TEXT AMENDMENT

PROPERTY ADDRESS: Citywide
MASTER PLAN: Plan Salt Lake
ZONING DISTRICT: All

REQUEST:

Mayor Erin Mendenhall has initiated a petition to amend the zoning ordinance related to nonconforming signs. This proposed amendment is generally focused on aligning sign standards with city goals, supporting businesses, and addressing any applicable state law. The proposed changes would allow for more flexibility for maintaining, reusing, modifying, and updating of existing signs. The proposed changes also clarify when the removal of such signs is required.

RECOMMENDATION:

That the Planning Commission forward a recommendation to City Council to approve the proposed text amendment.

ATTACHMENTS:

A. ATTACHMENT A: Proposed Text Amendment
B. ATTACHMENT B: Zoning Text Amendment Standards
C. ATTACHMENT C: Public Process & Comment

PROJECT DESCRIPTION

Nonconforming signs are existing signs that were permitted under previous versions of city code but no longer conform to current standards. These signs are allowed to continue to exist; however, the current code is very restrictive when it comes to alterations or changes in ownership of property where signs are located. The current language of 21A.46.140.A reads, in part:

A nonconforming sign shall not be reconstructed, raised, moved, replaced, extended, altered, or enlarged unless the sign is changed so as to conform to all provisions of this chapter. A nonconforming sign may be temporarily removed for routine maintenance and reinstalled...
The language preventing the alteration of the sign text or message does not comply with federal code which prevents municipalities from regulating the content of signs and must be updated. In addition to preventing the change of content, the existing regulations prevent business owners from updating sign illumination to more energy efficient systems, making signs more conforming to current standards, and overall encourage the keeping of poorly maintained signs as it is unclear what qualifies as routine maintenance. In whole, this creates an unnecessary burden on business owners who are not permitted, under the existing code, to reuse or update any nonconforming sign.

The intent of the proposed text amendment is to allow for routine maintenance, upgrades to interior components, as well as some modifications to nonconforming signs—especially those that bring the sign into greater conformity with the sign ordinance while also encouraging the removal of such signs once they are no longer in use.

Background

The standards for nonconforming signs have not been evenly applied for sign content alterations that maintain the overall sign structure. Several sign permits have been issued for the change of the text and message of signs as routine maintenance. While this is contrary to the language of the current code, these permits were issued in good faith and to the benefit of property/business owners.

Vintage signs are nonconforming signs that represent important elements of Salt Lake City’s heritage and enhances the character of a corridor, neighborhood, or community and are regulated under a separate section of the code, 21A.46.125. To be designated a vintage sign, the owner must apply for the status and the sign must comply with a number of historic and design criteria detailed in the ordinance. The proposed text amendment does not affect the designation and regulation of vintage signs.

The proposed amendments also do not impact billboards which are regulated in section 21A.46.160.

APPROVAL PROCESS AND COMMISSION AUTHORITY

The proposal is for a zoning text amendment. The Planning Commission may make a recommendation to the City Council on this type of proposal per 21A.50.050.A. The Planning Commission may make modifications to the proposed amendments, direct staff to make recommendations, or forward a recommendation to the City Council. Staff recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment.

KEY CONSIDERATIONS
The key considerations listed below were identified through the analysis of the project:

1. How the proposal helps implement city goals and policies identified in Plan Salt Lake.
2. Impact to surrounding properties.

Consideration 1: How the proposal helps implements city goals and policies identified in Plan Salt Lake

The overarching guiding principle in Plan Salt Lake for the economy is, “a balanced economy that produces quality jobs and fosters an innovative environment for commerce, entrepreneurial local business, and industry to thrive.” One of the goals to accomplish that vision is to address existing barriers to economic development within the city organization.

Signs are a costly but vital component of doing business at a physical location. It is common practice to reuse existing structures as a cost saving method. The current ordinance language indicates that alterations also mean the changing of the text or message of the sign as a result of a change in use of the property. Requiring business owners to remove a nonconforming sign rather than reuse them acts as a barrier to economic development by increasing the amount of up front capital that is required to open a business. Removing this barrier by permitting the reuse and modification of nonconforming signs furthers the Plan Salt Lake goal to be business friendly and encourage economic innovation and development.

