



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** September 3, 2024

**AGENDA ITEM:** Code Text Amendment of Chapter 16.21 Signs

### **ITEM: 7**

**Ordinance 2024-14 / Signs - Discuss and possibly deny, continue, or adopt Ordinance 2024-14 amending Chapter 16.21 (Signs) of the Midway Municipal Code regarding signs. Recommended for adoption with conditions by the Midway City Planning Commission. Scheduled for Public Hearing.**

### **BACKGROUND:**

Midway City is proposing a code text amendment that would amend the sign code in the Midway Municipal Code. The proposed changes would update and clarify provisions in Chapter 16.21 of the Midway Land Use Code regarding signage, design guidelines, standards, and regulations in all commercial, resort, and residential zones.

Signs in Midway are governed under Chapter 16.21 of the Midway City Code. This Chapter defines various types of signs and outlines design requirements, dimensions, styles, permitted uses, non-permitted uses, event signs, pole banners, etc. The City last revised this section of code in 2013. With the growth in Midway and changes in technology, many of the Code provisions have become outdated or too vague to address current questions and issues. Planning Staff receives voluminous inquiries regarding signs. Ambiguities in the current code negatively affect enforcement. Given the above, Staff have spent several months reviewing and overhauling the sign code. It is our intent to provide a Sign Code which better reflects the vision of Midway City, provides more

information and examples to residents and business-owners, and facilitates consistency in signs and enforcement.

The proposed text amendment provides greatly expanded definitions and examples and revises every section of the existing sign code. The following is a synopsis of the most significant proposed amendments.

## **ANALYSIS:**

16.21.010 The first proposed change is to simplify the “Purpose” section of the Chapter to: *To establish regulations applicable to all signs in Midway.* The present language (i.e., “*to create signs that are interesting and tastefully designed and that will inform, stimulate interest, and identify the business...*”) contains subjective language. Our intent in the revised code is to simplify and remove vagueness, subjectivity, and ambiguity where possible.

16.21.40 Prohibited Signs. We have added a section listing prohibited signs and placed it early in the Chapter so potential applicants may easily learn what signs are impermissible in Midway. Categories of Prohibited Signs include the following:

1. Animated Signs.
2. Audible Signs.
3. Awning Signs.
4. Banners, except as approved in conjunction with a Special Event Permit issued by the City, or approved for display on a City light standard, or as otherwise authorized under the Code (e.g., Temporary Construction Banners, Temporary Sale Banners, etc.).
5. Bench Signs.
6. Billboards.
7. Cabinet Signs.
8. Canopy Signs.
9. Electronic Message Signs, except signs owned or operated by the City for public safety purposes.
10. Feather Flags.
11. Flashing Signs and any lights that flash or move.
12. Fluorescent Signs.
13. Home Occupation Signs.
14. Illuminated: Backlit, interior lit, side lit, edge lit, and shadow lighting signs are not allowed in any zone.
15. Inflatable Signs.
16. Neon and/or Luminous Tube Signs (with the exception of non-animated, interior “open” and “closed” signs which otherwise comply with the Code).
17. Off-premises Signs.
18. Pennants.
19. Plastic Signs, Plexiglass Signs, Flat Signs (i.e., signs with no depth).

20. Portable Signs (includes A-frames).
21. Pole Signs.
22. Projected Signs.
23. Reflective signs, surfaces, and reflective colored materials that give the appearance of changing colors.
24. Right-of-way. No signs shall be placed in the public right-of-way.
25. Roof Signs.
26. Signs which violate the Clear View Triangle.
27. Searchlights and/or spotlights.
28. Vacancy Signs.
29. Vehicle signs advertising off-premises events.
30. Wind Signs.

16.21.050 The proposed Amended Chapter 21 contains a greatly expanded definitions section. Set forth below is the proposed definition of decorative sign. To avoid confusion and debate, we have added to this definition depth and material requirements.

