7-day minimum for banner signs
- Limit monument signs to 7.5 feet instead of 8 feet

Items which will require additional research and Council discussion:

- Electronic message / digital reader signs, and related lumen restrictions
- How to deal with bench signs – draft still contains a prohibition until the City can find a solution

Items for discussion:

- The Council expressed concern over the amount of permitted multi-family signage. Staff reviewed the signage, and it is consistent with single family zones; the additional signage impression comes from and the tenant listing sign, and the temporary signage allowances per unit, which has the intention of permitting real-estate and political signs.
- The Council expressed concern over institutional signage, and that it may be more than commercial. The allowable signage is consistent with – and often less than – other commercial zones. The zone only permits one building sign, no ancillary signs, one monument sign, no pylon signs, and the same temporary signs as a commercial zone.

Commercial comparison:
The Council requested a comparison of the commercial signage allowed under the old code, and what would be allowed under the new code. This analysis is attached as Exhibit A.

Recommendation:
Staff recommends that the City Council review the changes in work session, and in regular session vote to approve the amendments with any changes per the recommended motion in the Staff Report dated January 5, 2016 (Exhibit B).

Attachments:

A. Commercial Comparison (page 3)
B. Text from Staff Report Dated January 5, 2016 (pages 4-11)
C. Updated Code – Council Changes Tracked (pages 12-37)

	Primary Wall Sign	Examples: 30' tall 50,000 RC bldg, 200' frontage 20' tall 15,000 NC bldg, 100' frontage	Ancillary Sign	Monument Sign	Pedestal Sign	Tenant Listing	Awning/Canopy
Old Code, all zones	Signage on 2 elevations, may be 3-4 at CC discretion, 1 sq.ft. area per lineal ft. of frontage, maximum letter heights.	RC: **200** sq.ft. sign NC: **100** sq.ft. sign	0-4 depending on size, max 24 sq.ft.	single: 7.5', 1 per 50' frontage, 45 sq.ft. Shared: 10', 1 per 200', 64 sq.ft.	20', 1 per 300', 120 sq.ft.	Office only	Max 3 per elevation; 20% of area of **12** sq.ft. whichever is less
RC - new code	1 primary and 2 secondary; big box 2 primary; 15% of façade; no letter heights	RC: (200*30)*0.15 = **900 sq.ft. of signage split between signs;** secondary up to 50% primary	2 per tenant, each up to 50% size of primary sign	1 single per 100' or shared per 200'; same size and height	Same as old code	1 by entry, size limited by number of tenants	1 per tenant in lieu of secondary wall sign, 20% or **15** sq.ft. whichever is less
NC - new	1 primary and 2 secondary; 15% of façade; no letter heights	NC: (20*100) * 0.15 = **300 sq.ft. of signage split between signs;** secondary up to 50% primary	2 per tenant, each up to 50% size of primary sign	1 single per 100' or shared per 200'; same size and height	Prohibited	1 by entry, size limited by number of tenants	1 per tenant in lieu of secondary wall sign, 20% or **15** sq.ft. whichever is less
OW / I - new	1 primary only; 15% or 50 sq.ft., whichever is smaller	Max 50 sq.ft.; max 24 sq.ft. for ancillary	1 sign per tenant; 24 sq.ft. max; 2 per elevation max	1 single per 100' or shared per 200'; same size and height	OW: Same as old code, I: prohibited	1 by entry, size limited by number of tenants	Not permitted
MU / MW - new	1 primary and 2 secondary; 15% of façade; no letter heights	Same as NC	2 per tenant, each up to 50% size of primary sign	1 single per 100' or shared per 200'; same size and height	Prohibited	1 by entry, size limited by number of tenants	1 per tenant in lieu of secondary wall sign, 20% or **15** sq.ft. whichever is less

Exhibit A

Exhibit B

Kimber Gabryszak, AICP
Planning Director

CITY OF SARATOGA SPRINGS

City Council Staff Report

Code Amendments
Sign Chapter Rewrite 19.18
Multiple Other Sections
Tuesday, January 5, 2016
Public Hearing

Report Date:	Tuesday, December 22, 2015
Applicant:	Staff and Council Initiated
Previous Meetings:	Code Subcommittee City Council November 17, 2015 Planning Commission Hearing December 10, 2015
Land Use Authority:	City Council
Future Routing:	None
Author:	Kimber Gabryszak, Planning Director

A. Executive Summary:

The Code Subcommittee and Staff have been working on the next round of code cleanups, amendments, and clarifications. The Code Subcommittee was recently disbanded, however the current packet contains changes discussed previously by the Committee and City Council. This packet proposed changes to the following sections:

- 19.01 – General Provisions
- 19.02 – Definitions
- 19.04 – Land Use Zones
- 19.05 – Supplemental Regulations
- 19.07 – Planned Unit Development
- 19.09 – Landscaping and Fencing
- 19.12 – Subdivisions
- 19.13 – Development Review Processes
- 19.14 – Site Plan Review
- 19.18 – Sign Code
- 19.22 – Annexations

Recommendation:

Staff recommends that the City Council conduct a public hearing, take public comment, discuss the proposed amendments, and vote to approve all or some of the amendments with or without modifications, as outlined in Section H of this report.

Due to the complexity of the rewritten Chapter 19.18. Signs, Staff has drafted two separate motions: one motion for the general cleanups, and the second motion for only Chapter 19.18, Signs.

Alternatives include continuance or denial of all or some of the amendments. The Planning Commission chose to forward a combined recommendation; the Council may also choose to combine all sections into one motion.

B. **Background:** The City has been working for the last several years to adopt amendments to the Land Development Code to improve transparency, increase consistency, close loopholes, increase standards, and remove contradictions. In October 2013 the Council appointed a Development Code (Code) Update Subcommittee consisting of two City Councilmembers, one member of the Planning Commission, and City staff as appropriate.

Additionally, the business community, development community, staff, Planning Commission, and City Council have expressed concern over the often lengthy application review process, and have set a goal of streamlining the application review process as the Code is improved. Other issues been identified through the application of Code to development applications, and through Code enforcement. The subcommittee and staff have drafted the enclosed amendments to further these goals and address identified issues.

Sign Code
Due to a recent Supreme Court decision (Reed vs. Gilbert), the allowances for sign regulations have changed. In response to this decision, at their November 17, 2015 meeting the City Council adopted a resolution to temporarily adopt the draft signage in lieu of the current Chapter 19.18. The City Council has asked the Planning Commission to review the draft, express concerns and suggest changes, and forward the draft to the City Council as soon as possible. As this is a new Code, there will likely be a series of amendments over the next few months to ensure that the requirements function appropriately, and the City will work with property and business owners to address any major concerns.

Planning Commission Hearing
The Planning Commission held a public hearing on December 10, 2015, and voted to forward a positive recommendation on all amendments as proposed, with two minor changes. Draft minutes from this meeting are attached.

C. **Specific Request:** The proposed amendments are summarized below:

- Replace Sign Chapter.
- Group all Annexation processes and requirements in one place.
- Ensure all references to parking lot landscaping are consistent.
- Remove the Urban Design Committee throughout the code.
- Fix references to and standards for group homes.
- Allow plat amendments that affect PUEs to be approved by staff.
- Add requirement for delineation of outdoor display areas.
- A few other clean-up items.

