

Naples Planning and Land Use Public Hearing and Regular Meeting Minutes October 27, 2009

Chairman Dale Harrison welcomes the public and the Commission to the meeting.

All Present: Chairman Dale Harrison, Stanley Johnson, Walter Gale, Cresta Slaugh,
Chris Hoem and Brandy Salazar

Walter Gale moved to open the Public Hearing for Land Use Ordinance Amendments, 02-16 Sign Regulations. Cresta Slaugh seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Public Hearing

Lane Use Ordinance Amendments **02-16 Sign Regulations**

Chris Hoem reads the current section 02-06-002: "No advertising signs of any kind shall be allowed in any A1, RA1, RA2, R1 or R2 residential transition zone, except signs pertaining to the sale or lease of residential property, and except for the name plates or signs indicating the property, and except for the name plates or signs indicating the existence of any office of a professional person and a home occupation."

The paragraph now reads: "No advertising signs of any kind shall be allowed in any agricultural or residential zone (A-1, RA-1, RA-2, or R3) premise signs pertaining to the sale or lease of property, name plates or signs indicating the name or address of the property, and name plates or signs indicating the existence of a professional office, a business, or a home occupation." Chairman Dale Harrison: I am reluctant to put home occupations signs in the R3 zones. I don't think it is wise to allow home occupations in a multi-family dwelling. Chris Hoem: We can specify in the R3 Zone that home occupations are not permitted in multi-family dwellings. Section 02-16-003 Clearance reads: "For freestanding and projecting signs attached to a building, there shall be from bottom of sign a minimum height of ten (10) feet between the ground or sidewalk and any part of projecting sign. Public necessity signs and monument signs (signs which are permanently anchored

and are no more than five (5) feet in height) may be exempt from this requirement, with conditional use approval through the Planning and Land Use Commission, prior to installation of the monument or public necessity sign.” I have changed it to read: “Signs shall not restrict the safe traffic of pedestrians, bicyclists, or automobiles.” Section 02-16-004 Lighting Requirements reads: No lighting shall be installed which will permit rays of such light to penetrate onto any adjoining property used for residential purposes in such a way as could constitute a nuisance. I didn’t want to make this section any less specific. Chairman Dale Harrison: I think that we should not permit lighted signs in residential areas. Chris Hoem: We want to resolve two problems with this next section; first we would like to be able to move two billboards, the second part deals with co-locating; two businesses using the same sign. 02-16-005 Location of Signs currently reads: “Off premise signs shall not be considered for use in the commercial and industrial zones and not permitted in residential zones A-1, RA-1, RA-2, R-1, R-2.No part of any sign shall be permitted to extend across any property line, except as provided for below in the CI zone. All advertising and business signs shall be set back from the front property line or street right of way as follows: C-I Zone: none, except as may be required by the Planning Commission. Support structures for freestanding signs shall be placed behind the property line and not in the public right-of-way. Signs may project into the public right-of-way to within eighteen, (18) inches of the sidewalk. MH, I-1 zones: ten (10) feet for sign support structure with a maximum allowed projection to within seven (7) feet of the property line or public right-of-way.” I have changed to section to read: “No new billboard shall be erected in Naples City. Existing billboards are allowed to relocate only in an industrial or commercial zone (I-1 and C only), and only if at least one of the following conditions is met: 1.The reasonable visibility of the billboard from the adjoining street is being obscured by an adjacent structure, fence, or wall. 2. The reasonable visibility of a commercial use from the adjoining street is being blocked by the billboard.” Off-premise signs which advertise a business within Naples City, which is not along Highway 40, may be erected within 50 feet of Highway 40 only if the following conditions are met: 1. At least two of such off-premise businesses are advertised on the sign, or at least one such off-premise business and the on-premise business. 2. The advertised businesses are physically located along at least one of the following streets: 1000 South, 1100 South, 1300 South or 1300 East. All other off premise signs are not allowed. No part of any sign shall be permitted to extend across any property line, except as provided for below in the Commercial zones. All advertising and business signs shall be set back from the front property line or street right-of-way as follows: Commercial Zones: none, except as may be

