
MEMORANDUM

DATE: February 11, 2005

TO: Council Members

SUBJECT: Petition No. 400-04-47 - request to amend the Sign Chapter of the Zoning Ordinance (Chapter 21.46) to remove the expiration date from the portable sign regulations (A-frame signs)

FROM: Janice Jardine
Land Use Policy Analyst

WORK SESSION SUMMARY/NEW INFORMATION:

On January 18, 2005, the City Council received a briefing regarding an amendment to the portable sign provisions (A-frame signs) in the Zoning Ordinance to remove the November 30, 2004 expiration date.

Issues discussed during the briefing included:

- a. Council Member Saxton suggested that the Council may wish to consider at a future date establishing a limit on the number of portable signs an individual business may erect and location criteria for portable signs that limits the placement of portable signs to a certain area around the business.
- b. Council Member Turner raised a concern about the placement of portable signs advertising business entities outside of Salt Lake City.

POTENTIAL MOTIONS:

1. ["I move that the Council"] **Adopt an ordinance** to amend the Sign Chapter of the Zoning Ordinance to remove the expiration date from the portable sign regulations (A-frame signs)
2. ["I move that the Council"] **Oppose the proposed ordinance** to amend the Sign Chapter of the Zoning Ordinance to remove the expiration date from the portable sign regulations (A-frame signs)
3. ["I move that the Council"] request that the Administration reevaluate the portable sign regulations further and provide additional information including potential options to address concerns that have been raised regarding enforcement and the number of signs.

The following information was provided previously. It is provided again for your reference.

KEY ELEMENTS:

- A. An ordinance has been prepared for Council Consideration that would amend the Sign Chapter of the Zoning Ordinance (Chapter 21.46) to remove the expiration date from the portable sign regulations (A-frame signs).
- B. This action would establish the portable sign provisions as a permanent part of the Zoning Ordinance Sign Chapter. The expiration date was November 30, 2004. No other modifications to the provisions are proposed. (For background purposes, the Zoning Ordinance regulations that relate to portable signs are attached to this staff report. Sec. 21A.46.055)
- C. On November 18, 2003, the Council adopted the current portable sign regulations. The regulations allow portable signs to be located within the public right-of-way in certain downtown, commercial, manufacturing and mixed-use residential zoning districts. The purpose of the sign provisions is to encourage and facilitate additional retail activity.
- D. The Administration notes the expiration date was established to address the following:
 - 1. The regulations might be abused and the signs might create a cluttered image with City rights-of-way.
 - 2. The regulations did not regulate the content or number of signs.
 - 3. If significant problems with implementation of the regulations arose or widespread displeasure was expressed regarding the display of portable signs, the regulations would automatically expire.
- E. The Administration's transmittal notes no complaints of this type were received by the City and it appears that the portable sign provisions have been successful in generating additional business activity, especially for merchants located on side streets in the Central Business District. Some business owners have noted that up to 20 percent of their business is attributable to the use of portable signs.
- F. The public process included an open house hosted by the Planning Division and a Public hearing before the Planning Commission. The Administration notes:
 - 1. Community Council Chairs, City business organizations and members of the Business Advisory Board were provided notice of the Planning open house.
 - 2. Five representatives of downtown businesses attended the open house.
 - 3. Most open house attendees were in support of the regulations and removal of the expiration date.
 - 4. No member of the public spoke at the Planning Commission public hearing.
- G. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.

MATTERS AT ISSUE/POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

Council Members may wish to consider, as a separate action from the item under consideration, requesting that the Administration study the portable sign regulations further and provide additional information including potential options to the Council addressing concerns that have been raised regarding enforcement and the number of signs.

- A. One Council Member was recently contacted by a constituent who expressed concern regarding the Zoning Administrator's determination that a business may display more than one attended portable sign. The Zoning Administrator indicated that because the sign regulations do not specify the number of signs allowed for attended portable signs and other sections of the sign regulations do specify the number of different signs allowed, a business may display more than one attended portable sign provide the signs meets all other requirement of the portable sign regulations.
- B. The City Zoning Enforcement staff noted concerns relating to the current regulations:
 - 1. The section of the regulations that deals with attended signs is often difficult to enforce.

2. A number of business owners could display their signs as well as signs for other business owners. As long as the signs were only displayed during business hours the signs would meet the definition of an attended sign. The result could be a large number of portable signs.