The detailed list, by chapter, is below, with the actual language in Exhibits 1- 3:
- 19.01.06 – Relocate Annexation Classification to 19.22
- 19.01.12 – Replace Council with Land Use Authority for CUP approval
- 19.02 – Definitions
    - Remove “Urban Design Committee”

- 19.04.07 – Land Use Zones
    - Change Residential Facility for Persons with a Disability from Conditional Use (C) to Permitted Use (P) in all zones to match process in 19.05
    - Change Churches from C to P in the Institutional/Civic (IC) Zone
    - Change Medical Office and Research & Development from P to C-Ancillary (C^a) in the Institutional/Civic Zone
    - Add Parks as P in all non-residential zones
    - Change Public School to P in all non-residential zones
- 19.04.22 – Regional Commercial Zone
    - Remove side-yard setback exception, as it is already address in subsection iv
    - Remove additional setback requirement for rear-facing buildings, as this discourages parking screened by buildings, and conflicts with the Architectural Design Standards
- 19.04 – RC, OW, I, MW, BP, IC, PSBL
    - Reduce parking perimeter landscaping from 8' to 10' (except in PSBL)
    - Replace references to the Urban Design Committee with Development Review Committee
- 19.05.13 – Edge Uses
    - Add "minimum height of three feet" to parking lot screening.
- 19.07 – PUD
    - Replace references to the Urban Design Committee and UDC with Development Review Committee and DRC
- 19.09.08 – Parking Landscaping
    - Combine two sections with landscape buffer requirements. Require berming or screen wall with 3' height where parking is adjacent to public streets.
    - Clarify 30' interval spacing.
- 19.09.11 – Required Parking
    - Add parking requirements for Residential Facilities for Persons with a Disability, based on the requirements for a single family dwelling plus employees.
- 19.12.10 – Plat Amendment Clarification
    - Clarify that City Council action is only needed for City easements, not PUEs
- 19.13 – Development Review Process
    - Remove Urban Design Committee
- 19.14 – Site Plans
    - Reword Urban Design Committee Requirements to Architectural and Urban Design Requirements, and replace UDC with DRC
    - Reference the Architectural Design Standards
    - Require that outdoor display areas be delineated by color or striping, and add to site plan contents
- 19.18 – Sign Code
    - Delete entire chapter and replace with draft. See separate document.
- 19.22 – Annexations
    - Relocate Classification of Annexed Territory from 19.01 to this chapter

Sign Code

The attached draft removes all regulations of content, including the identification of signage by type. Creating rules for signs by type, for example "Directional Signage", could be a content-based regulation, as you must read the sign to determine if it is directional in nature.

The current proposal includes the deletion of the current sign code in its entirety, and replacement with a new chapter that regulates signage by zone rather than by use or by type. The amount of signage permitted for each property will, in most cases, not be reduced. In some instances, such as in the case of the currently permitted Development Information or Grand Opening Signs, the amount of signage has been reduced or eliminated to avoid on content-based regulation.

The draft has created provisions for previously identified signage type through the following:

- Creating allowances for non-specific temporary signs in all zones; provides for political, real estate, special event, and other temporary signage.
- Creating allowances for non-specific temporary signage on agricultural, vacant, and properties under development; this provides for development information signage.
- Increased allowances for overall total signage to accommodate items such as directional signage, tenant identification, menu signage for fast food restaurants, gas station canopy signage, etc.

D. **Process:** Section 19.17.03 of the Code outlines the process and criteria for an amendment:

1. The Planning Commission shall review the petition and make its recommendation to the City Council within thirty days of the receipt of the petition.
   Complies*. There is no application as this is Staff initiated, and was presented to the Commission for a recommendation.*

2. The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.
   Complies. *Please see Sections F and G of this report.*

3. The Planning Commission and City Council shall provide the notice and hold a public hearing as required by the Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 for a public hearing.
   Complies*. Please see Section E of this report. The Planning Commission forwarded a recommendation, and this public hearing has been noticed for the City Council.*

4. For an application which does not concern a specific parcel of property, the City shall provide the notice required for a public hearing except that notice is not required to be sent to property owners directly affected by the application or to property owners within 300 feet of the property included in the application.
   Complies*. Please see Section E of this report.*

E. **Community Review:** Per Section 19.17.03 of the City Code, this item has been noticed as a public hearing in the *Daily Herald*; as these amendments affect the entire City, no mailed notice was required. One public comment was provided in the Planning Commission hearing, requesting a small change for big box signage, as outlined in the attached draft minutes. As of the date of this report, no additional public input has been received.

F. **General Plan:**

Land Use Element – General Goals

The General Plan has stated goals of responsible growth management, the provision of orderly and efficient development that is compatible with both the natural and built environment, establish a strong community identity in the City of Saratoga Springs, and implement ordinances and guidelines to assure quality of development.

Staff conclusion: consistent
General changes: the proposed changes help to improve transparency and consistency by continuing to clarify definitions, remove contradictions, streamline processes, and improve compliance with State and Federal Law, and improve transparency.

Sign code: the proposed changes improve compliance with Federal law and free speech, while still ensuring quality of development through standards for size, location, and duration.

G. Code Criteria:

Code amendments are a legislative decision; therefore the City Council has significant discretion when considering changes to the Code.

The criteria for an ordinance (Code) change are outlined below, and act as guidance to the Council, and to the Commission in making a recommendation. Note that the criteria are not binding.

19.17.04 Consideration of General Plan, Ordinance, or Zoning Map Amendment

The Planning Commission and City Council shall consider, but not be bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:

1. The proposed change will conform to the Land Use Element and other provisions of the General Plan;
   Consistent*. See Section F of this report.*

2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;
   Consistent. *The amendments help streamline the process, clarify inconsistencies, remove unnecessary regulations, delegate approvals, and improve compliance with State and Federal law. The amendments do not remove regulations that protect the health, safety, convenience, morals, or general welfare of the public.*

3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and
   Consistent. *The stated purposes of the Code are found in section 19.01.04:*
   1. The purpose of this Title, and for which reason it is deemed necessary, and for which it is designed and enacted, is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its present and future inhabitants, and the public generally, and in particular to:
      a. encourage and facilitate the orderly growth and expansion of the City;
      b. secure economy in governmental expenditures;
      c. provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient, and comfortable living of the

municipality's inhabitants, and to foster a wholesome social environment;

d. enhance the economic well-being of the municipality and its inhabitants;
e. facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements;
f. prevent the overcrowding of land, the undue concentration of population, and promote environmentally friendly open space;
g. stabilize and conserve property values;
h. encourage the development of an attractive and beautiful community; and
i. promote the development of the City of Saratoga Springs in accordance with the Land Use Element of the General Plan.

The amendments help to clarify the process and improve efficiency and consistency, thus ensuring economy in government expenditures by lessening the cost of application review, and maintaining a high standard of review and quality development. The sign code amendments better protect freedom of speech by removing regulation of content, while keeping standards high to encourage an attractive and beautiful community.

4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.
   Consistent. *The amendments will better protect the community through more efficient process, clarity and consistency in development review, protection of free speech, and maintenance of high standards.*

H. Recommendation / Options:

Staff recommends that the City Council conduct a public hearing, take public comment, discuss the proposed amendments, and vote to approve amendments with or without modifications, or choose from the alternatives below.

Staff Recommended Motion – Approval
The City Council may choose to **approve** all or some of the amendments to the Code Sections listed in the motion, as proposed or with modifications:

Motion: "Based upon the evidence and explanations received today, I move to **approve** the proposed amendments to Sections [19.01, 19.02, 19.04, 19.05, 19.07, 19.09, 19.12, 19.13, 19.14, 19.22] with the Findings and Conditions below:

Findings:

1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections F and G of this report and incorporated herein by reference.
2. The amendments are consistent with Section 19.17.04.2 as outlined in Section G of this report and incorporated herein by reference.
3. The amendments are consistent with Section 19.17.04.3 as outlined in Section G of this report and incorporated herein by reference.

4. The amendments are consistent with Section 19.17.04.4 as outlined in Section G of this report, and incorporated herein by reference.

Conditions:

1. The amendments shall be edited as directed by the Council: _____
   a. _____
   b. _____
   c. _____

"Based upon the evidence and explanations received today, I also move to **approve** the proposed amendments to Section 19.18, Signs, with the Findings and Conditions below:

Findings:

1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections F and G of this report and incorporated herein by reference.
2. The amendments are consistent with Section 19.17.04.2 as outlined in Section G of this report and incorporated herein by reference.
3. The amendments are consistent with Section 19.17.04.3 as outlined in Section G of this report and incorporated herein by reference.
4. The amendments are consistent with Section 19.17.04.4 as outlined in Section G of this report, and incorporated herein by reference.

Conditions:

1. The amendments shall be edited as directed by the Council: _____
   a. _____
   b. _____
   c. _____

Alternative A – Continuance

Vote to **continue** all or some of the Code amendments to the next meeting, with specific feedback and direction to Staff on changes needed to render a decision.

Motion: "I move to continue the amendments to [19.01, 19.02, 19.04, 19.05, 19.07, 19.09, 19.12, 19.13, 19.14, 19.18, 19.22] of the Code to the January 19, 2016 meeting, with the following direction on additional information needed and/or changes to the draft:

_____
_____
_____
_____

Alternative B – Denial(s)

Vote to **deny** all or some of the proposed Code amendments.

