

ORDINANCE NO. 1460

AN ORDINANCE OF THE DRAPER CITY COUNCIL ENACTING A TEMPORARY LAND USE REGULATION THAT SUSPENDS CERTAIN PROVISIONS OF SUBSECTION 9-26-080(D) OF THE DRAPER CITY MUNICIPAL CODE REGARDING TEMPORARY SIGNAGE.

WHEREAS, Section 10-9a-504 of the Utah Code allows a municipality, without a public hearing, to enact ordinances establishing temporary land use regulations for any part or all of the municipality upon a finding of compelling, countervailing public interest made by the legislative body; and

WHEREAS, Section 9-26-080 of Draper City Municipal Code establishes rules for temporary signs within Draper City; and

WHEREAS, Section 9-26-080 of Draper City Municipal Code permits temporary signs for any business up to four times per calendar year for up to fourteen days per occurrence, and only permits banners within the first thirty days of the issuance of a new business license; and

WHEREAS, the community currently faces challenges related to a pandemic that causes an illness called COVID-19; and

WHEREAS, the nature of the pandemic has made a major impact on businesses in the city and is negatively impacting the health, safety and welfare of Draper City residents; and

WHEREAS, the Draper City Council finds that there is a compelling, countervailing public interest against limiting temporary signage in the manner required by certain provisions of Section 9-26-080 of the Draper City Municipal Code at this time; and

WHEREAS, the City Council has reviewed the proposed temporary ordinance, and has found that suspending certain provisions of Section 9-26-080 of the Draper City Municipal Code serves a compelling, countervailing public interest in preserving the economic base of Draper City and is in the best interests of the health, safety and welfare of the City of Draper and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Findings. The City Council of Draper City has made the following findings regarding the temporary suspension of subsections (D)(3) and (D)(4) of Section 9-26-080 of the Draper City Municipal Code attached hereto as Exhibit A: 1) Draper City businesses seeking to advertise using temporary signs shall not be bound by subsections (D)(3) and (D)(4). 2) The proposed amendments serve the best interest of the health, safety, and welfare of the citizens of Draper.

Section 2. Suspension. The temporary suspension of Section 9-26-080(D)(3), (4) shall last for the earlier of a period of six (6) months or until otherwise rescinded by the legislative body.

Section 3. Correction of Editing Errors. The City Attorney is authorized to correct any punctuation, spelling, formatting, clerical, or *de minimis* errors prior to submitting the Ordinance for publication.

Section 4. Severability. If any section, part, or provision of this Ordinance is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 5. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THIS 6TH DAY OF OCTOBER, 2020.

ATTEST:

DRAPER CITY

Laura Oscarson, City Recorder

Mayor Troy K. Walker

VOTE TAKEN:

YES

NO

Councilmember Green

Councilmember T. Lowery

Councilmember Roberts

Councilmember Vawdrey

Councilmember F. Lowry

Mayor Walker

EXHIBIT A

9-26-080: TEMPORARY SIGNAGE:

Temporary signage outlined in this section are allowed subject to the filing of an application for and issuance of a temporary signage permit, unless expressly exempted in this section.

A. General Requirements: The following shall apply to all temporary signage as outlined herein:

1. Such signs shall not be illuminated unless by way of permanently installed indirect lighting sources.
2. Such signs shall not be placed in any public or private right of way, park strips, medians, or roundabouts.
3. Such signs shall not be placed so as to create a traffic hazard in a clear view area.
4. Such signs shall require application for an issuance of a temporary sign permit prior to installing or erecting a temporary sign, unless expressly exempted in this section.
5. All temporary signage must be set back beyond the farthestmost part of the permanent ground mounted signage on the same property that fronts the same property line.
6. Businesses utilizing electronic message centers as provided within this chapter shall not be allowed the use of temporary signage as outlined within this section. (Ord. 1098, 8-8-2015)

B. Special Events Signs: Temporary signs for events that have been issued a special events permit may be erected as allowed in this subsection.

1. Such signs shall be permitted in all zones following application for and approval of a temporary signage permit.
2. Such signs are subject to the following requirements:
 - a. Such signs may be maintained for a period not to exceed thirty (30) days, including days after the event.
 - b. Temporary signs shall not exceed thirty two (32) square feet in size, and shall not have more than two (2) faces, and must be securely attached to the ground by posts with a stabilizing crossbar between the ground posts at the top of the sign.
 - c. Fifty (50) signs are allowed per event.
 - d. Placement of such signs on public property, exclusive of rights of way is strongly encouraged.
 - e. Permission for the placement of such signs from property owners shall be required as a part of an application for a temporary signage permit.

C. Properties Subject To Development Or Construction: Properties which have been approved for a subdivision or site plan are subject to the following guidelines:

1. Properties subject to development or construction shall be allowed one on site sign.
2. The maximum area of such sign shall be forty eight (48) square feet.
3. The maximum height of such sign shall be eight feet (8').
4. Such sign may be illuminated by indirect lighting only.
5. Such sign shall be removed immediately upon issuance of the final building permit for residential properties or the final certificate of occupancy for nonresidential properties.

D. Banners: Banners may be used subject to the following provisions:

1. Such signs may be used in all nonresidential zones and the RM1 and RM2 residential zones.
2. Such signs shall be allowable for the following holiday periods without a permit:

Presidents Day and Valentine's Day	February for 5 days including the holiday
Easter	March or April for 5 days including the holiday
Memorial Day	May for 5 days including the holiday
July 4	5 days including the holiday
July 24	5 days including the holiday
Labor Day	September for 5 days including the holiday
Thanksgiving	November for 7 days including the holiday
Holiday season	For 23 days starting December 10 and ending January 2

3. Such signs shall be allowable for an additional four (4) occurrences per calendar year up to fourteen (14) days per occurrence. Occurrences may run consecutively, upon issuance of a temporary sign permit for such, but shall be considered independent occurrences.

4. Businesses which have received a new business license shall be allowed a banner sign for thirty (30) days during a grand opening upon issuance of a temporary sign permit. This permit shall not count as an occurrence.

5. One (1) banner per street frontage may be a maximum of thirty two (32) square feet.

6. Such signs must be securely attached to a structure, fence, or to ground posts. When mounted to the ground, banners may be not higher than forty eight inches (48") from the ground to the top of the sign and must have a stabilizing crossbar between the ground posts at the top of the sign.

7. Such signs shall not be located within any public or private right-of-way, park strips, medians, or roundabouts.

8. Such signs shall not be placed where they obstruct the view of any sign identified in subsection 9-26-100A of this chapter.

9. Banners may be two (2) faced but may not be split faced as identified in subsection 9-26-060H2 of this chapter.

10. Permission for the placement of such signs from property owners shall be required as a part of an application for a temporary signage permit.