



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** August 13, 2024

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

### **ITEM: 2**

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.

- a. Discussion of the proposed ordinance
- b. Public Hearing
- c. Possible recommendation to the City Council

### **BACKGROUND:**

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 With the growth in Midway and changes in technology, many of the Code provisions have become outdated or too vague to address current questions and issues.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.



## PROPOSED 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. Recommendation for approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City’s Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  
2. Continuance. This action can be taken if the Planning Commission 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. Recommendation for Denial. This action can be taken if the Planning Commission finds that the proposed language is not an acceptable amendment to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

## CHAPTER 16.21 SIGNS

**Section 16.21.010 Purpose**

**Section 16.21.020 Vision Architectural Committee**

**Section 16.21.030 Permits Required**

**Section 16.21.040 Prohibited Signs**

**Section 16.21.050 Definitions**

**Section 16.21.060 Pre-application Conference**

**Section 16.21.070 Permit Application**

**Section 16.21.080 Sign Standards and Regulations**

**Section 16.21.090 Abatement of Unsafe, Abandoned or Obsolete Signs**

**Section 16.21.100 Non-conforming Signs**

**Section 16.21.110 Temporary Development Signs and Model Home Signs**

**Section 16.21.120 Real Estate for Sale, Rent, Lease and Open House Signs**

**Section 16.21.130 Designs Guidelines**

**Section 16.21.140 Temporary Event Signs**

**Section 16.21.150 Street Pole Banners**

**Section 16.21.160 Enforcement**

### **16.21.010 Purpose**

To establish regulations applicable to all signs in Midway.

### **16.21.020 Vision Architectural Committee**

The Visual Architectural Committee (VAC) and Planning Staff are responsible for reviewing sign permit applications and making recommendations to foster compliance with the City's architectural guidelines and standards. Prior to a permanent sign being approved for location or appearance, a recommendation shall be requested from the Vision Architectural Committee (VAC), when required under this Chapter, however, decision-making authority on sign permit applications rests with the Planning Director. In review of signage, the VAC shall make its recommendations and evaluations based upon conformance with this Code. The following regulations shall apply to all signs in Midway installed after the approval date of this Chapter.

## 16.21.030 Permits Required

No person shall erect, install, alter, or relocate any permanent or temporary sign within Midway without first submitting a sign application and receiving approval of the sign permit from the City, unless the sign is exempt under this Code. .

## 16.21.040 Prohibited Signs:

A. Categories of Prohibited Signs: Unless specifically allowed in this chapter, it shall be unlawful to erect or maintain 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.

B. Signs Affixed to Public Property: No person shall staple, tape, paste, post or otherwise affix any handbill, sticker, poster, drawing or sign to, or otherwise paint, mark, draw or write on any public building, structure, vehicle or other property.

#### **16.21.050 Definitions**

For the general purpose of this Chapter, certain abbreviations, terms, phrases and their derivatives shall be construed as specified herein.

- A. **Alteration**: Any change to the sign area, copy, content, materials, structure, size, location or lighting of an existing sign.
- B. **Art**: Any visual work of art that is accessible to public view, is intended for enjoyment by the public, and does not contain advertising. Art may include, but is not limited to, ceramics, frescoes, fountains, monuments, murals, paintings, sculpture, or stained glass. Art is not considered a sign.
- C. **Banner**. Any temporary sign of fabric, plastic or similar material intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations of any kind. National flags, flags of political subdivisions or other public entity shall not be considered banners for the purpose of this Chapter. Refer to definition of Flag.

D. Billboard. A sign, regardless of type or size, that has, or may have, a changeable face or faces, illuminated, electronic or otherwise, and said face or faces are leased for advertising business, services, entertainment, and so forth which is conducted or sold elsewhere than on the premises on which the sign is located.

E. Building Face or Wall: All window and wall area of a building on one elevation.

F. Canopy: A roofed structure constructed of fabric or other material that extends outward from a building, generally providing a protective shield for doors, windows, and other openings, supported by the building and supports extended to the ground directly under the canopy or cantilevered from the building.

G. Center (Business, Commercial, or Industrial). A group of **two** or more businesses associated by common agreement or under common ownership which comprises a land parcel unit with common parking facilities.

H. Clear view triangle. The area at a driveway and/or street intersection outside of which signs or other structures must be placed. It is measured from the right-of-way intersection corner of the subject property a distance of forty-five (45) feet in both directions, and then connected as a triangle.

I. 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 Constructions Banners, Historical Makers, Trail Signs, and City Signs.

