



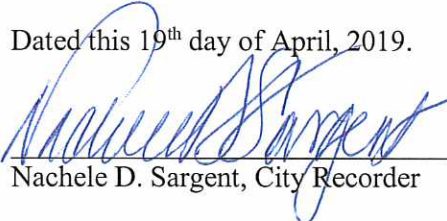
COALVILLE CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the Coalville City Council will hold its regular meeting on **Monday, April 22, 2019** at the Coalville City Hall, 10 North Main, Coalville, Utah. This meeting will begin at **6:00 P.M.** The agenda will be as follows:

1. Roll Call
2. Pledge Of Allegiance
3. City Council Agenda Items:
 - A. **Public Hearing:** Review, Discussion and Possible Adoption of an Amendment to City Ordinance No. 2014-8 Regarding Alcoholic Beverage Consumption at the Summit County Owned Ledges Event Center and Fairgrounds Property – Ordinance No. 2019-2
 - B. Continued Review, Discussion, And Possible Adoption Of Phase II Update Amendments To The Coalville City Development Code Including Outdoor Lighting, Sign Regulations, Noise Disturbances, Right To Farm Provisions, and Fences and Walls – Ordinance No. 2019-1
 - C. Planning Consultant Updates
 - D. Public Works Updates
 - E. Community Development Updates
 - a. Business Licenses
 - F. Legal Updates
 - G. Council Updates
 - H. Mayor Updates
 - I. Executive Session
4. Review And Possible Approval of Minutes
5. Adjournment

** Coalville City reserves the right to change the order of the meeting agenda as needed.*

Dated this 19th day of April, 2019.


Nachele D. Sargent, City Recorder

****In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Hall (435-336-5981) at least three days prior the meeting.**

Posted: April 19, 2019 City Hall, Coalville City Website, Utah Public Notice Website

Mayor
Trever Johnson

Council
Adrienne Anson
Cody Blonquist
Arlin Judd
Rodney Robbins
Tyler Rowser

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Coalville City Council
Regular Meeting
HELD ON
April 22, 2019
IN THE
CITY HALL

Mayor Trever Johnson opened the meeting at 6:00 P.M.

COUNCIL PRESENT: Mayor Trever Johnson
Council: Arlin Judd,
Cody Blonquist, Rodney Robbins
Adrianne Anson
Tyler Rowser (excused)

CITY STAFF PRESENT:

Don Sargent, Consultant
Sheldon Smith, City Attorney
Zane DeWeese, Public Works Director
Nachele Sargent, City Recorder

PUBLIC IN ATTENDANCE:

Michael Willoughby, Louise Willoughby,
Camellia Robbins, David Bell, Allan Bell,
Noe Rodriguez, Don Winters, Lori Winters,
Jeff White, Phil Geary, Ben Keyes

Item 1 – Roll Call:

A quorum was present.

Item 2 – Pledge Of Allegiance:

Mayor Trever Johnson led the Council, Staff, and Public in the Pledge of Allegiance.

Item A – Public Hearing: Review, Discussion, And Possible Adoption Of An Amendment To Ordinance No. 2014-8 Regarding Alcoholic Beverage Consumption At The Summit County Owned Ledges Event Center And Fairgrounds Property – Ordinance 2019-2:

Mayor Trever Johnson stated Summit County had approached him about amending the current alcohol ordinance and had drafted some language for the City to consider. Don Sargent referred to the Staff report (Exhibit A) and stated Summit County had requested for the City to review Ordinance 2014-8 to consider revising it for the Ledges Event Center and Fairgrounds property. Don stated the Summit County Attorney had drafted the proposed language they would like implemented which would allow alcohol consumption at these locations if a person was attending a public or private event authorized by Summit

County. He stated this would eliminate the requirement of obtaining a permit every time an event was held there. Don stated a public hearing was held at the Planning Commission meeting and recommended approval of the amended language.

Mayor Trevor Johnson opened the public hearing at 6:08 P.M.

There were no public comments.

Mayor Trevor Johnson closed the public hearing at 6:09 P.M.

Council Member Rodney Robbins questioned if this would allow someone to bring their own alcohol and drink it anywhere. Don Sargent stated it would have to be an authorized event. He stated the County wanted to have the regulatory authority and liability for any function at the Ledges Event Center or Fairgrounds. Sheldon Smith stated initially this was for the Ledges Event Center and the Council could limit the ordinance to the building only. He stated Summit County would have the liability for whatever event they approved there.

A motion was made by Council Member Adrienne Anson to adopt Ordinance 2019-2 regarding alcohol consumption at the Ledges Event Center and Fairgrounds superseding Ordinance 2014-8. Council Member Cody Blonquist seconded the motion. All Ayes. Motion Carried.

Roll Call:

**Council Member Judd – Aye
Council Member Anson – Aye
Council Member Robbins – Aye
Council Member Blonquist – Aye
Council Member Rowser - Absent**

Item B – Continued Review, Discussion, And Possible Adoption Of Phase II Update Amendments To The Coalville City Development Code Including Outdoor Lighting, Sign Regulations, Noise Disturbances, Right-To-Farm Provisions And Fences And Walls, Ordinance 2019-1:

Mayor Trevor Johnson stated this item was continued from the last meeting which was a public hearing. He stated there were some issues and concerns brought forward and he felt it was good to continue the discussion. He stated he had a number of conversations throughout the last couple of weeks and was disappointed to hear that after the meeting, it was still being stated that the City was looking at an amortization schedule and it was his intent to “grandfather” in the existing uses for lighting and signage.

Don Sargent referred to the Staff report (Exhibit B) for the Code revisions. He stated the only change proposed for the Outdoor Lighting was changing to the LED technology which was the current industry standard. Don stated the proposed signage changes were actually less restrictive than the current Code. The proposed Noise provisions added a suggested notice for disturbances near milk farms. The proposed changes for the Right-to-Farm was to remove the specific language regarding noise and milk farms and include it with the noise ordinance. The proposed Fencing changes were for materials and standards. Don reviewed the redlined items with the Mayor and Council.

Mayor Trevor Johnson stated he would like to see any type of amortization schedule to be removed from the revisions. He stated, specific to lighting, he felt over time technology would take care of bringing things into compliance. He stated he didn't want to mandate a timeline on the citizens or businesses. Mayor Johnson stated the NS School District made the City aware they were willing to change their lighting to comply with what the City puts in place. Sheldon Smith stated at some point in time everyone should have to come into compliance either by a timeline or by permit to have everyone on the same playing field. He questioned why the City would consider changing the Code if it wasn't going to apply to everyone. The Mayor and Council discussed the issue of "grandfathering" in and then restricting new business with signage including removing all language for sign standards, making the same standards as the current largest sign, removing the clause regarding the signage size for free standing signs for multiple uses, needing an amortization schedule to have an equal playing field, requiring compliance with the new Code when a permit was required, lengthening the amortization schedule, requiring anything new to be replaced in the exact same manner for existing signs, having provisions specific to businesses located in the Highway Commercial Zones, changing the signage size regulations to somewhere in between the largest sign and the new provisions and having an amortization schedule for when a sign needs to be changed, and if what the City has today was acceptable and desirable.

Mayor Trevor Johnson stated he thought the reason for the Code revisions was to make sure the City was in a position to reasonably and responsibly set a standard for new growth and to better define and make the Code consistent. Council Member Rodney Robbins suggested to meet with the current business owners and match the Code for signage to what they already had in place. Council Member Arlin Judd stated he felt the issue was only with the Highway Commercial Zone. Mayor Trevor Johnson stated he would like to hear from David Bell who was a sign expert. David Bell stated there were times when something happened to a business owner that wasn't in their control and wasn't a change in their business. He gave the example of when his business was Amoco and they pulled out of Utah. He stated they were required to change their name and have new signage for their new brand. There wasn't a change in business or ownership. David Bell asked for the Council to take that into consideration when they were defining the Code. He stated if the City became too restrictive then they wouldn't be able to meet the requirements and may even be forced out of business. Sheldon Smith stated something like that would be taken

into consideration and would possibly be exempt. Don Sargent stated lighting and signage may take more time and need more review and recommended to reschedule those for another public hearing at a later date. Mayor Johnson agreed and asked the Council to look at the noise and fencing ordinance.

Don Sargent continued the redline review for the noise and fencing ordinance. The Mayor and Council discussed the noise ordinance including not having language that would dictate a timeframe for noise impact for agricultural uses and adding the suggestion make people aware of the concern of noise issues and to check with the farm owners. Don Sargent stated he added an exemption to the fencing ordinance for the repair or replacement of agricultural uses and they would still be exempted. He gave the example of a barb wire fence that needed repair, but was now located next to a subdivision.

A motion was made by Council Member Arlin Judd to approve Ordinance 2019-1 for Attachment D Noise Disturbances, Attachment E Right-to-Farm Provisions, and Attachment F Fences and Walls as amended and discussed and excepting Attachment B Signs and Attachment C Lighting. Council Member Cody Blonquist seconded the motion. All Ayes. Motion Carried.

Roll Call:

**Council Member Judd – Aye
Council Member Anson – Aye
Council Member Robbins – Aye
Council Member Blonquist – Aye
Council Member Rowser – Absent**

Council Member Rodney Robbins verified a lighting issue on page 11 number 8, the prohibited lighting allowed for architectural use. Don Sargent noted the item.

Mayor Trever Johnson stated a public hearing would be scheduled for signs and lighting. Don Sargent stated he would gather more information and would show the existing Code to show the changes.

Item C – Planning Consultant Updates:

Don Sargent stated the Wohali Partners LLC. met with the Planning Commission in a work session on April 15, 2019. He stated they had scheduled another work session and had requested a site visit to better understand the orientation of the property. Don stated once they were ready for a public hearing, an information link would be provided for the general public for review. Sheldon Smith recommended for the site visit to be for the Planning Commission only. He stated the Council could schedule a site visit at a later date.

Don Sargent stated he had been researching the next phase of the Code revisions which would include the Master Planned Development provisions, Open Space and Trails, Hearing Officer, Bees, and Enforcement and Fines provisions.

Item D – Public Works Updates:

Zane DeWeese stated the water line upgrade would be moving down Main Street starting tomorrow and the businesses had been notified. He stated they would make sure the businesses would be kept open. Zane stated they were going to get the meters out of the basements of the old buildings. He stated they were making good progress on the project. He stated they would grade and finish the shoulders when things started to dry up.

Zane DeWeese stated the footings had been poured for the water tank and he had spoken with them to have things cleaned up before Memorial Day.

Zane DeWeese stated Shane McFarland would be finalizing plans for the Force Main and South Lift station with the USDA tomorrow.

Zane DeWeese stated they would be doing the Cemetery clean-up this year from April 15th through April 30th. He stated he had Niki Sargent publish a notice in the paper that decorations would need to be removed from the grave sites before April 15th or the City would depose of them.

Zane DeWeese stated they were planning on having secondary water available around the second week of May. He stated he wanted the Council to be aware that there may be some issues getting it here depending on the run-off situation. He stated the City may need to start with NSPIC until they can get it in the line.

Item E – Community Development Updates:

Mayor Johnson stated there were two business licenses for approval. Tines and Treasurers, Tara Hull, located at 740 S Hoytsville Road. This was a minor home business selling various craft, but would not have patrons coming to the home. This was permitted at this location. Garden Yard, Jaime Rodriguez, located at 169 S Settlers Drive. Mr. Rodriguez wanted to sell flowers for Mother's Day only at his home. This was permitted at this location, but needed more discussion because of possible parking issues. The Council discussed the parking issues for the business located on Settlers Drive. They noted the street was very narrow and congested there. The Council decided if Mr. Rodriguez could provide off street parking for patrons, they could approve the license for Mother's Day.

A motion was made by Council Member Adrienne Anson to approve the business license for Tines And Treasurers, Tara Hull and approve Garden Yard, Jaime Rodriguez with the requirement they provide off street parking and they could only sell flowers for the week

prior to and including May 12, 2019. Council Member Rodney Robbins seconded the motion. All Ayes. Motion Carried.

Item F – Legal Updates:

Sheldon Smith stated Brett Rasmussen had started to put up a fence around his property on 50 West to shield the equipment he had parked there. He stated he would follow up to make sure it was completed and in compliance.

Sheldon Smith stated he was still working on the water share for NSPIC and had a meeting scheduled with the Water Attorney. He was also working on solidifying the water policy for new subdivisions.

Item G – Council Updates:

Council Member Adrienne Anson stated the Spike 150 Celebration would start on May 8, 2019 with a whistle stop for the train engine in Echo. Mayor Trever Johnson stated Travis English had notified him that the State was providing Fireworks for the celebration on May 10, 2019. Niki Sargent stated the State Committee had decided they wasn't going to pay for the individual Cities to do the fireworks, but the Cities could purchase a package to light on May 10, 2019. She stated the pricing for the package started at \$1,500, but could included additional costs depending on what the City required such as delivery, cylinders, and how big of a display. She stated the Fire Department had to be certified to light them. The Mayor and Council discussed the options.

A motion was made by Council Member Arlin Judd to authorize Mayor Trever Johnson to negotiate with Summit County to purchase fireworks from Lantis Fireworks and to spend up to \$3,000 for the Spike 150 Celebration on May 10, 2019. Council Member Adrienne Anson seconded the motion. All Ayes. Motion Carried.

Item H – Mayor Updates:

Mayor Trever Johnson stated they were looking at moving the Summer Celebration back to the park. He questioned if the City had received approval to use the Fairgrounds. Niki Sargent stated Travis English had said no, the City wouldn't be able to use the area. He told her Mercedes-Benz wanted to be exclusive for the location, they would be using all of the parking areas, they wouldn't want softballs hit around the vehicles, and Summit County had committed \$300,000 for a lighting upgrade project that would be installed during that timeframe. Mayor Johnson stated he would check with Tom Fisher to see what could be done to accommodate the City for one day.

Niki Sargent questioned if anyone would be available to volunteer for the Summit County Community Arts Day on May 11, 2019 at the NS Elementary School. Council Member Rodney Robbins stated he would be able to attend.

