

**ISSUE**

Lehi City – Requests approval of a Development Code amendment to Chapter 23 regarding electronic billboards.  
A. Ordinance Approving

**BACKGROUND**

Lehi City requests approval of a proposed Development Code amendment to allow electronic conversions of off-premises signs. An amendment to allow electronic conversions was previously proposed by TopAd Media but was denied by the City Council on August 25, 2015. The City Council made the following motion at that meeting:

*Councilor Johnson moved to deny Ordinance #42-2015 amending the Lehi City Development Code Chapter 23, signs, in order to allow the conversion of existing billboards along I-15 to electronic billboards, and direct staff to begin to formulate a potential ordinance change to allow for electronic media and one that would consider a broader section of public comment and additional data in making a more thoughtful decision.*

*Councilor Southwick inquired if Councilor Johnson wanted to include working with the Planning Commission in his motion.*

*Councilor Johnson would encourage that the Planning Commissioners are involved.*

*Ryan Wood inquired if there was anything else they wanted. Councilor Johnson stated that he doesn't want to put in suggestions or provisions. He feels that when they gather their own data that some of that criteria may change.*

*Councilor Condie seconded the motion.*

*Councilor Revill, Yes; Councilor Hancock, Yes; Councilor Southwick, Yes; Councilor Johnson, Yes; and Councilor Condie, No. The motion passed with four in favor and one opposed.*

At the direction of City Council, staff has had two work sessions with the Planning Commission to discuss the requirements to be included in the ordinance and has drafted an updated ordinance. The updated ordinance has many requirements that are similar to what was previously proposed including illumination standards, size, timing, etc. but also includes some new requirements.

The proposed amendment includes the creation of the Off-Premise Electronic Display Overlay Zone that identifies the areas along the I-15 corridor that would allow for a conversion of an off-premise sign to include an electronic display. The conversion zone is located primarily in non-residential areas but may be located near some homes. To address any nearby homes, a curfew standard is proposed that requires electronic off-premise signs to shut off from 11 pm to 6 am if located within 400 feet of a home or residentially zoned property and within 180 degree view of the face of the sign. In the case an off-premise EDS has already been installed and property within 400 feet of the sign is rezoned to a residential use, the existing EDS will only be held to the requirements from when it was originally approved before the new

zoning was put in place.

Spacing requirements are proposed in the draft ordinance that require a minimum 1,000 foot spacing from an electronic off-premise sign to any other electronic sign over 48 square feet in size. An exception to the spacing requirement may be allowed and can reduce the minimum spacing to 750 feet if an off-premise sign owner trades two square feet of traditional off-premise signage not located in the Off-Premise EDS Overlay Zone for one square foot of electronic signage to be located within the Off-Premise EDS Overlay Zone. This exception allows the sign owners to relocate signs farther than what the State Code allows if they agree to the 2 to 1 trade. This would promote the relocation of off-premise signs to more appropriate areas and allows sign owner(s) new opportunities to convert signs into an electronic display. The minimum spacing requirements also help to limit the density of electronic signs within the Off-Premise EDS Overlay Zone.

The proposed ordinance requires a conditional use permit for any off-premise sign to convert to an electronic display. As part of the conditional use approval, the draft ordinance proposes that the converted sign have a decorative pole structure and encourages the sign to be registered to display emergency info such as AMBER alerts. Please review the Planning Commission motion for their recommendations when considering this item as well.

**RECOMMENDATION**

Planning commission reviewed this proposed amendment on January 14, 2016 at a public hearing. There was no public comment received at the meeting. The Commission made the following recommendation:

*Commissioner Hemmert moved to recommend approval to the City Council of the Development Code amendment to Chapter 23 regarding electronic billboards; as drafted and written by Lehi City staff. Motion was seconded by Commissioner Peterson*

Commissioner Peterson asked that the motion be amended to include the additional figures for single faced and double faced, as proposed by the industry, for clarification; and to add that the 45 degree angle be measured from the freeway and not from the interior angle.