If the Council chooses to schedule a public hearing, the Council could set the date and advertise on February 1st for a hearing on February 15th. This would expedite the process and allow Council action to take place in February rather than March.

CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed rezoning and master plan amendment. Key dates are listed below.

- October 26, 2004 Petition assigned to Planner
- November 9, 2004 Planning Open House
- November 17, 2004 Planning Commission hearing

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Alison McFarlane, Ed Butterfield, Ed Rutan, Lynn Pace, Melanie Reif, David Dobbins, Louis Zunguze, Brent Wilde, Doug Wheelwright, Craig Spangenberg, Orion Goff, Larry Butcher, Joel Paterson, Russell Weeks, Jennifer Bruno, Jan Aramaki, Marge Harvey, Sylvia Jones, Lehua Weaver, Barry Esham, Annette Daley, Gwen Springmeyer

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Portable signs (A-frame signs)

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer *RF* **Date:** December 13, 2004
FROM: David Dobbins *DD*
RE: **Petition 400-04-47:** A Petition initiated by Mayor Anderson requesting to remove the expiration dates from the portable sign regulations in Chapter 21A. 46 of the Salt Lake City Zoning Ordinance.

STAFF CONTACTS: Joel Paterson, Senior Planner (535-6141)
e-mail: joel.paterson@slcgov.com

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION: Petition 400-04-47 is a request by Mayor Anderson to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance by eliminating the expiration dates for the portable signs regulations.

ISSUE ORIGIN: In November 2003, the City Council adopted zoning regulations to allow portable signs to be located within the public right-of-way in certain downtown, commercial, manufacturing and mixed-use residential zoning districts. The purpose of the portable sign provisions is to encourage and facilitate additional retail activity in the City.

When the portable sign regulations were originally considered by the Council there was concern that the provisions might be abused and portable signs might create a cluttered image within City rights-of-way. For this reason, the Council adopted an ordinance which included an expiration date of November 30, 2004. In this manner, if significant problems with implementation of the ordinance arose or widespread displeasure was expressed regarding the display of portable signs, the provisions would automatically expire.

Such concerns arose because the portable sign provisions do not regulate the content or number of signs and there was fear that portable signs would be used to express political messages, especially in an election year. However, no complaints of this type were received by the City and it appears that the portable sign provisions have been successful in generating additional business activity, especially for merchants located on side streets in the CBD such as 100 South. Some business owners claim that up to 20 percent of their business is attributable to the use of portable signs.

Because of the favorable reaction, especially from Downtown merchants, Mayor Anderson is requesting that the expiration dates be removed from the portable sign provisions in the zoning ordinance to make portable signs a permanent component of the sign ordinance. The proposed ordinance is attached as Exhibit 1.

PUBLIC PROCESS: The Planning Division invited community council chairs, Salt Lake City business organizations and the Salt Lake City Business Advisory Board to a public open house held on November 9, 2004. Five representatives of downtown businesses attended the open house. Most attendees were in support of the proposal (see Exhibit 6).

The Planning Commission held a public hearing on November 17, 2004. No members of the public spoke at this hearing and the Planning Commission voted unanimously to forward to the City Council a positive recommendation to remove the expiration dates included in the portable sign provisions found in Chapter 21A.46 of the Salt Lake City Zoning Ordinance. The Planning Commission staff report is attached in Exhibit 5b and the Planning Commission minutes are attached in Exhibit 5c.

CITY COUNCIL POLICY AND MASTER PLAN CONSIDERATIONS: 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. Guidelines for signs include the following: 1) Require signs within a view corridor to be low profile and preferably mounted parallel to the building surface; and 2) Encourage sign design as an integral part of the design of buildings and developments.

RELEVANT ORDINANCES: Salt Lake City Code section 21A.50.050 Standards for General Amendments (see Exhibit 5b, Planning Commission Staff Report to review the relevant findings).

TABLE OF CONTENTS

- 1. CHRONOLOGY**
- 2. PROPOSED ORDINANCE**
- 3. CITY COUNCIL HEARING NOTICE**
- 4. MAILING LABELS**
- 5. PLANNING COMMISSION**
 - a. Hearing Notice and Postmark**
 - b. Staff Report**
 - c. Agendas/Minutes**
- 6. PUBLIC COMMENT**
- 7. ORIGINAL PETITION**

Exhibit 1
CHRONOLOGY

CHRONOLOGY

**PETITION 400-04-47
By Mayor Anderson**

October 26, 2004	Petition assigned to Joel Paterson, Senior Planner
October 28, 2004	Notice of open house mailed
November 2, 2004	Public hearing notice mailed
November 17, 2004	Planning Commission public hearing

Exhibit 2

PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 200__

AN ORDINANCE AMENDING THE SALT LAKE CITY ZONING CODE TO REMOVE THE SUNSET PROVISION REGARDING PORTABLE SIGNS.