Item H – Executive Session:

There wasn't an executive session tonight.

Item 4 – Review And Possible Approval Of Minutes:

The Mayor and Council reviewed the minutes of the April 8, 2019 meeting.

A motion was made by Council Member Arlin Judd to approve the minutes of April 8, 2019 as amended. Council Member Rodney Robbins seconded the motion. All Ayes. Motion Carried.

Item 5 – Adjournment:

A motion was made by Council Member Rodney Robbins to adjourn the meeting. Council Member Cody Blonquist seconded the motion. All ayes. Motion Carried.

The meeting adjourned at 8:24 P.M.

Mayor Trever Johnson

Attest:

Nachele D. Sargent, City Recorder



"Exhibit A"
Council 4/22/19

Staff Report

Coalville City
Project Coordinator

To: Coalville City Mayor and Council
From: Don Sargent, City Project Coordinator
Date of Meeting: April 22, 2019
Re: Amendment to Ordinance No. 2014-8 Regulating Consumption of
Alcoholic Beverages on Public Property
Action: Public Hearing, Possible Adoption

City Ordinance Amendment

REQUEST: Review, discuss, conduct a public hearing and receive comment on a proposed amendment to City Ordinance No. 2014-8 superseded by a new Ordinance No. 2019-2. The amendment addresses the following provision:

Allowing alcohol consumption at the County Ledges Building and the County Fairgrounds property if a person is attending a public or private event authorized by Summit County.

RECOMMENDATION: Staff recommends the City Council conduct a public hearing and based on the input received and discussion before the Council consider adoption of the proposed ordinance amendment.

BACKGROUND: The purpose of the amendment is to eliminate the requirement of obtaining a permit every time an event is held at the County Ledges Event Center or on the Fairgrounds property. The amendment includes the condition that the event, either public or private, is authorized by Summit County.

ANALYSIS: *Attachment A* includes Ordinance No. 2014-8 with the language shown addressing the proposed amendment.

House Bill 232 passed by State Legislation in 2017 requires all new or amended municipal and county ordinances to be reviewed and approved through the public due process. Public due process requires the review and recommendation of the proposed amendment language by the Planning Commission and City Council in a public hearing. On April 15, 2019 the Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council for adoption.

MOTION: A possible motion may include the following language:

I move that the City Council adopt the amendment to Ordinance No. 2014-8 as new Ordinance No. 2019-2 based on the analysis and findings in this staff report and discussion before the council in the public hearing.

ATTACHMENT:

A. Ordinance No. 2014-8 Amendment

ATTACHMENT A

Ordinance No. 2014-8 Amendment

COALVILLE CITY

ORDINANCE NO. 2014-8

AN ORDINANCE PROHIBITING CONSUMPTION OF ALCOHOLIC BEVERAGES OR POSSESSION OF OPEN CONTAINERS THEREOF IN PUBLIC BUILDINGS, PUBLIC PARKS, PUBLIC STREETS AND SIDEWALKS, AUTOMOBILES ON PUBLIC STREETS AND PARKING LOTS OPEN TO THE PUBLIC AND PROVIDING A PENALTY THEREFORE EXCEPT IN DESIGNATED AREAS.

WHEREFORE, Coalville City adopted Ordinance No. 1997-8 on October 14, 1997 regarding alcoholic beverage consumption within Coalville City limits.

WHEREFORE, the Coalville City Council has determined it to be in the best interest of Coalville City residents to adopt an ordinance to modify the existing ordinances regarding the consumption of alcoholic beverages.

WHEREFORE, Coalville City is now adopting an ordinance to supersede Ordinance No. 1997-8, which will be a new ordinance relative to alcohol consumption in Coalville City limits.

BE IT ORDAINED BY THE CITY COUNCIL OF COALVILLE CITY AS FOLLOWS:

1. Except as provided in Paragraph 2, it shall be unlawful for any person to consume or ingest any alcohol or alcoholic beverage, or to possess an open container thereof in a public building, a public park, on a public street or sidewalk, in an automobile upon any public street or highway, or in a public parking lot, or any private parking lot open to the general public. This restriction shall not apply to the Summit County-owned Ledges Event Center property or the Summit County Fairgrounds property, if a person is attending a public or private event authorized by Summit County.
2. At any public event for which a permit is issued, the City may designate an area (herein referred to as a "Beer Garden") within which beer, wine and other alcoholic beverages may be consumed for the duration of the event. Within the area designated as a Beer Garden, it shall be lawful for persons of legal age to consume beer, wine and other alcoholic beverages, only for the duration of the event.
3. Any person violating this ordinance shall be guilty of a Class B Misdemeanor and shall be punished by a fine or by imprisonment, not to exceed six (6) months or by both the fine and imprisonment.
4. This ordinance shall supersede Ordinance No. 1997-8.
5. This ordinance shall take effect immediately upon a public posting in three (3) places within the Coalville City limits as outlined in Utah Municipal Code 10-3-712.

COALVILLE CITY

ORDINANCE NO. 2019-2

AN ORDINANCE PROHIBITING CONSUMPTION OF ALCHOLIC BEVERAGES OR POSSESSION OF OPEN CONTAINERS THEREOF IN PUBLIC BUILDINGS, PUBLIC PARKS, PUBLIC STREETS AND SIDEWALKS, AUTOMOBILES ON PUBLIC STREETS AND PARKING LOTS OPEN TO THE PUBLIC AND PROVIDING A PENALTY THEREFORE EXCEPT IN DESIGNATED AREAS.

WHEREFORE, Coalville City adopted Ordinance No. 1997-8 on October 14, 1997 regarding alcoholic beverage consumption within Coalville City limits.

WHEREFORE, Coalville City adopted Ordinance No. 2014-8 regarding alcoholic beverage consumption within Coalville City limits.

WHEREFORE, the Coalville City Council has determined it to be in the best interest of Coalville City residents to adopt an ordinance to modify the existing ordinances regarding the consumption of alcoholic beverages.

WHEREFORE, Coalville City is now adopting an ordinance to supersede Ordinance Nos. 1997-8 and 2014-8, which will be a new ordinance relative to alcohol consumption in Coalville City limits.

BE IT ORDAINED BY THE CITY COUNCIL OF COALVILLE CITY AS FOLLOWS:

1. Except as provided in Paragraph 2, it shall be unlawful for any person to consume or ingest any alcohol or alcoholic beverage, or to possess an open container thereof in a public building, a public park, on a public street or sidewalk, in an automobile upon any public street or highway, or in a public parking lot, or any private parking lot open to the general public.
2. At any public event for which a permit is issued, the City may designate an area (herein referred to as a "Beer Garden") within which beer, wine and other alcoholic beverages may be consumed for the duration of the event. Within the area designated as a Beer Garden it shall be lawful for persons of legal age to consume beer, wine and other alcoholic beverages, only for the duration of the event. This restriction shall not apply to the Summit County owned Ledges Event Center property or the Summit County Fairgrounds property, if a person is attending a public or private event authorized by Summit County.
3. Any person violating this ordinance shall be guilty of a Class B Misdemeanor and shall be punished by a fine or by imprisonment, not to exceed six (6) months or by both the fine and imprisonment.

4. This ordinance shall supersede Ordinance Nos. 1997-8 and 2014-8.
5. This ordinance shall take effect immediately upon the date of publication in the Summit County News, a newspaper of general circulation in Coalville City.

PASSED, APPROVED AND ADOPTED by the City Council of Coalville City, Utah this 22nd day of April, 2019.

ATTEST:

COALVILLE CITY:

City Recorder

by _____
Mayor

Councilperson Blonquist
Councilperson Judd
Councilperson Rowser
Councilperson Robbins
Councilperson Anson

Voted AYE
Voted AYE
Voted ABSENT
Voted AYE
Voted AYE



"Exhibit B"
Council 4/22/19

Staff Report

Coalville City
Project Coordinator

To: Coalville City Council
From: Don Sargent, City Project Coordinator
Date of Meeting: April 22, 2019
Re: Phase II Development Code Amendments
Action: Possible Adoption

Development Code Amendments

REQUEST: Review, discuss and possibly adopt Phase II Amendments to the City Development Code. The amendments address the following provisions:

- Outdoor Lighting
- Sign Regulations
- Noise Disturbances
- Right to Farm Provisions
- Fences and Walls

BACKGROUND: The amendments include revisions in whole or in part to the following existing Chapters in the Development Code:

- Title 10: Chapter 5
- Title 9: Chapters 1 through 15
- Title 7: Chapter 13
- Title 10: Chapter 29
- Title 10: Chapter 25

A public hearing was conducted at the April 8th City Council meeting and several revisions to the amendments were discussed by the council and mayor. The public hearing was closed, and direction was given to staff to address the revisions and bring back updated drafts of the amendments for review and approval.

The revisions include the following:

1. Outdoor Lighting:
 - a. Made architectural and land landscape lighting allowed as an exemption to the lighting regulations.
 - b. Increased the degrees of Kelvin (color temperature) and the number of Lumens (brightness) for lighting fixtures, particularly for commercial uses.
 - c. Changed what land-use authority reviews and approves applications and determinations.
 - d. Eliminated the amortization time-frame requirement and clarified the legal non-conforming "grandfather" provisions.

- e. Clarified language of several provisions and paragraphs.
2. Sign Regulations:
 - a. Increased the allowed maximum size and height of signs, particularly for commercial uses.
 - b. Eliminated the amortization time-frame requirement and clarified the legal non-conforming "grandfather" provisions.
 - c. Clarified language of several provisions and paragraphs.
3. Noise Disturbances:
 - a. Included a provision of notice and non-liability for noise disturbances near mink farms/ranches.
4. Right to Farm Provisions:
 - a. No changes from original draft.
5. Fences and Walls:
 - a. Clarified fencing materials.
 - b. Changed what land-use authority reviews and approves determinations.

The updated drafts of the amendments showing the revisions are included in the attachments to this report.

ANALYSIS: The amendments were reviewed in accordance with the applicable City Standards for Decision, Section 10-3-080:E, to amend the text of the Development Code in consideration of the following factors:

1. Is the amendment consistent with the goals, objectives, and policies of the General Plan. *COMPLIES:*

The amendments are consistent with and support the following applicable elements of the general plan.

- Community Vision – *The amendments will help to beautify the city, preserve rural heritage and character, encourage high-quality amenities, and remain a family oriented, clean and friendly community.*
- Land Use – *The amendments support rural planning and design principles.*
- Economics – *The amendments preserve the economic, architectural and historical quality of Main Street and other commercial areas.*
- Transportation – *The amendments will help to ensure safe travel throughout the community.*

2. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property. *COMPLIES:*

The amendments are harmonious with and will help to preserve the overall rural small-town character of the community.

3. Whether the proposed amendment is consistent with the standards of any applicable overlay zone. *N/A*

4. Will the proposed amendment adversely affect adjacent property? *COMPLIES:*

The amendments will enhance the quality of the community and not adversely impact adjacent properties.

5. The adequacy of facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and waste water and refuse collection. *N/A*

RECOMMENDATION: Staff recommends the Mayor and City Council Members review and discuss the updated amendments and determine if the revised amendments adequately address the discussion points from the public hearing meeting and meet the applicable standards for approval referenced in Section 10-3-080:E of the Development Code.

Motion: A possible motion may include the following language:

I move approval and adoption of the Phase II Development Code Amendments with the updated and revised language based on the discussion before the City Council and findings in the staff report.

Alternative Actions: As an alternative to the motion stated above, the City Council may also elect to do one or more of the following:

1. Adopt on one or more of the amendments, but not all.
2. Adopt the amendments as further revised at the meeting.
3. Direct staff to make any additional revisions and present at a subsequent meeting for review and approval.
4. Other appropriate action(s) as determined by the City Council at the meeting.

ATTACHMENTS:

- A.** Findings for Approval
- B.** Outdoor Lighting - Title 10: Chapter 5
- C.** Sign Regulations - Title 9: Chapters 1 through 15
- D.** Noise Disturbances - Title 7: Chapter 13
- E.** Right to Farm Provisions- Title 10: Chapter 29
- F.** Fences and Walls - Title 10: Chapter 25

ATTACHMENT A

Findings for Approval

Findings for Approval

1. The amendments are consistent with the goals, objectives, and policies of the General Plan.
2. The amendments are consistent with the requirements of Title 10-3-080 of the Coalville City Development Code.
3. The proposed amendments will not be detrimental to public health, safety and welfare.

ATTACHMENT B

Outdoor Lighting

Title 10: Chapter 5

Chapter 5

OUTDOOR LIGHTING

Commented [DS1]: This chapter in the existing development code is replaced in its entirety with the following provisions.

- 10-5-010: Purpose**
- 10-5-020: Applicability**
- 10-5-030: Application and Review Procedures**
- 10-5-040: Definitions**
- 10-5-050: Lighting Standards and Fixtures**
- 10-5-060: Specific Requirements for Lighting Applications**
- 10-5-070: Exemptions**
- 10-5-080: Amortization of Nonconforming Lighting**
- 10-5-090: Penalty**
- 10-5-100: Appeals**

10-5-010: PURPOSE

The purpose of the Outdoor Lighting regulations is to:

- A. To prevent the degradation of the nighttime visual environment by production of unsightly, annoying, or dangerous glare;
- B. To minimize light pollution for the enjoyment of Coalville City residents and visitors;
- C. To create lighting practices that promote the health and safety of Coalville City residents and visitors;
- D. To prevent the unnecessary waste of energy and resources in production of excessive light or wasted light;
- E. To prevent interference of the use or enjoyment of property which is not intended to be illuminated at night and the loss of the scenic view of the night sky due to increased urban sky-glow and light trespass.

10-5-020: APPLICABILITY

All exterior outdoor lighting installed after the effective date of this Chapter in all zones in Coalville City shall conform to the requirements established by this Chapter.

- A. These regulations do not apply to indoor lighting, except Window Display Lighting.
- B. Should this Chapter be found to conflict with other sections of this Code, or a Development Agreement, Settlement Agreement or other regulation, the more restrictive shall apply.

