

**Planning Commission Discussion Item
Proposed Text Amendments in Ordinance #2021-18
October 14, 2021**

Amending the MMC with clarifying language identifying prohibited LED and LCD Display Technologies; and Amending Moab Municipal Code with clarifying language identifying Exempt, Temporary, and Prohibited Signs; and Amending the MMC Sign Code Definitions.

To: Planning Commission
From: Cory Shurtleff, Assistant Planner
Date: October 14, 2021
Subject: Proposed Code Text Amendments in new Sign Code Section 17.93

Background

The purpose of proposed Ordinance #2021-18, is to approve text amendments to the Moab Municipal Code, including: Relocation of Section 15.44 Sign Code to new Section 17.93 Sign Code; Relocation of Titles 17.09.430, -440, -450, -460, -465, and -470, to new section Title 17.93 Sign Code; Amend the MMC with clarifying language identifying prohibited LED and LCD Display Technologies; Amend Moab Municipal Code with clarifying language identifying Exempt, Temporary, and Prohibited Signs; and Amend the MMC Sign Code Definitions.

Purpose of the Amendments:

The Moab Municipal Code has multiple title sections that regulate Sign Code, the proposed amendments would consolidate Sign Code regulations into a single title Section under Title 17 Zoning, creating the new Title Section 17.93 Sign Code.

The proposed amendments would also create new clarifying language identifying prohibited LED and LCD Display Technologies in Intermittent light, flashing or moving lights prohibited, and Prohibited Signs. (Previously located at 15.44.070 and 15.44.190, now relocated at 17.93.070 and 17.93.190).

The proposed amendments would add additional clarifying language identifying Exempt, Temporary, and Prohibited Signs (Previously located at 15.44.190, 15.44.200, 15.44.210, now located at 17.93.190, 17.93.200, 17.93.210).

The amendments include new Sign Type definitions added to the Sign Code Definitions section (Previously 15.44.390, now relocated to 17.93.390).

Assumptions

- MMC Sign Code was previously regulated between Title 15 Building and Construction, and Title 17 Zoning; however signs are actively regulated with Planning and Zoning approval and compliance. Relocating all relevant MMC Sections pertaining to Sign regulation to Title 17 Zoning, under a single Title

Section 17.93 Sign Code, would better reflect operations and consolidate regulatory sections of the MMC.

- Grand County has updated their Digital Display Technologies Land Use Code definitions; Updating the Moab Municipal Code with consistent language would solidify continuity between the two jurisdictions.
- The current Sign Code Sections including Exempt, Temporary, and Prohibited signs do not include specific or clarifying language necessary for common regulatory actions of permitting or prohibiting specific types of signs. Additional language would allow for more consistent and clear regulation.
- The current Sign Code Definitions section has limited definitions of sign types, currently requiring interpretation on some common variable types of signs. Updating the definitions section would allow for more consistent and clear regulation.

Sections needing amendment

- Title 15.44 Sign Code and all subsections therein – Relocated to new section Title 17.93 Sign Code with all subsections therein.
- Sections 17.09.430, -440, -450, -460, -465, and -470 – Relocated to new section Title 17.93 Sign Code: 17.93.430, -440, -450, -460, -465, and -470.
- Title Section 17.93.070 Intermittent light, flashing or moving lights prohibited and Title Section 17.93.190 Prohibited Signs, with new clarifying language identifying prohibited LED and LCD Display Technologies.
- Title Section 17.93.190 Prohibited Signs, Title Section 17.93.200 Temporary Signs, and Title Section 17.93.210 Exempt Signs, with clarifying language.
- Title Section 17.93.390 Definitions, with updated Sign Type Definitions.

Proposed Amendments

1. Relocate Section 15.44 Sign Code to new Section 17.93 Sign Code
2. Relocate Titles 17.09.430, -440, -450, -460, -465, and -470, to new Section Title 17.93 Sign Code: 17.93.430, -440, -450, -460, -465, and -470.
3. ~~15.44.070~~ 17.93.070 Intermittent light, flashing or moving lights prohibited.
 - A. Lighted signs that flash, blink, create the appearance of movement, have moving light elements, or which otherwise change brightness, color, or lighting intensity, including intermittent display, lampbanks that change electronically, including time and temperature signs, are strictly prohibited. Christmas lights that are displayed during the month of December are exempt from this provision. All lighted signs shall additionally comply with Section 17.09.465.
 - B. Electronic variable message signs (EVMS), and electronic or digital display technologies (LED, LCD, etc.) are prohibited.

- C. Real time video projected on outdoor display screens, outdoor video projection screens, and outdoor LED screens or outdoor display screens of any type are prohibited for use as signs, including in windows.
- D. Lighted signs on property near a residential area shall be subdued and shall not be allowed to penetrate beyond the property in such a manner as to annoy or interfere with nearby residential properties.

4. 15.44.190. Prohibited signs.