*Commissioner Hemmert amended the motion as suggested by Commissioner Peterson. Commissioner Peterson seconded the amendment.*

*Motion passed, with one opposed from Commissioner Dean.*

Minutes from the Planning Commission meeting on December 10, 2015 are as follows:

**5.9 Lehi City – Requests review and recommendation of a Development Code amendment to Chapter 23 regarding electronic billboards.**

Mr.

West stated that this item was reviewed in the Planning Commission Work Session. He said that they made changes including reducing the spacing requirement from one quarter mile to 1000 feet, the 16 second transition time was changed to 8, and diagrams were added for clarification.

Nate Seacrest, representing Reagan Signs, believes that they are close to an ordinance that would be workable for their industry. He suggested adding in the ordinance that a sign may be taken down and then that company would have a credit with the city to re-erect a new sign in an appropriate location in the future. He said that this would help reduce the density of signs in some places, and that this concept is used in Salt Lake City and Ogden.

Mr. Cummings expressed concerns with allowing a credit system or banking system, and what may happen if those

credits cannot be used.

Commissioner Peterson inquired as to when a billboard would even need to be taken down. Mr. Seacrest replied that if the freeway is widened or the road changes, then that would be a taking by UDOT and they would need to find a new location.

Commissioner Dean inquired about how they would be able to rectify a sign if UDOT had to have it taken down for new construction. Mr. Seacrest replied that State law states that the sign has the rights to be re-erected in a new location within 1 mile.

Guy Larsen, with Regan Advertising, stated that the sign relocation works well when there is a circumstance where the sign would be a better fit somewhere else along the corridor. He stated that it allows signs to be moved for development.

Chair Roll liked the idea of some flexibility to move the signs.

Mr. West stated that if the council wanted to include the credit system as part of the ordinance then he would suggest adding that a sign can only be relocated along the I15 corridor.

Commissioner Peterson inquired as to when sign conversions will take place. Mr. Seacrest stated that it will take some time to convert the signs.

Wade Budge, with Top Ad Media, informed the Commission that he proposed 7 recommendations that could be added to the ordinance as it stand. He stated that in one of those suggestions, there was a figure inserted what shows a back to back sign with a radius around it. He suggested that they keep that, but show the double sided sign with b., so that they can get a sense of where an overlap would occur, and add a second figure, 1.b, a single sign so that they can see the full 180 degrees more clearly. Mr. Budge stated that he hopes the Commission will consider his proposal as part of the motion.

*The public hearing on this item closed at 10:06 p.m.*

Mr. Cummings expressed concern in regards to the credits given if a sign were taken down. His concern is that they could potentially reach a situation where credits are banked, signs are converted in the meantime, and then a certain sign owner may have credits, but is unable to use them. He is concerned that the city may be sued for a taking in that case.

Mr. Struthers believes that the City may end up with fewer signs overall if the commission chooses not to include the credits or banking policy in the ordinance.

**Motion:** Commissioner Hemmert moved to recommend approval to the City Council of the Development Code amendment to Chapter 23 regarding electronic billboards; as drafted and written by Lehi City staff. Motion was seconded by Commissioner Peterson

Commissioner Peterson asked that the motion be amended to include the additional figures for single faced and double faced, as proposed by the industry, for clarification; and to add that the 45 degree angle be measured from the freeway and not from the interior angle.

**Amended Motion:** Commissioner Hemmert amended the motion as suggested by Commissioner Peterson. Commissioner Peterson seconded the amendment.

Motion passed, with one opposed from Commissioner Dean.

If approved, the suggested motion would authorize the Mayor to sign the ordinance amending Chapter 23 of the Lehi City Development Code.

**City Business and Development Code Amendments  
DRC Redline Comments**

DRC Members Present: Glade Kirkham, Kerry Evans, Greg Allred, Kim Struthers, Gary Smith, Ross Dinsdale, Craig Barratt

**DRC COMMENTS:**

**Review of private land drains for Bellecour Estates:**

Representatives of applicant present: Ryan Bybee and Tony Trane

- Each land drain needs to have a private easement on each lot.

**Chapter 3, Administration, changing the Planning Commission from 7 to 5 regular members.**

- DRC reviewed this item but did not make any comments.

**Chapter 35, Community Forestry, replacing the Parks Trails and Trees Advisory Committee with the City Forester.**

- DRC reviewed this item but did not make any comments.