A. Decorative Sign. A permanent sign **that has depth (i.e., incorporates elements such as raised lettering or engraved/carved/routed lettering)**. Permanent signs and sign frames are made of the following materials and subject to the following specifications (\*)(\*\*):

1. Wood or simulated wood (carved or routed and **then painted or left unpainted**). **Since these signs inherently have depth, they are subject to all specifications set forth below except specific letter depths. Please note: burning and/or charring does not meet this depth requirement.**
2. Wood or simulated wood **products** with mounted wood or metal letters. **This does not include using pictures, printed vinyl, or other “sticker-like” methods of making metal or other materials look like wood.**
3. Wood or metal letters attached directly to the outside wall of a commercial building.
4. Rock or stone. Boulders with engraved or metal lettering or stones set in mortar, combined with wood or metal.
5. Metal – decorative (containing an element of wrought iron, brass, steel, copper or other metal ornamentation). **Flat metal signs and/or backing for signs and letters is not permitted.**
6. Architectural signs that make use of statuary, fountains, and old world/Swiss-European architectural elements.

7. Painted Stucco and/or signs painted on the exterior of the building in a European fashion (are subject to all requirements except letter depth).
8. A combination of the above.

(\*) Signs and letters shall conform to the following specifications:

1. Sign area greater than or equal to 20 square feet requires a minimum letter depth of two (2) inches.
2. Sign area greater than or equal to 10 square feet and less than 20 square feet requires a minimum letter depth of one (1) inch.
3. Sign area less than 10 square feet requires a minimum letter depth of one-half inch.
4. No single letter may exceed two feet in height and/or two feet in width.
5. No web addresses, phone numbers, hashtags, QR codes, or similar information shall be displayed on signs. Exceptions: QR codes are permitted on Menu Signs, Temporary Construction Banners, Historical Markers, Trail Signs, and City Signs.

(\*\*) Not permitted:

1. Sheet metal, painted or unpainted.
2. Metal Signs with cutout letters.
3. Plastic.

#### 16.21.060 Pre-Application Conference:

While not required, we are recommending adding a section encouraging applicants to have a pre-application conference with staff to acquaint the applicant with Sign Code procedures, requirements, design standards, and related City ordinances.

#### 16.21.070 Sign Standards and Regulations.

Staff is recommending two significant changes concerning computation of sign area.

Sign Area Definition: The first revision is a change to the definition of sign area. The present sign code defines sign area as the space around letters and words. Staff is recommending revising this definition as follows:

*“Sign Area. The entire area within any type of perimeter or border that may enclose the outer limits of any writing, logo, design, representation, emblem, figure, background or*

*character, exclusive of the supporting framework. Back to back sign faces must be parallel to be counted as one sign.”*

Sign Area Calculation: Staff is proposing a new manner of computing allowable sign area which will be proportional to the size of the building. While the computation may appear daunting, the benefit is that signs will be proportional to the size of the building and owners will have the option to choose how best to allocate their sign area allocation.

The new proposed language is as follows:

**A. Sign Area**

The allowed sign area for all decorative signs (monument, wall, hanging, and projecting) is calculated based on the following formula: The total area of the front building elevation (including the roof shown on the front elevation) and an adjoining side building elevation (including the roof shown on the side elevation), divided by two, then multiplied by 0.04 (4%). If there is a zero-lot line between parcels and buildings are connected on both sides of the subject property, the cross-section of the building at either side lot line will be the area calculated for the side elevation.

Properties with a single business are allowed a maximum of two decorative signs on interior lots and a maximum of three decorative signs are allowed on corner lots. The maximum size sign is listed below:

- The maximum sign area for a monument sign is 24 square feet.
- The maximum sign area for a wall sign is 24 square feet.
- The maximum sign area for a hanging sign is six square feet.
- The maximum sign area for a projecting sign is six square feet.

Parcels, lots, or commercial planned unit development plats with multiple businesses are allowed one shared monument sign (two if on a corner). The size of the shared monument sign is based on the number of businesses on the parcel, lot, or commercial planned unit development. A parcel, lot, or commercial planned unit development with 1-4 businesses may have a maximum 24 square foot shared monument sign, 5-8 businesses may have a maximum 32 square foot shared monument sign, and 8+ businesses may have a maximum 40 square foot shared monument sign. Also, each business may have its own wall sign or hanging sign or projecting sign as described below.