WHEREAS, the City previously enacted an ordinance authorizing the placement of portable signs in the public right-of-way on a trial basis, with a sunset provision; and

WHEREAS, the City Council now desires to remove the sunset provision in the previous ordinance; and

WHEREAS, the City Council finds that this ordinance is in the best interest of the City;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Section 21A.46.030I of the Salt Lake City Code shall be and hereby is amended to read as follows:

21A.46.030 General Sign Permit Requirements

- I. **Permission Required For Signs And Marquees On Or Over Public Right Of Way:** Except for portable signs authorized pursuant to section 21A.46.055 of this chapter, signs, marquees and other structures encroaching on or over the public sidewalk or on or over a public right of way shall obtain permission from the city pursuant to the city's rights of way encroachment policy. ~~This subsection shall expire on November 30, 2004.~~

SECTION 2. Section 21A.46.040N of the Salt Lake City Code shall be and hereby is amended to read as follows:

21A.46.040 Exempt Signs

- N. **Portable Signs:** Portable signs as authorized pursuant to section 21A.46.055 of this chapter. ~~This subsection shall expire on November 30, 2004.~~

SECTION 3. Section 21A.46.055E of the Salt Lake City Code shall be and hereby is deleted.

~~E. Expiration Date: This section shall expire on November 30, 2004.~~

SECTION 4. Section 21A.46.070K of the Salt Lake City Code shall be and hereby is amended to read as follows:

21A.46.070 General Standards

K. 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. ~~This subsection shall expire on November 30, 2004.~~

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect on its first publication.

Passed by the City Council of Salt Lake City, Utah, on this ____ day of _____, 200__.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: ____ Approved. ____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2004.
Published: _____.

SALT LAKE CITY ORDINANCE
No. _____ of 200__

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SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect on its first publication.

Passed by the City Council of Salt Lake City, Utah, on this ____ day of _____, 200__.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: ____ Approved. ____ Vetoed.

MAYOR

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 11-30-04
By [Signature]

Planning OK
[Signature]
11/30/04

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2004.
Published: _____.

Exhibit 3

**CITY COUNCIL
HEARING NOTICE**

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing and consider adopting an ordinance regarding Petition 400-04-47 requesting to amend the text of Chapter 21A.46 of the Salt Lake City Zoning Ordinance by removing the expiration dates regarding portable signs regulations.

The City Council will hold a public hearing:

Date:

Time: 7:00 p.m.

Place: Room 315 (City Council Chambers)
Salt Lake City and County Building
451 S. State Street
Salt Lake City, UT

Please enter the building from the east side

You are invited to attend this hearing, ask questions or provide input concerning the topic listed above. If you have any questions, contact Joel Paterson at 535-6141 between the hours of 8:00 a.m. and 5:00 p.m., or send e-mail to joel.paterson@slcgov.com

We comply with all ADA guidelines. Accessible parking and entrance are located on the east side of the building. Hearing impaired who wish to attend the above meeting should contact Salt Lake City's TDD service number at 535-6021, a minimum of four days in advance so that an interpreter can be provided.

Exhibit 4
MAILING LABELS

Peter Corroon
GREATER AVENUES
445 East 200 South, Suite 306
Salt Lake City, Utah 84111

Brian Watkins
LIBERTY WELLS
1744 So. 600 East
Salt Lake City, UT 84105

Dave Mortensen
ARCADIA HEIGHTS/BENCHMARK
2278 Signal Point Circle
Salt Lake City, Utah 84109

Shawn McMillen
H ROCK
1855 South 2600 East
Salt Lake City, Utah 84108

Doug Foxley
ST. MARY'S
1449 Devonshire Dr.
Salt Lake City, Utah 84108

Beth Bowman
WASATCH HOLLOW
1445 E. Harrison Ave.
Salt Lake City, Utah 84105

Penny Archibald-Stone
EAST CENTRAL
1169 Sunnyside Avenue
Salt Lake City, Utah 84102