10-5-030: APPLICATION AND REVIEW PROCEDURES

Lighting Plans Required: All Development Project permit applications or submittals that propose exterior outdoor lighting or street lighting shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this Chapter and shall include the following:

- A. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used, with installation and electrical details.
- B. Illustrations, including but not limited to a manufacturer's catalog cut sheets of all proposed lighting fixtures. For commercial, and industrial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide enough information regarding the light fixture, lumens, degrees kelvin, and shielding mechanisms for the Planning Commission or Community Development Director to be able to determine compliance with the provisions of this Chapter.
- C. A table showing the total number of proposed exterior lights, by fixture type, degrees kelvin, lumens, and lamp type.

10-5-040: DEFINITIONS

For purposes of these regulations the following terms, phrases, and words shall have the meaning herein given:

- A. COLOR TEMPERATURE (KELVINS): Color temperature (correlated color temperature) is a way to describe the light appearance provided by a light fixture and is a gauge of how yellow or blue the color of light emitted from a light source appears. It is measured in degrees of kelvin on a scale from 1,000 to 10,000.
- B. DEVELOPMENT PROJECT: Any residential, commercial, industrial or mixed-use subdivision plan, development plan or building permit application which is submitted to the City for approval.
- C. DIFFUSE: To spread or scatter widely, or thinly.
- D. DIRECT ILLUMINATION: Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent fixtures or reflected from other surfaces such as the ground or building facades.
- E. DISPLAY LOT or AREA: Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Uses not on this list must be approved as display lot uses by the City.

- F. FLOOD LAMP or LIGHT: A specific form of lamp designed to direct its output in a specific direction (a beam) with a diffusing glass envelope
- G. FULL CUT-OFF LIGHT FIXTURE: A luminaire light distribution where no light is emitted above the horizontal.
- H. FULLY SHIELDED LIGHT FIXTURE: A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.
- I. GLARE: A light ray emanating directly from a lamp, reflector or lens such that it falls directly on the eye of the observer.
- J. INSTALLED: The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.
- K. LIGHT POLLUTION: Any adverse effect of manmade light.
- L. LIGHT TRESPASS: Light falling where it is not needed or wanted, typically across property boundaries.
- M. LUMENS: The measurement of the total amount of visible light (to the human eye) from a lamp or light source. The higher the lumen rating the "brighter" the lamp or light source will appear. The acceptability of a light fixture is determined by its Lumen output, not wattage.
- N. LUMINAIRE: The complete lighting assembly, less the support assembly. For purposes of determining total light output from luminaire, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.
- O. OPAQUE: Opaque means that a material does not transmit light from an internal illumination source.
- P. OUTDOOR LIGHT FIXTURE: An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include but are not limited to lights used for:
1. Parking lot lighting;
 2. Roadway lighting;
 3. Buildings and structures;
 4. Recreational areas;
 5. Landscape lighting;

- 6. Signs (advertising or other);
 - 7. Product display area lighting;
 - 8. Building overhangs and open canopies.
- Q. OUTDOOR RECREATION FACILITY: An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.
- R. PERSON: Any individual, tenant, lessee, owner, or any commercial entity including, but not limited to firm, business, partnership, joint venture or corporation.
- S. SPECIAL USES/EVENTS: Uses and Events because of their temporary nature, uniqueness or public purpose, that warrant special lighting consideration. Special Uses and Events include schools and events, community events, churches, publicly-owned buildings, civic centers and events, filming activities, or similar uses and events.
- T. SPOT LAMP or LIGHT: A specific form of lamp designed to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope.
- U. TEMPORARY LIGHTING: Lighting which will not be used on a continuous or permanent basis which by their nature are of limited duration, such as holiday lighting decorations, civic events or construction projects.
- V. TRANSLUCENT: Permitting light to pass through but diffusing it so that the light source is not directly visible.
- W. WINDOW DISPLAY LIGHTING: Window display lighting includes glass enclosures, top of window or side valance lighting at the exterior frontage walls of a building. They are often designed with elaborate displays intended to attract and draw customers instore.
- X. TOTAL OUTDOOR LIGHT OUTPUT: The total outdoor light output is the maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high-pressure sodium, fluorescent and metal halide), the initial output, as defined by the manufacturer, is the value to be considered.

10-5-050: LIGHTING STANDARDS AND FIXTURES

A. Full-Cutoff Fixture Requirements:

- 1. Unless specifically exempted by this Chapter, all outdoor lighting shall use full cutoff fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture.

2. Lighting shall not be placed at a location, angle, or height that directs illumination or horizontal trespass outside the property boundaries where the light fixtures are located.
3. In order to qualify as a "full-cutoff" fixture, a light fixture top and sides must be opaque material so that light only escapes through the bottom of the fixture. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as full-cutoff.
4. In certain cases, such as but not limited to steep topography, significant changes in grade, development near or within identified ridgelines may require additional shielding to mitigate glare or light trespass. Requirements for additional shielding will be considered as part of the lighting plan review process.

B. Prohibited Lighting: The following types of lights are prohibited:

1. Floodlights or spotlights affixed to buildings or poles for the purpose of lighting parking lots or sales display areas where the light source is directly visible.
2. Search lights, laser source lights or any similar high intensity lighting is prohibited except in emergencies by police and fire personnel or at their direction.
3. Flashing, blinking, intermittent or other lights that move or give the impression of movement.
4. Neon or luminous tube lighting except as permitted in the Sign Regulations of Chapter 9.
5. Window Display Lighting between the hours of 10 p.m. and 7 a.m.
6. Completely transparent light fixture materials, such as clear glass.
7. Single, or multiple light bulb fixtures that directly emit light.
- ~~8. Architectural lighting intended to accent or draw attention to architectural features of a building or structure.~~
- ~~9. Landscape lighting intended to accent or draw attention to landscape elements of the property.~~
- ~~10.8. Up-lighting to illuminate buildings and other structures.~~

C. ~~Color Temperature (Kelvins (Color Temperature) Per Fixture:~~ The maximum correlated color temperature for Outdoor Light Fixtures is as follows:

1. All lighting shall make use of lamps with correlated color temperature not exceeding ~~3,000~~ 3,500 degrees kelvin, except for roadway lighting as specified in Section 10-5-060:E herein.
 2. The correlated color temperature of lighting may exceed ~~3,000~~ 3,500 degrees kelvin in situations where the City determines that accurate color rendition is crucial to public safety or the activities of law enforcement. In no case shall the correlated color temperature of such critical lighting exceed 6,000 degrees kelvin.
- D. **Lumens (Brightness) Per Fixture:** The maximum lumens allowed for Outdoor Light Fixtures are as follows:
1. For single-family residential uses, fixtures up to 2,000 Lumens output per lamp.
 2. For commercial, industrial, and multi-family uses, fixtures up to ~~2,500~~ 3,000 lumens output per lamp.
 3. Total Outdoor Light Output: Total outdoor light output, excluding streetlights used to illuminate public rights-of-way, shall not exceed the following limits averaged over the entire project:
 - a. For single-family detached dwellings and duplexes, the maximum total outdoor light output shall not exceed ~~20,000~~ 25,000 lumens per parcel.
 - b. For commercial, industrial and multi-family dwelling units, the maximum total outdoor light output shall not exceed ~~75,000~~ 100,000 lumens per acre.

10-5-060: SPECIFIC REQUIREMENTS FOR LIGHTING APPLICATIONS

- A. **Light Trespass:** Fixtures shall be located at the necessary distance from property boundary lines to ensure light does not trespass onto adjacent property.
- B. **Wall Mounted Area Lighting:** All wall mounted or building mounted fixtures shall not exceed twelve feet (12') above Finished Grade, measured directly below the light fixture. In cases where there is second story access directly from the outdoors, a single fixture may be placed above or adjacent to the access.
- C. **Parking Lot Lighting:**
1. Pole top mounted fixtures shall not be mounted higher than sixteen feet (16') above Finished Grade, as measured to the top of the fixture.
 2. All parking lot lighting shall include Full Cut-Off Fixtures.

3. All pole mounted parking lot lights shall be set back from property lines a distance equal to two (2) times the height of the pole.
4. Pole mounted fixtures shall be limited to two (2) light sources per pole.
5. Spot or flood lighting of parking lots from a building, pole or other structure is prohibited.
6. On parking lots greater than one-fourth (1/4) acre in size, programmable full cut-off fixtures shall be used. These fixtures shall be dimmable and paired with motion sensors that are incorporated into the lighting system.

D. Walkway/Pathway Lighting: All pathway pole top fixtures shall not be mounted higher than ten feet (10') above Finished Grade directly below the fixture, as measured to the top of the fixture.

E. Roadway Lighting:

1. Residential Street Lighting shall not exceed fourteen feet (14') above Finished Grade to the top of the fixture. All residential streetlights shall utilize lamp types that are full cut-off with correlated color temperature not exceeding 4,000 degrees kelvin.
2. Major Roadway lighting, including arterial and collector roads, shall not exceed twenty feet (20') above Finish Grade to the top of the fixture. All major roadway lighting fixtures shall utilize lamp types that are full cut-off with correlated color temperature not exceeding 5,000 degrees kelvin.

F. Gas Station Canopy Lighting:

1. Lighting levels of gasoline station canopies shall be limited to illuminating the activities taking place under the canopy, not to attract attention to the business.
- ~~2. Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are full cut-off. Light fixtures mounted under canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture.~~
- ~~2.~~
3. The undersurface of the canopy shall be nonreflective material or be painted with low reflectivity colors.

G. Soffit Lighting:

1. For Detached Single-Family Dwellings if lighting with fixtures mounted in the soffit of a building, the fixture shall not be mounted above twelve feet (12') in height, as measured from the fixture to Finish Grade.

2. For Commercial, Industrial and Multi-Family Dwellings, if lighting with fixtures mounted in the soffit of a building, the fixture shall not be mounted above twenty feet (20') in height, as measured from the fixture to Finish Grade.
3. Light fixtures mounted in soffits shall be recessed so that the lens cover is recessed or flush with the bottom surface of the soffit and/or shielded by the fixture.

H. Outdoor Recreation and Athletic Facility Lighting: Recreational lighting shall minimize the Glare of spill light and up-light by using louvers, hoods, or shielding.

1. Recreational lighting shall only illuminate the field or court area avoiding any direct illumination beyond those areas or into adjoining properties
2. Pole mounted recreational lighting shall be limited to twenty feet (20') in height.
3. Pole mounted recreational lighting must be set back a minimum of fifty feet (50') from adjacent residential properties.
4. Lighting for outdoor sports fields and courts shall be shut-off no later than eleven o'clock (11:00) P.M.
5. Lighting for non-field and non-court areas shall conform to the provisions of this Chapter.

Exemption-Public Recreational Facilities: Because of their unique requirements for nighttime visibility and limited hours of operation, lighting fixtures for public baseball diamonds, playing fields and tennis courts may exceed the twenty-foot (20') height limit subject to the following:

- a. All applications for pole height greater than twenty feet (20') shall be reviewed by the ~~Planning Commission~~ City Staff.
- b. In no case shall any lighting fixture exceed sixty feet (60') in height as measured from the top of the fixture to the adjacent grade.
- c. Lighting fixtures shall be subject to all other requirements in this Chapter.

I. Towers:

1. All monopole, antenna, tower or support facility lighting not required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC) is prohibited.
2. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a

dual mode for day and night to minimize impact to the night sky and migrating birds.

3. All other lighting used on the property not regulated by the FAA or FCC shall conform to this Chapter.

10-5-070: EXEMPTIONS: The following lighting shall be exempt from the requirements and review standards of this Chapter, provided such lighting does not create dangerous glare on adjacent streets or properties, is maintained, and does not constitute a public hazard or nuisance:

1. Exemptions to Full Cut-off Fixture Requirements:
 - a. Fixtures having a total light output less than one thousand (1,000) lumens (allowing a maximum of a 60-watt incandescent or a 15-watt compact fluorescent bulb) are exempted from the full cut-off requirement provided:
 - i. The fixture has a top that is completely Opaque such that no light is directed upwards.
 - ii. The fixture has sides that completely cover the light source and are made of Opaque or semi Opaque material. Fixtures with Opaque sides may have incidental decorative perforations that emit small amounts of light.
 - iii. Semi Opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material.
 - iv. The direct light source is not visible beyond the property on which the fixture is located.
2. Low voltage lights used to illuminate pathways, provided the lights are installed no more than eighteen inches (18") above finish grade.
3. Holiday lighting. Holiday lighting which is temporary in nature shall be exempt from the provisions of this Chapter.
4. Traffic control signals and devices.
5. Temporary emergency lighting in use by law enforcement or government agencies or at their direction.
6. The lighting of federal or state flags, provided that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light the flag, while at the same time fulfilling the purposes of this Chapter.
7. Historic lighting in the Historic Downtown Commercial District if the lighting is consistent with the exterior lighting provisions of the Coalville City Architectural Design Guidelines.

8. Architectural lighting intended to accent or draw attention to architectural features of a building or structure.

9. Landscape lighting intended to accent or draw attention to landscape elements of the property.

7. _____

8-10. Agriculture lighting. Lighting for agriculture activities or agricultural buildings is exempt from the requirements of this chapter, provided such lighting is directed downward and shielded to prevent Glare on adjacent streets or properties.

9-11. Special Uses and Events Lighting. Uses, events and buildings, defined as Special Uses/Events, may include have architectural lighting intended to accent or draw attention to architectural features of a building or structure, landscape lighting intended to accent or draw attention to landscape elements of the property, or lighting to illuminate buildings and other structures or activities.