**Chapters 5, 12, 37, and 39 regarding Group Home regulations:**

- The Planning Division

THIS ITEM HAS BEEN SCHEDULED FOR PLANNING COMMISSION JANUARY 14, 2016

**Chapter 23 regarding electronic billboards:**

- DRC recommends 12 second change interval between adds.

THIS ITEM HAS BEEN SCHEDULED FOR PLANNING COMMISSION JANUARY 14, 2016

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**Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.**



**ORDINANCE NO. 11-2016**

**AN ORDINANCE AMENDING THE LEHI CITY DEVELOPMENT CODE, CHAPTER 23, ELECTRONIC BILLBOARD REQUIREMENTS**

WHEREAS, it has become necessary to amend Chapter 23 of the Lehi City Development Code, amending the requirements for billboards, adding regulations for electronic billboards allowing for the conversion of existing signs; and

WHEREAS, this amendment allows the billboard owners to take advantage of up-to-date standards and technologies; and

WHEREAS, this amendment does not change any other requirements for billboards and their locations; and

WHEREAS, following a public hearing on January 14, 2016, the Lehi City Planning Commission reviewed the proposed revisions and forwarded a positive recommendation to the City Council; and

WHEREAS, on February 11, 2016, the City Council held a duly noticed meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record and which include the staff report, minutes from the Planning Commission meeting of January 14, 2016, and the positive recommendation of the Planning Commission; and,

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: Chapter 23 of the Lehi City Development Code should be amended; and such action furthers the health, safety, and welfare of the citizens of Lehi.

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

**PART I:**

Chapter 23 of the Lehi City Development Code is hereby amended.

**PART II:**

A. If a provision of this Ordinance #11-2016 conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this Ordinance shall prevail.

B. This ordinance and its various section, clauses and paragraphs are hereby declared

to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder shall not be affected thereby.

C. The City Council hereby directs that the official copy of the Lehi City Code be updated to reflect the provisions enacted by this Ordinance.

D. This Ordinance shall take effect immediately after being posted or published as required by law.

Approved and Adopted by the City Council of Lehi City this 9th day of February, 2016.

ATTEST

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Bert Wilson, Mayor

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Marilyn Banasky, City Recorder

**Section 23.150 Changes to an Existing Sign.***(New 12/09/08; Amended 12/10/13)*

Any changes to an existing sign, including but not limited to change in color, copy, size, and graphics, must be approved by the Zoning Administrator or his designee. Changes to existing pylon signs that would increase their size and/or height or converting the sign face off premise sign to an electronic display sign pursuant to the provisions of Section 23.170 B of this Chapter, shall require review and approval by the Planning Commission as a Conditional Use.

**23.170. Nonconforming Signs.***(New 9/24/02; Amended 1/10/06; 12/09/08; 12/10/13)*

In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy the current standards of this Chapter, the City intends to apply firm regulation of existing nonconforming signs with a view to their eventual elimination. In addition to the provisions contained in Chapter 24, Nonconforming Uses and Structures, of this Code, all nonconforming signs shall comply with the following regulations. In the case of a conflict between the regulations contained in Chapter 24 and these regulations, the more restrictive shall apply.

**A. On Premise Signs.**

All legally permitted signs existing prior to December 9, 2008 are hereby declared legal nonconforming signs. All on-premise or appurtenant signs which have been made nonconforming by the adoption of provisions contained within this Chapter shall be subject to the following regulations:

## 1. Alterations.

(a) A nonconforming on premise sign shall not be altered, reconstructed, raised, moved, extended, or enlarged unless said sign is changed so as to conform to all provisions of this Chapter.

(b) Alterations shall also mean the changing of the face of the sign, text or message that the sign is conveying from one (1) use of the premise to another use of the premise or the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. These types of alterations are prohibited unless the sign is changed so as to conform to all provisions of this chapter.

(c) Alterations shall not be interpreted to include changing the text or copy on advertising signs, theater signs, outdoor

bulletins or other similar signs that are designed to accommodate changeable copy.

