

COTTONWOOD HEIGHTS

ORDINANCE No. 282

AN ORDINANCE AMENDING SECTION 19.82.100 AND CHART 19.82.03-01 OF THE COTTONWOOD HEIGHTS CODE CONCERNING PFEDS MONUMENT SIGNS

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the City; and

WHEREAS, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

WHEREAS, thereafter, the City’s planning commission (the “*Planning Commission*”) formulated proposed amendments to Code section 19.82.100 and Code chart 19.82.030-01 (the “*Amendments*”) to address issues that arose following original adoption of Title 19 of the Code; and

WHEREAS, on 4 October 2017, a public hearing was held before the Planning Commission, where citizens were given the opportunity to provide written or oral comment concerning the proposed Amendments; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, on 18 October 2017, the Planning Commission recommended that the Council disapprove adoption of the Amendments; and

WHEREAS, following additional public input and Council discussions concerning proposed Amendments, on 14 November 2017 the Council met in regular meeting to consider, among other things, adopting the Amendments; and

WHEREAS, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing and at additional public meetings concerning the Amendments, and further Council analysis and discussions, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to adopt and approve the Amendments;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Adoption of Amendments.** The Council hereby adopts and approves the Amendments as set forth on the attached exhibit, which shows deleted provisions ~~struck through~~ or otherwise shown as deletions, and new provisions underlined or otherwise shown as additions. To the extent that the attached exhibit is not marked to show all changes to the immediately prior official versions of Code section 19.82.100 and Code chart 19.82.03-01, the Council hereby ratifies and affirms that the attached exhibit is intended to be, and is, the currently enacted version of Code section 19.82.100 and Code chart 19.92.03-01 after giving effect to all deletions and additions marked on the attached exhibit.

Section 2. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this "Ordinance"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 282, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's Recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 14th day of November 2017.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By  Paula Melgar, Recorder

By  Kelvyn H. Cullimore, Jr., Mayor



VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 14th day of November 2017.

POSTED this 14 day of November 2017.

19.82.100 Public facilities electronic display signs.

The planning commission may approve, as a conditional use, a maximum of one electronic display sign on each premises located in the PF zone, subject to the spacing/disbursal requirements and other provisions of this section. Each electronic display sign approved in the PF zone is called a PFEDS in this chapter, and shall be subject to the following requirements:

A. A PFEDS may be approved as either a monument sign or a wall sign;

B. A PFEDS shall not be larger than the maximum dimensions allowed for wall signs or monument signs in this chapter. The electronic display portion of a PFEDS monument sign shall not exceed 50% of the total constructed sign area;

C. The text, images and graphics on a PFEDS shall be static and complete within themselves, without continuation in content to the next image or message or to any other sign. Serial messages that require multiple passes or multiple signs to comprehend the message are prohibited.

D. All text and images must be of a size and shape to not cause drivers to reduce speed or become unreasonably distracted in order to comprehend the message. The city's focus under this subsection D shall be the method (in terms of letter size and other quantifiable physical attributes) used to convey a message on a PFEDS rather than the content of such message.

E. Each electronic display area capable of showing a separate electronic message shall be considered to be a separate electronic display sign, including those sharing the same support structure.

F. A PFEDS shall not include animation, full motion video, flashing, scrolling, strobing, racing, blinking, changes in color, fade-in or fade-out or any other imitation of movement or motion, or any other means not providing constant illumination.

G. The dwell time for each message on a PFEDS shall be at least eight seconds, such that each message shall be illuminated and static for at least eight seconds before transitioning to a new static display.

H. The transition from one static display to another must be effectively instantaneous, with a twirl time not exceeding .25 second.

I. Each PFEDS shall be equipped with a mechanism that automatically controls the sign's display period at all times as provided in this section.

J. PFEDS shall comply with the following illuminance requirements:

1. No PFEDS shall cause illuminance in excess of three-tenths (0.3) foot candle above ambient light as measured perpendicular to the PFEDS's electronic sign face at a distance in feet calculated by taking the square root of the product of the following:

- (a) the area of the PFEDS's electronic sign face measured in square feet; and
- (b) 100.

For example, if the PFEDS's electronic sign face measures 6' x 8', then the illuminance caused by such use could not exceed three-tenths (0.3) foot candle above ambient light at a perpendicular distance of 69 feet from the PFEDS's sign face.

2. Every PFEDS shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's illuminance as provided in direct correlation with natural ambient light conditions at all times.

K. A PFEDS may not be illuminated, lit or operated between 11:00 p.m. and 6:00 a.m.

L. Except for a "double-sided" PFEDS monument sign (i.e., a PFEDS monument sign with sign faces mounted on opposite sides of the same support structure, so that both sign faces are effectively not visible at the same time from any vantage point, as reasonably determined by the city), a PFEDS may not be located closer than 800 linear feet from any other PFEDS.

M. The following certifications are additional conditions of approval or continuation of any PFEDS:

1. Within ten calendar days after a PFEDS is first placed into service, a written certification shall be submitted to the city from the owner/applicant that the sign has been tested and complies with the motion, dwell time, twirl time, illuminance and other requirements of this section.

2. Based on complaints received, or for any other reasonable cause, the city may from time to time require the owner or operator of a PFEDS to provide, within ten calendar days after receipt of the city's written request, an updated written certification that the sign has been re-tested and has been repaired or modified, as necessary, to comply with the requirements of this section.

3. The city also may, at its option, from time to time verify a PFEDS's compliance with the requirements of this section, including by selecting and engaging qualified experts to measure the sign's illuminance. If the city reasonably determines that a PFEDS is not in compliance with such requirements, then the owner or operator of the sign shall correct the noncompliance within ten calendar days after written notice from the city, and shall reimburse all of the city's costs reasonably incurred in connection with such determination.

N. Any PFEDS not conforming to the requirements of this section is prohibited.

19.82.180 Charts, figures, and graphs.

(a) Chart 19.82.03-01

Monument Signs				
District	Type of Sign	Signable Area	Max. Height of Sign	Sign Setback
NC - Neighborhood Comm.	Monument	36 square feet	6 feet (including pedestal)	18 inches
CR - Regional Comm.	Group Monument	96 square feet	10 feet (including pedestal)	24 inches
PF - Public Facilities	Monument	36 square feet	6 feet (including pedestal)	18 inches
	Group Monument	48 square feet	6 feet (including pedestal)	18 inches
	PFEDS Monument	64 square feet	8 feet (including pedestal)	36 inches
ORD - Office	Monument	36 square feet	6 feet (including pedestal)	18 inches
	Group Monument	48 square feet	6 feet (including pedestal)	18 inches
ORD - Office/Research Park	Monument	64 square feet	8 feet (including pedestal)	24 inches
	Group Monument	96 square feet	10 feet (including pedestal)	24 inches

(b) Chart 19.82.05-01

Projecting Signs			
District	Type of Sign	Signable Area	Height of Sign
NC -Neighborhood Comm.	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
CR - Regional Comm.	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
PF - Public Facilities	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
ORD - Office	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.
ORD - Office/Research Park	Projecting	10 % of façade	8 foot min. clearance, 18 foot max.

(c) Map 19.82.123

(OPEDS overlay zone map is on file with city).