(\*\*) Not permitted:

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

- J. Dedication Plaques. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tables and the like when carved in stone, concrete, metal, or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
- K. Handbill. A paper, sticker, flyer, poster, pamphlet, or other type of medium typically distributed by hand.
- L. Feather Flag. A temporary sign made of flexible material intended to be inserted directly into the ground or into a mounting device that sits on the ground, often with a feather-like shape. Feather flags may also be known as blade flags, sail flags, quill flags, teardrop flags, flutter flags, etc.
- M. Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.
- N. Grade: The ground surface elevation of a site or parcel of land.
1. Grade, Natural: The grade of land prior to any development activity or any other man-made disturbance or grading.
  2. Grade, Final: The finished or resulting grade where earth meets the building or sign after completion of development activity or manmade disturbance or grading.
- O. Maintenance. The repairing or repainting of a decorative sign in its current form, which does not exceed 50 per cent of the total replacement value of the sign or sign structure as determined by the Planning Director. Maintenance includes cleaning, painting, repair, or replacement of worn or defective parts of a sign. Maintenance does not include changes to the sign area, text, copy, logo, materials, structure, size, location, lighting or other design changes including, but not limited to, changes reflecting ownership or name changes.
- P. Pennant. Any plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.
- Q. Sign. Any identification, description, illustration, object or device, or part thereof, which is affixed directly or indirectly upon a building, structure or land,



which is used to advertise, identify, display, or otherwise direct attention to an object, product, place, activity, event, idea, location, service, person, institution, organization or business. Includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to attract attention. All signs in Midway shall be decorative signs, as defined in this title. "Sign" also includes, but is in no way limited to, the following categories:

1. Sign, Abandoned: Any sign applicable to a use which has been discontinued for a period of at least three months.
2. Sign, Animated: The movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment including the movement of any illumination or the flashing, flickering, or varying of light intensity. The automatic changing of all or any part of the facing of a sign or any sign or part of a sign set in motion by movement of the atmosphere shall be considered to be animation under this Chapter. This includes, but is not limited to televisions, monitors, and projections on a screen or other surface.
3. Sign, Audible: A sign that projects sound or is heard or capable of being heard.
4. Sign, Awning: Any sign painted on or attached to an awning.
5. Sign, Bench: A sign placed in any manner on an outdoor bench or other outdoor furniture.
6. Sign, Building-mounted: A sign directly mounted to a building. Building-mounted signs shall include parapet, projecting and wall mounted signs.
7. Sign, Business Identification: A permanent sign which identifies only the name, logo, and/or address of a commercial use.
8. Sign, Cabinet: A sign that consists of a frame covered by translucent material. The entire structure is one unit. Does not include changeable copy signs.
9. Sign, Canopy: Any sign painted on or attached to a canopy.

10. Sign, Changeable Copy: A sign that displays graphics and/or a message that can be easily programmed, changed or altered.
11. Sign, Development Entrance Sign (Commercial): A permanent sign erected at the entrance(s) of a commercial development.
12. Sign, Development Entrance Sign (Residential): A permanent sign erected at the entrance(s) of a residential development
13. Sign, Directional: A sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed and which contains no logo or advertising.
14. Sign, Electronic: Signs using electricity or other power source in any manner including, but not limited to, window, wall, or other signs that change messages through a marquee, reader board, electronic center, or other replaceable copy area.
15. Sign, Entrance/Exit: A sign that facilitates vehicle or pedestrian traffic into and out of a site by designating the entrance or exit to the premises (e.g., “enter” and “exit”) and which contains no logo or advertising.
16. Sign, Flashing: A sign that contains an intermittent or flashing light source, or a sign that includes the illusion of intermittent or flashing light by means of animation or an intermittent light source.
17. Sign, Freestanding: A sign that is supported by one or more uprights or braces which are fastened to or embedded in the ground, or a foundation in the ground, and not attached to any building or structure or any supporting elements of any building or structure.
18. Sign, Garage Sale: A temporary sign that announces a garage sale, yard sale, estate sale, or similar event.
19. Sign, Governmental: A sign required by law or sign of a duly constituted governmental body.