(d) Normal maintenance and repair of a nonconforming on premise sign is allowed; however the cost of said maintenance and repair shall not exceed sixty percent (60%) of the replacement cost of the sign. The burden of proof is upon the applicant, and shall be based upon an estimate of the sign provided by a sign company. Re-painting or replacement of a damaged or deteriorated sign face are considered normal maintenance and repair as long as the use of the premises or ownership of the sign has not changed.

2. Restoration. Nonconforming on premise signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God, or damaged by any other cause, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this Chapter or shall be removed.

3. Deterioration and Abandonment. A nonconforming on-premise sign or sign structure that ceases to be used for sign purposes for a period of one year shall be deemed abandoned on the ground that the nonconforming use has been abandoned, the nonconforming use has substantially changed, and/or such other grounds as may be appropriate. Any sign or sign structure which is abandoned or in an unreasonable state of repair is unlawfully maintained and subject to immediate revocation of its permit and removal pursuant to the provisions of Section 23.160 Lehi City Development Code.

**B. Off Premise Signs.**

All billboards and off-premise signs which are made nonconforming uses by the provisions of this Chapter shall be subject to the following:

1. Unsafe Signs. Any sign or portion thereof found or declared unsafe in a manner provided by law, which may be repaired without violating subsection (B)(2) of this section, must be restored to a safe condition within thirty (30) days after the owner is given notice of the unsafe condition. Any sign not repaired as required and permitted by this subsection (A) (2) is unlawfully maintained and subject to the provisions of Section 23.160, Lehi City Development Code.

(a) Restoration and Alterations. Off premise signs legally existing as of September 24, 2002 may continue as a nonconforming use, and may be maintained, or repaired, or restored in the event the structure is damaged by casualty, act of God, or vandalism. A nonconforming off premise sign may be replaced at the same location with a new sign structure, or may be converted to include an electronic display sign (EDS) pursuant to the provisions of this Chapter, provided that the new sign, ~~or~~ sign structure, or EDS does not exceed the height or square footage of the sign face or sign structure being replaced. ~~However, if an existing off premise sign structure existing as of September 24, 2002 has only a single face of advertising, an additional face may be added to the structure provided that the off premise sign structure is located along the Interstate. Nothing in this Section 23.170(B) shall be interpreted to allow any new off-premise signs.~~

2. Off-Premise Sign Conversion to Electronic Display Sign (EDS). An existing off-premises sign may be converted to include an EDS without affecting the sign's nonconforming use or noncomplying structure status, provided that the converted sign complies with each of the following requirements:

(a) Purpose. The purpose of these standards include the following:

- (i) Allowing for appropriate off-premise electronic signage;
- (ii) Protecting street views and vistas of pedestrians and motorists;
- (iii) Protecting pedestrians and motorists from distractions of excessive motion, illumination and other safety hazards;
- (iv) Protecting residents from glare and excessive illumination;
- (v) Providing clear standards for the design, installation and use of off-premise EDSs;
- (vi) Creating the Off-Premise Electronic Display Sign Overlay Zone which locates off-premise EDSs in areas that are more appropriate;
- (vii) To allow off-premise sign owners the opportunity to take advantage of new technology and expand their business; and

(viii) Otherwise promoting and protecting the public health, safety, welfare and convenience by regulating off-premise EDSs allowed by this Section.

(b) Application. The applicant must submit a complete application in accordance with this Chapter, and must otherwise comply with any other applicable provision of the Lehi City Municipal Code and Lehi City Development Code.

(c) Establishment of Off-Premise Electronic Display Sign Overlay Zone. The sign must be located within the Off-Premises Electronic Display Sign Overlay Zone as defined on Maps 23.010-23.030 in order to allow an off-premise sign to convert to an EDS. All other areas in the City not identified in the Off-Premises Electronic Display Sign Overlay Zone shall be considered scenic areas which prohibit the conversion of off-premise signs to include an EDS.

(d) Sign Size. Any conversion of an off-premise sign to include an EDS may not increase the height or the size of the sign's original non-electronic display sign area. However, the EDS may occupy the entire display area of the sign. Furthermore, the off-premise EDS may use any method of illumination identified and allowed in this Chapter. In no case shall an off-premise EDS exceed six hundred seventy five (675) square feet in total signage area.