Consideration 2: Continued use of noncomplying structures

Chapter 21A.38 establishes the standards regulating the alteration, expansion, and replacement of noncomplying structures and nonconforming uses. The intent of Chapter 21A.38 is to allow continued use of legal nonconforming uses and noncomplying structures, while at the same time protecting existing conforming development within the community. In both instances, legally existing nonconforming uses and noncomplying structures are permitted to remain and, most importantly, permitted to be altered, expanded and, in some cases, replaced entirely. To protect existing conforming development, the standards regulating these changes limit the modifications to ones that do not increase the degree of nonconformity and permit modifications that increase the degree of compliance.

In amending the nonconforming signs standards, the types of modifications proposed are consistent with those found in Chapter 21A.38; namely modifications that do not increase the degree of nonconformity and modifications that increase the degree of conformity are permitted. These types of modifications protect the existing development and limit the impact of the nonconformities on surrounding properties.

Staff Discussion

The Planning Division believes that alterations to the face, sign cabinet, type of illumination, or the design, and even the replacement to a more complying sign, will not create an adverse impact to the surrounding properties and the city in general and supports businesses because of an increase in flexibility regarding modifications and maintenance to existing signs.

Staff Recommendation

The Planning Division is recommending that the Planning Commission forward a motion to the City Council to adopt the proposed changes so that legally existing nonconforming signs can be better maintained and modified in certain circumstances to support the businesses that rely on them.

Next Steps
The Planning Commission can provide a positive or negative recommendation for the proposal and can request that changes be made to the proposal. The recommendation and any requested changes will be sent to the City Council, who will hold a briefing and additional public hearing on the proposed changes. The City Council may make modifications to the proposal and approve or decline to approve the proposed changes.

If ultimately approved by the City Council, the changes would be incorporated into the City Zoning code and development would be required to follow the new regulations.
ATTACHMENT A: Proposed Text Amendment

Note: underlined text is new proposed language; text with strikethrough is proposed to be deleted. All other text is existing with no proposed change.

21A.46.0020: DEFINITIONS

ALTERATION, SIGN: "Sign alteration" means a change or rearrangement of the parts or design of a sign, whether by extending on a side, by increasing in area or height, or the moving from one location or position to another, or adding or deleting words from the copy, or changing the size of the letters or figures comprising the copy. Alterations shall not be interpreted to include changing the text or copy on outdoor advertising signs, theater signs, outdoor bulletin or other similar signs which are designed to accommodate changeable copy.

ELECTRONIC CHANGEABLE COPY SIGN: A sign containing a computer-an electronically generated message such as a public service, time, temperature and date, or a message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lamp bank or message facility. The term “electronic changeable copy sign” shall not be defined as a type of “animated sign” if the message displayed is fully readable within three (3) seconds. Electronic changeable copy shall be considered, for the intents of this chapter, a sign face type rather than a sign type.

21A.46.030: GENERAL SIGN PERMIT REQUIREMENTS:

A. Sign Permit Required: Except where exempted by the provisions of this chapter, it is unlawful for any person to erect, construct, enlarge, locate or modify any sign or change the text of any on or off premises sign within the City contrary to any provisions of this chapter without first obtaining a sign permit from the building official. No sign shall be erected, constructed, reconstructed, located or modified until the site plan for such sign has been approved and a sign permit issued by the building official. Such permits shall be issued only to State licensed contractors unless specifically exempted by the State.

21A.46.070: GENERAL STANDARDS

G. Sign Removal: Signs The sign face identifying a discontinued use on the property shall be removed from the property when the use is discontinued, within thirty (30) calendar days of the time the use was discontinued. The removal of nonconforming signs shall be regulated by section 21A.46.140.

H. Moving To New Location: No sign erected before April 12, 1995, shall be moved or enlarged or replaced unless it be made to comply with provisions of this chapter.

