

DATE: March 9, 2006

TO: Salt Lake City Planning Commission

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RE: Staff Report for the March 22, 2006 Planning Commission Meeting

CASE NUMBER: 400-05-02

APPLICANT: Salt Lake City Council

STATUS OF APPLICANT: Section 21A.06.020 of the Salt Lake City Zoning Ordinance grants the City Council the authority to initiate petitions to amend the Zoning Ordinance

PROJECT LOCATION: Portable signs are allowed in the RB Residential Business, R-MU Residential Mixed Use, BP Business Park, and all commercial, downtown, Gateway and manufacturing zoning districts.

COUNCIL DISTRICT: The proposed amendments would affect all City Council Districts.

**PROPOSED ZONING
TEXT AMENDMENT:**

This petition requests to amend the portable sign regulations found in Chapter 21A.46 of the Zoning Ordinance by limiting the distance that portable signs could be located from an advertising business. The proposed amendment is included below. All zoning ordinance provisions relating to portable signs are presented in Attachment 1 (Zoning Ordinance Provisions Regarding Portable Signs):

21A.46.055 Temporary Portable Signs:

B. **Location:** *Within the zoning districts identified above, any person may display a freestanding portable sign on the city owned right of way (sidewalk or park strip) but not in the roadway. Signs may not be attached to any utility poles, traffic signs, newsracks or any other item or fixture in the public way. The usable sidewalk space must remain unobstructed. Unobstructed sidewalk space must be at least ten feet (10') wide on Main Street between South Temple and 400 South; and where available, eight feet (8') wide in the D-1, D-3, D-4 and G-MU districts. ~~six feet (6')~~ In all other applicable areas a minimum of six feet (6') of unobstructed space is required. In addition, any portable sign may not be placed in any location that would obstruct any ADA accessible feature.*

D. **Attended Portable Signs:** *An "attended portable sign" is a portable sign placed by a person who, either in person or through a representative, at all times while the sign is in the public right of way, remains either: 1) within twenty five feet (25') of the sign or 2) on the first floor of a building whose front entrance is within twenty five feet (25') of the sign or which has windows providing a view of the portable sign from within the building. Salt Lake City reserves the right to request the removal or relocation of a portable sign to accommodate construction activity within the public right of way.*

E. **Distance from Advertising Business:** *Portable signs shall be permitted only on the block face (as defined in 21A.62.040 of this Title) on which the business being advertised is located and on up to two (2) block faces intersecting with the block face containing the advertising business, provided that the portable sign is located within a zoning district which permits said signs. Within the Downtown and Gateway zoning districts, a block face shall be defined as all of the lots facing one side of a street between two (2) intersecting collector and/or arterial streets.*