(e) Illumination Standards. All permitted off-premise EDSs must adhere to the following illumination standards:

- (i) In no event shall an off-premise EDS increase the nighttime ambient illumination more than 0.3 footcandles when converting from an existing traditional non-electronic display face. The illumination measurements shall be calculated pursuant to Table 23.190 of the Development Code.
- (ii) Off-premise EDSs must be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions to comply with the 0.3 footcandle requirement
- (iii) Off-premise EDSs must have a default mechanism to shut off the

sign within twenty-four (24) hours of a reported malfunction or violation.

(iv) The owner must submit written certification from the sign manufacturer that the proposed EDS light intensity is capable of not exceeding the 0.3 footcandles requirement.

(f) Display Timing. An off premise EDS may change the displayed message from time to time. However, the interval between displayed message changes must not be more frequent than eight (8) seconds. The actual message rotation, or change, must be accomplished in one-quarter of a second, or less.

(g) Static Display. The text, images, and graphics of an off-premise EDS must be static and complete within themselves.

(h) Spacing Requirements. Off-premise EDSs shall not be located within one thousand (1,000) feet along I-15 (as measured along the same side of the right-of-way) of any other off-premise EDS or on-premise EDS over forty eight (48) square feet in size.

(i) Photometric Plan. The applicant shall submit a photometric plan before the installation of the proposed EDS (showing the dispersal in footcandles) showing existing ambient light conditions. Once the installation of the EDS is complete, the sign owner must take a light reading to ensure compliance to the 0.3 candlefoot requirement.

(j) Curfew. An off-premise EDS located within four hundred (400) feet and the face of the sign is located within one hundred eighty (180) degrees (see Figure 1) of an existing home or residentially zoned property must completely shut off from 11:00 p.m. until 6:00 a.m. This curfew shall not be applicable if the message displayed is an emergency public safety warning or alert, such as an AMBER Alert.

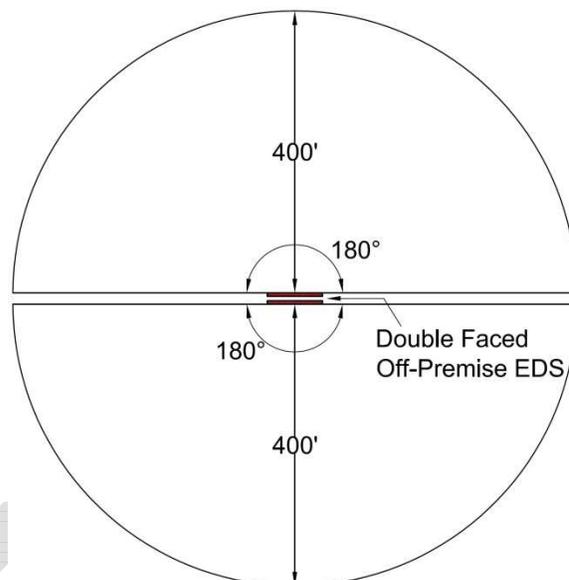


Figure 1. This diagram illustrates the curfew area that would determine if an off-premise EDS must adhere to the residential curfew.

(k) Interior Sign Angle. Where an off-premise support structure has two EDSs, the interior angle between the sign faces cannot be greater than forty five (45) degrees (see Figure 2).

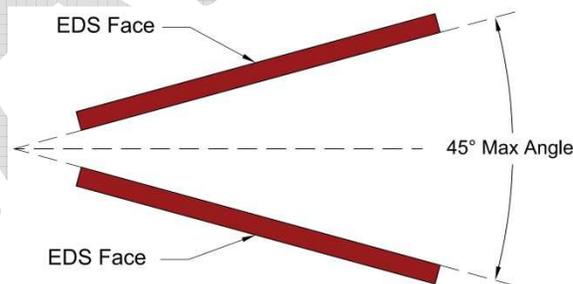


Figure 2. This diagram illustrates the maximum interior angle allowed between two sign faces located on the same support structure.

3. Conditional Use Permit Required. A sign with an EDS allowed by this Section 23.170(B) shall require a conditional use approval, and shall be subject to the provisions of Chapter 9 of this Code. The following requirements must be included as part of the Conditional Use approval:

(a) Decorative Pole Structure. Any off-premise EDS must be designed with a decorative base that conceals the structural support pole(s) of the sign, as depicted in Figures 3 and 4 below.