20. Sign, Grand Opening: Sign or banner used to announce the opening of a new business.
21. Sign, Hanging: A sign attached underneath a canopy, awning, overhang or colonnade and hanging parallel to the building face.
22. Sign, Historic: A sign that by its construction materials, age, location, unique design, or craftsmanship, provides historic character, individuality, and/or sense of identity to a site or building's history.
23. Sign, Hours of Operation: A sign that displays the hours during which a building's commercial occupant serves the public.
24. Sign, Illuminated: A sign whose surface is lighted internally (backlit), externally from the back (shadow lighting), externally from the front (front lit), side lit and/or edge lit.
25. Sign, Incidental: A sign, generally informational, which has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
26. Sign, Inflatable: Any nonporous bag, balloon or other object inflated by any means and used as a sign or for promotion purposes and/or designed to draw attention to a commercial business.
27. Sign, Integral: A sign that is constructed as an integral part of a building, such as a cornerstone or similar sign integrated into the face of a building.
28. Sign, Interior: A sign placed within a building or a project area that does not contain characteristics of an advertising sign and is not easily visible from a public right-of-way, private street easement, or similar public view.
29. Sign, Luminous tube: A sign that is outlined by or which has characters, letters, figures or designs that are illuminated by gas-filled luminous tubes, such as neon, argon, etc.

30. Sign, Menu Board: A sign for drive-in, walk-up, and/or drive-thru eateries which lists those items available at the premises. Menu Boards are limited to a maximum size of sixteen (16) square feet and maximum font size of one inch. QR codes are allowed on Menu Boards. Menu boards are distinguishable from Menu Displays.
31. Sign, Menu Display: Display of a hand-held menu at or near a restaurant entrance for review by potential diners. QR codes may be incorporated into the menu displayed.
32. Sign, Monument or Ground: A freestanding sign whose sign face is supported by a base or by an upright or uprights, brace or braces placed upon the ground and detached from any building, accessory building, and/or any supporting elements thereof.
33. Sign, Municipal Identification: A sign designed specifically for the purpose of notifying motorists of Midway City's municipal boundary and/or welcoming them to Midway City.
34. Sign, Non-conforming (Legal). Signs which lawfully existed within the City of Midway prior to the effective date of this Chapter but which do not comply with the current requirements of this Chapter and which uninterruptedly continue to exist and advertise the same business name past the effective date of this Chapter in a state of non-compliance.
35. Sign, Off-Premises: A sign which directs attention to a business, commodity, service, entertainment, attraction or product not related to uses on the premises where the sign is located.
36. Sign, On-Premises: A sign which directs attention to a business, commodity, service, entertainment, attraction or product on the premises on which the sign is located.
37. Sign, Open House: A temporary on-premises or off-premises sign to indicate that a particular property is open for viewing by the public.
38. Sign, Permanent: A permitted sign that has been reviewed by the VAC (if required under this Chapter) and approved by the Planning Director. The sign is permanently attached to a building or to the ground.

39. Sign, Pole: A freestanding sign over six feet in height that is supported by one upright pole and is not attached to or braced by any other structure.
40. Sign, Political: A temporary sign which supports the candidacy of any candidate for public office or urges action of any other matter on the ballot of primary, general or special elections.
41. Sign, Portable: A sign designed to be movable from one location to another and is not permanently attached to the ground or any building or structure. This includes, but is not limited to, portable A-frame type signs.
42. Sign, Projecting. A sign attached or suspended perpendicularly to/from a building wall and projecting outward more than six inches from the building face or wall at a right angle to the building. This includes blade signs and projecting hanging signs.
43. Sign, Projected: A sign that is formed by light projected onto a surface or uses a beam of light to project a visual image or message onto a surface.
44. Sign, Public Utility: Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, gas lines, water lines or underground cables.
45. Sign, Real Estate for Sale, Rent or Lease: An on-site temporary sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed.
46. Sign, Roof: A sign erected or painted upon or above the roof or parapet of a building; any sign supported by the roof structure.
47. Sign, Temporary Development Banner: a temporary sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other similar material, attached to temporary fencing at construction site(s).
48. Sign, Temporary Development/Model Home Sign: A non-illuminated, temporary sign erected upon a parcel to designate future occupancy by a business, development or other concern designated thereon.

49. Sign, Temporary Event: A sign, other than a commercial sign, posted to advertise a community event or series of events sponsored by a public agency, school, church, civic, fraternal organization, or similar noncommercial, not-for-profit organization.

50. Sign, Umbrella: A sign painted on or attached to an umbrella, including name brands and symbols.

51. Sign, Vacancy: A sign which advertises the current availability for occupation of a nightly rental.

52. Sign, Vehicle: Any sign, logo, identification, description, illustration, symbol, device or advertisement placed, painted, attached, affixed or displayed, directly or indirectly, upon a truck, bus, car, boat, trailer or other vehicle which identifies or directs attention to a product, place, activity, service, person, institution or business.