Mike Harman
POPLAR GROVE
1044 W. 300 S
Salt Lake City, Utah 84104

Mark Holland
SUGAR HOUSE
1942 Berkeley Street
Salt Lake City, Utah 84108

Peter Von Sivers
CAPITOL HILL
223 West 400 North
Salt Lake City, Utah 84103

Camille Spute
PEOPLES FREEWAY
1540 South Major Street
Salt Lake City, UT 84115

Ellen Reddick
BONNEVILLE HILLS
2177 Roosevelt Ave
Salt Lake City, Utah 84108

Mike Zuhl
INDIAN HILLS
2676 Comanche Dr.
Salt Lake City, Utah 84108

Larry Spendlove
SUNNYSIDE EAST ASSOC.
2114 E. Hubbard Avenue
Salt Lake City, UT 84108

Kenneth L. Neal
ROSE PARK
1071 North Topaz Dr.
Salt Lake City, Utah 84116

Boris Kurz
EAST LIBERTY PARK
1203 South 900 East.
Salt Lake City, Utah 84105

Jilene Whitby
STATE FAIRPARK
846 W 400 N.
Salt Lake City, Utah 84116

Randy Sorenson
GLENDALE
1184 S Redwood Drive
Salt Lake City, Utah 84104

Thomas Mutter
CENTRAL CITY
P.O. Box 2073
Salt Lake City, Utah 84101

Bill Davis
RIO GRAND
329 Harrison Avenue
Salt Lake City, UT 84115

FOOTHILL/SUNNYSIDE
Vacant

Paul Tayler
OAK HILLS
1165 Oakhills Way
Salt Lake City, Utah 84108

Tim Dee
SUNSET OAKS
1575 Devonshire Dr.
Salt Lake City, Utah 84108

Jim Webster
YALECREST
938 Military Drive
Salt Lake City, Utah 84108-1326

Angie Vorher
JORDAN MEADOWS
1988 Sir James Dr.
Salt Lake City, Utah 84116

Kadee Nielson
WESTPOINTE
1410 N. Baroness Place.
Salt Lake City, Utah 84116

Joel Paterson
2450 E Lambourne
SLC, UT 84109

Downtown Alliance
Bob Farrington, Director
175 East 400 South #600
Salt Lake City, Utah 84111

Salt Lake Chamber of Commerce
175 East 400 South, Suite 600
Salt Lake City, Utah 84111

Attn: Carol Dibble
Downtown Merchants Association
238 South Main Street
Salt Lake City, Utah 84101

Hispanic Chamber of Commerce
P. O. Box 1805
Salt Lake City, Utah 84110

Vest Pocket Business Coalition
P. O. Box 521357
Salt Lake City, Utah 84152-1357

Sugar House Merchants Association
c/o Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, Utah 84106

Westside Alliance
c/o Neighborhood Housing Services
Maria Garcia
622 West 500 North
Salt Lake City, Utah 84116

Joel Paterson
Salt Lake City Planning Division
451 S State Street, Room 406
Salt Lake City, Utah 84111

Richard Wirick
57 West 100 South
Salt Lake City, Utah 84101

Tracy James
90 South 400 West #330
Salt Lake City, Utah 84101

Carey Cusimano-Mikado
67 West 100 South
Salt Lake City, Utah 84101

Pam O'Mara
61 West 100 South
Salt Lake City, Utah 84101

Fred Moesinger
55 West 100 South
Salt Lake City, Utah 84101

Exhibit 5

PLANNING COMMISSION

Exhibit 5a

**PLANNING COMMISSION
HEARING NOTICE
AND POSTMARK**

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 17, 2004, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. REPORT OF THE CHAIR AND VICE CHAIR