I. Lights And Lighted Signs: No spotlight, floodlight or lighted sign shall be installed in any way which will permit the rays of such sign’s light to penetrate beyond the property on which such light or lighted sign is located in such a manner as to constitute a nuisance. Signs alleged to be a nuisance, by reason of light, by the neighboring property owners or tenants shall be subject to the zoning administrator’s review to consider the validity of the nuisance complaint. If the sign is determined to be a nuisance, by reason of light, by the zoning administrator, the owner of the sign shall be required by the zoning administrator to take the appropriate corrective action.

J. Height And Elevation Of Building Signs: The height and elevation of building signs shall conform with the following provisions:

1. Awning Signs: Awning signs shall not be located above the second floor level of the building.
2. Flat Signs: Flat signs may extend a maximum of two feet (2’) above the roofline or parapet wall of the building on which they are located.
3. Marquee And Canopy Signs: Marquee and canopy signs shall not be located above the main entry level of the premises.

4. Nameplates: Nameplates shall not be located above the first floor level of the building.

5. Projecting Building Signs: A projecting building sign shall not exceed the top of the vertical building wall on which it is located.

6. Projecting Business Storefront Signs: A projecting business storefront sign shall be located at the main pedestrian entry level of the building.

7. Projecting Parking Entry Signs: A projecting parking entry sign shall be located at the parking entry level of the building.

8. Roof Signs: The height of the sign face of roof signs shall not exceed twenty percent (20%) of the height of the building or ten feet (10'), whichever is less.

9. Wall Signs: Wall signs may extend to the top of the vertical building wall.

10. Window Signs: In the RB, RO, R-MU, CN and CB districts only, window signs shall not be located above the first floor. In other districts where window signs are allowed, they may be located on all floors.

11. Outdoor Television Monitor: Shall not be located above the second floor of the building.

JK. Signs On Public Property: Except for portable signs authorized pursuant to section 21A.46.055 of this chapter, no sign shall be located on publicly owned land or inside street rights of way, except signs erected by permission of an authorized public agency.

KL. Extension Of Building Signs: The following building signs shall be allowed to extend beyond the face of buildings or structures in conformance with the following provisions:

1. Flat Signs: A flat sign, with no copy visible from the sides, may extend a maximum of two feet (2') from the face of the building, even when the extension extends over the public right of way, subject to the city's right of way encroachment policy.

2. Projecting Building Signs: Projecting building signs may extend a maximum of six feet (6') from the face of the building but shall not extend over a public right of way, except in the D-1 and D-4 zones as allowed in section 21A.46.110 of this chapter.

3. Awning/Canopy And Marquee Signs: As authorized in other sections of this chapter.

LM. Roof Signs: Roof signs shall conform to the following standards:

1. The height of the sign face of roof signs shall not exceed twenty percent (20%) of the height of the building or ten feet (10'), whichever is less;

2. No guywires, braces or secondary supports visible from the ground shall be used;

3. Roof signs shall be designed to appear as extensions of the exterior building wall as shown in figure 21A.46.020 of this chapter or be located on the elevator/mechanical penthouse or, on buildings taller than one hundred feet (100'), may be located on blank walls at the highest inhabitable level; and

4. Roof signs shall not exceed the maximum permitted height for the zoning district in which it is located.

MN. Marquees: Marquees designed to project over public property shall:

1. Frontage Requirement: Extend across a major portion of the building entrance.

2. Height Limitation: Be located on the main entry level of the premises.

3. Thickness: Have a vertical face height or cross section dimension not exceeding three feet (3').

4. Clearance: Have a clearance of at least ten feet (10') above the sidewalk.

5. Projection: Extend a maximum of twelve feet (12') from the face of the building but must not project closer than two feet (2') to the back of the curb.