Motion: "Based upon the evidence and explanations received today, I move to **deny** the proposed amendments to Sections [19.01, 19.02, 19.04, 19.05, 19.07, 19.09, 19.12, 19.13, 19.14, 19.18, 19.22] of the Code with the Findings below:

Findings

1. The amendments do not comply with Section 19.17.04(1), General Plan, as articulated by the Council:_____, and/or
2. The amendments do not comply with Section 19.17.04, sub paragraphs 2, 3, and/or 4 as articulated by the Council: _____, and/or
3. _____
4. _____
5. _____

I. Exhibits:

1. Code Amendments – working copy:
    a. 19.01 – General Provisions
    b. 19.02 – Definitions
    c. 19.04 – Land Use Zones
    d. 19.05 – Supplemental Regulations
    e. 19.07 – Planned Unit Development
    f. 19.09 – Off-Street Parking Requirements
    g. 19.12 – Subdivisions
    h. 19.13 – Development Review Processes
    i. 19.14 – Site Plan Review
    j. 19.18 – Sign Code
    k. 19.22 – Annexations
2. 19.18 – New Sign Code
3. PC 12/10/2015 Draft Minutes

ORDINANCE NO. 16- (insert date)

AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING AMENDMENTS TO THE SARATOGA SPRINGS LAND DEVELOPMENT CODE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Title 19 of the City of Saratoga Springs Code, entitled "Land Development Code" was enacted on November 9, 1999 and has been amended from time to time; and

WHEREAS, the City Council and Planning Commission have reviewed the Land Development Code and find that further amendments to the Code are necessary to better meet the intent and direction of the General Plan; and

WHEREAS, the Saratoga Springs Planning Commission has held a public hearing to receive comment on the proposed modifications and amendments as required by Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

WHEREAS, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Saratoga Springs City Council regarding the modifications and amendments; and

WHEREAS, the City Council has conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to Chapter 9a, Title 10, Utah Code Annotated 1953, as amended; and

WHEREAS, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Saratoga Springs City Council has determined that it is in the best interest of the public health, safety, and welfare of Saratoga Springs citizens that the following modifications and amendments to Title 19 be adopted.

NOW THEREFORE, the City Council of the City of Saratoga Springs, Utah hereby ordains as follows:

SECTION I – ENACTMENT

The amendments attached hereto as Exhibit A, incorporated herein by this reference, are hereby enacted. Such amendments are shown as underlines and strikethroughs. The remainder of Title 19 shall remain the same.

SECTION II – AMENDMENT OF CONFLICTING ORDINANCES

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the

provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION III – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

SECTION IV – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION V – PUBLIC NOTICE

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

a. deposit a copy of this ordinance in the office of the City Recorder; and
b. publish notice as follows:
   i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
   ii. post a complete copy of this ordinance in three public places within the City.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this ___ day of _____, 2016.

Signed: _____
Jim Miller, Mayor

Attest: _____ _____
Kayla Moss, City Recorder Date

	VOTE
Shellie Baertsch	_____
Michael McOmber	____
Stephen Wilden	____
Bud Poduska	____
Chris Porter	____

Chapter 19.18. Sign Regulations.

Sections:

19.18.01. Intent.
19.18.02. Content.
19.18.03. Definitions.
19.18.04. Prohibited Signs.
19.18.05. Signs Not Requiring A Permit.
19.18.06. Measurement Standards.
19.18.07. Residential Sign Standards.
19.18.08. Agricultural, Vacant, and Active Development.
19.18.09. Institutional Sign Standards.
19.18.10. Commercial Zone Sign Standards.
19.18.11. Industrial Zone Sign Standards.
19.18.12. Mixed Use and Mixed Waterfront Zone Sign Standards.
19.18.13. Permit Process.
19.18.14. Nonconforming Signs.

19.18.01. Intent

1. An excess of large, unregulated signage causes visual blight on the appearance of the City, may obstruct views which can distract the attention of motorists and pedestrians, may negatively impact local property values, may displace alternative land uses, and may pose other problems that legitimately call for regulation.

2. This Chapter intends to preserve and enhance the aesthetic, traffic safety, and environmental values of the city while at the same time providing ample and adequate means of communication to the public.

3. This Chapter intends to protect and promote the health, safety and general welfare of City residents and businesses by regulating the design, materials, size, construction, installation, location, and maintenance of signs and sign structures in a content neutral manner that does not favor any type of speech over another in order to achieve the following goals and objectives:

    a. Reduce potential hazards to motorists and pedestrians;

    b. Encourage signs which are integrated and harmonious to the building and sites which they occupy;

    c. To reduce or eliminate excessive and confusing sign displays;

    d. To preserve and improve the appearance of the City as a place in which to live and to work and as an attraction for nonresidents who come to visit or trade;

e. To safeguard and enhance property values;

f. To foster a community character that has a minimum of visual clutter.

4. This Chapter is intended to protect and enhance property values and promote the public health, safety, and general welfare of the residents of the City of Saratoga Springs.

5. It is the intention of the City of Saratoga Springs to provide a fair and consistent approval process for signage while accommodating growth and maintaining the high design standards associated with the City.

6. The purpose of this Chapter is to detail the sign permit process, provide general design standards, and define signage related terms.

7. This Chapter shall set forth standards that will assist in the elimination of confusing and excessive signs in order to preserve and improve the natural landscape, architecture of buildings, and character of the City.

19.18.02. Sign Substitution.

1. A message of any type, whether commercial or noncommercial, may be substituted for any duly permitted or allowed commercial or noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent inadvertently favoring one type of speech over another.

2. Content substitution does not create a right to increase the total amount of signage on a parcel, lot, building or structure, nor does it affect the requirement that a sign structure or mounting device be properly permitted or otherwise excuse compliance with other applicable regulations contained within this Chapter with respect to the physical characteristics and location of signs.

19.18.03. Definitions.

As used in this Chapter, the following words and phrases have the following meanings, unless the context clearly indicates that a contrary meaning is intended:

1. **"A-frame Sign"** means a portable sign, structure, or configuration composed of two sign faces mounted or attached back-to-back in such manner as to form a basically triangular vertical cross-section.

2. **"Abandoned Sign"** means a sign that remains after the termination of a business or use, or a sign that exhibits fading or peeling paint, missing letters, chips or cracks or damage, or other evidence of neglect for a period in excess of ninety days. Termination of a business shall include ceasing operations, failure to obtain or renew a business license with the City, declaring bankruptcy, or failing to renew, update, or reinstate the business with the State of Utah.

3. **"Active Development"** means a property for which a subdivision, rezone, site plan, or other development application has been submitted, and which application has not expired or been closed for inactivity.

4. **"Alteration"** means the process of changing or rearranging any structural part, face, enclosure, lighting element, coloring, copy (except on electronic message signs), graphics, component, or location of a sign.

5. **"Animated Sign"** means a sign which incorporates moving, rotating, or traveling parts, including special lighting effects such as flashing or intermittent lights (excluding electronic message signs).

6. **"Awning Sign"** means a building sign that is part of a fabric, plastic, or similar shelter supported by a rigid framework attached to a building, and sheltering the building's entrance or windows.

~~6.~~7. **"Balloon Sign"** means a balloon or other inflated device, with or without sign copy, placed on or attached to a property, business, or use.

~~7.~~8. **"Banner Sign"** means a sign made of fabric, plastic, or a similar lightweight flexible cloth-like material and hung from a building or framework attached to a building or placed in the ground.

~~8.~~9. **"Bench Sign"** means any sign painted or located on or attached to any part of a bench, seat, or chair placed on or adjacent to a public or private roadway.

~~9.~~10. **"Billboard"** means a freestanding ground sign, object, or structure that is not designed or intended to direct attention to a property or part of the property where the sign is located.

~~10.~~11. **"Building Façade"** means any exterior wall of a building including windows, doors, and mansard, but not including a pitched roof.

~~11.~~12. **"Cabinet Sign, Simple"** means a rectangular box with no rounded sides that houses the main component of a sign, where the sign copy area is composed of a single consistent material with lettering or copy items painted on, or affixed directly to the cabinet (see Figure 18.1).

