

---

## SALT LAKE CITY COUNCIL STAFF REPORT

---

**Date:** July 21, 2003

**Subject:** Briefing: Proposed Zoning Code Amendment to Allow for the Installation of Outdoor Television Monitors in D-1 and D-4 Zoning Districts Pursuant to Petition No. 400-03-09

**Affected Council Districts:** Districts 3 and 4

**Staff Report By:** Russell Weeks

**Administrative Dept. and Contact Person:** Doug Dansie, Planning Division

---

### **KEY ELEMENTS:**

- The proposed amendment would change the text of the sign ordinance in the City's *Zoning Ordinance* to allow television stations in zoning districts D-1 and D-4 to have one outdoor television monitor of 50 square feet in size on a building that houses the station's television studio. The studio must contain at least 15,000 square feet of floor space.
- The proposed amendment stems from KUTV-TV's plans to relocate its broadcast studios to what is now known as the Wells Fargo Center at 299 South Main Street. If adopted, the proposed amendment also would affect KSL-TV. That station is located at 55 North 300 West.
- As a text amendment to the *Zoning Ordinance*, the proposal will require a public hearing and a 14-day public notice of the hearing.
- The proposed amendment reads in part, "The material displayed (on the monitor) shall be the television station's primary broadcast feed or *rebroadcast news, sports and or public affairs broadcasts to the general public*" ... The italicized language was incorporated from a Salt Lake City Planning Commission motion the Commission adopted May 28. The Commission's entire motion was to forward a positive recommendation to the City Council to amend the sign ordinance.
- Another part of the proposed amendment would require that broadcasts on the monitor "shall not be in conflict with the Federal Communication Commission's Community Standards that apply to broadcasts from the television station between the hours of 6 a.m. and 12 midnight (regardless of the time of day that such material is displayed on the Outdoor Television Monitor)."

- The proposed amendment would allow television stations to broadcast “daytime programming, consistent with Community Standards” between midnight and 6 a.m.
- The proposed amendment also:
  1. Would limit an outdoor monitor’s brightness so the monitor would not cause “undue glare or interference with adjacent properties.”
  2. Would limit sound from the monitor to those in “Salt Lake City or County health regulations.”
  3. Would limit placing a monitor on a building “to locations on the lower two floors.”
- The D-1 and D-4 zones are downtown zones bordered by North Temple, 200 East, 600 South and 400 West streets.

**POTENTIAL OPTIONS:**

- Forward the proposed amendment for a public hearing and formal City Council consideration.
- Discuss with the Administration at the briefing whether broadcasting on the monitor between midnight and 6 a.m. is a necessary component of the proposed amendment and the television station’s operating plans. It should be noted that local morning news broadcasts at KUTV and KSL-TV currently start at 5:30 a.m. According to KUTV representatives, that station plans to start broadcasting local news at 5 a.m. in the near future.

**POTENTIAL MOTIONS:**

City Council staff will prepare motions if the City Council forwards the proposed amendment for a public hearing and formal consideration.

**MATTERS AT ISSUE/POTENTIAL QUESTIONS FOR CONSIDERATION:**

The proposed amendment as written would allow a television station to broadcast on an outdoor monitor 24 hours a day. According to the minutes of the Planning Commission’s May 28 meeting, a KUTV representative said the station guaranteed seven hours of news programming for an outdoor monitor. Between news programs there would be “some programming and (at) other times live weather shots.” (Please see Planning Commission minutes, Page 7 in the Administration’s transmittal) Council Members may wish to explore whether it is necessary for a monitor to broadcast after midnight.

The proposed amendment would allow a television station to broadcast on an outdoor monitor only if the station is located in the D-1 and D-4 zones and has a broadcast studio containing a minimum of 15,000 square feet of floor space. However, one speaker at the Planning Commission hearing suggested that the proposed amendment be expanded to allow “any newspaper, radio or television station which as Salt Lake City as its primary market to locate a television monitor downtown in a manner consistent with the ordinance.” (Please see Planning Commission minutes, Page 8.)

Some speakers and Planning Commissioners at the hearing expressed concerns about the content of daytime television programming and the broadcasting of commercials on an outdoor monitor.