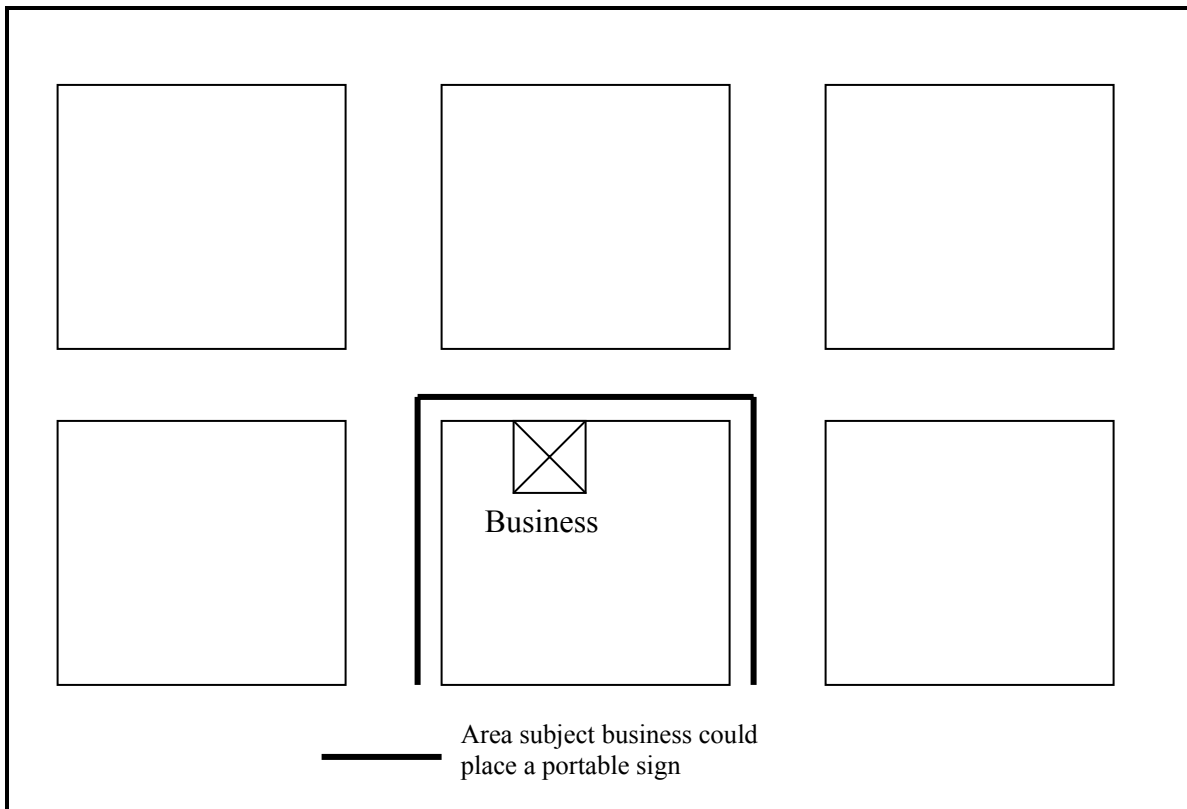
RATIONALE FOR THE

PROPOSED AMENDMENT: The proposed amendments in 21A.46.055.B are clarifications requested by the Transportation Division. These amendments further refine the language of the ordinance to ensure that portable signs are not located within the roadway and provide additional unobstructed sidewalk space in the Central Business District where the pedestrian traffic is the greatest.

The proposed amendment to the provision in 21A.46.055.D is proposed to solve an issue that was raised by the Housing and Zoning Enforcement Division. On a number of occasions, enforcement was required because a business owner placed a portable sign in

front of his business. Because the front entrance was recessed or actually on the side of the building away from the property frontage, the portable sign could not be placed within twenty-five feet of the front entrance. The proposed language would allow a portable sign as long as the advertising business has windows providing a view of the sign.

The City Council, during a public hearing in December 2004, requested that an amendment be considered that would limit the distance that a portable sign could be located from the advertising business. The Council discussed some examples of portable signs being placed miles from the advertising business and even signs within the Salt Lake City Corporate boundaries advertising businesses in other cities. To avoid this situation, Staff is proposing the language in 21A.46.055.E which limits the location of a portable sign to the block face on which the advertising business is located and on the two intersecting block faces as indicated on the following illustration.



Within the Downtown and Gateway zoning districts, a block face shall be defined as all of the lots facing one side of a street between two (2) intersecting collector and/or arterial streets. In other zoning districts, the following definition of block face will apply:

21A.64.040 Definitions:

“Block face” means all of the lots facing one side of a street between two (2) intersecting streets. Corner properties shall be considered part of two (2) block faces, one for each of the two (2) intersecting streets. In no case shall a block face exceed one thousand feet (1,000’).

The use of portable signs has been a critical success for business owners in the Downtown area and the definition of block face was modified for the Downtown and Gateway zoning districts because of the number of blocks which are divided by minor streets, such as Regent Street, Pierpont Avenue, Market Street and Exchange Place, that the effectiveness of the portable sign regulations might be diminished. For this reason, the definition of block face in the Downtown and Gateway zoning districts was modified to be “all lots facing on side of a street between two (2) intersecting **collector and/or arterial** streets”. This modified definition would allow a block face to include all the properties on one side of a ten acre block, for example, all the properties between State and Main streets or between 100 South and 200 South streets.

APPLICABLE LAND USE REGULATIONS:

Section 21A.46 Sign Regulations
Section 21A.50.050 Standards for General Amendments

SUBJECT HISTORY: In May, 2003, acting on a request by the City Administration, the City Council enacted temporary zoning regulations for portable signs on City-owned right-of-way (sidewalk or park strip) in certain zoning district to encourage and facilitate additional retail activity in the City and to promote such activities. Subsequently, in November 2003, the City Council adopted an ordinance pertaining to Petition 400-03-38, to codify the portable sign regulations by amending the sign regulations in Chapter 46 of the Zoning Ordinance and included a sunset date of November 30, 2004. This was done to allow the City one year to monitor the use of portable signs and determine whether the regulations were effective. In December 2004, as part of its review of Petition 400-04-47, the City Council confirmed the portable sign regulations and made the provisions a permanent part of the Zoning Ordinance. The City Council also initiated a petition to consider modifications to the portable sign provisions to limit the distance a sign may be located from the advertising business.

MASTER PLAN SPECIFICATIONS: The Urban Design Element encourages signage that provides ample opportunities for business to advertise products and services without having a detrimental effect upon the community. Included in the Urban Design Element are guidelines for signs, which include: Require signs within a view corridor to be low profile and preferably mounted parallel to the building surface. Encourage sign design as an integral part of the design of buildings and developments.