Figure 18.1

Figure 18.2

~~12.~~13. **"Cabinet Sign, Complex"** means a polygonal box with at least one rounded edge that houses the main component of a sign, where the sign copy area is composed of a single material with all lettering or copy items raised at least three-quarters of an inch above the primary cabinet (see Figure 18.2).

~~13.~~14. **"Changeable Copy Sign"** means a sign or portion of a sign with characters, letters, graphics, or other copy that can be changed or modified by mechanical, electrical, or manual means, not including electronic messaging or Electronic Message Signs.

~~14.~~15. **"Channel Letter Sign"** means a sign formed of individually manufactured characters, letters, graphics, or other copy that can be changed or modified by mechanical, electronic, or manual letters grouped together to form a word, logo, or icon (see Figure 18.3).

Figure 18.3

~~15.~~16. **"Clearance"** means the height of the lowest edge of the face of a sign as measured from the finished grade.

~~16.~~17. **"Commercial Zone"** means the Regional Commercial, Neighborhood Commercial, Business Park, or Office Warehouse zone.

~~17.~~18. **"Commercial Zone Sign"** means any sign located on a property in a commercial zone.

~~18.~~19. **"Cornerstone Sign"** means a message carved or cast into a building, or a metal plaque permanently attached to a building.

~~19.~~20. **"Double-faced Sign"** means a sign with two parallel, identical faces or two identical sign faces that are not parallel but diverge from a common edge at an angle no greater than fifteen degrees, as shown in Figure 18.4.

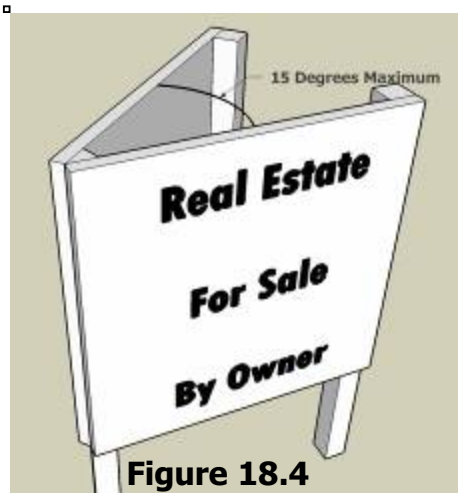


Figure 18.4

~~20.~~21. **"Electronic Message Sign"** means a changeable copy sign consisting of electronically controlled light sources which change the sign copy or graphics.

~~21.~~22. **"External Illumination"** means lighting which is mounted to illuminate a sign face from a remote position outside of the sign structure.

~~22.~~23. **"Flag"** means a ~~rectangular~~ sign that is constructed of fabric, plastic, or similar lightweight cloth-like material hung from a permanent or temporary pole, or attached to a structure, in such a manner as to allow movement of the material.

~~23.~~24. **"Freestanding Sign"** means a type of ground sign that is supported by any number of fixed permanent forms or supports between the sign face and the ground.

~~24.~~25. **"Ground Sign"** means a sign that has its own supporting structure and is not attached to or supported by a building. Types of ground signs include pedestal, pylon, and monument.

~~25.~~26. **"Group Identification Signs"** means a sign regarding two or more properties or uses that may share common frontage, access points, off-street parking, or loading areas.

~~26.~~27. **"Illuminated Sign"** means any sign designed to emit artificial light or designed to reflect light from one or more sources of artificial light.

~~27.~~28. **"Inflated Signs"** means a sign that is supported by heated or forced air or lighter-than-air-gases.

~~28.~~29. **"Monument Sign"** means a ground sign with a face that extends to the ground or to a base or pedestal.

~~29.~~30. **"Neon Sign"** means any sign visible to the exterior of a building that uses neon, argon, or any similar gas to illuminate transparent of translucent tubing or other materials, or any use of neon, argon, or any similar gas lighting on or near the exterior of a building or window.

~~30.~~31. **"Nonconforming Sign"** means a sign that legally existed at the time that it was installed under the regulations in effect at that time, but does not conform to the current applicable regulations of the area in which it is located and has been maintained unmodified and continuously since the time the applicable regulations changed to render it nonconforming.

~~31.~~32. **"Painted Window Sign"** means a sign painted on windows or doors with markers, paints, or any other type of substance used to display messages.

~~32.~~33. **"Panel"** means a plate or other delineating feature containing sign copy within a larger sign.

~~33.~~34. **"Pedestal Sign"** means a freestanding ground sign with two or more vertical supports extending from the sign face to the ground.

~~34.~~35. **"Pennant"** means an item made of flexible materials suspended from one or more corners, used in combination with other such signs to create the impression of a line.

~~35.~~36. **"Permanent Sign"** means any sign that is intended to be and is so constructed to be of a lasting and enduring condition, remain unchanged in character and condition beyond normal wear and tear, and be positioned in a permanent manner fixed to the ground, wall, or building.

~~36.~~37. **"Pole Sign"** means a freestanding sign which is supported by a single pole mounted permanently in the ground.

~~37.~~38. **"Primary Entrance"** means the entrance used by the majority of visitors to a property, use, or building.

~~38.~~39. **"Projecting Sign"** means a sign attached to a building and extending in whole or in part beyond any wall of the building.

~~39.~~40. **"Pylon Sign"** means a ground sign that includes only one vertical structural support connecting the face of the sign to the ground.

~~40.~~41. **"Replacement"** means removal of a sign and installation of a new sign. For the purposes of this Chapter the term "replacement" does not include the temporary removal of an existing sign for repair.

~~41.~~42. **"Residential Property"** means property zoned for residential use, and either vacant or used for a residence.

~~42.~~43. **"Residential Sign"** means a sign posted on residential property by the property owner.

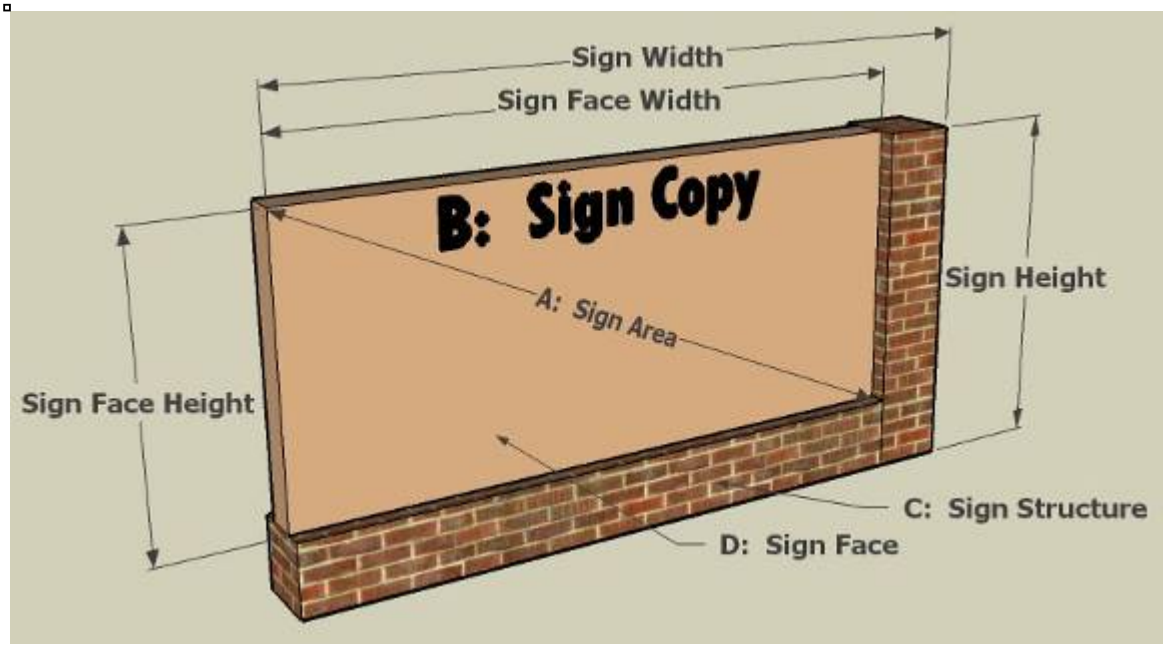
~~43.~~44. **"Roof Sign"** means a building sign that projects above the building facade.