### **DISCUSSION/POLICY CONSIDERATIONS:**

The proposed amendments stem from a petition from the Planning Commission to change the text of the sign ordinance in the City's Zoning Code. The Commission initiated the petition after KUTV representatives talked to the Planning Division staff about installing an outdoor television monitor on the wall of the Wells Fargo Center at 299 South Main Street. KUTV plans to relocate to the Wells Fargo Center. Construction of the studio is projected to finish between September 1 and September 15, according to KUTV representatives. The station is scheduled to begin broadcasts from the studio in October.

Council Members may recall that the Council adopted Resolution No. 19 of 2003 on May 13 to lend \$1.2 million, and the City Council as the RDA Board of Directors adopted Resolution No. 550.04 in January to lend \$2.8 million to help KUTV move to the Wells Fargo Center. Installing an outdoor television monitor does not appear to be a necessary condition of the loans.

A stated reason for both loans was to stimulate business expansion and development in the downtown. Similarly, the Administration's transmittal letter in support of the proposed sign ordinance amendment cites the *Downtown Master Plan* as encouraging "a lively downtown with a variety of uses. According to the transmittal, "Signage is meant to enliven the area without being so profuse and intrusive that it begins to detract from its viability."

As mentioned earlier in this report the proposed amendment would change the text of the sign ordinance in the City's *Zoning Code* to allow television stations in zoning districts D-1 and D-4 to have one outdoor television monitor of 50 square feet in size on a building that houses the station's television studio. The studio must contain at least 15,000 square feet of floor space.

At present, the proposed amendment would affect the anticipated location of KUTV and the current location of KSL-TV. According to the Planning Commission minutes, a third station – KJAZZ – has some studio space in the Delta Center. However, that station's main studios are located in the International Center west of the Salt Lake City airport.

If one reads the Planning Commission minutes, the minutes contain discussion ranging involving the proposed monitor's brightness, how much sound the monitor would project, how long the monitor would be on, and the content of material broadcast.

According to Planning Commission minutes and City Council staff discussions with KUTV representatives, the station plans to broadcast at least seven hours of local news programs plus live shots of local events. In addition, the station plans to broadcast items such as a community calendar, Amber alerts, flash flood warnings, weather alerts, traffic views and other items of community interest. Most of the time the monitor would not broadcast sound. According to Planning Commission minutes, news broadcasts would use text subtitles to convey what anchors and reporters are saying. The main exception would be when the station's anchors, reporters and weather personalities are actually out on the street or Gallivan Plaza as part of a news show or a live event. KUTV representatives said it was not the station's intent to have people gathered around the monitor because the station's "ideal backdrop" is people walking along Main Street. In addition, the representatives said the monitor's audio cannot exceed a

certain limit because the sound would result in audio feedback in the studio. KUTV representatives said it was the station's intention to turn off the monitor at midnight – except in cases, such as the First Night celebration, where live events downtown warranted keeping the monitor on or when issues of public importance warranted keeping it on.

Another issue raised during the May 28 Planning Commission involved the placement of television monitors. A representative of KSL-TV suggested that the ordinance be expanded to allow “any newspaper, radio or television station which as Salt Lake City as its primary market to locate a television monitor downtown in a manner consistent with the ordinance.” According to Planning Commission minutes, the representative said the ordinance as written on May 28 appeared to allow only one monitor to be placed in the City's core. He indicated that KSL's location might not be ideal for the placement of a monitor. (Please see Planning Commission minutes, Page 8.) The Planning Commission did not include the suggestion in its motion to forward a favorable recommendation to the City Council.

Planning Division staff evaluated the proposed ordinance by using five criteria listed in the Zoning Ordinance:

- Whether the proposed amendment was consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
- Whether the proposed amendment was harmonious with the overall character of existing development in the immediate vicinity of the subject property.
- The extent to which the proposed amendment would adversely affect adjacent properties.
- Whether the proposed amendment was consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.
- 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.

According to the Administration's transmittal letter, “Based on this analysis, the Planning Commission recommended the text be amended.”

**Cc:** Cindy Gust-Jenson, Rocky Fluhart, Alison Weyher, Louis Zunguze, Gary Mumford, Doug Dansie, Dave Oka, Janice Jardine.

**File Location:** Downtown