6. Location: Be so located as not to interfere with the operation of any exterior standpipe or to obstruct the clear passage of stairways or exits from the building.
7. Shelter: In order to provide pedestrian shelter, a marquee shall have its first six feet (6') of projection form a rectangle with the sides ninety degrees (90°) to the building face and the plane at least six feet (6') from the building parallel with the front property line. The remaining projection of the marquee can assume a configuration compatible with the architecture of the building.

NO. Marquee Signs: Signs attached to an approved marquee, as specified in subsection N of this section, may extend over public property a maximum of twelve inches (12") from the face of the marquee. Copy is allowed on the sides of the marquee. Signs placed within or below the ceiling of a marquee shall not extend beyond the marquee face and shall be placed within the vertical plane of the marquee. Within a commercial or downtown district, a permanent sign or letters may be attached to the top of, or fascia of, or within or below the ceiling of an approved marquee, subject to the following standards:

1. Vertical Dimension: Overall vertical dimensions of the combined sign and marquee shall not exceed five feet (5').
2. Height Of Sign: The height of the sign or letters shall not exceed two feet (2').
3. No Side Copy: Signs attached to marquees shall have no copy on the side portion of the sign.
4. Clearance: Signs attached to marquees shall maintain the minimum ten foot (10') clearance required for the marquee.

OP. New Development Sign: New development signs shall be permitted during construction through initial occupancy of ninety five percent (95%) of floor space for a nonresidential development and through ninety five percent (95%) initial unit occupancy for a residential development. New development signs shall be removed upon two (2) years of use, regardless of the level of occupancy. See sections 21A.46.080 through 21A.46.120 of this chapter for zoning district limitations on size, height and location of new development signs.

PQ. Temporary Signs: Temporary signs shall comply with the following standards:

1. Required Setback: All temporary signs shall be set back five feet (5') from all property lines, except where displayed as building signs on buildings set back less than five feet (5') or where the sign setback is otherwise specified in this title.
2. Display Period And Removal: Temporary signs shall be permitted in accordance with the standards set forth below for display period and removal, unless specified otherwise in this title:

<table>
<thead>
<tr>
<th>Sign Type¹</th>
<th>Display Period</th>
<th>Removal Required 3 Days After</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction impact area mitigation sign</td>
<td>Per City guidelines²</td>
<td>Per City guidelines²</td>
</tr>
<tr>
<td>Construction sign</td>
<td>Duration of construction</td>
<td>Completion</td>
</tr>
<tr>
<td>Garage/yard sale sign</td>
<td>2 sales per year (7 days maximum per sale)</td>
<td>End of sale</td>
</tr>
<tr>
<td>Political sign</td>
<td>No limit</td>
<td>Election/voting day</td>
</tr>
<tr>
<td>Public event banner (on public property)</td>
<td>Per City guidelines</td>
<td>Per City guidelines</td>
</tr>
<tr>
<td>Real estate sign</td>
<td>Duration of listing</td>
<td>Closing/lease commencement date</td>
</tr>
</tbody>
</table>
Notes:

1. See sections 21A.46.080 through 21A.46.120 of this chapter for zoning district limitations on the size, height and location of temporary signs.

2. See section 21A.46.180, "Construction Impact Area Mitigation Signs", of this chapter.

QR. Flags Of Fraternal, Religious Or Civic Organizations: Flags of fraternal, religious and civic organizations are permitted as on premises signs, but shall not exceed thirty (30) square feet in area.

RS. Official Flags: Official flags shall not project over a property line, except within the D-1 and D-4 Zoning Districts, where official flags are allowed to project up to eight feet (8') across the property line, but not within two feet (2') of the curb line. The pole support must be attached directly to the building and located so that all portions of the flag clear the pedestrian level of the building. Flags shall not interfere with street trees, light poles, utility lines, etc., and shall maintain a ten foot (10') clearance from the sidewalk.

ST. Freeway Height Exception: The height of on premises pole signs located on properties adjacent to I-15, I-80, I-215 and the 2100 South Expressway (State Route 201) may be increased to a height of twenty five feet (25') above the pavement grade of the adjacent freeway if the sign is freeway oriented and located within three hundred feet (300') of the freeway.