10-5-080: AMORTIZATION OF NONCONFORMING LIGHTING

- A. **Amortization:** The City shall require the termination of use of any and compliance of all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this chapter, pursuant to the amortization schedule contained in this Section.
- B. **Schedule of Amortization:** All non-conforming outdoor lighting legally existing and installed prior to the effective date of this chapter shall be considered legal non-conforming "grandfathered" lighting, and which is not exempted shall be considered nonconforming and Such legal non-conforming lighting shall be brought into compliance over-time by the property owner as follows:
1. Immediate abatement as a condition of approval upon application for a building permit, sign permit, conditional use permit, development review or similar City permit.
 2. All damaged or inoperative or dilapidated non-conforming lighting, including bulb or lamp replacement, which does not require a sign or building permit may shall be replaced or repaired with the same conforming lighting sources, equipment and fixtures.
 3. All outdoor lighting not previously scheduled for amortization or otherwise exempted shall be brought into conformance with this chapter within two (2) years from the effective date of this chapter.

10-5-090: PENALTY

Any person found guilty of violating any of the provisions, rules and regulations of this Chapter, is guilty of a Class "C" misdemeanor, pursuant to Utah Code Annotated, as

amended. Each violation shall be subject to a \$100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

10-5-100: APPEALS

Any Person aggrieved by an administrative action by the Staff or Planning Commission may appeal the decision to the City Council who shall have authority to reverse, affirm or modify the decision of the Staff or Planning Commission.

ATTACHMENT C

Sign Regulation

Title 9: Chapters 1 through 15

Chapter 9

SIGN REGULATIONS

Commented [DS1]: Title 9 Chapters 1-15 in the existing development code is replaced in its entirety with the following provisions.

- 09-1-010: Purpose**
- 09-1-020: Permit Requirements**
- 09-1-030: Approval**
- 09-1-040: Definitions**
- 09-1-050: Permitted Signs**
- 09-1-060: Prohibited Signs**
- 09-1-070: Exempted Signs**
- 09-1-080: Nonconforming Signs**
- 09-1-090: Amortization of Nonconforming Signs**
- 09-1-100: Enforcement**
- 09-1-110: Penalty**
- 09-1-120: Appeals**

09-1-010: PURPOSE

The purpose of this chapter is to promote and protect the public health, safety and welfare of the general public by implementing outdoor advertising regulations that promote scenic quality, protect property values and reduce visual clutter:

- A. Create an attractive economic and business advertising climate that enhances the aesthetic appearance of the community.
- B. Ensure that the constitutionally guaranteed right of free expression is protected.
- C. Reduce signs or advertising distractions and obstructions that may contribute to visual clutter or traffic accidents.

09-1-020: PERMIT REQUIREMENTS

It is unlawful for any person to erect, construct, alter or relocate any sign, other than exempt signs specifically described in Section 09-1-070 of this chapter, without first obtaining a sign permit. Routine maintenance or repairing existing like parts shall not be considered an alteration; provided, that such change does not alter the surface dimensions, height, message, or copy of the sign. An application for a sign permit shall be submitted to the City and include the following:

- A. The name, address and telephone number of the applicant, owner and occupant of the property.

- B. Location of the structure or parcel of property on which the sign will be attached or erected.
- C. Position of the sign in relation to nearby buildings, property lines, rights-of-way, sidewalks and streets.
- D. A copy of plans and specifications showing materials and method of construction for the sign including applicable supports, illumination and electrical wiring.
- E. A colored rendering showing the sign face, colors, exposed surfaces and proposed Copy, accurately represented in scale as to size, height from finish grade, and proportions.
- F. The name and contact information of the person erecting the sign.
- G. Written consent from the owner of the building, structure or land on which the sign is to be erected.
- H. For an application for a temporary sign the applicant shall list the earliest date on which the sign may be established and the date on which the sign shall be removed.

09-1-030: APPROVAL

The community development director or designated planning staff member shall approve, approve with conditions, or deny the sign permit within thirty (30) days from the date of the submittal of a complete application.

- A. **Sign Design:** It is recognized that it is desirable to have some diversity of sign design within the City. However, it is also desirable to ensure that materials and color schemes used on signs shall be compatible with the image of the Coalville City community and rural small-town character.
- B. **Permit Fees:** Prior to issuance of a sign permit by the City, the applicant shall pay the required permit fee for each sign permitted.

09-1-040: DEFINITIONS

For the purposes of this chapter, the following definitions will be used:

- A. **ALTERATIONS:** Alterations as applied to a sign means change or rearrangement in the structural parts or its design, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another.
- B. **AREA OF SIGN:** The area of a sign is measured by drawing the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the copy, representation, emblem, graphic or other display on the sign backing. Sign area does not include structural supporting framework, bracing or sign backing or wall to which the sign is attached. If individual letters are mounted directly

on a wall or canopy, the sign area shall be the square feet of the smallest rectangle, which encloses the sign, message, logo or other graphic.

- C. BALCONY: A platform that projects from the wall of a building and is surrounded by a railing or balustrade.
- D. BANNER: A strip of cloth, plastic, paper or other material on which letters or logos are painted or written, hung up or carried on a crossbar, staff, string or between two (2) poles.
- E. BILLBOARD: A permanent outdoor advertising sign that advertises goods, products, or services not necessarily sold on the premises on which the sign is located.
- F. BUILDING FACE OR WALL: All window and wall area of a building on one (1) plane or elevation.
- G. 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.
- H. COMMUNITY OR CIVIC EVENT: A public event not intended for the promotion of any product, political candidate, religious leader or commercial goods or services.
- I. DISPLAY BOX: A freestanding or wall sign faced with glass or other similar material designed for the express purpose of displaying menus, current entertainment or other like items.
- J. ELECTRONIC DISPLAY TERMINAL: An electronic terminal, screen, or monitor used to receive or provide information, advertise a good or service or promote an event.
- K. FLAG: A piece of cloth, plastic or similar material, usually rectangular or triangular, attached by one (1) edge to a staff/pole as a distinctive symbol of a country, government, organization or other entity or cause.
- L. GRADE: The ground surface elevation of a site or parcel of land.
 - 1. Grade, Existing: The grade of a property prior to any proposed development or construction activity.

2. Grade, Natural: The grade of land prior to any development activity or any other man-made disturbance or grading. Planning Staff shall estimate the natural grade, if not readily apparent, by reference elevations at points where the disturbed area meets the undisturbed portions of the property.
3. Grade, Finish: The final or resulting grade where earth meets the building or sign after completion of the proposed development activity.
- M. **HANDBILL**: A paper, sticker, flyer, poster, pamphlet, or other type of medium distributed by hand for identification, advertisement, or promotion of the interest of any person, entity, product, event, or service.
- N. **HEIGHT OF SIGN**: The height of a sign is the vertical distance measured from natural or finish grade to the top of the sign.
- O. **OPAQUE**: Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, opaque means that the area surrounding any letters or symbols on the sign either is not lighted from within or allows no light from an internal source to shine through it.
- P. **MULTIPLE USES**: Any lot, building, or other structure or tract of land that has been designated for multiple nonresidential uses, through the approval of a development permit.
- Q. **NAME PLATE**: A sign that identifies the name, occupation, and/or professions of the occupants of a premise.
- R. **PREMISE**: Land and the buildings owned or rented, upon it.
- S. **PRIVATE PLAZA**: Private property in excess of 1,000 square feet that generally serves as common area to adjoining commercial development and is free of structures, is hard surfaced and/or landscaped. Private plazas generally provide an area for pedestrian circulation, common amenities, and act as a gathering space for private or public purposes.
- T. **PUBLIC PROPERTY**: Any property owned by a governmental entity.
- U. **REPRODUCTION**: An object that has been designed and built to resemble a product or service.
- V. **SIGN**: Sign shall mean and include a display of an advertising message, usually written, such as an announcement, declaration, demonstration, product reproduction, illustration, insignia, surface or space erected or maintained in view of the observer primarily for identification, advertisement, or promotion of the interest of

any person, entity, product, or service. The definition of a sign shall also include the sign structure, supports, lighting system, and any attachments, flags, ornaments or other features used to draw attention of observers.

1. Sign, Abandoned. Any sign applicable to a use which has been discontinued for a period of three (3) months.
2. Sign, A-Frame. Any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a manner as to form a basic triangular shape.
3. Sign, Awning. Any sign painted on or attached to an awning or canopy.
4. Sign, Cabinet. A frame covered by translucent material. The entire structure is one (1) unit and the copy is not intended to include the individual letters.
5. Sign, Campaign. A temporary sign on or off-premises, announcing, promoting, or drawing attention to a candidate seeking public office; or announcing political events or issues.
6. Sign, Canopy. Any sign painted or attached to a canopy.
7. Sign, Changeable Copy. A manually operated sign that displays graphics or a message that can be easily changed or altered without altering the face or surface of the sign.
8. Sign, Construction. A temporary sign placed on a site identifying a new development or building construction.
 - a. Project Marketing Sign. A sign identifying the financial institution of a development, and may include a plat map, and real estate information.
 - b. Construction Identification Sign. A sign identifying the contractor and or builder responsible for a project or development.
 - c. Construction/Project Marketing Sign. A combination of a construction sign and project marketing sign.
9. Sign, Copy. Copy is all the written matter, illustrations, logo's or slogans on a sign expressed in words, sentences, or figures designed to convey the desired message of the sign.
10. Sign, Directional. Signs which serve as directional guides to recognized areas of regional importance and patronage, including:

- a. Recreational and entertainment centers of recognized regional significance.
 - b. Major sports stadiums, entertainment centers or convention centers.
 - c. Historic landmarks, churches, schools, community centers, hospitals and parks.
 - d. Public safety, municipal directional, parking and essential services.
- 11. Sign, Directory. A sign located on the premise to direct traffic, that contains the name of a building, complex or center and name and address of two (2) or more businesses being part of the same sign structure or interior to the building which can be seen from the outdoors.
 - 12. Sign, Electronic. A window, wall, or other sign that changes messages through a marquee, reader board, electronic message center, or other replaceable copy area.
 - 13. Sign, Externally Illuminated. A sign illuminated by light sources from the outside.
 - 14. Sign, Free-Standing. A sign that is supported by one (1) or more uprights or braces which are fastened to or embedded in the ground.
 - 15. Sign, Ghost. A sign on an exterior building wall, which has been weathered and faded to the extent that it has lost its original brightness of color and visibility.
 - 16. Sign, Hanging. A sign attached underneath a canopy, awning or colonnade.
 - 17. Sign, Historic. A sign that by its construction materials, age, prominent location, unique design, or craftsmanship, provides historic character, individuality, and a sense of place or orientation regarding clues to a buildings history.
 - 18. Sign, Historic Replication. A sign, which is an exact replication, including materials and size, of a historic sign which once existed in the same location.
 - 19. Sign, Hours of Operation. A sign that displays the hours during which the buildings tenant serves the public, this includes "open" and "closed" signs.
 - 20. Sign, Hybrid. A sign which is a combination of two or more common types of signs. (ex. Electronic- monument, electronic- projection.)
 - 21. Sign, Identification. A sign which identifies only the name and/or logo and/or address of a commercial, industrial, or multi-family complex and the owner and tenants thereof.

22. Sign, Illegal. Any sign which does not conform to the regulations of this chapter as currently adopted or as amended at the time of construction.
23. Sign, Internally Illuminated. A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.
24. Sign, Luminous Tube (Neon). A sign, that is outlined, or has characters, letters, figures, or designs that are illuminated by gas filled luminous tubes, such as neon, argon or fluorescent.
25. Sign, Monument. A sign that is supported by a foundation embedded in the ground and not attached to any building or wall.
26. Sign, Municipal Identification. A sign designed specifically for the purpose of notifying motorists of a City's municipal boundary and welcoming them.
27. Sign, Neighborhood Information. A sign located entirely on private property, designed to provide information or notifications to local residents regarding neighborhood events or issues.
28. Sign, Non-commercial Opinion. A sign, which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view, such as, a political, religious, or other ideological sentiment or support or opposition to a candidate or proposition for a public election.
29. Sign, Non-Conforming (Legal). Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of the development code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter.
30. Sign, Off-Premise. A sign identifying a business, commodity, service, or industry, which is not conducted upon the premises on which the sign is placed.
31. Sign, On-Premise. A sign that identifies the name, occupation, and/or professions of the occupants of the premises.
32. Sign, Permanent. Any sign which is not temporary by definition, and is intended to be displayed for more than sixty (60) consecutive days
33. Sign, Pole. A freestanding sign that is supported by one (1) upright not greater than twelve inches (12") in diameter and is not attached or braced by any other structure.

34. Sign, Political. A sign advertising a candidate for public office, proposition or other issue to be voted on by the electorate.
35. Sign, Portable. A sign that can be moved from place to place and is not permanently affixed to the ground or a building.
36. Sign, Projecting. A sign attached to a building or other structure, perpendicular to the street and extending in whole or in part more than six inches (6") beyond any wall of the building or structure.
37. Sign, Projection. A sign that utilizes a beam of light to project a visual image or message onto a surface.
38. Sign, Public Necessity. A sign that informs the public of danger or a hazard.
39. Sign, Real Estate. A temporary sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed. Real Estate signs are typically T-Post style signs.
40. Sign, Roof. A sign erected or painted upon or above the roof or parapet of a building.
41. Sign, Solicitation. Sign used to communicate no solicitations.
42. Sign, Special Purpose. A sign advertising a special event pertaining to drives or events of a civic, philanthropic, educational, or religious organization.
43. Sign, Special Sale. Temporary signs used to advertise a special sale.
44. Sign, Spot-Lit. A sign illuminated by spot lights intended to broadcast light on the sign.
43. Sign, Temporary. A banner, pennant, valance or other advertising display with or without frames, intended to be displayed in or out of doors for a short period of time; A temporary sign shall include, but is not limited to, the following:
 - a. Open house signs
 - b. Political signs
 - c. Special events signs
 - d. Yard or garage sale signs
 - e. Grand Opening signs
 - f. Special business promotional display signs
 - g. Mobile signs
 - h. Banners

- i. Wind signs
- j. Portable signs
- k. Inflatables

- 43. Sign, Unsafe or Dangerous. A sign constituting a hazard to public safety, or which does not meet lateral and/or vertical load requirements, or applicable wiring and installation standards of the city building codes.
- 44. Sign, Vehicle. Any sign, logo or advertisement placed, painted, attached, or displayed on a vehicle.
- 45. Sign, Wall. A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building.
- 46. Sign, Window. A sign installed upon or within three feet (3') from the window, visible from the street and exceeds two (2) square feet in area, for the purpose of viewing from outside of the premises. Window signs do not include merchandise displays.
- 47. Sign, Yard. A temporary sign that announces a garage sale, open house or similar event.