2. REPORT OF THE DIRECTOR

3. CONSENT AGENDA – Salt Lake City Property Conveyance Matters:

- a. Smith-Scott Properties, Inc. and Salt Lake City Property Management – Request by Smith-Scott Properties to be allowed to continue to encroach upon the City street right-of-way along 1100 East street with a non-complying on-premise pole sign which overhangs the public sidewalk by 6 feet. The property is located at 2005 South 1100 East, in the Sugar House Planning Community, and is zoned Sugar House Business “C-SHBD”. A lease agreement is being required by property management Staff, who recommended that the encroachment lease be approved.
- b. Armand Johansen, representing McClelland Retail Partners and Salt Lake City Property Management – McClelland Retail Partners is requesting that property management issue a lease to allow aerial encroachments for four canopies/awnings, which are architectural features of the new building, to overhang the street right-of-way and public sidewalk by 2.5 feet. The property is located at 1006 East 2100 South Street, in the Sugar House Planning Community, and is zoned Sugar House Business District “C-SHBD”. Property Management Staff recommend that the encroachment lease be approved.
- c. Questar Gas Company and Salt Lake City Property Management – Questar Gas is requesting a utility easement to allow a natural gas service line to be extended within Liberty Park, to provide gas service for new heaters in the new tennis court bubble structure, which is being erected to allow winter tennis court use. The proposed utility easement is located at approximately 1050 South 650 East and will extend from an existing gas line easement within the park. The park is zoned Open Space and is located in the Central City Planning Community. Property Management and Public Services Staff recommend approval of the utility easement.
- d. Big-D Construction and Salt Lake City Property Management – Big-D Construction is requesting an encroachment lease agreement to allow the construction of a wheelchair access ramp for the new headquarters building located at 404 West 400 South, which would encroach into the public street right-of-way on 400 South Street by 3.5 feet. The subject building is located in the Central City Planning Community and is zoned Downtown Warehouse/Residential “D-3”. Property Management and the City DRT Staff recommend the approval of the encroachment lease.
- e. Doerken Properties and Salt Lake City Property Management – Doerken Properties is constructing a new parking structure to support the existing office building at 324 South State Street. The City is requiring the construction of a sand/grease trap interceptor on the storm water drain prior to entering the City storm water drain system. Doerken Properties is requesting a public way encroachment lease to allow the sand/grease trap interceptor to be constructed under the City sidewalk on Exchange Place. The subject building property is zoned Central Business District “D-1”, within the Central City Planning Community. Property Management and the City DRT Staffs recommend approval of the encroachment lease.

Property Conveyance matters located outside of Salt Lake City:

- f. Highland Care Center/Daywest Properties and Salt Lake City Public Utilities Department – Highland/Daywest Properties is requesting approval of a proposed box culvert construction and a surface use lease for an approximate 300 foot portion of the Jordan and Salt Lake City Canal right-of-way, located at 4285 South Highland Drive. This portion of the canal right-of-way property is located in Holladay City. Public Utilities and Property Management Staff recommend approval of the surface use lease and box culvert construction request.
- g. Quest Communications and Salt Lake City Public Utilities – Quest is requesting a standard utility permit to allow the installation of 2 fiber optic cable conduits to cross a portion of the Jordan and Salt Lake City Canal right-of-way property, located at 35 West 9000 South in Sandy City. Public Utilities Staff recommends approval of the utility permit request. (Staff – Doug Wheelwright at 535-6178; John Spencer at 535-6398; Matt Williams at 535-6447; and Karryn Greenleaf at 483-6769)

4. PUBLIC HEARINGS

- a. **PUBLIC HEARING** – Petition No. 400-04-38, by Capitol Park Penthouses, L.L.C. and Karen S. Wright requesting a zoning map amendment to reclassify the property located at 635 North “F” Street, consisting of the 5.1 acre site of the old Veteran’s Administration (V.A.) Hospital, from “FR-3/12000” Foothills Residential District to “RMF-35” Moderate Density Multi-Family Residential District, in order to convert the V.A. Hospital Buildings into two condominium projects. The main V.A. Hospital building is proposed as a 29-unit residential condominium and the Annex building is proposed as a 7-unit residential condominium. The requested rezone also requires that the future land use map in the Avenues Community Master Plan be amended to reflect a higher density residential use rather than a “very-low density” residential land use category. (Staff – Wayne Mills at 535-6173).
- b. **PUBLIC HEARING** – Petition No. ⁰⁴⁻⁴⁷~~400-04-20~~, by the Salt Lake City Administration requesting to amend the Salt Lake City Sign ordinance regarding portable signs, such as “A-frame” signs. The petition proposes to make the portable sign regulations permanent by removing reference to a November 30, 2004 sunset date. (Staff – Joel Paterson at 535-6141)

5. UNFINISHED BUSINESS

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.



Salt Lake City Planning Division W Mills
451 South State Street
Salt Lake City, Utah 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. Speakers will be called by the Chair.
4. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
5. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
6. A time limit may be placed on speakers to ensure everyone has a chance to comment. The Chair will make that determination upon reviewing the number of people wishing to speak.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Meeting notices are made available 14 days in advance. If persons wish to submit written comments, they should be directed to the Planning Division at least 7 days in advance to enable Planning Commissioners to consider those written comments. Comments should be sent to:

Salt Lake City Planning Director
451 South State Street, Room 406
SLC, UT 84111

Note: We comply with all ADA guidelines. Assistive listening devices & interpreter services provided upon 24 hour advance request.