TU. Freeway Frontage: Freeways shall be considered street frontage for signage purposes, except for monument signs. Pole signs approved on freeway frontage shall be limited to seventy five percent (75%) of the maximum size allowed for the zone. Reduced size pole signs shall be interchangeable with other pole signs on the same site.

UV. Historic District Signs: The historic landmark commission may authorize, as a minor alteration modification to an existing sign or the size or placement of a new sign in a historic district or on a landmark site, including placement of a sign type not allowed in the underlying zone, if the applicant can demonstrate that the location, size and/or design of the proposed sign is compatible with the design period or theme of the historic structure or district and/or will cause less physical damage to the historically significant structure. If a sign in a local historic district or on a landmark site has been designated a vintage sign as per section 21A.46.125 of this chapter, the modifications allowed in that section may be authorized by the historic landmark commission subject to the appropriate standards of section 21A.34.020 of this title.

VW. Sign Area Determination: Sign face area square footage shall be determined as follows:

1. Flat Signs (Excluding Letter Signs And Backlit Awnings) And Wall Signs: The entire surface of the sign face shall be measured.
2. Backlit Awnings And Letter Signs: A polygon, not to exceed eight (8) sides, shall be drawn around the copy area to enclose as nearly as possible the space covered by the copy.
3. All Signs: Words, symbols, letters, images, logos and all other designs that are intended to convey a message shall be included in calculating the sign face area. Colors, stripes and other designs that are not intended to convey a message shall not be included.

21A.46.080.A: Sign Regulations for Single-Family and Two-Family Residential Districts

4. Supplementary Regulations:
a. Signs For Nonconforming Business Uses: Signs for permitted nonconforming business uses shall conform to subsection 21A.46.090A4 of this chapter, sign regulations for the CN district, but shall not be internally illuminated.

b. Illumination: Signs for residential uses shall not be internally illuminated, except for new development signs and development entry signs.

21A.46.140: NONCONFORMING SIGNS

A. Moving, Extensions Or Alterations: A nonconforming sign shall not be reconstructed, raised, moved, replaced, extended, altered, or enlarged unless the sign is changed so as to conform to all provisions of this chapter. A nonconforming sign may be temporarily removed for routine maintenance and reinstalled in the same location and manner. Alterations shall also mean the changing of the text or message of the sign as a result of a change in use of the property. Alterations shall not be interpreted to include changing the text or copy on outdoor advertising signs, theater signs, outdoor bulletins or other similar signs which are designed to accommodate changeable copy. Specific modifications may be permitted to nonconforming signs designated as vintage signs as per section 21A.46.125 of this chapter.

B. Unsafe Signs: See subsection 21A.46.150F of this chapter.

C. Restoration Conditions: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God or act of a public enemy, or damaged by any other cause, to the extent of more than sixty percent (60%) of their replacement value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter, or shall be removed.

A. Applicability: The regulations in this section shall apply to all nonconforming signs with the following exceptions:

1. Vintage signs shall be regulated by 21A.46.125 of this chapter.
2. Billboards shall be regulated by 21A.46.160 of this chapter.

B. Modifications: A sign permit may be issued for modifications to a nonconforming sign provided the modifications do not increase the level of nonconformity of such sign. This includes changes to dimensional standards, location, or the replacement of any part of the sign structure. This provision does not apply in the case of:

1. Any modification that is necessary due to a government action that results in the relocation or alteration of a sign, including signs that would become nonconforming due to the government action, are permitted.

C. Maintenance: Nonconforming signs shall be maintained as defined in 21A.46.020, including the temporary removal of the sign for repairs and other routine maintenance. The sign shall be reinstalled in the same location and in the same manner or relocated to a location that increases the level of conformity.

D. Sign Removal:

1. The sign face identifying a discontinued use on the property shall be removed from the property when the use is discontinued.
2. Nonconforming signs may remain on the property but shall be used to advertise on site goods or services within one year or will be considered abandoned and shall be removed in accordance with 21A.46.150.E with the following exception:
   a. The Zoning Administrator may extend the one-year period if the property owner provides evidence that the property was marketed for occupancy at least once every calendar year.