53. Sign, Wall: A sign mounted flat against a wall and projecting less than six inches from the wall or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of said wall.

54. Sign, Wind: A sign consisting of and/or including any propeller, spinners, flags, banners, pennants, ribbons, whirling or similar device that is designed to flutter, rotate, or display other movement under the influence of the wind.

55. Sign, Window: Any sign, picture, symbol, or combination thereof designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes and visible from the exterior of the window.

56. Sign, Yard: A temporary non-commercial sign.

R. 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.

- S. Sign Copy: The words, letters, numbers, figures, graphics, designs, symbols, logos, projections, images, colors, color differentiation, background orientation, or other graphic elements comprising the content of a sign.
- T. Sign Height. The greatest distance, measured vertically plumb, between the elevation of the highest point of the sign and the existing grade directly below that point. Maximum sign height is measured from natural grade.
- U. Sign Projection: The distance measured horizontally from the face of a building to the outer edge of the sign structure.
- V. Sign Structure. The supports and framework of the sign.
- W. Street Pole Banner. A banner that is temporarily installed on select City light poles.
- X. Temporary Detached Sale Promotion Signs or Banners. A detached sign or banner that is temporarily displayed to identify or describe a promotional item or effort.

#### **16.21.060 Pre-Application Conference**

Prior to the submittal of a sign permit application, a pre-application conference with the Planning Department is encouraged to acquaint the applicant with Sign Code procedures, requirements, design standards, and related City ordinances.

#### **16.21.070 Permit Application**

- A. Applications for sign permits shall be made by the owner and/or tenant of the property on which the sign is to be located, or his/her/their authorized agent. Such application shall be made in writing on form(s) approved by the City. Only fully completed applications shall be accepted by the City for review. If anyone other than the owner of the property is applying for a sign, the applicant shall include either the owner's signature on the application or correspondence from the owner (e.g., letter, email, etc.) acknowledging the application.

B. Permits shall be reviewed and processed in accordance with this Chapter.

C. The application for a sign permit shall be accompanied by the following plans and information. A receipt of an application shall not preclude the City from requesting additional information if required or if a change in the proposed sign occurs.

1. The names, addresses, email addresses, and telephone numbers of the owner, applicant, and the sign contractor.
2. The location by street address of the proposed sign/sign structure.
3. A drawing depicting the following:
  - a. Accurately colored drawing to scale, appropriate for showing all details of the sign, including: all lettering styles, designs, placement, mounting structures, location, height, width and supports. Such drawing will be an accurate “mock-up” graphic representation;
  - b. An accurately scaled drawing(s) of all building faces to be signed as well as all building faces to be used in calculating sign area, including: building dimensions, the scaled and dimensional outlines of all existing and proposed signs;
  - c. An accurately scaled site plan showing the location of building(s), street(s) and sign(s) in the case of freestanding signs;
  - d. Accurate color representation or color chips;
  - e. Any existing and proposed sign lighting identifying the location and fixture type of all lighting of proposed signs, including the wattage and bulb style. Lighting fixtures shall be similar in style and shall direct all light onto the sign surface. If the sign uses electrical wiring and connections, a licensed electrician must submit an electrical permit application to the Building Department. This application and its review is separate from the sign permit application. All lighting shall be compliant with the Midway City Code.

### **16.21.80 Sign Standards and Regulations**

To further the Old-World/Swiss-European vision incorporated into the City’s General Plan, Midway City requires that all permanent signs have depth (i.e., incorporate 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 (\*) (\*\*):



A. Sign Materials: All decorative signs (including monument, wall, hanging and projection signs) shall be made from 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 not subject to the depth requirements set forth below. 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. Metal backing for signs and letters is not permitted.
4. Rock or stone. Boulders with engraved or metal lettering: stones set in mortar, combined with wood or metal.
5. Metal – decorative (containing elements of wrought iron, brass, steel, copper or other metal ornamentation). Metal 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:

- a. Sign area greater than or equal to 20 square feet requires a minimum letter depth of two (2) inches.
- b. 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.

- c. Sign area less than 10 square feet requires a minimum letter depth of one-half inch.
- d. No single letter can exceed two feet in height and two feet in width.
- e. 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 Constructions Banners, Historical Makers, Trail Signs, and City Signs.**

(\*\*) Not permitted:

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

## B. 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.

**C. Area of Individual Signs:** The area of a sign shall include 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.

**D. Sign Height:** All building signs shall be designed so that signs are placed below the finished floor elevation of the second floor or a maximum of twenty (20) feet above adjacent finished grade, whichever is lower.