NOTICE OF HEARING

Exhibit 5b

**PLANNING COMMISSION
STAFF REPORT**

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

M E M O R A N D U M

TO: MEMBERS, SALT LAKE CITY PLANNING COMMISSION
FROM: *JWP* JOEL PATERSON, SENIOR PLANNER
SUBJECT: PETITION 400-04-47 REQUESTING TO REMOVE THE EXPIRATION DATES FROM THE PORTABLE SIGN REGULATIONS
DATE: NOVEMBER 10, 2004

Petition 400-04-47 is a request by the Salt Lake City Administration to amend the text of Chapter 21A.46 Signs of the Salt Lake City Zoning Ordinance by eliminating the expiration dates for the portable sign regulations. The requested text amendment will make the portable sign provisions a permanent part of the sign ordinance.

BACKGROUND: On October 22, 2003, the Planning Commission recommended that the City Council adopt Petition 400-03-26 to allow portable signs to be located within the public right-of-way in certain downtown, commercial, manufacturing and mixed-use residential zoning districts. The purpose of the portable sign provisions is to encourage and facilitate additional retail activity in the City. Many business owners in the Central Business District indicate that 20 percent or more of their business activity is generated from these signs.

When the Planning Commission considered the portable sign provisions there was concern that the actual use of portable signs would not be consistent with the original intent and that the provisions could be abused. For this reason, the Planning Commission recommended adding an expiration date of mid-November 2004, to the portable sign provisions. In this manner, if significant problems with implementation of the ordinance arose or widespread displeasure was expressed regarding the manner in which portable signs were displayed, the provisions would automatically expire. The ordinance adopted by the City Council included an expiration date of November 30, 2004.

Such concerns arose because the portable sign provisions do not regulate the content of signs and there was fear that portable signs would be used to express political messages, especially in an election year. However, no complaints of this type were received by the City and it appears that the portable sign provisions have been successful in generating additional business activity, especially for merchants located on side streets in the CBD such as 100 South.

Because of the favorable reaction, especially from Downtown merchants, the Administration is requesting that the expiration dates be removed from the portable sign provisions in the Zoning Ordinance to make portable signs a permanent component of the sign ordinance. The proposed ordinance is attached as Exhibit 1.

PUBLIC PROCESS: The Planning Division invited Community Council chairs, Salt Lake City business organizations and the Business Advisory Board to a public open house held on November 9, 2004. Five representatives of downtown businesses attended the open house. Comments received are attached as Exhibit 2.

PLANNING COMMISSION: Since the request is a modification of the zoning ordinance, the Planning Commission must review the proposal with a view towards forwarding a recommendation to the City Council. In undertaking the task, the Planning Commission must use the standards established in section 21A.50.050 of the zoning ordinance:

- A. Whether 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.**
- C. The extent to which the proposed amendment will adversely affect adjacent properties.**
- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.**
- 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.**

Upon review of the original staff report, the current proposal is consistent with the original findings outlined in the original staff report which is attached as Exhibit 3.

The current proposal was routed to the Mayor's Business Advisory Board and the Zoning Enforcement Divisions. The Zoning Enforcement Division comments are attached.

STAFF RECOMMENDATION

Based upon the findings in the original staff report, the evaluation of the current proposal and the responses received regarding the modification, staff recommends that the Planning Commission forward a positive recommendation to the City Council to remove the expiration dates included in the portable sign provisions found in Chapter 21A.46 of the Salt Lake City Zoning Ordinance.

Attachments:

- Exhibit 1 Proposed Ordinance
- Exhibit 2 Public Comments
- Exhibit 3 Original Staff Report for Petition 400-03-26
- Exhibit 4 Departmental Comments

EXHIBIT 1
PROPOSED ORDINANCE

PETITION 400-04-47
TEXT AMENDMENT TO REMOVE EXPIRATION DATES
FROM ZONING ORDINANCE PROVISIONS REGARDING PORTABLE SIGNS

21A.46.030 General Sign Permit Requirements

- I. **Permission Required For Signs And Marquees On Or Over Public Right Of Way:** Except for portable signs authorized pursuant to section 21A.46.055 of this chapter, signs, marquees and other structures encroaching on or over the public sidewalk or on or over a public right of way shall obtain permission from the city pursuant to the city's rights of way encroachment policy. ~~This subsection shall expire on November 30, 2004.~~