COMMENTS, ANALYSIS AND FINDINGS:

1. **COMMENTS:** Staff requested comments from applicable City departments and divisions, community councils, business organizations and the Mayor's Business Advisory Board. Staff received comments from the following (City Department and Division comments are in Attachment 2, public comments are in Attachment 3):
 - a) **Housing and Zoning Enforcement:** The Housing and Zoning Enforcement Division is supportive of the proposed amendment.
 - b) **Permits and Licensing Division:** The Permits and Licensing Division responded verbally and expressed support for the proposed amendments and indicated that portable signs do not require a permit from Salt Lake City.
 - c) **Transportation:** The Transportation Division has requested the inclusion of language to clarify that portable signs can not be placed within the roadway and to require additional unobstructed sidewalk space in the Central Business District where there is a greater concentration of pedestrians on the street. The proposed amendment addresses these issues.
 - d) **Public Utilities:** The Public Utilities Department has no objection to the proposed ordinance and suggests that language be added to the portable sign regulations that would allow such signs to be relocated or taken down to accommodate work being done within the right-of-way. The proposed amendment addresses this issue.
 - e) **Engineering:** The Engineering Division has identified no concerns regarding this petition.
 - f) **Police:** The Police Department has identified no concerns regarding this petition.
 - g) **Fire:** The Fire Department has not responded to this request.
 - h) **Airport:** The Department of Airports has indicated that the proposed amendments will not affect the Salt Lake International Airport or airport operations.
 - i) **Public Open House:** The Planning Division held a public Open House on March 7, 2006. Notice of the Open House was sent to all the Community Council chairs, Downtown Alliance/Chamber of Commerce, Downtown Merchants Association, Vest Pocket Business Coalition and the Business Advisory Board. Two people attended the Open House and one submitted comments supportive of the portable sign provisions.
 - j) **Business Advisory Board:** Staff made a presentation on the proposed amendment to the Business Advisory Board on March 8, 2006. The Board expressed general support for the portable sign regulations and voted unanimously in favor of the petition. A letter of support is presented in Attachment 3.

2. **ANALYSIS AND FINDINGS**

A decision to amend the text of the zoning ordinance or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed

amendment, the Planning Commission and the City Council must consider the following factors:

21A.50.050 Standards for General Amendments

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Discussion: The Urban Design Element calls for signage policies that allow ample advertising without having a detrimental effect upon the City. Portable signs have been an effective tool for many businesses within the City, especially in the Central Business District.

Findings: The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The use of portable signs has been allowed since 2003 and provided many small businesses with visibility. The portable sign regulations include provisions that limit the size and require adequate unobstructed sidewalk space to accommodate pedestrian traffic. The proposed amendments fine-tune and clarify the existing standards and respond to the request of the City Council to limit the distance that a portable sign may be located from the advertising business. The City has received relatively few complaints regarding portable sign and the business community has been supportive of the regulations. The Business Advisory Board and other business organizations have expressed support for portable signs since the City first considered creating these provisions.

Findings: The proposed amendments clarify and fine-tune the existing portable sign regulations. Portable signs have been a benefit to many businesses and appear to be harmonious with the overall character of existing development in commercial areas where the signs are allowed.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: The proposed amendments limit the distance that a portable sign may be located from the advertising business. The existing regulations regarding portable signs require that the signs be “attended” and if the sign is located more than twenty-five feet (25’) from the advertising business a representative from a business within 25 feet of the sign must agree to monitor the sign. The use of portable signs has been positive for the business community and the proposed amendments will not adversely affect adjacent properties.

Findings: The portable sign regulations have been well received by the business community and provide tangible benefits for many merchants. The proposed amendments will not create any adverse impacts on adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: The proposed amendments to the portable sign regulations will have no impact on the administration of overlay zoning districts.

Findings: Overlay districts are not affected by the proposed zoning amendment.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Discussion: The proposed regulation requires that the portable signs not interfere with pedestrian traffic. A minimum unobstructed sidewalk space must be maintained on all sidewalks. The placement of portable signs does not interfere with police or fire protection or public utility systems. Because the signs are portable, they are easily removable if they are incorrectly placed.

Findings: The proposed zoning amendment does not affect public facilities and services.

RECOMMENDATION: Based on the analysis and the findings presented in this report, the Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve Petition 400-05-02 to amend the portable sign provisions in Section 21A.46.055 of the Zoning Ordinance.

Attachments:

1. Zoning Ordinance Provisions Regarding Portable Signs
2. Department and Division Comments
3. Public Comments
4. Petition

ATTACHMENT 1

**ZONING ORDINANCE PROVISIONS
REGARDING PORTABLE SIGNS**

ATTACHMENT 2

DEPARTMENT AND DIVISION COMMENTS

ATTACHMENT 3

PUBLIC COMMENTS

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ATTACHMENT 4
ORIGINAL PETITION