- The maximum sign area for a wall sign is 16 square feet.
- The maximum sign area for a hanging sign is six square feet.
- The maximum sign area for a projecting sign is six square feet.

If a parcel, lot, or commercial planned unit development has over 600’ of frontage along one road, then two monument signs are allowed based on the previously explained sizes and numbers of businesses. The monument signs must be at least 400’ apart when two are

permitted for a parcel, lot or commercial planned unit development. Wall signs or hanging signs or projecting signs cannot be within ten feet of another wall sign or hanging sign or projecting sign unless the sign is located at the direct door access to the business and not a door that accesses multiple businesses.

**Example (single business):**

For example: A building has a front elevation that is 60 feet wide and 20 feet tall, and a side elevation that is 50 feet wide and 20 feet tall.  $(60 \times 20 = 1200) + (50 \times 20 = 1000) = 2200$ .  $2200/2 = 1100$ .  $1100 \times 0.04 = 44$

Based on the above example, the business would have a total of 44 square feet of permitted sign area that could be divided among the allowed monument, wall, hanging, and projecting signs for the business.

For the above example in which the allowable sign area is 44 square feet, a business on a lot with one frontage could decide to have a 24 square foot monument sign and a 20 square foot wall sign.

Another option for the above example in which the allowable sign area is 44 square feet, a business on a lot with one frontage could decide to have a 24 square foot monument sign and a six square foot projecting sign (in this example some of the allowable sign area square footage cannot be used because only two signs are allowed and both are at the maximum allowed sign area).

Another example is for a business on a corner lot or a lot with two frontages with the allowable sign area of 44 square feet, a business could decide to have a 24 square foot monument sign on one frontage, an eight square foot monument sign on the other frontage, and a 12 square foot wall sign on one elevation of the building.

**Example (multiple businesses in one building):**

For example: An interior lot contains two buildings with a separate business in each building. A 24 square foot monument sign is allowed to be shared between the two businesses. Also, each business may have a sign on the structure where the business is located. The sign could be only one of the following:

- A wall sign that is a maximum of 16 square feet.
- A hanging sign that is a maximum of six square feet.
- A projecting sign that is a maximum of six square feet.

Another example is two businesses, in two separate structures, are located on a corner lot or a lot with two frontages. Two 24 square foot monument signs are allowed to be shared between the two businesses, one monument sign is allowed to be located on each frontage and the signs shall be located a minimum of 50' apart. Also, each business may

have a sign on the structure where the business is located. The sign could be only one of the following:

- A wall sign that is a maximum of 16 square feet.
- A hanging sign that is a maximum of six square feet.
- A projecting sign that is a maximum of six square feet.

**Example (multiple businesses in multiple buildings):**

For example: An interior lot contains two buildings with a separate business in each building. A 24 square foot monument sign is allowed to be shared between the two businesses. Also, each business may have a sign on the structure where the business is located. The sign could be only one of the following:

- A wall sign that is a maximum of 16 square feet.
- A hanging sign that is a maximum of six square feet.
- A projecting sign that is a maximum of six square feet.

Another example is two businesses, in two separate structures, are located on a corner lot or a lot with two frontages. Two 24 square foot monument signs are allowed to be shared between the two businesses, one monument sign is allowed to be located on each frontage and the signs shall be located a minimum of 50' apart. Also, each business may have a sign on the structure where the business is located. The sign could be only one of the following:

- A wall sign that is a maximum of 16 square feet.
- A hanging sign that is a maximum of six square feet.
- A projecting sign that is a maximum of six square feet.

and is not subtracted from the 44 square feet allowed for the structure, two 24 square foot signs are allowed if on a corner lot). The second building could have a total of 36 square feet (78 square feet is the calculated total but because of the maximum sign area limitation of each sign, 36 square feet is the maximum allowed) of permitted sign area that could be divided among the allowed wall, and projecting signs for the business.

For the above example in which the allowable sign area is 36 square feet per building, property with one frontage could decide to have a 24 square foot shared or not shared monument sign (not subtracted from the 44 square feet of total allowed sign area), all four businesses could have 12 square foot wall signs, all businesses could have two square foot projecting signs, and all businesses could have four square foot wall signs.