21A.46.040 Exempt Signs

- N. **Portable Signs:** Portable signs as authorized pursuant to section 21A.46.055 of this chapter. ~~This subsection shall expire on November 30, 2004.~~

21A.46.055 Temporary Portable Signs: Pursuant to the terms and conditions set forth in this section, attended portable signs shall be allowed on public property in residential/business (RB), residential mixed use (R-MU), neighborhood commercial (CN), community business (CB), community shopping (CS), corridor commercial (CC), Sugar House business district (CSHBD), general commercial (CG), light manufacturing (M-1), heavy manufacturing (M-2), central business district (D-1), downtown support (D-2), downtown warehouse/residential (D-3), downtown secondary central business district (D-4), gateway-mixed use (G-MU) and business park (BP) zoning districts.

- A. **Size:** The maximum size of such portable signs shall not exceed three feet (3') in height and two feet (2') in width on a sidewalk. Illumination and other attached decorations or objects on such signs are prohibited.
- 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). 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 six feet (6') in all areas. In addition, any portable sign may not be placed in any location that would obstruct any ADA accessible feature.
- C. **Construction:** All portable signs must be built so as to be reasonably stable and to withstand expected wind and other weather elements.
- 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.

~~E. Expiration Date: This section shall expire on November 30, 2004.~~

21A.46.070 General Standards

K. 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.
~~This subsection shall expire on November 30, 2004.~~

EXHIBIT 2
PUBLIC COMMENTS

PETITION 400-04-47
TEXT AMENDMENT TO REMOVE EXPIRATION DATES
FROM ZONING ORDINANCE PROVISIONS REGARDING PORTABLE SIGNS

OPEN HOUSE

NOVEMBER 9, 2004

NAME: Richard M. Wirick
ADDRESS: 57 W. 100 S. S.L.C., UT 84501
COMMENTS: ATTACHED

✓
"A" Frame Sign (for corners of block)
Up-date Report Fall of 2004

Our United Block on First South (known as Convention Corners) depends on "A"-Frame Signs for approximately fifteen to twenty percent of our business.

If indeed the current "A"-Frame sign policy is too liberal and hard to enforce, we propose one sign promoting all of the stores and restaurants on a particular block, such as ours.

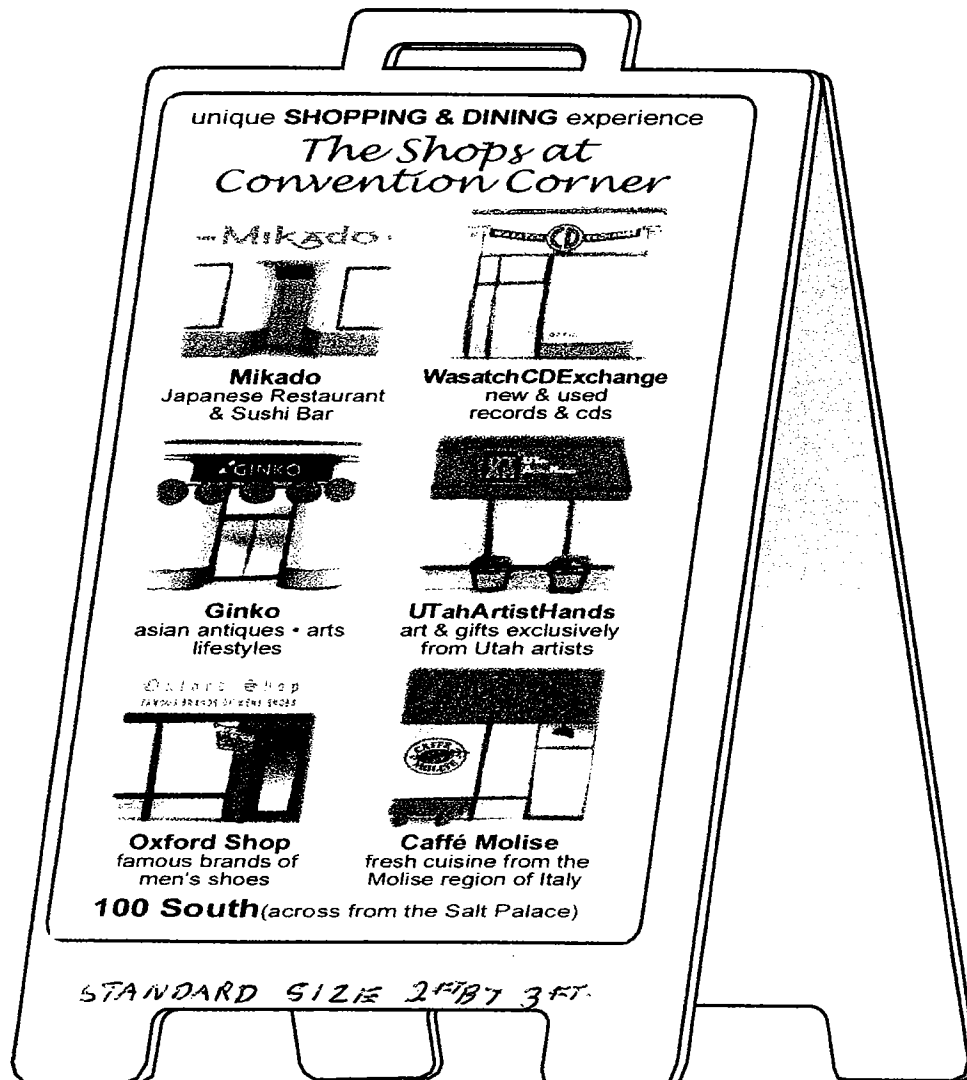
We hereby submit a picture of our "A"-Frame to you as a model featuring our entire block.