Monument signs shall be a maximum height of eight feet above natural grade. No wall or projecting sign shall project above the parapet or roof line of the building to which it is attached. Minimum heights shall be eight feet over walking surfaces and fourteen (14) feet over vehicle surfaces.

- E. Design: Signs shall be designed to establish a common theme or design for the entire building or project, using similar construction methods, compatible colors and scale and backgrounds. Signs should conform to the City’s design standards of Swiss-European with an “old world” feel.
- F. Location: Signs shall be designed to fit within and not detract from or obscure architectural elements of the building’s façade.
- G. Color: Fluorescent signs are prohibited. Reflective surfaces and reflective colored materials that give the appearance of changing colors are prohibited.
- H. Lighting: Signs shall be illuminated only with steady, non-intermittent, and stationary illumination which meets the Midway City Lighting Code. Light fixtures, conduit and shielding shall be matched or painted to match the building or supporting structure that serves as the background to the sign.
- I. Setbacks: Permanent signs shall not be placed in the clearview areas as defined by code. No signs of any type shall be placed in the public right-of-way.
- J. Regulations: Signs shall be regulated according to Tables 16.21.A and B below, including the notes at the end of the Tables.

<b>Table 16.21.A</b>					
<b><i>NO PERMIT REQUIRED</i></b>					
<b>Type of sign</b>	<b>Number allowed</b>	<b>Maximum sign sq. ft. size</b>	<b>VAC</b>	<b>Fee</b>	<b>App</b>
<b>RESIDENTIAL</b>					
Nameplates	2	2 sq. ft. each	N	N	N
Address numbers	2	2 sq. ft. each	N	N	N
Real Estate for Sale/ Rent/Lease signs	1	See Section 16.21.120	N	N	N

Open House signs	4	See Section 16.21.120 and Sign Table note "17"	N	N	N
Dedication plaques	1	2 sq. ft.	N	N	N
Temporary political signs	no limit	Maximum 20 sq. ft. each. See Sign Table note "18"	N	N	N
<b>COMMERCIAL</b>					
Address numbers	2	2 sq. ft. each	N	N	N
Temporary political signs	no limit	Maximum 20 sq. ft. each. See Sign Table note "18"	N	N	N
Temporary Event Signs - off-premise	3	8 sq. ft. each. See section 16.21.140	N	N	Special Events Mgr review
Temporary Event Signs - on-site	1	24 sq. ft. - see section 16.21.140	N	N	Special Events Mgr review
Real Estate for Sale/ Rent/Lease signs	1	See Section 16.21.120	N	N	N
Open House signs	4	See Section 16.21.120	N	N	N
Dedication plaques	1	4 sq. ft.	N	N	N
Incidental signs (not window)	1 per use (*)	1.5 sq. ft. each	N	N	N
(*) Signs are subject to Planning Department Review					

Type of sign	Number allowed	Maximum sign sq. ft. size	VAC	Fee	App
Grand Opening signs/banners/displays (max 30 days)	1 per face Maximum of 2 total	32 total sq. ft.	N	N	N
Coming Soon signs/banners (no sooner than 30 days until opening, max 30 days)	1 per face Maximum of 2 total	32 total sq. ft.	N	N	N

<b>Table 16.21.B</b>					
<b>PERMIT REQUIRED</b>					
Type of sign	Number allowed	Maximum sign sq. ft. size	Max sign area height from natural grade	VAC	Fee
<b>RESIDENTIAL</b>					
Temporary Development Sign	1, but 2 if corner property	24 sq. ft. each. See Section 16.21.110	6	N	N
Model Home signs	1	12 sq. ft. each.	4	N	N
Permanent development entrance signs	1 per entrance	24 sq. ft. each	6	N	N
<b>COMMERCIAL</b>					
Temporary Development Sign	1, but 2 if corner property	24 sq. ft. each. See Section 16.21.110	6	N	N
Temporary Development Banner	1, but 2 if on corner, and 1 additional for every 200' additional frontage	24 sq. ft. each Located on construction fencing only	6	N	N
Model Home Signs	1	12 sq. ft. each.	4	N	N
Monument or ground sign	1	24 sq. ft.	6	Y	N



Building-mounted sign (wall, hanging, projecting)	See 16.21.8	See 16.21.80	See 16.21.80	Y	N
Street pole banners	See Section 16.21.150	See Section 16.21.150	See Section 16.21.150	N	See Section 16.21.150
Menu board - Walk-up (Must be mounted flush to wall)	1	16 sq. ft.	8	Y	N
Menu Board – Drive-up	1	16 sq. ft.	8	Y	N
Gas price board	1	12 sq. ft.	6	Y	N