E. Restoration of Signs:
1. **Voluntarily Removed Signs:** Unless authorized by 21A.46.140.B or 21A.46.140.C above, a nonconforming sign voluntarily removed from the property by the property owner or property owner’s representative shall not be restored unless it is restored to conform with the regulations of this title.

2. **Involuntarily Destroyed Signs:** If a nonconforming sign is involuntarily destroyed in whole or in part due to fire or other calamity, the sign may be restored to its original condition with respect to size, setback, height, and other nonconforming dimensional standards of the zoning district in which the sign is located, provided such work is started within one year, unless a longer time frame is approved by the building official, after such calamity.
ZONING TEXT AMENDMENTS

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision to amend the zoning map, the City Council should consider the following:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;

   Plan Salt Lake

   As discussed in Consideration 1, Plan Salt Lake calls for the reduction of barriers to economic development. Overly restrictive sign ordinances pose a particular barrier to small businesses within the city.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.

   21A.02.030 Purpose and Intent: One of the listed purposes and intents in this section is to foster the city’s industrial, business, and residential development. While that is a broad subject, updating regulations so business owners are able to reuse existing signs furthers the purpose and intent of the zoning code.

   21A.46.010 Purpose Statement: The regulations of the signs chapter are intended, in part, to preserve and improve the appearance of the City as a place in which to live and to work and to allow each individual business to clearly identify itself and the nature of its business.

   The existing nonconforming signs ordinance encourages the keeping of poorly maintained signs and prevents owners from reusing and updating existing signs. The proposed text amendment will better further the intent of the signs chapter by improving the appearance of the City and allowing each business to identify itself using existing infrastructure.

   21A.50.010 Purpose Statement: The purpose of this chapter is to provide standards and procedures for making amendments to the text of this title and to the zoning map. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

   This proposal is consistent with the general purpose of making changes in light of changed conditions related to the literal enforcement of the existing ordinance.

3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;

   This factor is not applicable to the proposal.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

   The best regulations are those that are clear and understandable to those who will be required to adhere to them. The proposed text amendment clarifies the types of modifications that are permitted for nonconforming signs thus promoting the best practice of clear and simple regulations.

   The proposed regulations increase the flexibility of business owners to reuse existing infrastructure. This simultaneously reduces barriers to economic development and promotes sustainable behaviors.
ATTACHMENT C: Public Process & Comment

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- **February 6, 2023** – Every registered recognized organization was sent the 45-day required notice for recognized community organizations. No formal comments have been submitted at the point of publishing.
- **February 6, 2023 – March 23, 2023** – The project was posted to the Online Open House webpage.

Notice of the public hearing for the proposal included:

- **March 17, 2023**
  - Public hearing notice mailed.
  - Public notice posted on City and State websites

Public Input:

Staff received a letter of support from the Sugar House Community Council which is included below. The letter references the vintage sign ordinance which is not included in the proposed text amendment.
March 21, 2023

TO: Salt Lake City Planning Commission

FROM: Judi Short, First Vice Chair and Land Use Chair  
Sugar House Community Council

RE: PLNPCM2022-00984 Nonconforming Signs Text Amendment

In 2017, the City Council changed the Zoning Ordinance for Vintage Signs in the Sugar House Business District to allow them to remain in place, or be repaired and returned to their original spot. Or, the sign exists but the original business is long gone. The ordinance at the time required that if the sign was taken down, it could not be put back up. The Sugar House Community Council worked for five years with the city, and businesses, and the ordinance was changed. I have attached our letter to you at the time, to give you more details on this process. We were even recognized by Preservation Utah with a preservation award for our efforts.

Now, we are very pleased to learn that the city thinks this is working well, and is a worthwhile effort. There are many signs all over the city that should be saved. It is about placemaking, and preserving a piece of our history as a city. I urge you to approve this proposal tonight.

Attachment: SHCC Letter to Planning Commission re Sign Text Amendment