



Memorandum

To: Town Council
From: Thomas Dansie, Director of Community Development
Date: August 7, 2019
Re: **August 14, 2019 Town Council Meeting: Sign and Grading Permit Approval Process Revisions**

The Planning Commission has recommended an ordinance revision that will change the approval process for sign and grading permits. The proposed revision will change the approval authority for these permits from the Planning Commission to the Director of Community Development, or designee.

Sign and grading permits are usually straightforward and non-complex. Most sign and grading permits are approved without the need for extensive discussion or deliberation at the Planning Commission. The Commission has recommended these types of simple permits can be approved at the staff level. This will free up Planning Commission meeting time for work on planning initiatives. The DCD can still refer complex or controversial sign and grading permit applications to the Planning Commission for approval.

A copy of the proposed ordinance is attached.

ORDINANCE 2019-08

WHEREAS, the Town of Springdale desires to revise the administration standards and procedures for review of signage and grading permit applications; and

WHEREAS, in order to process signage and grading permit applications more efficiently, applications for signage and grading may be reviewed at a staff level; and

WHEREAS, the necessary public hearings and processes required by local and state statute have been completed;

NOW THEREFORE, be it ordained by the Springdale Town Council that Title 10 of the Town Code is amended as follows:

Section 1: Section 10-1-8 of the Town Code is amended to read as follows:

10-1-8: EXCAVATION GRADING PERMITS REQUIRED:

The excavation, fill, grading, stripping or moving of topsoil, sand, earth, landforms or watercourses, as provided or as restricted in this title, shall not be commenced or continued except after the written endorsement of the building inspector when in compliance with the standards and permit requirements of chapter 15B of this title and the issuance of an excavation permit as required in other ordinances of the town. No excavation permit shall be issued for construction of any building until a geotechnical report as to the stability and suitability of said lot or parcel for development has been submitted to the DCD, and the proposed development in light of the report has been approved by the town council after obtaining a recommendation regarding the same from the town engineer.

Section 2: Section 10-3-4 of the Town Code is amended to read as follows:

10-3-4: LAND USE AUTHORITY DESIGNATED:

Pursuant to Utah Code sections 10-9a-103 and 10-9a-302 et seq., the Town hereby designates the following Land Use and Appeals Authorities to act on the following types of land use applications and appeals:

A. The Town Council shall be the designated Land Use Authority to act on preliminary and final subdivision plats, subdivision plat amendments and vacations, conditional use permits, and determinations of accessory use, appeals of takings and all other land use decisions for which the Land Use Authority is not specified in Town ordinances.

B. The Planning Commission shall be the designated Land Use Authority to act on design/development review applications, ~~sign permit applications, grading permit applications,~~ and open air display permit applications, except when the DCD is authorized by ordinance to review and approve such applications.

C. The DCD or designee shall be the designated Land Use Authority to act on temporary use permit applications, banner permit applications, sign permit applications, grading permit applications, and home occupation permit applications, in addition to design/development review applications ~~and sign permit applications~~ when authorized by ordinance.

Section 3: Section 10-15B-10 of the Town Code is amended to read as follows:

10-15B-10: GRADING PLAN:

A grading plan shall be required before a grading permit can be issued. The grading plan shall be a part of the site analysis in all cases that require a site analysis. In instances not requiring a site analysis the ~~planning commission~~ DCD or designee shall review the grading plan and approve such if it conforms to the standards contained in this chapter. The grading plan shall be drawn to scale and shall include:

Paragraphs A through M are retained without change.

Section 4: Section 10-15B-10 of the Town Code is amended to read as follows:

10-15B-11: PROCEDURE FOR PERMIT:

The following procedure is necessary before a grading permit may be issued:

A. Application And Grading Plan: For projects requiring site analysis, the grading plan and application will be part of the site analysis required by chapter 15 of this title. For projects not requiring a site analysis, the applicant shall submit a grading plan meeting the requirement of section 10-15B-10 of this chapter, together with an official application (available at the town office) and an application fee of not more than seventy five dollars (\$75.00).