~~44.~~45. **"Seasonal Sign"** means any sign used for a temporary purpose including but not limited to fireworks and produce stands.

~~45.~~46. **"Sign"** means any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, ~~idea,~~ message, or product by any means, including the use of lettering, words, pictures, or other graphic depictions or symbols.

~~46.~~47. **"Sign Area"** means the area of a sign that is used for display purposes, excluding the sign structure, and as further detailed in Section 19.18 of the Land Development Code (see Item A, Figure 18.5).

Figure 18.5



~~47.~~48. **"Sign Copy"** means any letter, numeral, figure, symbol, logo, or graphic element displaying the content or message of a sign. Numbers and letters displaying only the street address of a site or building are not considered sign copy (see Item B, Figure 18.5).

~~48.~~49. **"Sign Face"** means the portion of any sign that is or may be used for purposes of displaying a message (see Item D, Figure 18.5).

~~49.~~50. **"Sign Structure"** means the portion of a sign that does not contain any message but exists only for structural support or aesthetic purposes. This definition may include, but is not limited to, the supports, uprights, bracing, cables, and framework of a sign (see Item C, Figure 18.5).

~~50.~~51. **"Signage Plan"** means a signage plan consists of one or more scaled drawings showing the location, type, size, and design of all existing and proposed signs on a site.

~~51.~~52. **"Snipe Sign"** means a small sign of any material including paper, cardboard, wood, or metal which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences, or other objects.

~~52.~~53. **"Suspended Sign"** means a sign attached to the ceiling of an arcade or the framework of a canopy and designed to hang over a sidewalk.

~~53.~~54. **"Temporary Sign"** means any sign not permanently attached to the ground or a structure that is installed or placed for a limited duration.

~~54.~~55. **"Tenant"** means owner, lessee, or occupant of a parcel or use.

~~55.~~56. **"Tenant Listing Sign"** means a wall sign on a building containing multiple tenants or uses, located near the entrance and designed in such a manner as to accommodate multiple sign plates.

~~56.~~57. **"Traffic Control Sign"** means standard regulatory signs installed by public agencies, including stop and yield signs, speed limit signs, etc.

~~57.~~58. **"Trailer Sign"** means a sign affixed to, applied, set upon, or printed on a trailer.

~~58.~~59. **"Vehicular Sign"** means a sign affixed to, applied, or printed on a vehicle.

~~59.~~60. **"Wall Sign"** means a building sign attached to the wall of a building and parallel with the wall to which it is attached.

61. **"Wind Sign"** means any propeller, fabric, or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of the wind, not including flags as defined herein.

~~60.~~62. **"Window"** means any single window pane, or a series of adjacent window panes separated by twelve inches or less. Adjacent window panes set at different angles shall constitute separate windows regardless of separation.

~~61.~~63. **"Window Sign"** means signs, including posters, messages, or displays painted or displayed on the interior or exterior of a window or door so as to be visible from outside the building. Window sign does not include illuminated or flashing signs.

19.18.04. Prohibited Signs.

1. The following signs and any sign not otherwise authorized under the terms of this code are prohibited in the City, except as expressly permitted elsewhere in this chapter:
    a. Abandoned Signs.
    b. Animated Signs.
    c. Bench Signs.
    d. Balloon Signs.
    e. Billboards.
    f. Cabinet Signs, Simple.
    g. Electronic Message Signs.

h. Flashing signs.
i. Neon signs in residential zones.
~~i.~~j. Pennants.
~~j.~~k. Pole Signs.
~~k.~~l. Pylon Signs.
~~l.~~m. Roof Signs.
~~m.~~n. Snipe Signs.
~~n.~~o. Wind Signs.
~~o.~~p. Vehicle Signs parked outside of designated parking stalls, or occupying required parking for more than 50% of the operating hours.
~~p.~~q. Trailer Signs not affixed to a vehicle, parked outside of designated parking stalls, or occupying required parking for more than 50% of the operating hours.
~~q.~~r. Illuminated signs directly facing and visible to an immediately adjacent residential zone or residential development.
~~r.~~s. Signs not otherwise expressly permitted in this chapter.

19.18.05. Signs Not Requiring A Permit.

The following signs may be placed without a permit:

1. Signs that are placed entirely within a structure or building, and cannot be viewed from outside the building.

2. Works of art that do not include or convey commercial or non-commercial speech.

3. Flags. ~~Properties or uses in residential zones are permitted any number of flags; u~~A maximum of one flag pole is permitted for ~~p to three flags are permitted for~~ any single use or property ~~in all other zones~~, whichever is less restrictive. Flags shall be attached to a house, building, foundation, or pole, shall not cross property lines, and shall not exceed the maximum size and height, as measured from established grade to the top of the flag, outlined in the table below:

Mounting Height (feet)	Maximum Flag Size (feet)
35 (or maximum structure height otherwise permitted in the zone)	5 by 9.5
30	5 by 8
25	4 by 6
20	3 by 5

4. Residential temporary signage in compliance with the residential sign standards.

5. No more than two w~~W~~indow signs per façade of a licensed use, each~~age~~ not exceeding 20% of the area of the individual window in which the signs are placed.

6. A maximum of one neon sign no larger than two square feet per licensed use in a non-residential zone during regular operating hours.

7. Cornerstone signage permanently attached to the building.

8. A maximum of one A-frame sign per licensed use in a non-residential zone during regular operating hours, subject to the following limitations:
   a. The sign shall not exceed four feet in height and eight square feet in size as shown in Figure 18.6.
   b. The sign shall be placed behind the sidewalk immediately adjacent to the use. If the adjacent sidewalk is more than fifteen feet back from the edge of pavement, the sign may be placed between the curb and sidewalk, provided that the entire sign shall be no closer than fifteen feet from the curb.
   c. The sign shall not obstruct or project into the sidewalk.
      ~~c.~~i. Exception: in instances where the sidewalk both abuts the structure and provides width beyond the minimum requirement, the A-frame sign may be placed on the sidewalk in such a manner to be outside the minimum required width and not obstruct passage of the sidewalk.
   d. The sign shall be weighted to prevent movement by wind.

9. Traffic signs that are approved by the City Engineer or highway authority and comply with the Manual on Uniform Traffic Control Devices and applicable laws, are permitted. Such traffic signs shall not be required to comply with the general sign standards listed in 19.18.06.

10. Vehicle signs in non-residential zones on vehicles parked within a designated parking space, ~~and parked out of the public right-of-way~~ and outside of any site visibility triangle for public safety reasons.

19.18.06. General Standards.

1. Sign Design and Materials.
   a. Landscaping. The base of all Permanent Ground Signs, including without limitation Monument and Pedestal Signs, shall be landscaped and maintained at all times. The minimum landscaped area shall extend at least three feet beyond the base of the sign in all directions.

2. Sign Placement.
   a. General Location. No part of any sign shall interfere with the use of any fire escape, exit, doorway, sidewalk, roadway, stairway, door ventilator, or window. No Ground Sign shall

be located within any public utility easement without review and approval by the City Engineer.

b. Clear Sight Triangle. No sign shall be placed within the clear sight triangle as defined in Section 19.06 of this Code.
c. Traffic Safety. No sign shall be designed or placed in any manner that may be confused with any official traffic sign or signal. No sign or other advertising structure shall be designed, constructed, or installed that by reason of its size, location, shape, coloring, or manner of illumination may be confused as a traffic control device. All Traffic Signs shall comply with the Manual on Uniform Traffic Control Devices.
d. Right-of-way. No sign shall be located on public property or within any right-of-way unless otherwise permitted in this Chapter. In cases where a sign hangs over a public right-of-way, it shall extend no more than five feet over a public sidewalk as measured from the face of the supporting building, and shall have a minimum clearance of eight feet from the elevation of the sidewalk.
e. Setbacks.
    i. Side and Rear Setbacks not adjacent to a sidewalk or right-of-way. All permanent and temporary ground signs shall be located a distance equal to or greater to their height from any interior side or rear property line.
    ii. Front and Street Side Setbacks and other setbacks adjacent to a sidewalk or right-of-way. All permanent and temporary ground signs, except for A-frame signs, shall be located at least three feet from the back of the sidewalk or right-of-way, whichever is greater, and from all driveways as measured from the back of the curb.