1. There shall be no illuminated signs in the residential zones.
2. No wall, hanging or projecting sign shall project above the parapet or roof line of the building to which it is attached. **Hanging and Projecting signs may not project more than thirty-six (36) inches from the face of the building to which they are attached.** They may not extend beyond the applicant’s property. Minimum heights shall be eight feet over walking surfaces and fourteen (14) feet over vehicle surfaces.
3. If illuminated, exterior signs must be illuminated from the front side. Backlit, interior lit, side lit, edge lit, and shadow lighting signs are not allowed in any zone. Illuminated, non-animated, interior “open” and “closed” signs are permitted in the commercial zones. No other illuminated signs, graphics, product-related signs, quotes, or other verbiage is permitted under the Code.
4. Back to back or double-sided signs shall count as one sign and square footage shall be calculated for one side only.
5. No sign shall be placed in a manner as to interfere in any way with or confuse traffic or present a traffic hazard. Signs shall not be placed within any public right-of-way.
6. No sign shall be erected or placed within any clear view triangle at intersections.

7. Government signs, non-commercial public utility signs, and temporary political signs are allowed in any district with no permit required.
8. Decorative tops may exceed the maximum height of approved decorative signs by twenty-four (24) inches.
9. No temporary detached sale promotion signs/banners shall be allowed except for on-premises temporary sales promotions not to exceed seven consecutive calendar days in any month of the year. Portable A-frame signs may not be used for this purpose.
10. Vehicle signs advertising off-premises event(s) shall be prohibited. Vehicle signs with a sign face area of over two square feet shall not be conspicuously parked so as to constitute an advertising sign. Nothing herein contained shall prevent such a vehicle from being used for bona fide delivery or other vehicular purposes when all of the following conditions are met:
  - a. The primary purpose of such vehicle or equipment is not the display of signs.
  - b. Such signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer and do not break the silhouette of the vehicle.
  - c. Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets and actively used in the daily function of the business to which such signs relate.
  - d. Vehicles and equipment are not used primarily as static displays, advertising an off-premises event, product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
  - e. During periods of activity exceeding forty-eight (48) hours such vehicles/equipment are not so parked or placed that the signs thereon are displayed to the public.
11. Signs made from plexiglass or any material that resembles plastic shall not be permitted within the commercial and resort zones.
12. No signs of any type shall be attached to utility poles.

13. Off-premises signs shall not be permitted within Midway City. The exceptions to this are temporary event signs and open house real estate signs (which must be removed once the event/open house is concluded).
14. Political signs must be removed within seventy-two (72) hours after the election. No political signs shall be placed in the public right-of-way.
15. The maximum size of any one flag shall be twenty-four (24) square feet. Flag poles may not exceed twenty-eight (28) feet in height measured from natural grade. No more than three freestanding flag poles per property are allowed if visible from a public right-of-way. Properties with right-of-way frontage greater than three hundred (300) feet may be allowed an additional three (3) flag poles per additional three hundred (300) feet of street frontage. Freestanding poles shall not be placed in the right-of-way.
16. Displays for menus may be located on the inside of a window or inside a wall-mounted or freestanding display box. Menu display signs are permitted in commercial zones. All wall-mounted and freestanding display boxes will be reviewed within the context of the building architecture and Code. Lighting of a menu is permitted within the display. Lighting shall comply with the Midway City Code.
17. Wall signs shall be confined to the building surface below the finished floor elevation of the second floor or twenty feet about finished grade, whichever is lower.
18. Window signs shall occupy no more than thirty (30) percent of the total transparent area of the window. Window signs are limited to the main floor level of the building and a maximum size of four square feet.
19. Construction Signs are permitted, one per project, provided they meet the following criteria:
  - a. The total area for the construction identification sign shall not exceed twenty-four (24) square feet.
  - b. Height shall not exceed six feet above finished grade. Signs mounted on a construction barricade or fence may not extend above the height of the barricade or fence.
  - c. Location shall be readable from the street or driveway and shall not be in setbacks or rights-of-way.

