ORDINANCE NO. 2015-O-13

AN ORDINANCE MODIFYING THE REQUIREMENTS IN THE CLEAN INDUSTRIAL (CI), STATE STREET COMMERCIAL (SSC), REGIONAL COMMERCIAL (RC), MULTIFAMILY (RM-12, RM-25), 7200 S OVERLAY, TRANSIT ORIENTED DEVELOPMENT (TOD), BINGHAM JUNCTION (BJ), AND HISTORIC COMMERCIAL (HC) ZONE DISTRICTS BY ADDING A CATEGORY TO SIGN REGULATIONS THAT WOULD ALLOW FEATHER FLAGS AS AN ALLOWED TYPE OF TEMPORARY SIGNAGE; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah State Code, the City has the authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, on January 2, 2002, the Midvale City Zoning Ordinance (Title 17 of the Midvale Municipal Code) became effective and may be subject to amendments from time to time; and

WHEREAS, since this effective date, Midvale City has found a number of areas that require amendments to the text of the ordinance in order to correct errors and omissions, clarify the intent of the language, and/or include new provisions to further the purpose and intent; and

WHEREAS, it has been determined that the current temporary sign regulations and requirements need to be updated to include recently invented sign types; and

WHEREAS, it has been determined that Feather Flags would be a useful addition as an allowed type of temporary signage; and

WHEREAS, the Planning Commission held a public hearing on October 14, 2015 to review proposed text amendment language regarding this issue, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on September 30, 2015, and the Planning Commission forwarded a recommendation on such to the City Council on October 14, 2015; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on November 10, 2015 which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on November 3, 2015; and

WHEREAS, the City Council has taken into consideration citizen testimony, planning and building analysis, and the Planning Commission recommendations, and has determined that this text amendment is appropriate and within the best interests of the
City as a whole in protecting and promoting the health, safety, welfare and aesthetic quality of Midvale City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The following chapters and sections of the Midvale Municipal Code are hereby amended as included in Attachment A of this document.

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 17th day of NOVEMBER, 2015.

JoAnn B. Seghini, Mayor

ATTEST:

Rod Andreason, MMC
City Recorder

Date of first publication: NOV 22, 2015

Voting by City Council

<table>
<thead>
<tr>
<th>City Council</th>
<th>&quot;Nay&quot;</th>
<th>&quot;Aye&quot;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Brown</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Paul Glover</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Paul Hunt</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Wayne Sharp</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Quinn Sperry</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

Ordinance No. 2015-O-13
17-2 definitions.
“Fence” means a structure made of various materials that separates, encloses, screens or divides outdoor areas, including property perimeters. The term “fence” includes, but is not limited to, net screening for recreational activities, masonry walls, hedges, bollards with chains, posts with rails, and barriers.

“Feather Flag” means a vertical portable temporary sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand and has a maximum height of 12 feet. (See Figure 2.)

“Filtered light fixture” means any outdoor light fixture that has a refractive light source.

“Temporary retail sales” is defined as the sale of new merchandise and/or services from a temporary location.

“Temporary sign” means any sign, banner, feather flag, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed out-of-doors for a short period of time.

“Territorial enforcement” means physical design which allows users of property to develop a sense of ownership over it, developing space with an easily discernible purpose, using symbolic barriers such as low lying fences/walls, landscaping and signage, eliminating ambiguous spaces, encouraging easy maintenance, and discouraging crime.
Revise Sign Tables RM-12 (17-7-3.12), RM-25 (17-7-4.12)

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Allowed</th>
<th>Conditional</th>
<th>Max. Area</th>
<th>Max. Height</th>
<th>General Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>X</td>
<td></td>
<td>32 s.f.</td>
<td>12'</td>
<td>Removed after the first of 3 months from completion or upon C.O.</td>
</tr>
<tr>
<td>Feather Flags (Temporary)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>See text.</td>
</tr>
<tr>
<td>Flat or Wall</td>
<td>X</td>
<td></td>
<td>10% of facade facing street</td>
<td>n/a</td>
<td>Internally illuminated signs are prohibited. Signs are allowed on facades with street frontage.</td>
</tr>
</tbody>
</table>

Add new sections and language as follows: RM-12 (17-7-3.12.G), RM-25 (17-7-4.12.G)

F. Flag Banners. Apartment or condominium complexes may utilize flag banners as follows:
1. Flag banner poles shall not exceed twelve feet in height;
2. Flag banners shall only be permitted as part of an organized front entry feature that includes a project identification sign and landscaping;
3. Flag banners must be located a minimum of three feet from a public sidewalk or a property line and must be located outside of the clear view triangle; and
4. Flag banners shall contain no advertising copy. For the purposes of this subsection the project name is not considered to be advertising copy.

G. Feather Flags. One (1) feather flag per 50 feet of frontage or a maximum of five (5) are allowed for multifamily projects over thirty five (35) units. Feather flags may be displayed on private property for a period of fourteen consecutive days per calendar quarter up to four times per calendar year. A temporary sign permit shall be required for each display period.

Add new sections and language as follows: 7200 S Overlay (17-7-6.8.1.4), SSC (17-7-7.10.K.7), TOD (17-7-8.10.J.3), BJ (17-7-9.4.D.11.0), HC (17-7-11.9.1.4), RC (17-7-12.10.K.7), CI (17-7-13.10.L.7), SSOZ (17-7-15.15.I.4)

Signs.
Only two sign types are permitted per building unless specifically approved by the planning commission through the conditional use review process. In mixed-use developments, signage for each application must comply with an approved theme, which is uniform throughout the proposed development, and which complements the approved signage of near or adjacent pedestrian-oriented development. If a regulated sign type is not specifically designated, it is prohibited.

K. Temporary Signs. The following provisions regulate the use of temporary signs. If a temporary sign type is not specifically designated, it is prohibited.

5. Grand Opening Events Signs. Promotional signage, such as pennants, streamers, banners, balloon signs, and inflated sign displays, may be used for grand opening events for new businesses. Such promotional signage must be initiated within the first three months of a new business receiving a certificate of occupancy, and may be used for a maximum of thirty consecutive days. Said signs shall be used in such a manner so as not to constitute a safety hazard. A temporary sign permit shall be required. Promotional signage shall not include illuminated signs or devices.
6. Feather Flags. A maximum of one (1) feather flag is allowed per business in a multi-tenant building. One (1) feather flag per 50 feet of frontage or a maximum of five (5) are allowed for stand-alone businesses. Feather flags may be displayed on private property for a period of fourteen consecutive days per calendar quarter up to four times per calendar year, with a maximum height of twelve (12) feet. A temporary sign permit shall be required for each display period.