3. Sign Illumination.
    a. All sign lighting shall comply with the limitations in Section 19.11 of this Code.
    b. Individual signs shall be illuminated only by one of the following means:
        i. **External Illumination.** Signs may be illuminated by a steady, stationary light, directed solely at the sign. Light fixtures for Ground Signs shall be screened from view by site grading or evergreen shrubs and must not beam directly onto adjacent properties or rights-of-way.
        ii. **Internal Illumination.** Signs may be illuminated by an interior light of reasonable intensity with sign copy or face silhouetted on an opaque background.
    c. ~~Where~~ No illuminated signage ~~is visible from~~shall face abutting residentially developed or zoned property~~, the sign shall be oriented so that the illuminated face is at least 45 degrees away from such property~~.

4. Sign and Building Maintenance.
    a. All signs shall be maintained in good condition.
    b. When a building sign is removed, the face of the building beneath the sign shall be restored to its original pre-sign condition.
    c. Those signs meeting the definition of Abandoned Sign in Section 19.18.03 shall be removed.

5. Sign Construction.

a. Building Codes. All signs shall comply with the most recently adopted provisions of the National Electrical Code and the International Building Code, or applicable codes as adopted by the City.
b. Engineering Required. All building permit applications for signs shall be engineered to demonstrate compliance with the applicable electrical or building code and, where required by the City Building Official, shall be accompanied by an original drawing stamped by a licensed engineer attesting to the adequacy of the proposed construction of the sign and its supports.
c. Power Source. Permanent power sources for signs must be concealed underground away from public view or within the structure of the sign or building to which the sign is attached. All electrical connections must comply with all provisions of the National Electrical Code.
d. Foundations. All ground signs must be mounted on foundations and footings which conform to the applicable building code.

6. Monument and Pedestal Signs. See Figures 18.7, 18.8, and 18.9 for graphic illustration.
   a. Area. The area of a monument or pedestal sign shall include all parts of the sign face or sign structure that contains text or graphics.
   b. Height. The height of a monument or pedestal sign shall be measured from the highest point of the sign structure to the height of the street curb or sidewalk nearest the sign. If the sign is located more than fifteen feet from the back of curb or sidewalk, whichever is nearest, the height shall be measured from the grade at the location of the sign.
   c. Multiple Faces. Signs containing more than one display face shall be calculated as the total area of all faces, except where the interior angle between two faces is fifteen degrees or less, in which case only one display face shall be included in the calculation.
   d. Monument sign base. The base of the sign shall be a minimum of two feet in height, and shall be constructed of materials and colors that match the building or use. The base shall run the entire horizontal length of the sign and shall contain no sign copy.
   e. Pedestal sign base. At least two vertical structural supports shall be used on pedestal signs, and the open area of the sign between the supports shall occupy no more than forty percent of the vertical height of the sign.
   f. Changeable Copy. Non-digital changeable copy may be incorporated into the sign face up to a maximum of 50% of the sign area. A protective cover is required over the changeable copy.
   g. Address. Monument signs shall contain the address of the parcel or use; for multiple addresses, the sign shall contain the range of addresses for the uses. The address may be included in the sign copy, or displayed on the sign structure, and shall not be occluded by landscaping.

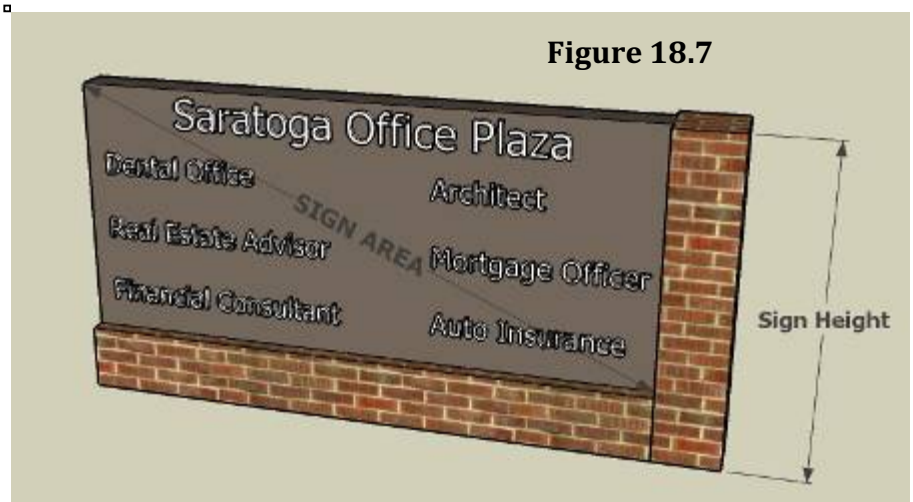


Figure 18.7

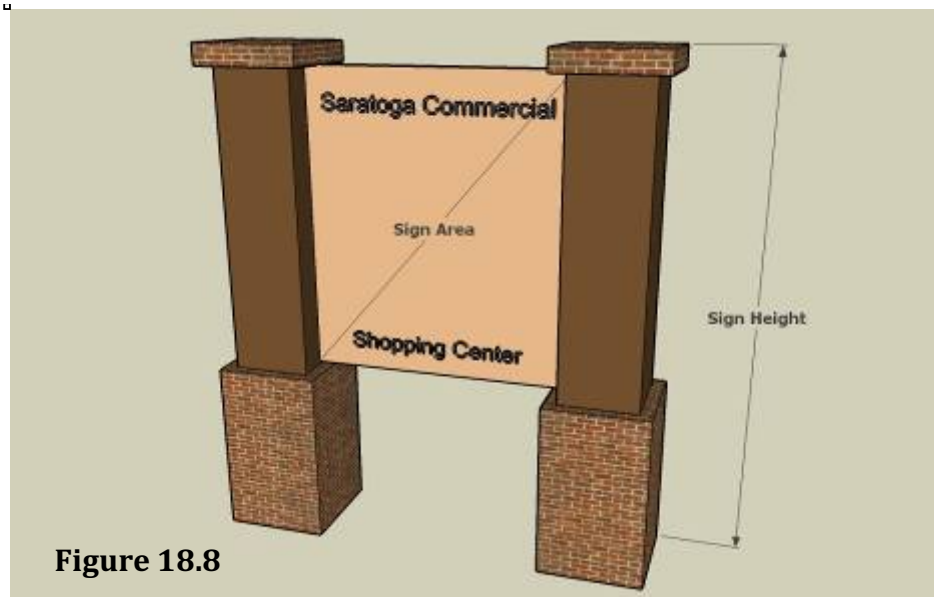


Figure 18.8

7. Building Signs.
    a. Area, direct-mounted. The area of a sign consisting of text or graphics mounted directly against a wall, window, or fascia of a building and without a background shall be measured by drawing the smallest possible rectangle around the entire group of text or graphics; where there are multiple rows of text or graphics separated by a minimum of twelve inches, the area shall be measured by drawing the smallest possible rectangle around each row of text and/or graphics, as shown in Figure 18.9.
    b. Area, background mounted. The area of a sign consisting of text or graphics mounted on a background panel or surface shall be measured as the area within the outside dimensions of the background panel or surface.
    c. Mounting. No portion of the sign shall project above or below the highest or lowest part of the wall on which the sign is located. The sign shall not project outwards more than

eighteen inches from the face of the building to which it is attached.

Figure 18.9

19.18.07. Residential Sign Standards.

1. Residential ~~Identification~~ Entry ~~Signs~~Feature.
    a. In order to facilitate public safety and community identity by providing locators, residential developments are permitted to place ~~identification~~ signage at primary entrances.
    b. Number. Each residential development ~~containing fewer than 100 dwelling units~~ is permitted one Residential ~~Identification~~ Entry ~~Sign~~ Feature per primary entrance into the development, and shall be located on a street frontage exceeding fifty feet in width. ~~Each residential development containing 100 or more dwelling units is permitted one Residential Identification Sign sign per primary entrance into the development, and shall be located in an area facing a public street.~~
    c. Spacing. Residential ~~Identification~~ Entry Signs shall be no closer than 100 feet to any other Ground Sign on the same frontage.
    d. Height, sign. The sign portion of an Entry Feature for a residential development containing fewer than 100 dwelling units shall not exceed 7.5 feet in height; the sign portion of an Entry Feature for a residential development containing 100 or more units shall not exceed 10 feet in height.
    ~~d.~~e. Height, structure. Residential ~~Identification~~ Entry ~~Sign~~Feature structures shall not exceed twenty feet in height.