Another example for four businesses, in two buildings, on a corner lot or a lot with two frontages with the allowable sign area of 36 square feet per business, a lot could decide to have a 24 square foot shared or not shared monument sign on one frontage and a 24 square foot shared or not shared monument sign on the other frontage (not subtracted from the 36 square feet of total allowed sign area per business) all four businesses could

have 12 square foot wall signs, all businesses could have two square foot projecting signs, and all businesses could have four square foot wall signs.

The new sign code reduces the maximum sign area for a monument sign to 24 square feet from 32. It reduces the height of monument signs from 8 feet to 6 feet but authorizes up to 2' additional height for decorative elements. Hanging and projecting signs are limited to an area of 6 square feet.

#### 16.21.140 Temporary Event Signs

This section has been completely redrafted to conform with City practices.

#### 16.21.150 Street Pole Banners

This Section has been completely reworked to conform with City practices.

#### 16.21.160

We have added a separate, stand-alone section for enforcement.

*Illegally placed signs on public property or public rights-of-way are subject to immediate removal and subject to fines and retrieval fees as approved by the City Council (fee schedule). With reasonable notice to the owner, illegally placed signs on private property are subject to removal and subject to fines and retrieval fees as approved by the City Council (fee schedule). Any sign retrieved by the City will be held in the City Planning Offices for a period of fifteen (15) days from the date of retrieval. If not retrieved within fifteen (15) days, the City may and will discard the sign.*

*Any person who erects, installs, alters or relocates a sign that requires a permit under this Code and who fails to obtain an approved permit before installing the sign shall be guilty of a Class C misdemeanor and subject to fines and retrieval fees as approved by City Council (fee schedule).*

#### **NOTICING:**

As required by State and local ordinance this item was noticed for two weeks in the Wasatch Wave and on the State website. Notice was also posted in three public locations in the City.



## **PLANNING COMMISSION RECOMMENDATION:**

At its regularly scheduled meeting on August 13, 2024, the Planning Commission reviewed the proposed amended sign ordinance and made the following recommendation:

**Motion:** Commissioner Garland: I am comfortable with making a recommendation that we recommend the changes to the sign ordinance as presented tonight with the possible findings that staff has recommended understanding that this is not a be all end all of every little thing and that we will have an opportunity at some point in the future to reconsider things as they come up. I would like to add the caveat that the enforcement date be no sooner than January 1, 2025, allowing staff to make the proper notification.

**Seconded:** Commissioner Osborne

**Commissioner Nicholas:** Any discussion?

**Commissioner Nicholas:** Let's take a roll call.

**Ayes:** Commissioners: Garland, Nokes, Osborne, Wardle, Lineback, Miles

**Nays:** None

**Motion:** Passed

## **POSSIBLE FINDINGS:**

- The proposed changes help better promote the vision of Midway as described in the General Plan as a small town with an old European and Swiss character.
- The proposed amendments to the Midway City Sign Code significantly expand the scope of definitions and provide practical examples to better assist applicants in understanding what is permissible under the Sign Code.
- The proposed amendments to the Midway City Sign Code utilize formulas for calculating allowable sign area to promote fairness and consistency in application. Additionally, sign area under the proposed amendments is proportional to building size so that larger buildings are not disadvantaged relative to smaller buildings with respect to sign area.
- The proposed amendments to the Midway City Sign Code reduce the use of vague and subjective terms to improve consistency in application.
- The proposed amendments to the Midway City Sign Code promote communication between applicants and staff and provide more specific guidance to applicants and staff to aid the application process.
- The proposed amendments to the Midway City Sign Code improve specificity and explanation of process to improve accessibility, streamline process, and improve fairness and consistency in enforcement. Revision essentially provides the City with a “reset” in its sign code.

## **ALTERNATIVE ACTIONS:**

1. Approval (conditional). This action can be taken if the City Council the application complies with the requirements of the code and any conditions will mitigate identified issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
  
2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
  
3. Denial. This action can be taken if the City Council finds that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial
  
4. Refer the application to the Planning Commission for recommendation.

## **RECOMMENDED CONDITIONS:**

The Planning Commission recommended immediate enactment of the amended Sign Code but recommended that enforcement under the new code be delayed until January 1, 2025.