B. Review: The ~~planning commission~~ DCD or designee shall review the application and grading plan for conformance with the standards of this title and chapter. If the proposed grading complies with all applicable standards, the ~~planning commission~~ DCD or designee shall approve the application. If in the opinion of the DCD the project is complex, problematic, controversial, or otherwise beyond the ability of the DCD to adequately review, the DCD shall forward the project to the Planning Commission for review.

C. Grading Fees Paid: Once the project has been approved, the applicant will pay the appropriate grading fee, based on the town's adopted fee schedule.

D. Permit Issued: After the project has been approved by the ~~planning commission~~ DCD or designee and the appropriate fees have been paid, the DCD shall issue a grading permit.

E. Permit Expiration: A grading permit expires if the work authorized by the permit is not undertaken within one hundred eighty (180) days from the issuance of the permit, or if there is a hiatus of work on the project for more than one hundred eighty (180) days.

Section 5: Section 10-24-10 of the Town Code is amended to read as follows:

10-24-10: PERMITS AND APPROVAL PROCESS:

Paragraphs A, B, C, I, J, and K are retained without change. The following revisions are made to paragraphs D, E, F, G, and H.

D. Action On Permit Applications: The DCD or designee shall review the application and accept it as complete or reject it as incomplete within five (5) working days from the date of filing. The DCD shall give written notice of any application rejected, mailed or otherwise delivered to the applicant within ten (10) working days, together with a brief written statement of the reasons for rejection and the steps, if any, necessary to gain acceptance for said application. No sign permit application shall be accepted if:

1. The applicant has installed any sign in violation of the provisions of this chapter and, at the time of the submission of the application, such illegal sign has not been legalized, removed or included in the application; or
2. Any sign under the control of the applicant or property owner on the premises of the proposed sign was installed in violation of this chapter and at the time of submission of the application, such illegal sign has not been legalized, removed or included in the application.

E. ~~Permits Reviewed By DCD Review:~~ The DCD or designee shall review all sign permit applications for compliance with the standards of this chapter. ~~for individual businesses and signs within a business center for which a master sign program has been previously approved by the Planning Commission.~~ The DCD or designee shall approve, approve with conditions, or deny a permit based on the criteria set forth in subsection G of this section ~~or deny the application~~ within ten (10) business days of acceptance of a sign permit application. If in the opinion of the DCD the project is complex, problematic, controversial, or otherwise beyond the ability of the DCD to adequately review, the DCD shall forward the project to the Planning Commission for review.

~~F. Permits Reviewed By Planning Commission: Following application approval by the DCD, the application shall appear on an agenda of the next regularly scheduled meeting of the Planning Commission for which the agenda request time requirements shall be followed. The Planning Commission shall review such application for action in conformity with the provisions of this chapter. The Planning Commission shall either approve, approve with conditions, or deny a permit based on the criteria set forth in subsection G of this section.~~

G. Sign Review Findings: Prior to approving a sign permit application, the DCD ~~and Planning Commission~~ or designee shall find:

1. The sign shall be in proportion with and visually consistent with the architectural character of the building and the surrounding area;
2. The sign shall not obscure from view or unduly detract from existing signing in the area;
3. Proposed signs in a Residential Zone shall be harmonious and compatible with the residential character of the zone;
4. The sign complies with all provisions of this chapter and is consistent with the architectural and design guidelines.

H. Issuance Or Denial:

1. Issuance: The DCD or designee shall issue a permit for said sign when the application has been given final approval as prescribed in this chapter and the proposed sign, and the building or business with which it is associated, complies with all appropriate laws and ordinances.
2. Suspension, Revocation: The DCD or designee may, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of material fact or fraud.
3. Denial: When a sign permit is denied by the DCD ~~or Planning Commission~~ or designee, the DCD shall give written notice, mailed within ten (10) working days, of the denial to the applicant, together with a brief written statement of the reasons for the denial.
4. Unlawful: No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

PASSED AND ADOPTED by the Springdale Town Council the _____ day of _____, 2019. This ordinance shall be effective upon passage and posting.

Mayor Stanley J. Smith

Attest: Town Clerk Darci Carlson