- d. Information depicted on the sign may include the name, address and phone number of the contractor; the name, address and phone number of the person responsible for the project; and who to call in case of emergency.
  - e. Construction signs are permitted only in the cases of active building permits and ongoing construction. Construction signs are not permitted if six or more months have passed since the latest building inspection. Construction signs shall be removed from the premises upon issuance of a certificate of occupancy for the project from the Building Department.
20. Monument signs with a sign area over six square feet must have two supporting posts, one on each side of the sign, or a rock support base under the entire width of the sign.
21. On corner lots, one monument sign is allowed to be located on each frontage and the signs shall be located a minimum of 50' apart.
22. An active Business License is required to retain the installation of an approved Commercial Sign. A Business shall remove an installed sign within thirty (30) days of Business License expiration, vacancy or closure.

#### **16.21.090 Abatement of Unsafe, Abandoned or Obsolete Signs**

Signs regulated under this Code shall be maintained in good visual appearance and structural condition at all times. Any sign which does not correctly and accurately advertise a bona fide business, lessor, owner, product, service, activity conducted or product available on the premises where such sign is displayed for a period of sixty (60) days or more shall be considered an obsolete sign. Sign structures that are abandoned or obsolete and not in compliance with this Chapter shall be timely removed and, in any event, within thirty (30) days after written notice from the City. If, upon inspection, the Building Official determines that a sign is unsafe, not maintained, abandoned or obsolete, the Building Official may issue a written order to the owner of the sign or occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within thirty (30) working days after written notice from the City. In cases of emergency, meaning cases where a sign presents an imminent hazard to public safety, the Building Official may cause the immediate removal of a dangerous or defective sign.

**Midway City, its employees and agents shall have no liability for negligence or failure of the owner, or the person responsible for maintaining any sign, to keep such sign in good repair, for defective conditions, or any damage resulting therefrom.****16.21.100 Non-Conforming Signs**

A. Any change to the ownership interest in a sign or the business it promotes; any change to the physical structure, shape, type, or size of an existing non-conforming sign; and/or any change to the copy or content displayed in or on an existing non-conforming sign shall immediately terminate the lawful nonconforming status of the sign and said sign shall be required to come into compliance with this Chapter immediately.

B. Certain historical signs may be exempted from the requirements of this Chapter if the City Council finds that the signs have historical significance and that removal or alteration of the sign would be detrimental to the public interest.

### **16.21.110 Temporary Development Signs and Model Home Signs**

The following are requirements for temporary development signs:

1. Maximum sign area of twenty-four (24) square feet each for Temporary Development Signs and maximum sign area of twelve (12) square feet each for Model Home Signs.
2. Maximum height of six feet measured from natural grade.
3. Maximum number of one sign, unless on a corner with two frontages, then two signs located at least fifty (50) feet apart.
4. Completed sign application to be filled out and submitted to Midway City.
5. Location outside the clear view triangle of roads and intersections. The final location must be approved by Midway City planning and/or engineering staff.
6. A time limit of two years from the date of approval. If the development is still active, an extension beyond the two years may be approved by the Planning Director.
7. Approval by the Planning Director or assignee before the sign may be installed.
8. No off-premises temporary development signs are permitted in any zone.
9. The area around the sign is to be maintained (i.e. no weeds).
10. Signs may only be erected after final approval of the subdivision/development or issuance of a building permit.

### **16.21.120 Real Estate for Sale, Rent, Lease, Open House Signs**

- A. One temporary real estate “For Sale”, “Rent” or “Lease” sign is permitted on-premises per property (the sign must be located on the actual property being advertised). Signs shall not be located on public property or in the right-of-way.
- B. Lots and parcels under one acre are allowed one, four square foot real estate For Sale, Rent or Lease sign.
- C. Lots and parcels between one and five acres are allowed one, twelve (12) square foot real estate For Sale, Rent or Lease sign.
- D. Lots and parcels over five acres are allowed one, twenty-four (24) square foot real estate For Sale, Rent or Lease sign.
- E. **Four, four square foot** temporary off-premises “Open House” signs shall be permitted only during the hours that the open house is being held and must be removed once the open house is concluded. They must be outside the clear view triangle at intersections and may not in any way interfere with vehicular or pedestrian traffic or otherwise negatively affect public safety.

### **16.21.130 Design Guidelines**

In the commercial and resort zones, the desired look is for signs to have a Swiss-European, “old world” feel. Permanent signs that require permits must be decorative signs, as defined herein.

### **16.21.140 Temporary Event Signs**

- A. Temporary event signs require approval through the Midway City Special Event Manager to verify that all requirements have been met. A graphic representation of the sign, including dimensions, must be submitted to the City for review.
- B. Temporary event signs shall not exceed eight (8) square feet. Dimensions for kiosk signs are two (2) feet in height and four (4) feet in width.
- C. Signs may be displayed for not more than two (2) weeks before the event and shall be removed after the event has concluded.