W. SINGLE USE: Any lot, building, or other structure or tract of land that has been designated for one nonresidential use, through the approval of a development permit.

X. THEATER MARQUEE: A permanent sign with changeable copy, which is used to advertise theater events.

Y. WALL MURAL: A work of art, such as a painting applied directly to a wall, fence, pavement, or similar surface that is purely decorative in nature and content and does not include advertising by picture or verbal message.

Z. ZONE DISTRICT: Refers to land use regulatory zones under the zoning ordinances of Coalville City.

09-1-050: PERMITTED SIGNS

The following types of signs are allowed:

- 09-1-050: A. Freestanding Signs
- 09-1-050: B. Monuments Signs
- 09-1-050: C. Building Signs
- 09-1-050: D. Subdivision, Multi-Family Dwellings, and Residential Complex Signs
- 09-1-050: E. Highway Commercial (HC) Zone Sign Exceptions

09-1-050: F. Off-Premise Signs

09-1-050: G. Temporary Signs

A. FREESTANDING SIGNS. Each nonresidential use may erect an on-premise freestanding sign. All freestanding signs shall comply with the following standards:

1. **Number of Signs:** One (1) freestanding sign shall be permitted for the primary vehicular access to the parcel. The primary vehicular access is that access located adjacent to the primary parking area.
2. **Location/Setbacks:** Freestanding signs shall be located adjacent to the primary vehicular access to the parcel. In no case shall a freestanding sign encroach into a road right-of-way, nor shall any sign be situated near an intersection in such a manner to interfere with vehicular sight distance. The sign, including supports, base and sign face, shall be setback at least ~~five~~ three feet (3) ~~(5')~~ from the edge of the right-of-way.
3. **Display Area Size:** The display area of all freestanding signs for a single use shall not exceed ~~thirty-five~~ (50) ~~(30)~~ square feet in size. The display area of all freestanding, on premises signs for a parcel containing Multiple Uses shall not exceed ~~fifty-seventy~~ (70) ~~(50)~~ square feet. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.
4. **Freestanding Sign Height:** In no case shall the highest point of a freestanding sign be more than twenty feet (20') above the grade elevation at the base of the sign.
5. **Materials:** Freestanding signs shall be constructed of wood or other natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.
6. **Illumination:** Signs may be illuminated provided that only indirect or internal lighting is utilized and that the light source is not visible. Backlit full sign face illuminated signs are prohibited. Backlighting through individual letters/copy on a dark translucent or opaque material that comprises the letters/copy of the sign face is permitted, if the light source is not visible.
7. **Landscaped Area:** All freestanding signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the land form where possible.

B. MONUMENT SIGNS. Each nonresidential use may erect an on-premise monument sign. All monument signs shall comply with the following standards:

1. **Number of Signs:** One monument sign shall be permitted for each separate primary vehicular access to the parcel, up to a maximum of two (2) signs. The primary vehicular access is that access located adjacent to the primary parking area.
2. **Location/Setbacks:** Monument signs shall be located adjacent to the primary vehicular access to the parcel. In no case shall a monument sign encroach into a road right-of-way, nor shall any sign be situated near an intersection in such a manner to interfere with vehicular sight distance. The sign, including base and sign face, shall be set back at least ~~five~~ three feet (3') ~~(5')~~ from the edge of the right-of-way.
3. **Monument Sign Base:** All monument signs shall be constructed with a base of stone, stone veneer, textured concrete or weather resistant wood.
4. **Display Area Size:** The display area of all monument signs shall not exceed thirty (30) square feet in size. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.
5. **Monument Sign Height:** In no case shall the highest point of a monument sign be more than eight feet (8') above the grade elevation at the base of the sign.
6. **Materials:** Monument signs shall be constructed of wood, stone or other natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.
7. **Illumination:** Signs may be illuminated provided that only indirect or internal lighting is utilized and that the light source is not visible. Backlit full sign face illuminated signs are prohibited. Backlighting through individual letters/copy on a dark translucent or opaque material that comprises the letters/copy of the sign face is permitted, if the light source is not visible.
8. **Landscaped Area:** All monument signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the land form where possible.

C. BUILDING SIGNS: Primary and Secondary Wall Signs, Projecting Sign, Suspended Sign, Awning Sign: Each nonresidential use may choose to utilize three (3) out of the

five (5) types of signs, as described below. In no case shall two (2) or more same types of signs be used per use.

1. **Wall Signs:** Wall signs are those signs that are attached to or painted on the wall of a building, the display surface of the sign being parallel to the wall of the building on which the sign is placed. Wall signs shall not project out more than six inches (6") from the wall on which they are mounted.

a. Display Area: The area of all wall signs shall be the extreme limits of the display surface. The display surface includes any architectural embellishments or background materials that are an integral part of the display used to differentiate the sign from the wall of which it is mounted.

b. Materials: Wall signs shall be wood, metal, other natural or natural appearing materials, or painted on the side of the building. Plastic, Lexan, or similar materials are allowed for individual letters or internally illuminated sign cabinets only.

1.1. **Primary Wall Sign:** A wall sign that is located on the facade of the building that contains the primary access to the particular use. A primary wall sign shall not exceed one square foot of sign area for each one (1) two (2)-linear feet of building facade frontage, up to a maximum of fifty (50) square feet.

In the case of multiple users in one building, the frontage shall include the length of the individual suite that is exposed to the exterior of the building where the primary access to the use is located.

In cases where a use does not contain exterior exposure to a building for the purposes of measuring sign area, that use may have a fifteen (15) twelve (12) square foot sign.

1.2. **Secondary Wall Sign:** A sign that is located on a building facade that is separate from the facade on which the primary wall sign is located. A secondary wall sign shall not exceed a maximum of one-half (1/2) the size of the permitted primary wall sign.

2. **Projecting Signs:** Projecting signs are supported by a building or other structure and project out from the building or structure over sidewalks or similar area in a manner that the display area is generally perpendicular to the face of the building or structure.

a. Size: Projecting signs shall not exceed thirty (30) eight (8)-square feet.

b. Display Area: The area of a projecting sign shall be the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.

- c. Height: Signs which project over a pedestrian walkway shall allow at least seven and one-half feet (7.5') of clearance between the bottom of the sign and the sidewalk or ground.
 - d. Lighting: Projecting signs may be illuminated; provided, that only indirect or internal lighting is utilized and that the light source is not visible.
 - e. Materials: Projecting signs shall be constructed of wood, metal or similar natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters or internally illuminated sign cabinets only.
3. **Suspended Signs**: A sign that is suspended parallel or perpendicular from a building roof, facade, porch, overhang or other structural element by brackets, hooks, cables or chains.
- a. Size: Suspended signs shall not exceed fifteen (15) ~~eight (8)~~ square feet.
 - b. Display Area: The area of a suspended sign shall be the extreme limits of the display surface. The display surface also includes any architectural embellishments or background materials that are an integral part of the display and used to differentiate the sign from its surroundings.
 - c. Height: Suspended signs shall allow at least seven and one-half feet (7.5') of clearance between the bottom of the sign and the sidewalk or ground.
 - d. Lighting: Suspended signs may be illuminated; provided, that only indirect or internal lighting is utilized, and that the light source is not visible.
 - e. Materials: Suspended signs shall be constructed of wood, metal, or similar natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters or internally illuminated sign cabinets only.
4. **Awning/Canopy Signs**: Awning and canopy signs are comprised of letters and logos that are attached to the valance of an awning or canopy.
- a. Size: The words and logos on any awning or canopy sign shall not exceed eight inches (8") in height. Sign copy shall not exceed a maximum of fifteen percent (15%) of each side or face of the awning or canopy.
 - b. Lighting: Backlighted awnings or canopies are permitted provided that the light source is not visible.
 - c. Number of Signs: Up to three (3) sides of the awning or canopy may be used for a total of three (3) signs. Only one (1) sign is allowed on each side of the awning or canopy.

5. **Luminous Tube (Neon) Signs:** Luminous tubes (Neon) signs used to draw attention or advertise a business in any manner shall comply with the following standards:
- a. Size: All luminous-tube signs are limited to fifteen (15) square feet or less in size.
 - b. Height Limit: Luminous-tube signs shall be limited to the ground-floor elevation.
 - c. Number of Signs: One (1) luminous-tube sign is allowed for every twenty-five feet (25') of building façade width. One (1) luminous-tube sign of less than two (2) square feet in size is allowed per building or commercial tenant space without a permit.
 - d. Setback and Orientation: Luminous-tube signs may be attached to the exterior of the building as a wall sign, installed as projecting sign or suspended sign.
 - e. Zoning Restrictions: Luminous-tube signs are permitted in the Historic District of the Commercial (CC) Zone. Luminous-tube signs are prohibited in all other zoning districts.
 - f. Design: Luminous-tube signs may not flash, move, alternate, or show animation. The outlining of a building's architectural features is prohibited.
 - g. Illumination: No additional illumination other than the sign itself is permitted.

D. SUBDIVISION, MULTI-FAMILY DWELLINGS, and RESIDENTIAL COMPLEX SIGNS: These signs are intended to identify and state the name of a subdivision, multi-family development, or residential townhome or condominium complex.

1. **Monument Signs:** One monument sign shall be permitted for each separate primary vehicular access to a subdivision, multi-family dwelling development, or residential townhome or condominium complex. All monument signs shall comply with the following standards:
- a. Monument Base: All monument signs shall be constructed with a base of stone, stone veneer, textured concrete or weather resistant wood. The monument sign base structure is not subject to the sign display area size requirement.
 - b. Size: The sign display area shall not exceed ~~thirty (30)~~ twenty (24) square feet in size. The display area of a sign, which may be double sided, shall include all copy and architectural embellishments that are an integral part of the sign message and appearance.

- c. Height: In no case shall the highest point of the sign be more than six feet (6') above the grade elevation at the base of the sign.
- d. Materials: All monument signs shall be constructed of wood, stone or other natural or natural appearing materials. Plastic, Lexan or similar materials are allowed for individual letters and internally illuminated sign cabinets only.
- e. Landscaped Area: All monument signs shall be located within a landscaped area. Landscaping, including shrubs, perennials, trees, other appropriate vegetative materials, and landscape boulders where appropriate, shall be designed in a manner that softens the visual impact of the sign and maintains pedestrian and vehicular sight distances. Designs shall integrate the sign into the land form where possible.
- f. Location/Setbacks: In no case shall a monument sign encroach into a road right-of-way, nor shall the sign be situated near an intersection in such a manner to interfere with vehicular sight distance. Monument signs shall be set back at least ~~five-three~~ feet ~~(3') (5')~~ from the edge of the right-of-way or property line.

E. HIGHWAY COMMERCIAL (HC) ZONE SIGN EXCEPTIONS: In addition to the sign standard provisions described in this chapter, the following sign exceptions are allowed in the Highway Commercial (HC) Zone District:

- 1. **Freestanding Sign Height:** The highest point of a freestanding sign located in the HC Zone shall not exceed ~~forty-sixty~~ feet ~~(60) (40')~~ above the grade elevation at the base of the sign.
- 2. **Freestanding Sign Display Area Size:** The display area of freestanding signs for a single use in the Highway Commercial (HC) Zone shall not exceed ~~sixty-eighty~~ ~~(80) (60)~~ square feet. The display area of all freestanding signs for a parcel containing multiple uses shall not exceed one-hundred ~~twenty~~ ~~(120) (100)~~ square feet.
- 3. **Changeable Copy Signs:** Changeable copy signs are permitted in the Highway Commercial (HC) Zone provided - The sign message ~~shall~~ only changes intermittently at irregular intervals and does not continuously stream across the sign face. they-Changeable copy signs shall comply with the following standards:
 - a. Number of Signs: The maximum number of changeable copy signs for a commercial or non-profit business is one (1) sign.
 - b. Design: The sign materials and design shall be compatible with the color, materials and architecture design of the building. The sign shall be colorfast and resistant to ultraviolet radiation. The individual letters shall be uniform in

size and color. The individual letters shall not exceed twelve inches (12") in height

- c. **Illumination:** Illumination of changeable copy signs shall be limited to a case with a dark translucent or opaque face which enclose the sign letters.

F. OFF-PREMISE SIGNS: Off-premise signs are intended to identify a business, commodity, service, or industry, which is not located within and readily visible from the entry corridors of the City. Off-premise signs shall be limited to provide direction to a business or use located in the City and shall be constructed in accordance with the following:

1. **Size:** Off-premise signs shall not exceed ~~thirty-five (50) (30')~~ square feet.
2. **Sign Copy:** Off-premise signs shall contain the business name and directional information only.
3. **Number of Signs:** There shall be no more than one sign face per direction of facing for each business or use.
4. **Location:** An off-premise sign shall not be located within a 300-foot radius of any other off-premise sign intended to be read from the same right-of-way. The sign shall not be within a 100-foot radius of any other off-premise sign intended to be read from a different right-of-way. All spacing measurements in this subsection shall refer to a measurement made along the edge of the right-of-way and shall apply only to structures located on the same side of the roadway. These spacing provisions do not apply to signs separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the road right-of-way at any one time.
5. **Lighting:** Off-premise signs shall not be illuminated nor shall blinking or flashing lights be used.
6. **Height:** In no case shall the highest point of the sign be more than ~~fifteen-twenty (20) (45')~~ feet above the grade elevation at the base of the sign.
7. **Setback:** In no case shall an off-premise sign encroach into a road right-of-way, nor shall the sign be situated near an intersection in such a manner to interfere with vehicular sight distance. Off-premise signs shall be set back at least 10 feet (10') from the edge of the right-of-way.
8. **Written Permission:** Off-premise signs shall only be located on property for which the permit applicant has written permission from the land owner or person lawfully in control of the property to erect and maintain an off-premise sign.