(b) Emergency services. EDSs are encouraged to be registered with a program

to participate in displaying AMBER Alert messages or other emergency messages.

(c) The sign owner must submit contact information for reporting of malfunctions or violations as part of the conditional use application. In the case of noncompliance with the conditional use permit, the conditional use will be subject to Section 09.070 of the Development Code.



Figure 3. An off-premise sign utilizes a pole cover to provide visual interest and increase aesthetics.

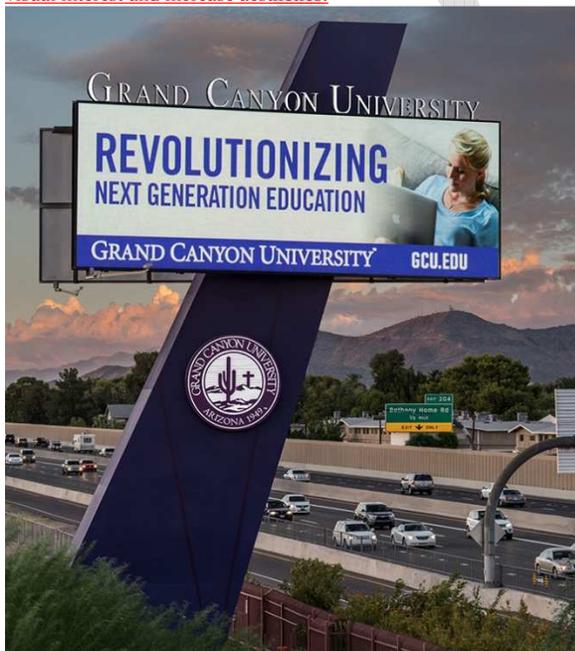


Figure 4. An off-premise sign utilizes a pole cover to provide visual interest and increase aesthetics.

4. Exceptions to Spacing Requirements for off-premise EDSs. An exception to the off-premise EDS spacing requirements of Section 23.170(B)(2)(j) may be allowed if an owner is willing to completely and permanently remove traditional off-premise signage at a rate of two (2) square feet for every one (1) square foot of converted electronic signage area to be located within the Off-Premise Electronic Sign Overlay Zone.

When a sign owner utilizes this option, a reduction in the minimum spacing from other on-premise EDSs and off-premise EDSs may be allowed to a minimum of seven hundred fifty (750) foot spacing.

Two scenarios may occur by utilizing this option which are as follows:

(a) Two traditional off-premise sign structures are removed and one new structure is erected within the Off-Premise Electronic Sign Overlay Zone (see Figure 5 below).

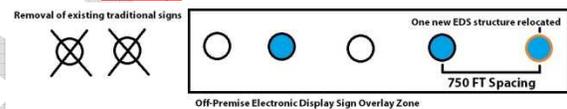


Figure 5. This diagram shows the scenario when two traditional signs are removed and one new EDS structure is located within the Off-Premise Electronic Display Sign Overlay Zone.

(b) One traditional off-premise sign is removed and one off-premise sign already located within the Off-Premise Electronic Display Overlay Zone may be converted to an electronic display with the reduced spacing (see Figure 6 below).

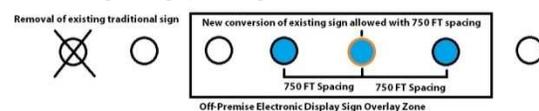


Figure 6. This diagram shows the scenario when a traditional off-premise sign is removed and allows an existing off-premise sign in the Off-Premise Electronic Display Sign Overlay Zone to have reduced spacing requirements.

5. Deterioration and Abandonment. A nonconforming off-premise sign or sign structure that ceases to be used for sign purposes for a period of one year shall be deemed abandoned on the ground that the nonconforming use has been abandoned, the nonconforming use has substantially changed, and/or such other grounds as may be appropriate. Any sign or sign structure which is abandoned or in an unreasonable state of repair is unlawfully maintained and subject to

immediate revocation of its permit and removal pursuant to the provisions of Section 23.160,

Lehi City Development Code.

DRAFT