1. No temporary event signs will be allowed on the Town Square designated site during Labor Day weekend and the week prior to Labor Day.
  2. Events running longer than two (2) weeks may have their signs removed before the end of their event to allow space for other concurrent events.
  3. City staff will be responsible for installing and removing all signs and banners that are displayed in the kiosks and on city property.
- D. Temporary event signs shall be free of any other advertisement.
- E. Temporary event signs shall not be illuminated.
- F. Temporary event signs shall not be located in the public right-of-way.
- G. A maximum of three (3) off-premises temporary event signs for any one (1) event or series of events will be allowed in the City limits. The signs may be posted on a combination of the designated sites set forth below:
1. Temporary event signs must be located on private property or in one of the following designated locations on posts provided by the City:
    - a) Near the roundabout on River Rd.
    - b) Hamlet Park
    - c) Town Square
- H. In some cases, special event staff may approve in addition to displaying the three (3) off-premises signs at a combination of private property and/or designated locations, one (1) additional on-site sign to be displayed using the following criteria:
1. A maximum sign size of twenty-four (24) square feet.
  2. Located on City property at the event site, not located in the public right-of-way, and installed by Midway City Staff.
  3. Displayed no more than fourteen (14) days prior to the event.
  4. Midway City reserves the right to deny any request.
- I. For-profit organizations that have rented the Midway City Town Hall or the Midway City Community Center for special events may display one (1) on-site twenty-four (24) square foot sign. See this Chapter for regulations. For-profits may not display off-premises signs.
- J. Temporary event signs shall not advertise events other than those sponsored by a public agency, school, church or civic organization or similar non-commercial, not-for-profit organizations or be free to the public. Priority will be given first to the City of Midway and then to any Midway based not-for-profit in the event of a conflict. Other requests from not-for-profit

organizations outside of the city limits may be considered. Conflicts will be resolved by the Special Event Manager.

- K. In the event of re-use, all on-site or off-premise temporary event signs will require the re-approval of the Special Event Manager prior to placement. The City will not be responsible for storage, loss or damage to banners displayed on City property.

### **16.21.150 Street Pole Banners**

A. Street Light Pole banners, in conjunction with permitted special events, may be temporarily installed on select City light poles designated by the Midway City Special Event Manager. The purpose of the banner program is to add life and color to the City's streetscape, while at the same time, promoting special events and other cultural or sporting activities of benefit to the City. The following information provides eligibility requirements, application and approval procedures and applicant responsibilities.

B. Eligibility Requirements: Banners (in association with a special event activity authorized by the City) are eligible for placement, including but not limited to art shows, concerts, festivals, organized sports events, parades and runs. These events must be sponsored by a not-for-profit organization or be free to the public. Please note, the placement of banners for the purpose of commercial advertising is not allowed as part of this program.

C. Application and Approval Process: The application for a Special Event License authorizing the placement of banners must be submitted to the Midway City Special Event Manager at least seventy-five (75) days prior to the proposed special event activity to verify that all requirements have been met.

D. Banner Application: As part of the application, the applicant shall provide banner information, including sample graphic design artwork and sponsor identification. Following a preliminary review of the application, the Midway City Special Event Manager will immediately notify the applicant if there are any problems, including scheduling or location conflicts. The banner request information is then distributed to relevant City departments for review and comment. If there are no conflicts from the City departments, a Street Light Pole Banner Permit will then be issued.

E. Policies and Procedures:



1. Banners must be constructed to fit the Midway City Street Light Poles. They must have 4-inch rod pockets on top and bottom.
2. Banners must be constructed of lightweight, pliable and durable fabrics designed for outdoor display.
3. Banners may be hung two (2) weeks prior to the event and during the event. Banners shall be removed immediately after the event.
4. Banners shall be free of any other advertisement.
5. The Midway City Special Event Manager will determine location and the number of poles that will be available to hang banners at the time of each request. Any conflicts in timing or location will be resolved by the Special Event Manager.
10. The City reserves the right to establish which individual street light poles may be designated for banner placement.

F. Street Light Pole banners shall not advertise events other than those sponsored by a public agency, school, church, civic organization, or similar non-commercial, not-for-profit organizations or be free to the public. Priority will be given first to the City of Midway and then to any Midway based not-for-profit in the event of a conflict.

### **16.21.160 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).

(2024, Section Revised, eff. 09/03/2024)