G. TEMPORARY SIGNS: "Temporary sign" means any sign or advertising display constructed of cloth, wood, canvas, light fabric, paper, vinyl or other materials with or without frames intended to be displayed for a limited time period and not permanently affixed to a building or the ground.

1. General Provisions for All Temporary Signs: The following standards shall apply to all temporary signs:

- a. Permit Required: A sign permit is required for a temporary sign prior to Installation, unless otherwise exempted in Section G.
- b. Location: Signs shall be located on the parcel on which the entity requesting the sign is located and may not encroach into the public right-of-way, nor impede pedestrian traffic. Signs shall not be attached to utility poles, fences, trees, or other similar objects.
- c. Illumination: Illumination of temporary signs is prohibited.
- d. Size: Signs may not exceed a maximum size of twenty (20) square feet.
- e. Display: All temporary signs must be subordinate to and be positioned in such a way so that any permanent signage display on the same property remains completely visible.
- f. Maintenance: Temporary signs must always be properly maintained. Any faded, torn, ripped, detached, defaced, sagging or otherwise damaged sign must be promptly repaired, replaced, repositioned or removed.
- g. Timeframe: Temporary signs may be displayed up to four (4) times per calendar year, for a period not to exceed ten (10) days in length. These periods may run consecutively.
- h. Height: Freestanding temporary signs may not exceed six feet (6') in height, measured from the top of the sign to the grade directly below. Signs attached to a building may not exceed fifteen feet (15') in height, measured from the top of the sign to the grade directly below.
- i. Number of Signs: Only one (1) temporary sign is allowed for each use.

09-1-060: PROHIBITED SIGNS

The following signs are prohibited in Coalville City:

- A. **Changeable Copy Signs:** A sign where informational content can be changed or altered on a fixed surface composed of electrically illuminated or mechanically driven changeable segments. Changeable Copy Signs may be allowed in the Highway Commercial (HC) Zone as exempted in Section D.

- B. **Flashing Signs:** Any illuminated sign on which the light is not stationary or constant in intensity and color.
- C. **Roof Mounted Signs:** A sign that is mounted on the roof of a structure, or signs that project above a roof edge or eave.
- D. **Moving Signs:** Any sign or part of a sign that changes physical position by any movement or rotation or that gives the visual impression of movement. Such signs also include strings of pennants, banners, ribbons, streamers, balloons, spinners, or other similar moving or fluttering or inflated devices.
- E. **Signs Imitating Official Traffic Signs:** Signs imitating official traffic signs in any manner which are visible from public areas.
- F. **Portable Signs:** Portable signs not permanently affixed to the ground, except as otherwise allowed as an off-premise temporary sign in Section G.
- G. **Mobile Signs:** Signs attached to stationary vehicles, equipment, trailers and related devices, when used in a manner to augment approved signage for a business as opposed to normal operation or parking of the vehicle or device.
- H. **Obstructing Signs:** Signs which, by reason of size, location, content, coloring or manner of illumination, obstruct the vision of motorists or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on any road or street, as determined by the City.
- I. **Hazardous Signs:** Any sign or sign structure which constitutes a hazard to public health or safety, as determined by the City.
- J. **Signs on Public Property:** Signs on trees, utility poles, and on other public property, other than public information signs.
- K. **Off Premises Signs:** Off premises signs are prohibited except as provided for in Section 09-01-050: E herein.
- L. **Signs in Disrepair:** Any sign in disrepair or which the sign message face has been removed or destroyed, leaving only the supporting frame or other components, and said condition exists for more than thirty (30) days is prohibited and shall be removed.

09-1-070: EXEMPTED SIGNS

The following signs are exempt from obtaining a sign permit with the following requirements:

- A. **Informational Signs:** Signs which are not more than six (6) square feet in size and not more than four feet (4') in height and which are used to direct vehicular and pedestrian traffic or to direct parking and traffic circulation on private property. Informational signs shall not contain advertising material or message. These signs shall not be permitted in a public right-of-way.
- B. **Public Signs:** Legal notices, identification, informational or directional signs erected or required by governmental entities or authorized by the City for public purposes. These signs can be in the public right-of-way.
- C. **Public Regulatory Signs:** All public regulatory signs located in the City which meet all the state requirements.
- D. **Interior Signs:** Signs located on the interior of any building, or within an enclosed lobby of any building or group of buildings and which cannot readily be seen from the exterior of the building, and the signs are located to be viewed exclusively by the patrons of such use or uses.
- E. **Utility Signs:** Signs of public utility or cable television companies which show the locations of underground facilities.
- F. **Street Address and Identifications Signs:** A sign with content including only the name or professional title of the occupant and address of the premises. Such signs shall not exceed two (2) square feet in size. The sign shall be limited to flush mounted or window type signs with only one sign per premises. These signs shall not be permitted in the public right-of-way.
- G. **Customer Information Signs:** Customer information signs located on or near the building and outside of required setback areas may display such items as "credit cards accepted", prices and menus. Signs shall not exceed two (2) square feet in size.
- H. **Flags:** Single or multiple-use developments may have no more than three (3) freestanding flagpoles at any time. Flagpoles are restricted to only flying one flag per pole. The maximum size of any one flag shall be twenty-four (24) square feet. Flagpoles may not exceed twenty-eight feet (28') in height, measured from the top of the pole to the grade directly below. Up lighting of all flags, except the flag of the United States of America, is prohibited.
- I. **Window Signs:** Window signs shall not exceed fifty (50%) of the area of a single window in which it is placed. A single window is any window, or section of windows, that is separated from another window by twelve inches (12") or more. Any door with windows is considered a separate window. Window signs may not be combined in order to gain a larger sign for one particular window.

J. **Neon Signs:** One (1) neon sign is allowed for each nonresidential use. The sign may be located on the inside of any window. These signs may not exceed two (2) square feet in size and may not flash or be animated in any manner. Neon signs are considered window signs and may not exceed fifty percent (50%) of the area of the window in which they are placed.

K. **Light Pole Banners:** Banner signs on light poles are allowed in all developments. Banner signs may not exceed eight (8) square feet in size.

L. **No Trespassing or No Dumping Signs:** No trespassing or no dumping signs may not exceed sixteen (16) square feet in area for a single sign or are limited to four (4) signs at four (4) square feet for each lot or parcel unless the land use administrator, or other authorized officer, finds more signs are required to prevent violation.

M. **Plaques:** Plaques or nameplate signs not more than two (2) square feet which are fastened directly to the building.

N. **Symbols or Insignia:** Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such sign shall exceed eight (8) square feet in area, and provided further that all such signs be placed flat against the building.

O. **On Premises Real Estate Signs:**

1. Signs advertising the sale, rent, or lease of property shall be limited to one real estate sign on each lot. Each sign shall not exceed six (6) square feet in size and six feet (6') in height.
2. One real estate sign per street frontage is allowed for any multiuse residential or professional office building or lot intended for such and may not exceed twenty-four (24) square feet in area or eight feet (8') in height. If the parcel is over two (2) acres in size, the sign may not exceed thirty-two (32) square feet.
3. Model home signs shall not exceed sixteen (16) square feet in area, nor exceed six feet (6') in height and shall be placed entirely upon the premises of the model home.

P. **Temporary Open House Real Estate Signs:** Open house signs not to exceed six (6) square feet in area and four feet (4') in height, advertising real estate open houses may be placed on private property in the vicinity of the property open for inspection. They shall not be attached to trees, poles, street signs, etc. Signs may be displayed in the City right-of-way if they are not disruptive to the regular flow of traffic or pedestrians. Open house signs shall be displayed only during those hour(s)/day(s) which the property is open for actual inspection.

Q. On Premises Signs for Home Occupation in Residential Zones: Home occupations may have one non-illuminated flat wall sign two (2) feet by three (3) feet for a total of six (6) square feet in size which identifies the name of the business. This exemption applies to uses operated out of a single-family home.

R. Political or Campaign Signs: In addition to signage otherwise authorized by this chapter, political or campaign signs on behalf of candidates for public office or measures on election ballots are allowed as follows:

1. Signs for all candidates, regardless of participation in a primary election, may not be erected earlier than sixty (60) days prior to a primary election and shall be removed by the Monday following a general election. Candidates who lose a primary election shall remove signs by the Monday following the primary election. Signs relating to elections on special issues may be installed and must be removed on the same basis.
2. Any one sign shall not exceed twenty-four (24) square feet in size and shall not exceed six feet (6') in height. Such sign shall not be erected in a manner as to constitute a roof sign. No more than 2 signs of the same candidate or issue shall be posted on the same property. Signs may not be placed on public property, in a public right of way, or in any place which would impede traffic visibility or safety. Signs along roadways which do not contain improvements of curb, gutter, and/or sidewalks may not be placed closer than ten feet (10') to the edge of the paved surface.
3. Campaign signs shall not be placed closer than one hundred fifty feet (150') to a building where any official voting station is located.

S. Community Signs: Community signs require review by the community development department including recommendation of the other pertinent city department, for compliance with the following criteria:

1. No sign(s) shall be permitted which is unsafe for vehicular or pedestrian traffic, is inappropriate with respect to location, size, time, or duration of display, or is maintained in a deteriorated condition.
2. Sign(s) must be made of durable, weather resistant material and maybe located at various gateway areas to the city, along major streets and important intersections adjacent to nonresidential properties, as approved by the community development department.
3. Sign(s) shall be uniform in size for each individual display and shall be no larger than four feet (4') wide and ten feet (10') tall for signs attached to light or utility

poles. Freestanding community signs shall be allowed on parcels with the permission of the owner and approval of the city staff.

4. Sign(s) shall not be attached to another temporary sign or a permanent traffic or business sign.
5. Sign(s) may be part of a "rotating permanent feature" of the city or community for such events as:
 - a. Coalville annual celebration(s).
 - b. County Fair.
 - c. Holidays.
 - d. Cultural and/or arts events.
 - e. Change in seasons.
 - f. General community promotion; i.e., business, with the prohibition of commercial endorsement or name on any such sign.
6. Sign(s) for any single purpose or event may not be displayed for more than thirty (30) days. However, the city staff may approve community purpose signs for long-term purposes subject to review on a ninety (90) day basis.

T. Properties Under Development or Construction: Properties which have an approved subdivision plat, site plan, or other type of development permit upon which construction or development is occurring are exempt subject to the following sign standards:

1. Size: Signs may not exceed a maximum of twenty (20) square feet in size.
2. Materials: Signs may only be freestanding and must be made of a rigid material. Banners or other similar signs applied to cloth, paper, flexible plastic, vinyl, or fabric of any kind are not permitted.
3. Height: Signs may not exceed six feet (6') in height, measured from the top of the sign to the grade directly below.
4. Number of Signs: Only one (1) sign is allowed per street frontage.
5. Location: The sign must be located on the parcel that is subject to the approved development permit and may not encroach into the right of way, nor impede pedestrian traffic.
6. Timeframe: The sign(s) are allowed for the duration of the construction of the development. and shall be removed upon completion of the project.

U. **Non-commercial Opinion Signs:** Noncommercial opinion signs are subject to all requirements and provisions of the Utah State Code annotated and other laws as may be applicable. There are no time frames for noncommercial opinion signs. Such signs are regulated as follows:

1. **Residential Properties:** Residential properties are permitted nine (9) square feet of a sign area, not to exceed three feet (3') in height. The sign square footage may be split between two (2) or more signs, but the total square footage may not exceed nine (9) square feet.
2. **Non-residential Properties:** Nonresidential properties are permitted six (6) square feet of sign area, not to exceed three feet (3') in height. The sign square footage may be split between two (2) or more signs, but the total square footage may not exceed six (6) square feet.

09-1-080: NONCONFORMING SIGNS

Existing signs which were lawfully established before the adoption of this chapter, but which are now prohibited, regulated, or restricted, may remain until such time as they are removed or otherwise required to be brought into conformance:

- A. **Property Owner Responsibility:** The property owner bears the burden of establishing that any nonconforming sign lawfully exists.
- B. **Enlargement of Nonconforming Signs:** A nonconforming sign may not be enlarged in any way unless it conforms to the provisions of this chapter.
- C. **Location:** Signs conforming to the provisions of this chapter may be erected on a parcel that contains a nonconforming sign(s); however, the new sign(s) must be a different type than the existing nonconforming sign(s) (i.e., if the nonconforming sign is a freestanding sign, a conforming freestanding sign may not be erected).
- D. **Alterations:** A nonconforming sign may be altered to decrease its nonconformity.
- E. **Maintenance and Repair of Nonconforming Signs:** All nonconforming signs shall be maintained in a state of good repair; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming. Routine maintenance or changing like parts shall not be considered an alteration; provided, that such change does not alter the surface dimension, height or sign copy.

09-1-090: AMORTIZATION OF NONCONFORMING SIGNS

- A. **Amortization:** The City shall require signs to be brought into compliance which are not otherwise exempted by this chapter, pursuant to the amortization schedule contained in this Section.
- B. **Removal of Nonconforming Signs:** If a nonconforming sign is demolished or removed at the will of the property owner, any subsequent sign thereafter shall be required to conform to the regulations specified in this chapter.
- C. **Destroyed Signs:** If a nonconforming sign is destroyed by fire or other natural cause, it may be replaced. If the sign is not repaired or replaced within one year from the date of loss, it shall not be reconstructed or replaced except in conformance with the provisions of this chapter.
- D. **Low-value Signs:** If the cost of the nonconforming sign is valued at less than one hundred dollars (\$100.00), the sign shall be removed. Sign value shall be determined based on an actual sales receipt for the sign or a cost estimate for the replacement cost provided by a qualified professional.
- E. **Schedule of Amortization:** All non-conforming signs legally existing and installed prior to the effective date of this chapter shall be considered legal non-conforming "grandfathered" signs, and which are not exempted shall be considered nonconforming and Such signs shall be brought into compliance over-time by the property owner as follows:
 - 1. Immediate removal or replacement as a condition for approval upon application for a building permit, sign permit, conditional use permit, development review or similar City permit.
 - 2. All damaged, inoperative or dilapidated non-conforming signs shall be replaced or repaired with conforming sign types, copy, height, size, setback and lighting.
 - 4. All signs not previously scheduled for amortization or otherwise exempted shall be brought into conformance with this chapter within five (5) years from the effective date of this chapter.