2. Signage on a Single Family Lot.
    a. Permanent signs: A single-family residence is permitted one sign limited to six square feet in size. Residential signs may be freestanding or mounted to a structure, and shall be located entirely upon the lot or parcel. Building mounted signs shall be placed no higher than fifteen feet or at the top of the first floor, whichever is lower; all other signs shall be a maximum of four feet in height.
    b. Temporary signs:
        ~~b.~~i. An occupied single-family residence is permitted one of the following:
            ~~i.~~1. up to two temporary signs, each limited to four feet in height and six square feet in size, for a cumulative total of six months in a calendar year, or

~~ii.~~2. multiple temporary signs, each limited to three feet in height, with the face area of all signs limited to a cumulative total of twelve square feet, for a cumulative total of six months in a calendar year~~,~~. ~~or~~

ii. A single-family residence that is currently for sale or rent is allowed the following additional temporary signage:

~~iii.~~1. one temporary sign, limited to five feet in height and three square feet in size, ~~for a period of twelve months~~during the period for which the property is for sale or rent.

3. Multi-family Signage.
   a. Building Signs.
      i. Number. Each building containing four or more units, and each community building such as a clubhouse, is permitted one building sign.
      ii. Size. The maximum permitted area shall be ten percent of the area of the elevation upon which the sign is mounted.
   b. Temporary signs:
      i. Each building in a multi-family development is permitted either of the following for a cumulative total of six months in a calendar year:
         1. up to two temporary signs, each limited to four feet in height and six square feet in size, for a cumulative total of six months in a calendar year, or
         2. multiple temporary signs, each limited to three feet in height, with the face area of all signs limited to a cumulative total of twelve square feet, for a cumulative total of six months in a calendar year.
      ii. Each unit in a multi-family development that is currently for sale or rent is allowed the following additional temporary signage:
         ~~ii.~~1. one temporary sign, limited to five feet in height and three square feet in size, during the period for which the property is for sale or rent.~~is permitted one temporary sign, limited to five feet in height and three square feet in size, for a period of twelve months.~~
   c. Tenant Listing Sign.
      i. Number. Each building that contains multiple tenants or uses shall be limited to one sign per primary entrance to the building, and each tenant or use shall be limited to one panel.
      ii. Design. All panels on a tenant listing sign shall be constructed of the same material and be of a consistent shape and size.
      iii. Size. Each panel shall be limited to a maximum of one square foot.
      iv. Location. Each tenant listing sign shall be located on the same façade as the primary entrance, in a location easily visible to persons using the primary entrance.
      v. Height. Each tenant listing sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured from the elevation at the entrance of the building to the top of the sign.

19.18.08. Agricultural, Vacant, and Active Development.

1. Regardless of zoning, parcels that are in agricultural use, are vacant, or are currently under active development, may choose to utilize the following temporary signage in lieu of the temporary signage permitted by zone.
    a. Such parcels less than one acre in size are permitted a cumulative maximum of 32 square feet of total temporary signage per parcel, either in one or multiple signs, and maximum height of eight feet per sign.
    b. Such parcels ranging in size from one acre to twenty acres are permitted a cumulative maximum of 64 square feet of total temporary signage per parcel, either in one or multiple signs, and maximum height of eight feet per sign.
    c. Parcels exceeding twenty acres in size are permitted up to a cumulative maximum of 96 square feet of total temporary signage per parcel, either in one or multiple signs, and maximum height of twelve feet per sign.

2. Duration.
    a. Temporary signage on Vacant and Agricultural parcels shall be removed after a period not to exceed 12 months.
    b. Temporary signage on parcels under active development shall be removed within 30 days of any of the following, whichever is more restrictive:
        i. Issuance of the final certificate of occupancy for residential development, or
        ii. Issuance of the certificate of occupancy for non-residential construction, or
        iii. Issuance of the final approval for non-construction development, or
        ~~iv. Release of the final development improvement bond,~~
        ~~v.~~iv. The expiration or closure of the development application(s).

19.18.09. Institutional/ Civic Zone Standards.

1. Schools, churches, public facilities, and other uses in the Institutional/ Civic Zone are permitted the following signage.

    a. Primary Building signs.
        i. Number. Each primary building is permitted one building sign.
        ii. Size. The primary building sign shall not exceed fifty square feet or fifteen percent of the façade on which the sign or signs are mounted, whichever is smaller.
        iii. Height. Each primary building sign for single story buildings shall maintain a minimum of eight feet of clearance between the top of the nearest sidewalk or curb and the bottom of the sign; each primary building sign for multiple story buildings shall be mounted no lower than the bottom of the top floor of the building.
    b. Monument signs.
        i. Number.
            i. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.

ii. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.

ii. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.

iii. Height. A monument sign for a single building or use shall not exceed eight feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.

c. Pedestal and Pole signs.

i. Not permitted.

d. Window and Door signs.

i. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.

e. Banner Signs.

i. Banner signs shall only be permitted on a temporary basis.

ii. Banner signs shall not exceed four feet in height and thirty-two square feet in size.

iii. Banner signs shall be placed in a landscaped area or on a structure, and shall not be located within the clear sight triangle identified in Chapter 19.06.

iv. Banner signs shall be limited to a cumulative total of thirty days in a calendar year~~, and shall be posted for a minimum of seven consecutive days per instance~~.

19.18.10. Commercial Zone Sign Standards.

1. Banner Signs in all commercial zones.
   a. Banner signs shall only be permitted on a temporary basis.
   b. Banner signs shall not exceed four feet in height and thirty-two square feet in size.
   c. Banner signs shall be placed in a landscaped area or on a structure, and shall not be located within the clear sight triangle identified in Chapter 19.06.
   d. Banner signs shall be limited to a cumulative total of thirty days in a calendar year~~, and shall be posted for a minimum of seven consecutive days per instance~~.

2. Grand Opening Signs
   a. Within the first year of of obtaining a first business license at a particular location, a business may erect, in addition to permitted permanent signs, otherwise prohibited temporary signage at that location for a single period of time not to exceed forty-five calendar days. Such temporary signage includes banners, streamers, pennants, balloon signs, and wind signs. All temporary signage must be removed at the end of the forty-five day period.

~~2.~~3. Tenant Listing Signs in all commercial zones.
   a. Number. Each building that contains multiple tenants or uses shall be limited to one sign in addition to other allowed wall signage per zone per primary entrance to the building, and each tenant ~~or use~~ shall be limited to one panel.
   b. Size. Each panel shall be limited to a maximum of one square foot.

c. Design. All panels on a tenant listing sign shall be constructed of the same material and be of a consistent shape and size.
d. Location. Each tenant listing sign shall be located on the same façade as the primary entrance, in a location easily visible to persons using the primary entrance.
e. Height. Each tenant listing sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured from the elevation at the entrance of the building to the top of the sign.

~~3.~~4. Signage in the Neighborhood Commercial Zone.

a. Building signs.
    i. See Regional Commercial requirements.
b. Monument signs.
    i. Number.
        1. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
        2. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
    ii. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
    iii. Height. A monument sign for a single building or use shall not exceed ~~eight~~ 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.
c. Pedestal signs.
    i. Not permitted.
d. Awning and Canopy Signs.
    i. Number. One awning or canopy may be used as signage for a tenant, in lieu of a secondary building sign.
    ii. Location and Design. Awning and Canopy signs shall be located on the first floor only, and only awnings or canopies approved as part of the site plan and located above doors or windows may be used for signage. Sign copy is only permitted on the vertical portion of the canopy; no sign copy shall be placed on the roof portion.
    iii. Size. Sign content shall not exceed twenty percent of the awning or canopy on which the sign is located, or fifteen square feet, whichever is less.
    iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the awning or canopy.
e. Projecting and Suspended Signs.
    i. Number. Each street-level tenant is permitted one projecting or suspended sign.
    ii. Location and Design. Signs shall be located above the entrance to the use, shall not extend more than five feet from the wall to which they are attached, shall maintain clearance of six inches between the sign and the wall, and shall be a minimum of thirty feet from the nearest projecting or suspended sign.
    iii. Size. Signs shall not exceed twelve square feet in size.

iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the sign.

f. Window and Door signs.

i. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.