Signs which are erected after the adoption of this code and do not comply with the provisions of this chapter are prohibited. Other prohibited signs include the following:

- A. **Parked Vehicle Signs.** Parked vehicles with a sign painted or placed on them and parked for the expressed intent of directing attention to a business are prohibited. This provision does not include vehicles used regularly in the course of conducting daily business activities.
- B. **Signs On Public Rights-of-Way.** No private sign shall be placed on public rights-of-way.
- C. **Signs Attached to Public Property.** No private sign shall be attached to public property or public utility poles.
- D. Signs are not permitted on benches or other public service fixtures except bicycle racks. Signs on bicycle racks may not exceed one square foot in size.
- E. Blade Signs, unless secured to a permitted display apparatus, shall be prohibited.
- F. Prohibited Signs include those referenced under 17.93.070.
- ~~D.~~ ***** Additional changes pending discussion*****

5. 15.44.200. Temporary signs.

A. General Provisions.

- 1. Temporary signs shall be figured in the total square footage allowed per lot.
- 2. Sign owners must, designate areas where temporary signs will be displayed.
- 3. Temporary signs displayed outside of designated areas require a permit.
- 4. Temporary signs must be maintained and in good condition while being displayed.
- 5. Signs less than six square feet in size and associated with an event or sale less than 30 days ~~do not require a permit.~~ shall be permitted through a sign permit application with no fee charged.
- 5. ***** Additional changes pending discussion*****

6. 15.44.210 Exempt signs.

Sign permits are not required for the following signs unless the limitations and requirements of this section cannot be met. In such cases a sign permit is required.

- A. Public Signs. Signs of a noncommercial nature, erected by, or on the order of, a public officer in the performance of his duty, such as, but not limited to safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, informational signs and the like.
- B. Integral Signs. Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal or other permanent-type construction and made an integral part of the structure.
- C. Private Traffic Direction Signs. Signs directing traffic movement into a premises or within a premises not exceeding two square feet in area for each sign. Horizontal directional signs on paved areas and flush with paved areas are exempt from these standards. Only one exempt directional sign is allowed per frontage, per lot.
- D. Service Sign. A sign that is incidental to a use lawfully occupying the property upon which the sign is located, and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc. These signs shall not exceed two square feet in size.
- E. Name Plates. A nameplate shall contain only the name and address of a resident.
- F. Temporary Decorations. Temporary decorations or displays clearly incidental and associated with national or local holiday celebrations for a period not to exceed ninety days per year, per lot.
- G. Nonbusiness Temporary Signs. Temporary signs not associated with businesses may be displayed not more than thirty days per year or exceed six square feet in size. Examples include garage sale signs, puppies-for-sale signs, agricultural produce sales, etc.
- H. Rear Entrance Signs. Rear entrance signs, when associated with pedestrian walk-through buildings. These signs shall not exceed sixteen square feet in area and shall be flush-mounted, identifying only the name of the establishment and containing directional information.
- I. Menu Signs. Menu signs at drive-in restaurants which are not readable from the nearest public right-of-way; and signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.
- J. Private Warning or Instructional Signs. Private warning or instructional signs such as "No Soliciting," "No Trespassing," "Beware of Dog," or other similar types of signs not exceeding two square feet per sign.
- K. Murals. Murals must be painted or attached to the walls of buildings and are exempt from this chapter except for the lettering and logo portion of the mural.
- L. Pennants, Window Dressings and Window Banners. Pennants, window dressings and window banners are exempt from the provisions of this chapter.

L.M. ***Additional changes pending discussion***

7. 15.44.390. Definitions.

~~A.~~ General Definitions.

~~A.~~

B. *** Additional changes pending discussion***

Criteria for Code Text Amendments

Section 17.04. 070 of the Moab Municipal Code requires that the Planning Commission and City Council consider the following criteria:

- A. Is the proposed use substantially similar to other authorized uses permitted within the subject zoning district?
- B. Is the proposed use a relatively new use type or development concept that was not anticipated at the time of the adoption of the City's General Plan?
- C. Is the amendment consistent with the policies and goals of the General Plan?
- D. Will the amendment create significant adverse impacts upon neighboring properties within or adjacent to the zoning districts which would be affected by the change?
- E. Is it in the public interest to approve the proposed amendment?
- F. Is the amendment likely to lead to a positive redevelopment of a specific area or zone?
- G. Will the amendment provide a variety of options for residents in terms of economic development, affordable housing, or other benefits?
- H. Is the amendment appropriate considering the existing conditions in the zoning district, the established relationships between zoning districts, existing land uses and densities, and the scale of both existing and proposed development?

Items for Discussion

Staff is requesting feedback regarding possible amendments and

Planning Commission Action

At this time there is no proposed action, discussion will inform the changes included in the proposed draft Ordinance #2021-18 scheduled for Public Hearing October 28, 2021, and Planning Commission Consideration and Possible Recommendation to City Council.