09-1-100: ENFORCEMENT:

- A. The CDD or designated planning staff member shall be responsible for enforcing the provisions of the sign regulations established herein.
- B. Violation of the sign provisions established herein may result in fines or other remedial actions in accordance with the provisions of this code and state law.

- C. If signs not conforming to the requirements of this chapter are installed within a public right-of-way, City personnel may remove and impound the signs if notice to remove the signs has been sent to the property owner and they have failed to comply with that notice.

09-1-110: PENALTY:

Any person found guilty of violating any of the provisions, rules and regulations of this Chapter, is guilty of a Class "C" misdemeanor, pursuant to Utah Code Annotated, as amended. Each violation shall be subject to a \$100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

09-1-120: APPEALS

- A. **Right To Appeal:** Any person who has been ordered to alter or remove any sign, or any person whose application for a sign permit has been denied because of conflict with regulations stated herein, may appeal to the City Council by serving a written notice to the CDD, or designated staff member, within ten (10) working days of the order or denial. An applicant may also appeal to the City Council an alleged error by the CDD or designated staff member.
- B. **Appeal for Special Exceptions:** Upon appeal by the sign owner or business, the City Council is empowered to grant a special exception to allow the retention, alteration, movement, or expansion of an existing nonconforming sign, provided the City Council determines that:
1. The nonconforming sign poses an alternative equivalent means of meeting the intent of this chapter and the City's general plan;
 2. The action will not impose a burden on other properties in the City beyond that posed by a conforming sign; and
 3. Approval will provide a forum for free expression or other measurable benefits to the public.

Special Considerations:

Unfair competitive disadvantage of businesses in the City whose signs do comply with this chapter is to be construed as a burden to be considered by the City Council.

A new business generally shall not qualify for a special exception for reuse of a nonconforming sign left by a previous business.

Purely economic factors, such as the expense of removing or altering a nonconforming sign or of purchasing a new conforming sign are not to be considered as reasons for granting a special exception by the City Council.

The City Council is empowered to attach reasonable requirements with which the petitioner must comply as a condition of approval of a special exception.

ATTACHMENT D

Noise Disturbances

Title 7: Chapter 13

Chapter 13

NOISE DISTURBANCES

Commented [DS1]: This chapter in the existing development code is replaced in its entirety with the following provisions.
Subsection 7-13-090:R was added per the city council direction at the 04/08/19 public hearing.

- 7-13-010: Purpose**
- 7-13-020: Jurisdiction**
- 7-13-030: Powers and Duties**
- 7-13-040: Definitions**
- 7-13-050: Compliance Requirement**
- 7-13-060: Emergency Orders**
- 7-13-070: Sound Level; Measurement Method**
- 7-13-080: General Prohibition of Noise**
- 7-13-090: Motor Vehicle Noise**
- 7-13-100: Noise Levels**
- 7-13-110: Exemptions**
- 7-13-120: Relief from Restrictions**
- 7-13-130: Enforcement**
- 7-13-140: Penalty**

7-13-010: PURPOSE

These regulations are intended to establish minimum standards to:

- A. Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Coalville City;
- B. Prevent the making and creation, of such excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the City; and
- C. Secure and promote the public health, comfort, convenience, safety, welfare, and the peace and quiet for the residents of the City.

7-13-020: JURISDICTION

All noise control in this chapter shall be subject to the direction and control of the sheriff's department, community development director and the public works director.

7-13-030: POWERS and DUTIES

The sheriff's department, community development director and public works director shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall make inspections of any premises and issue orders

as necessary to effect the purpose of these regulations, and do any and all acts permitted by law that are necessary for the successful enforcement of these regulations.

7-13-040: DEFINITIONS

For purposes of these regulations, unless otherwise defined in other sections of these regulations, the following terms, phrases, and words shall have the meaning herein given:

- A. **Continuous Sound:** Any sound that exists, essentially without interruption, for a period of ten (10) minutes or more.
- B. **Cyclically Varying Noise:** Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.
- C. **Device:** Any mechanism that is intended to produce or that produces noise when operated or handled.
- D. **Dynamic Braking Device:** A device used primarily on a truck for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as "Jacob's Brake" or "Jake Brake".
- E. **Emergency:** A situation or occurrence, which in the opinion of the Mayor, City Council, Director of Community Development or municipal or County Police Chief or Sheriff, presents an imminent threat to the health, safety, or welfare of any person, place, or property.
- F. **Emergency Work:** Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.
- G. **Emergency Vehicle:** A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.
- H. **Impulsive Noise:** A noise containing excursions usually less than one second.
- I. **Motor Vehicle:** Any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-cars, snowmobiles, and racing vehicles.
- J. **Muffler:** An apparatus consisting of a series of chambers or baffle plates designed to transmit gases while reducing sound.
- K. **Noise Disturbance:** Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person(s).

- L. **Noise:** Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.
- M. **Plainly Audible Noise:** Any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.
- N. **Property Boundary:** An imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.
- O. **Sound:** A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium and that propagates at finite speed to distant points.
- P. **Stationary Noise Source:** Any device, fixed or movable, that is located or used on property other than a public right-of-way.
- Q. **Weighted Sound Pressure Level:** The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is "db(A) or "dba".

7-13-050: COMPLIANCE REQUIREMENT

It shall be unlawful for any person not to comply with any rules or regulations promulgated by this chapter, unless expressly waived by these rules and regulations.

7-13-060: EMERGENCY ORDERS

Whenever the Mayor, City Council, Community Development Director, Public Works Director, or their official designees finds that an emergency exists requiring immediate action to protect the public health, safety, or well-being of the public, one or all of the following actions may be taken:

- A. **Suspension of Rules by Officials:** In time of a public calamity or disaster, emergency suspension of these rules and regulations may be ordered for the duration of seventy-two (72) hours, at which time the incident will be assessed and further suspension of these rules ended or extended.
- B. **Application for Exemption for Emergency Reasons.** An individual may apply for emergency exemption to these rules and regulations based on good and reasonable cause due to emergency circumstances as defined in this chapter.

7-13-070: SOUND LEVEL; MEASUREMENT METHOD: Sound level measurements shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by the American National Standards Institute

or other reasonable standards adopted and tested by the Summit County Health Department or Coalville City .

7-13-080: GENERAL PROHIBITION OF NOISE

In addition to the specific noise prohibitions outlined in Section 7-13-090, it shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance within the limits of Coalville City as defined in Section 7-13-040. .

7-13-090: SPECIFIC NOISE PROHIBITIONS

The following acts are declared to be in violation of these rules and regulations.

- A. **Horns and Signaling Devices:** The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the City, except as a danger warning signal as provided in the Vehicle Code of the state of Utah.
- B. **Radios, Televisions Sets, Tape Players, Compact Disc Players, Musical Instruments, and Similar Devices:** Using, operating, or permitting the use of operation of any radio receiving set, musical instrument, television, phonograph, drum, or other machine or device for the production or reproduction of sound between the hours of 11:00 p.m. and 7:00 a.m. Monday thru Saturday and before 9 a.m. on Sunday in a way that is plainly audible beyond the property boundary of the sources.
- C. **Public Loudspeakers:** The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound-vehicle in or upon any street, alley, sidewalk, park place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of section 7-13-100 of this chapter, unless a grant of relief has been issued by the Coalville City Council under section 7-13-120 of this chapter.
- D. **Hawkers and Peddlers:** Selling anything by outcry within any area of the City in such a manner as to violate section 7-13-100 of this code.
- E. **Animals:** Owning, keeping, possessing, or harboring any animal or animals that, by frequent habitual noise-making, violate section 7-13-100 of this code. The provision of this section shall apply to all private and public facilities, including any animal facilities that hold or treat animals.
- F. **Construction Work:** In a residential zone, it shall be unlawful for any person to perform or cause to be performed, any construction work on any construction site under their control or at which they are employed between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. of the following day, or before nine o'clock (9:00) A.M. on Sundays. The City Building Official or City Engineer may authorize extended hours for construction operations or procedures which, by their nature,

require continuous operations, or modify or waive the hours of work for or on projects in generally isolated areas where the extended hours do not impact upon adjoining property occupants.

- G. **Fireworks or Explosives:** The use of explosives, fireworks, discharge guns, or other explosive devices that are audible across a property boundary, public space, or right-of-way without first obtaining relief from such restrictions as provided by 7-13-120. This provision shall not be construed to permit activities prohibited by other statutes, ordinances, or regulations governing such activity.

H. **Liquor Licensed Premises:**

1. Failure to Control Noise. Permitting or providing either live or recorded amplified music without first having closed all exterior doors and windows of the licensed premises to control noise. Doors may be opened to provide ingress and egress, but shall not be blocked in the open position to provide ventilation. Doors shall be equipped with automatic closing devices to keep them in the closed position except to permit ingress and egress of patrons.
2. Outdoor Speakers. Permitting or causing to exist any loud speaker or sound amplification equipment on any outdoor balcony, deck, patio, or garden associated with the licensed premises other than speaker systems or sound amplification equipment in conjunction with approved outdoor dining, which music is limited to eleven o'clock (11:00) A.M. to eleven o'clock (11:00) P.M. and may not emanate beyond the boundaries of the outdoor dining area.

- I. **Racing Events:** Permitting any motor vehicle racing event at any place in violation of section 7-13-100, without first obtaining relief from such restrictions as provided by section 7-13-120 of this code.

- J. **Powered Model Mechanical Devices:** Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. or in such a way as to violate Section 7-13-100.

- K. **Dynamic Braking Devices:** Operating any motor vehicle in a residential area with a dynamic braking device engaged, except to avoid imminent danger, during the following hours 10:00 p.m. to 7:00 a.m., Monday thru Saturday, and 9:00 p.m. thru 11:00 a.m. on Sundays.

- L. **Defect in Vehicle:** Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair or mode of operation violating section 7-13-100.

- M. **Garbage Collection:** Collecting garbage, waste, or refuse between the hours of

10:00 p.m. and 7:00 a.m. in any area zoned residential or within 300 feet of an area zoned residential.

- N. **Standing Motor Vehicles:** Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached therein either in violation of section 7-13-100, or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer.
- O. **Bells and Alarms:** Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime, or clock, including, but not limited to, bells, chimes, or clocks in schools, houses of religious worship, or governmental building that fail to meet the standards in section 7-13-100, for longer than two (2) minutes in any hour.
- P. **Fixed Siren, Whistles, and Horns:** Sounding or causing the sounding of any whistle, horn, or siren for longer than two (2) minutes in any hour as a signal for commencing or suspending work or for any other purpose in violation of section 7-13-110, except as a sound signal of imminent danger.
- Q. **Domestic Power Equipment:** Operating or permitting the operation of any power equipment rated five horsepower or more in residential or commercial zones, including, but not limited to, power saw, sander, lawn mower, garden equipment or snow removal equipment for home or building repair or ground maintenance outdoors between the hours of 10:00 p.m. and 7:00 a.m. of the following day and before 9:00 a.m. on Sunday.

R. Noise Near Mink Farms/Ranches: Construction companies, special event coordinators or adjacent property owners conducting an activity that creates any new or unusual noise near mink farms/ranches are strongly encouraged to consult with the mink farm/ranch operator to mitigate the negative effect of the noise prior to the commencement of the construction, event or activity. Noise impact disputes associated with mink farms/ranches are a civil matter and cannot be resolved by the City.

Commented [DS2]: This subsection was added per the city council direction at the 04/08/19 public hearing.

7-13-100: MOTOR VEHICLE NOISE

No person shall operate or cause to be operated any motor vehicle unless the exhaust system is free from defects that affect sound reduction, equipped with a muffler or other noise dissipative device, and not equipped with any cutout, bypass or similar device.

7-13-100: NOISE LEVELS

The making and/or creating of excessive or unusually loud noise or sound within the City as identified in the following Subsection (A), or as identified and measured in the manner prescribed in Subsection (B), or in violation of restricted hours as outlined in Subsection (C) is unlawful.

- A. On the public right-of-way or upon public property, from the source or device as to be plainly audible at a distance of 50 feet or on private property, as to be plainly audible at the property line.
- B. If measured, the noise shall be measured at a distance of at least 25 feet from the source of the device upon public property or within the public right-of-way or 25 feet from the property line if upon private property, and shall be measured on a decibel or sound level meter of standard design and quality operated on the "A" weighing scale. A measurement of 65 decibels or more shall be considered to be excessive and unusually loud.
- C. Hours of restriction are 10:00 p.m. to 7:00 a.m. Monday thru Saturday, and before 9:00 a.m. Sunday.

7-13-110: EXEMPTIONS

The following uses and activities shall be exempt from noise level regulations:

- A. Noise of safety signals, warning devices, and emergency pressure relief valves;
- B. Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;
- C. Noise resulting from emergency work;
- D. Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday if regulated by local ordinance;
- E. Any noise resulting from activities of a temporary nature during periods permitted by law for which a license or permit has been approved by the City Council in accordance with section 7-13-120 of this chapter;
- F. Any noise resulting from snowmaking activities;
- G. Any noise resulting from snowplowing or removal services on public or private streets, or in commercial zones;
- H. Any noise resulting from agricultural land operations on private or public property;
and
- I.

- J. Any noise resulting from medical or emergency helicopter operations.

7-13-120: RELIEF FROM RESTRICTIONS

Requests for relief from the noise restrictions in these rules and regulations may be made to the Coalville City Council. Upon granting relief, any conditions outlined and agreed upon shall be obeyed by the applicant and failure to do so will cause the grant of relief to be revoked. Such requests and grants of relief may be accomplished as part of the express conditions placed upon any permit issued by the City Council for a Special Use Event or Activity.