~~4.~~5. Signage in the Regional Commercial zone.

a. Building signs.

i. Number. Each tenant in a building is permitted one primary building sign, and ~~one~~ two secondary signs; buildings or uses that are larger than 50,000 square feet and have more than one primary entrance may have a second primary sign.

ii. Size, primary signage. The primary building signage shall not exceed a cumulative total size equal to fifteen percent of the façade on which the sign or signs are mounted.

iii. Secondary signage. Secondary signage shall not be mounted on the same façade as primary signage, and each secondary sign shall not exceed fifty percent of the size of the tenant's primary sign.

b. Monument signs.

i. Number.

a. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.

b. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.

ii. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.

iii. Height. A monument sign for a single building or use shall not exceed ~~eight~~ 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.

c. Pedestal signs.

i. Number. Developments consisting of more than seven acres shall be permitted one pedestal sign for each major entrance into the development.

ii. Spacing. Pedestal signs must be separated by a minimum distance of 300 feet as measured diagonally across the property, and shall be a minimum of 200 feet from any other ground sign on the same frontage.

iii. Size. The area of the sign face shall not exceed 120 square feet.

iv. Height. The sign shall not exceed twenty feet in height.

d. Awning and Canopy Signs.

i. Number.

a. One awning or canopy attached to a building may be used as signage for a tenant, in lieu of a secondary building sign.

b. Up to two freestanding awnings or canopies may be used for signage.

ii. Location and Design.

a. Building Awning and Canopy signs shall be located on the first floor only, and only awnings or canopies approved as part of the site plan and located above doors or windows may be used for signage.
b. Signage shall only be permitted on freestanding awnings and canopies when such structures and signage are approved as part of a site plan.
c. Sign copy is only permitted on the vertical portion of the canopy; no sign copy shall be placed on the roof portion.

iii. Size.
a. Building Awning and Canopy Signs: sign content shall not exceed twenty percent of the awning or canopy on which the sign is located, or fifteen square feet, whichever is less.
b. Freestanding awnings or canopies: sign content shall not exceed ten percent of the freestanding awning or canopy on which the sign is located, or fifteen square feet, whichever is less.

iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the awning or canopy.

e. Projecting and Suspended Signs.
i. Number. Each street-level tenant is permitted one projecting or suspended sign.
ii. Location and Design. Signs shall be located above the entrance to the business, shall not extend more than five feet from the wall to which they are attached, shall maintain clearance of six inches between the sign and the wall, and shall be a minimum of thirty feet from the nearest projecting or suspended sign.
iii. Size. Signs shall not exceed twelve square feet in size.
iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the sign.

f. Window and Door signs.
i. Sign content shall not exceed twenty percent of the window or door on which the sign is located.

~~5.~~6. Signage in the Office Warehouse and Business Park Zones.

a. Primary Building signs.
i. Number. Each building is permitted one primary building sign.
ii. Size. The primary building sign shall not exceed fifty square feet or fifteen percent of the façade on which the sign or signs are mounted, whichever is smaller.
iii. Height. Each primary building sign for single story buildings shall maintain a minimum of eight feet of clearance between the top of the nearest sidewalk or curb and the bottom of the sign; each primary building sign for multiple story buildings shall be mounted no lower than the bottom of the top floor of the building.

b. Ancillary Building signs.
i. Number. Ancillary uses within a building are permitted one building sign each, with a cumulative maximum of two such signs per any one elevation.
ii. Size. The area of the sign shall not exceed twenty-four square feet.
iii. Location. The sign shall be mounted by the nearest entrance leading to the ancillary use.

iv. Height. The sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured to the top of the sign.

c. Monument signs.
   i. Number.
      i. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
      ii. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
   i. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
   ii. Height. A monument sign for a single building or use shall not exceed ~~eight~~ 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.

d. Pedestal signs.
   i. Number. Developments consisting of more than seven acres shall be permitted one pedestal sign for each major entrance into the development.
   ii. Spacing. Pedestal signs must be separated by a minimum distance of 300 feet, as measured diagonally across the property.
   iii. Size. The area of the sign face shall not exceed 120 square feet.
   iv. Height. A pedestal sign shall not exceed twenty feet in height.

e. Window and Door signs.
   i. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.

19.18.11. Industrial Zone Signage.

1. Primary Building signs.
   a. Number. Each building is permitted one primary building sign.
   b. Size. The primary building sign shall not exceed fifty square feet or fifteen percent of the façade on which the sign or signs are mounted, whichever is smaller.
   c. Height. Each primary building sign for single story buildings shall maintain a minimum of eight feet of clearance between the top of the nearest sidewalk or curb and the bottom of the sign; each primary building sign for multiple story buildings shall be mounted no lower than the bottom of the top floor of the building.
2. Tenant Listing Sign.
   a. Number. Each building that contains multiple tenants or uses shall be limited to one sign per primary entrance to the building, and each tenant or use shall be limited to one panel.
   b. Design. All panels on a tenant listing sign shall be constructed of the same material and be of a consistent shape and size.
   c. Size. Each panel shall be limited to a maximum of one square foot.
   d. Location. Each tenant listing sign shall be located on the same façade as the primary entrance, in a location easily visible to persons using the primary entrance.

e. Height. Each tenant listing sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured from the elevation at the entrance of the building to the top of the sign.

3. Monument signs.
   a. Number.
      i. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
      ii. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
   b. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
   c. Height. A monument sign for a single building or use shall not exceed ~~eight~~ 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.
4. Pedestal signs.
   a. Not permitted.
5. Window and Door signs.
   a. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.

19.18.12. Mixed Use and Mixed Waterfront Zone Signage.

1. Signage for commercial uses shall comply with the standards for signage in the Neighborhood Commercial zone.
2. Signage for residential uses shall comply with the standards for signage in the residential zones.

19.18.13. Permit Process.

1. **Temporary Signs.** Temporary signs allowed in this chapter shall follow the permit process below:
   a. **Application.** An application shall be submitted to the Planning Director.
      i. The application shall contain:
         1. Application form.
         2. Application fee.
         3. Signature of property owner or manager, or a letter of consent from the property owner or manager.
         4. Scaled drawings of all proposed signage. Drawings must indicate dimensions, sizes, materials, and colors.
         5. Scaled site plan showing the location of proposed signage on the site.
         6. Scaled elevations showing the location of proposed signage on any building or structure.
   b. **Review.** The Planning Director shall review the application for compliance with the standards in this Chapter and other applicable ordinances.
      i. The Planning Director may approve, approve with conditions, table the decision for additional information from the applicant, or deny the application.

c. **Approval.** All approved temporary signs shall be demarcated with a temporary sticker, provided by the City, in the bottom right-hand corner of the sign.

2. **Permanent signs.** Permanent signs allowed in this chapter shall follow the permit process below:
    d. **Application.** An application shall be submitted to the Planning Director.
        i. The application shall contain:
            1. Application form.
            2. Application fee.
            3. Signature of the property owner or manager, or a letter of consent from the property owner or.
            4. Scaled drawings of all proposed signage. Drawings must indicate proposed dimensions and sizes, materials, method of illumination, colors, and any other pertinent information.
            5. Scaled site plan showing the location of all proposed signage on the site.
            6. Scaled elevations showing the location of proposed signage on any building or structure.
    e. **Review.** The Planning Director shall review the application for compliance with the standards in this chapter and other applicable ordinances.
        i. The Planning Director may approve, approve with conditions, table the decision for additional information from the applicant, or deny the application.

19.18.12. Nonconforming Signs

1. **Removal of nonconforming signs.** In order to minimize confusion and unfair competitive disadvantage to those businesses that are required to satisfy the requirements of this Chapter, the City intends to regulate existing nonconforming signs with a view to their eventual elimination.

2. **Maintenance.** Excluding normal maintenance, repair, or removal, a nonconforming sign shall not be moved, altered (including face and structural changes), or enlarged unless it is brought into complete compliance with this Chapter. The following alterations are exempt from this provision:
    a. Content changes to a previously approved sign.