required by the Planning Commission in order to protect the public safety and welfare. Support structures for freestanding signs shall be placed behind the property line and not in the public right-of-way. Signs may project into the public right-of-way no more than eighteen (18) inches across the right-of-way. When a sign projects into the right-of-way, it shall not impede pedestrian, bicycle, or automobile traffic, and it shall follow all ADA requirements as pertaining to the right-of-way. I-1 zone: all signs advertising and business signs shall be set back a minimum of ten (10) feet for the sign support structure with a maximum allowed projection no closer than seven (7) feet from the property line or public right-of-way.” Chris talks about one off premise sign per business. Chairman Dale Harrison: I think the city needs to get with existing businesses and see if they can’t refurbish the signs maybe with the cities help. 02-16-006 Height of Sign: Chairman Dale Harrison: We need to specify that the height of the sign needs to be measured from nearest road grade. Chris Hoem: 02-16-007 currently reads: “The maximum allowed sign area for one (1) sign is as follows: For freestanding signs: Three (3) square feet of sign area (not including support structure) per lineal foot of street frontage up to a maximum of one hundred fifty (150) square feet for commercial zones and two hundred (200) square feet for industrial zones.” Flat signs: For flat signs that are either painted or attached to the building and do not project more than eighteen (18) inches from the building wall, a maximum of twenty-five percent (25%) of a wall area shall be considered a conditional use, and as such, shall require the approval of the Planning Commission prior to installation of the sign. Both free standing and attached flat signs may be utilized by a business provided that each sign type conforms to the above limitations. In determining the sign area, the blocked area of the sign, including the area between the letters, shall be counted as part of the sign area.” I have simplified this section. It now reads: “The maximum allowed sign area for one (1) sign is as follows: For freestanding signs: Three (3) square feet of sign area (not including support structure) per lineal foot of street frontage up to a maximum of one hundred fifty (150) square feet for commercial zones (C, C-1, and R-3) and two hundred (200) square feet for industrial zones (I-1 and I-2). Flat signs: For flat signs that are either painted or attached to the building and do not project more than eighteen (18) inches from the building wall, a maximum of twenty-five percent (25%) of a wall area up to a total of 200 square feet is permitted. Both free standing and attached flat signs may be utilized by a business provided that each sign type conforms to the above limitations. In determining the sign area, the blocked area of the sign, including the area between the letters, shall be counted as part of the sign area.” 02-16-008 Temporary Signs currently reads: “Temporary advertising in all zones may be permitted by the

building inspector for up to seven (7) days use, provided that such sign is not placed in a public right-of-way and will not create a safety hazard to the public.” I added “a permit is required” to the end of the section. 02-16-009 Sign Removal City Official Authority currently reads: “If a sign not legal in existence at the time this chapter is adopted does not conform with the requirements of this chapter, or if the construction, design, manner or use, or method of anchoring or supporting any sign makes such sign unsafe, the City Building Official shall proceed in any manner he/she deems necessary to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this chapter and the international building code.” I added “Costs of removal shall be charged to the sign owner and/or the land owner where the sign is located at the discretion of the building official.” 02-16-010 Permits Required currently reads: “Regardless of cost, no sign shall be erected or placed within the City of Naples without first making application for and obtaining a building permit therefore, except temporary window and political posters, temporary signs pertaining to the sale of adjacent property, and name plates or identification signs indicating the existence of an approved home occupation or professional office. In addition to the requirements of this chapter all preexisting off premise signs designed to be read or comprehended from U.S. Highway 40 or 45 shall comply with the regulations established by the State of Utah. Any building permit herein required and construction or placement of a sign shall not commence until all approvals have been obtained. All signs will have a stamped engineered setup and placement plan. The plans are part of the building permit requirements.” After further discussion, the Planning Commission agreed to change the maximum square footage for a home occupation from 32 square feet to 20 square feet. Chris Hoem: I added sections 02-16-011. 02-16-012 and 02-16-13. 02-16-011 Illuminated Signs: All signs that are lit or illuminated shall be under a conditional use permit. Illuminated signs shall adhere to the public interest in promoting the health and safety within Naples City. Illuminated signs shall be designed and operated in a way that prevents the sign from becoming a nuisance and encourages traffic safety. (added May 2009) 02-16-012 Violation: Any persons or entity violating this ordinance shall be guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for each subsequent violation. Each day a sign remains in violation after notice from the City shall be a separate and additional offense. In addition, if any fine or other penalty is imposed, the violator shall be charged the cost of removal of the illegal sign. (added May 2009) 02-16-013 Billboard Beautification: Billboards shall be maintained according to UDOT standards. Chairman Dale Harrison asked for public comment, none was given.