7-13-130: ENFORCEMENT

- A. **Responsibility:** Enforcement responsibility will reside jointly with the Community Development Director, Public Works Director and the municipal or county law enforcement agency.
- B. **Citation; Report:** The Community Development Director, Public Works Director or other designated representative may, upon discovery or report of a violation or violations of this chapter, issue a written citation for the violation, or may file a report with the City Attorney for review and assessment of a fine or other legal action pursuant to Section 7-13-140.

7-13-140: PENALTY

Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code Annotated, as amended. If a person is found guilty of a subsequent similar violation within two (2) years, he/she is guilty of a class A misdemeanor, pursuant to Utah Code Annotated, as amended. Each day such violation is committed or permitted to continue shall constitute a separate violation.

Each violation shall be subject to a \$100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

The City Attorney may initiate legal action, civil or criminal to abate any condition that exists in violation of these rules and regulations. In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the City in removing or abating any nuisance or other noise disturbance.

ATTACHMENT E

Right to Farm Provisions

Title 10: Chapter 29

Chapter 29

Right to Farm Provisions:

10-29-010: Purpose**10-29-020: Impact Analysis****10-29-030: Applicability****10-29-040: Factors Considered****~~10-29-050: Light Pollution~~****~~10-29-060: Construction Limitations near Mink Farms/Ranches~~**

Commented [DS1]: These Sections are deleted in-lieu of proposed amendments to Outdoor Lighting and Noise Disturbance's Chapters.

10-29-010: PURPOSE

Since the City is an agricultural community and because the council places such a high value on the protection and preservation of agricultural land uses, the City has adopted the following right to farm provisions of this title:

10-29-020: IMPACT ANALYSIS

All subdivisions and master planned developments that: 1) border an agricultural area; or 2) contain within them an agricultural or irrigation right of way or easement; or 3) will contain an agricultural open space or preservation, shall have additional requirements imposed upon the developer in the form of an analysis to be reviewed and implemented as part of the conditional use process, MPD review process or subdivision process. This impact analysis shall be used to determine the impact on associated farming and/or livestock operations affected by the development, and implement remediation and protection designs in the development to alleviate conflicts with the affected agricultural operations.

10-29-030: APPLICABILITY

The developer is responsible for the performance of the analysis with the input and review by the City. The planning commission and developer shall use the following review guidelines or issues in determining the impact on farming operations of the development, and will apply appropriate conditions during the approval process to ensure that the farm or ranch affected is assured a right to farm without undue burden of residential or commercial growth and complaints by neighbors. All rights to farm are preserved to the best ability of the City, taking into consideration practical land use applications and private property rights and concerns.

10-29-040: FACTORS CONSIDERED

The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Impact solutions may be developed as permit conditions and restrictive covenants or agreements:

1. Protection of irrigation access and maintenance of ditches and canals.
2. Safety and protection of the public from ditches, canals, ponds and drainage systems.
3. Livestock movement corridor protections and safety concerns.
4. Fencing safety (i.e., electrical, barbed wire) and design.
5. Private property protection issues.
6. Hunting protection, access and livestock safety concerns.
7. Protection of farm equipment ingress and egress.
8. Erosion and soil protection and conservation concerns.
9. Drainage of the subdivision and designs to minimize the discharge or impact on agricultural lands and soils.
10. Noxious weeds, pests and pet (dog) controls in the subdivision.
11. Provisions, acknowledgments and understandings by new property owners (including hold harmless agreements, if necessary) that farm work hours run late and begin early, and that farm operations may contribute to noises and odors objectionable to some subdivision residents.
12. Screening provisions and landscaping designs to reduce noise or visual impact on surrounding or conflicting land uses.
13. Any other provisions or concerns that the planning commission deems necessary to protect the right to farm on adjoining or appurtenant properties.

~~10-29-050: LIGHT POLLUTION~~

~~All light fixtures installed within three hundred (300) feet of a farm must direct the light~~

- ~~a. towards the ground, or~~
- ~~b. away from the farm.~~

Commented [DS2]: To avoid inconsistencies and confusion this Section 10-29-050 is deleted in-lieu of the proposed Outdoor Lighting amendments in Chapter 10-5.

~~10-29-060: CONSTRUCTION LIMITATIONS NEAR MINK FARMS/RANCHES~~

~~Any project located near a mink farm must come to an agreement before any excavation or construction can begin or continue between March 1st and June 15th, which is reasonable for both parties to mitigate the negative effects of the noises associated with construction projects.~~

Commented [DS3]: To avoid inconsistencies and confusion this Section 10-29-060 is deleted in-lieu of the proposed Noise Disturbance's amendments in Chapter 7-13.

ATTACHMENT F

Fences and Walls

Title 10: Chapter 25

Chapter 25**FENCES and WALLS**

Commented [DS1]: This chapter in the existing development code is replaced in its entirety with the following provisions. Several edits were made as shown below per the City Council direction at the public hearing on 04/08/19.

- 10-25-010: Purpose**
- 10-25-020: Front Yard Setback**
- 10-25-030: Side Yard and Corner Lot Setback**
- 10-25-040: Sidewalk and Right-of-Way Setback**
- 10-25-050: Other Restrictions**
- 10-25-060: Maximum Height**
- 10-25-070: Materials**
- 10-25-080: Exceptions**
- 10-25-090: Penalty**
- 10-25-100: Appeals**

10-25-010: PURPOSE The purpose of the regulations for Fences and Walls is to ensure safe sight lines and minimize the potential negative visual impact or hazards of high or unsightly fences and walls.

- A. Property owners are strongly encouraged to hire a licensed surveyor to locate property lines prior to the construction of a fence or wall. Property line disputes are a civil matter and cannot be resolved by the City.
- B. The City may require fencing consistent with the provisions described herein for security, buffering or screening purposes as determined necessary with the review of development applications.

10-25-020: FRONT YARD SETBACK

- A. No fence, wall, or similar structure extending into or enclosing all or part of the front yard setback area adjacent to a street shall be constructed or maintained at a height greater than four (4) feet(except decorative arbors, gates and similar entry features).

All fences, walls, or similar structures shall be setback at least one (1) foot from the property line along a sidewalk or public street right-of-way.

10-25-030: SIDE YARD AND CORNER LOT SETBACK

- A. No fence, wall, or similar structure shall be constructed in the side yard setback of a corner lot exceeding four (4) feet in height adjacent to a street unless both of the following conditions are met:

1. No portion of the fence, wall, or similar structure is located closer than twenty (20) feet to the property line adjacent to the street, and does not extend into the front setback area or the clear vision area of the lot, and;
2. The fence is decorative wrought iron or other fencing material that is similar in appearance and is at least fifty percent (50%) see-through not exceeding six feet (6') in height.

10-25-040: SIDEWALK and RIGHT-OF-WAY-SETBACK

All fences, walls, or similar structures shall be setback at least one (1) foot from the property line along a sidewalk or public street right-of-way.

10-25-050: OTHER RESTRICTIONS

- A. All fences shall be constructed with the finished surface facing the neighboring property with support posts placed to the inside, except in cases where the posts are an integral part of the fence design, in-line with the fence.
- B. Fencing within a Public Utility Easement (PUE) is permitted only upon approval by the City Engineer.
- C. If a fence is located within a recorded public utility easement, there is a possibility of the fence being removed should the easement become active and the use of the easement is required by the City or other utility company.
- D. All fences shall be maintained in a condition of reasonable repair and shall not become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, flaking paint or stain and growing of noxious vegetation along the fence.
- E. A minimum of three feet (3') open area clearance is required around any fire hydrant or electrical transformer.
- F. Gates for driveways leading to a public street shall be located a minimum twenty feet (20') behind the property line. The gate shall be required to open into the property.

10-25-060: MAXIMUM HEIGHT

- A. Fences and walls are not allowed over six (6) feet in height, unless first obtaining a Conditional Use Permit.
- B. Retaining walls over four (4) feet in height shall be engineered and are allowed only after obtaining a Building Permit.

10-25-070: MATERIALS

A. All fences, walls, and similar structures should be constructed of natural or natural appearing materials, if possible. Standard fence wood, vinyl, or metal such as wrought iron ~~or pipe and black vinyl coated chain link are preferable acceptable~~ materials. ~~Non-coated c~~Chain-link or other wire fencing shall only be allowed if the fence is not readily visible from the public street, except as exempted in Section 10-25-080 herein.

~~B. Any chain link fencing along Main Street north and south and 100 South from the I-80 Interchange to Main Street, or is located within a view corridor, as determined by the Staff or Planning Commission, shall be black vinyl coated.~~

~~C-B.~~ It shall be unlawful to erect or maintain any barbed wire, concertina, razor wire or electric fencing along or adjacent to Main Street within the Historic District of the City.

~~D-C.~~ It shall be unlawful to erect or maintain any concertina or razor wire fencing along or adjacent to Main Street north and south, 100 South, 100 North/Chalk Creek Road and Border Station Road to the City Limits.

10-25-080: EXCEPTIONS

The following shall be exempt from the requirements and review standards of this Chapter:

- A. Fences or walls placed around utility buildings for security reasons as approved by the ~~Staff, Planning Commission or~~ City Council to adequately protect the facility.
- B. Fences and walls constructed in areas not expressly prohibited may be erected provided that no fence shall be higher than six (6') feet, unless a conditional use Permit is obtained.
- C. Approval of fence or wall height by the ~~Staff, Planning Commission or~~ City Council, which is greater than six feet (6') high, in order to provide screening of adjacent uses as a part of a development plan review;
- D. Temporary construction fences installed to protect the public from injury during construction or to maintain security for development activity (must be removed at completion of construction);
- E. Agricultural fencing which does not adjoin residential neighborhoods or commercial areas;
- F. Fences required by State law to surround or enclose public utility installations, public schools, or other public buildings;

- G. Fences for uses such as tennis or sports courts, which may be a maximum of fifteen feet (15') high if the fence meets all of the required yard setbacks in the zone district in which it is located.
- H. Decorative wrought iron or fencing that is similar in appearance and that is at least fifty percent (50%) see-through may be installed in front yards up to six feet (6') in height.

10-25-90: PENALTY

Any person found guilty of violating any of the provisions, rules and regulations of this Chapter, is guilty of a Class "C" misdemeanor, pursuant to Utah Code Annotated, as amended. Each violation shall be subject to a \$100 fine for each day the violation continues beyond the correction notice date issued by the City for such violation.

10-25-0100: APPEALS

Any applicant aggrieved by an administrative action by the Staff or Planning Commission may appeal the decision to the City Council who shall have authority to reverse, affirm or modify the decision of the Staff or Planning Commission.

ORDINANCE NO. 2019-1

**AN ORDINANCE TO ADOPT DEVELOPMENT CODE
AMENDMENTS FOR COALVILLE CITY**

(TITLE 7: CHAPTER 13, TITLE 10: CHAPTER 25, TITLE 10: CHAPTER 29)

BE IT ORDAINED AND ENACTED by the City Council of Coalville, Summit County, State of Utah, as follows:

WHEREAS, the Coalville City Council by Ordinance No. 1997-3 adopted the Coalville City Development Code ("Development Code") dated July 14, 1997; and

WHEREAS, the Coalville City Council by Ordinance Nos. 1999-1 and 2001-4 adopted revisions to the Development Code dated March 8, 1999 and September 10, 2001 respectively; and

WHEREAS, the Coalville City Council by Ordinance No. 2006-2 adopted revisions to the Development Code dated August 14, 2006; and

WHEREAS, the Coalville City Council by Ordinance No. 2010-1 adopted revisions to the Development code dated March 22, 2010; and

WHEREAS, the Coalville City Council adopted Ordinance No. 2010-3 relating to Nuisance provisions as Title 7, Chapters 11-15 of the Development Code dated September 13, 2010; and

WHEREAS, the Coalville City Council adopted Ordinance No. 2011-1 relating to Title 8, Chapters 1-6, 9 and 10 of the Development Code dated the 23rd day of May 2011; and

WHEREAS, the Coalville City Council adopted Ordinance No. 2013-3 relating to Bee Keeping provisions as Title 10, Chapter 18 of the Development Code dated May 23, 2011; and

WHEREAS, the Coalville City Council adopted Ordinance No. 2014-2 relating to Demolition, Renovation and Excavation provisions as Chapter 4 of Title 8, of the Development Code dated March 24, 2014; and

WHEREAS, the Coalville City Council adopted Ordinance No. 2014-3 relating to "In Fill" provisions as revised Chapter 26 of Title 10, of the Development Code dated February 24, 2014; and

WHEREAS, the Coalville City Council adopted Ordinance No. 2015-2 relating to "Hens and Chickens" provisions as Chapter 18 of Title 10, of the Development Code dated March 9, 2015; and

WHEREAS, the Coalville City Council adopted Ordinance No. 2015-8 relating to Sections 8-4-040, 8-4-060, 8-4-050 and Chapter 22 of the Coalville City Development Code dated November 13, 2018; and

WHEREAS, it is contemplated by City Ordinances that the same be reviewed from time to time and improved upon to stay viable and useful to the City; and

WHEREAS, following the holding of a public hearing as required by law, the City Council approved the following revisions to the Development Code at its regular meeting held April 22, 2019.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COALVILLE, UTAH ORDAINS AS FOLLOWS:

Section I
COALVILLE CITY DEVELOPMENT CODE AMENDMENTS

The attached Exhibit "A" is provisions relating to Subdivision and Development amendments for Coalville City to be added as, **TITLE 7: CHAPTER 13, TITLE 10: CHAPTER 25, TITLE 10: CHAPTER 29** of the Coalville City Development Code. The Provisions are incorporated herein and made a part of this Ordinance by this reference and are hereby adopted by the Coalville City Council.

Section II

Effective Date

This Ordinance shall take effect and the revisions to the Development Code referred to herein shall take effect upon the date of publication in the Summit County News, a newspaper of general circulation in Coalville City.

PASSED, APPROVED AND ADOPTED by the City Council of Coalville City, Utah this 22 day of April 2019.

Councilmember Blonquist	Voted: Aye
Councilmember Rowser	Voted: Absent
Councilmember Anson	Voted: Aye
Councilmember Judd	Voted: Aye
Councilmember Robbins	Voted: Aye

ATTEST:

City Recorder

Mayor Johnson