Walter Gale moved to close the Public Hearing for Land Use Ordinance Amendments, 02-16 Sign Regulations. Chairman Dale Harrison seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Regular Meeting

Commission Present: Chairman Dale Harrison, Stanley Johnson, Walter Gale, and Cresta Slaugh

Commission Absent: Vice Chairman Jim Richards, Lane Webb and Jim Garner

Council Rep Absent: Kenneth Reynolds

Others Present: Chris Hoem and Brandy Salazar

Open Ceremonies Walter Gale moved to postpone the Opening Ceremonies. Chairman Dale Harrison seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Verification of Full Quorum: Chairman Dale Harrison verifies a full quorum.

Approval of Agenda October 27, 2009

Chairman Dale Harrison moved to table the R3 Zone and Form Based Codes. Under Items for future discussion, add Holiday Scheduling. Walter Gale seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Disclosures: None

**Approval of Public Hearing
and Regular Meeting Minutes
October 13, 2009**

Stanley Johnson moved to approve the Public Hearing and Regular Meeting Minutes for October 13, 2009 with the typo on page three tem to ten, non-permitted to not permitted and clarify the sentence on page 4 for modified high back curb. Cresta Slaugh seconded the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Public Hearing Discussion
02-16 Sign Regulations

After further discussion Chairman Dale Harrison moved to accept the changes to the sign 02-16 Sign Regulations, after review from the City Attorney and recommend to the City Council to accept the changes made. Walter Gale seconds the motion.

Roll Call Taken:

Chairman Dale Harrison	Aye
Stanley Johnson	Aye
Walter Gale	Aye
Cresta Slaugh	Aye

The motion passed with all voting Aye

Land Use Ordinance Discussion
**02-15-011 Landscaping
And Screening**

Chris Hoem reads: "Parking lots with five or more spaces must have a minimum of either: 1. a 10 foot wide landscape strip adjacent to any street, and a five foot wide landscape strip on each side adjoining a property line, or 2. a minimum of five percent interior landscaping. Parking lots with twenty or more spaces must have a minimum of five percent interior landscaping. The landscaping shall break up the large areas of asphalt and create an aesthetically pleasing place that is designed for both pedestrians and cars to safely and easily travel. All landscaped areas shall consist of either: 1. aesthetically pleasing xeriscape or 2. live plant materials fully serviced by a permanent, underground water system. Trees shall be planted in the landscape areas at a ratio of one tree per 300 square feet of gross noncontiguous landscape area. Parking lots of five or more spaces shall provide a masonry wall six feet in height when parking lots are adjacent to a residential use. This solid barrier shall be maintained in good condition

without any advertising thereon.” Do we want every lot in the downtown area to have to have 5% landscaping, or should it be every five lots that have a little park area? We need to look at the size of plants. Chairman Dale Harrison: With the possibility of losing impact fees, the City needs to look for a way to help developers acquire land for these parks. Chairman Dale Harrison: I recommend to the Commission to look at different options for parking lot landscaping. Bring back different ideas for future discussion.

Items for Further Discussion

Possible R-1 to RA-1

Future Rezone

Chris Hoem: Bruce Brown has petitioned for a rezone of the Brooklane Subdivision, located approximately 2000 East and between 1500 South and 1700 South from R-1 to RA-1. There will be a public hearing held on November 10, 2009. Mr. Brown doesn't want four plexes in that area and he would like to continue to have agriculture abilities. There are currently errors in the R-1 zone; agricultural use is a permitted use. We will be discussing this zone in an up coming meeting to amend this chapter. R-1 should not permit agricultural uses. I have talked with Mr. Brown about this error; he would like to continue with the petition to rezone.

2009 Holliday Scheduling

Chairman Dale Harrison: The regular scheduled meetings are November 10 and November 24, 2009, my recommendation is to cancel November 24, 2009 meeting. The regular scheduled meetings for December are on the 8th and the 22nd. Walter Gale recommended to cancel the December 22, 2009 meeting. Holliday Scheduling will be put on the Agenda for November 10, 2009 for a motion.

Adjourn

Chairman Dale Harrison moved to adjourn, Walter Gale seconded the motion.

Next Planning and Land Use Meeting will be held on November 10, 2009 at 7:00 p.m.