We would greatly appreciate your approval of this type of sign.

Most respectfully,
Richard Wirick

And all the tenants on First South (Convention Corners)
(FROM MAIN STREET TO WEST TEMPLE)

p.s. Pam O'Mara is to be given credit for the design and production of this sign.



PETITION 400-04-47
TEXT AMENDMENT TO REMOVE EXPIRATION DATES
FROM ZONING ORDINANCE PROVISIONS REGARDING PORTABLE SIGNS

OPEN HOUSE

NOVEMBER 9, 2004

NAME: Pam O'Nea UTAH ARTIST HANDS

ADDRESS: 61 W. 100 S. SLC 8401

COMMENTS:

I need all the help I can get to keep
my business afloat.

Every day people find me from the signs.

From: Robyn [af1@xmission.com]
Sent: Friday, November 05, 2004 11:44 AM
To: Paterson, Joel
Subject: A frames

I am in support of the petition. They provide a service to merchants and patrons.

Robyn Nelson
Executive Director
Utah Arts Festival
331 W Pierpont Ave
SLC UT 84101
801-322-2428
801-363-8681 fax
Robyn@utahartsfestival.org
www.utahartsfestival.org

EXHIBIT 3
ORIGINAL STAFF REPORT
FOR PETITION 400-03-26

DATE: October 17, 2003

TO: Salt Lake City Planning Commission

FROM: Joel G. Paterson, AICP
Senior Planner
Telephone: 535-6141
E-mail: joel.paterson@slcgov.com

RE: Staff Report for the October 22, 2003 Planning Commission Meeting

CASE NUMBER: 400-03-26

APPLICANT: Salt Lake City Administration

STATUS OF APPLICANT: Salt Lake City Administration

PROJECT LOCATION: The proposed text amendment will affect the placement of portable temporary signs in the following zoning districts: Residential Business (RB), Residential Mixed Use (RMU), Neighborhood Commercial (CN), Community Business (CB), Community Shopping (CS), Commercial Corridor (CC), Sugar House Business (CSHBD), General Commercial (CG), Light Manufacturing (M-1), Heavy Manufacturing (M-2), Central Business district (D-1), Downtown Support (D-2), Downtown Warehouse/Residential (D-3), Downtown Secondary Central Business District (D-4), Gateway-Mixed Use (G-MU), Business Park (BP) and Mixed Use (MU).

COUNCIL DISTRICT: District 1, Council Member Christensen
District 2, Council Member Turner
District 3, Council Member Jergensen
District 4, Council Member Saxton
District 5, Council Member Remington Love
District 6, Council Member Buhler
District 7, Council Member Lambert

REQUESTED ACTION: The applicant is requesting to amend the text of the Chapter 21A.46 Signs of the Salt Lake City Zoning Ordinance by creating regulations for portable signs in certain districts (see the list of affected zoning districts listed above).

PROPOSED ZONING TEXT AMENDMENT: The proposed text amendment is an extension of a temporary measure adopted by the City Council to allow portable signs in the public right-of-way. The signs must be freestanding and may not be attached to any pole or public furniture. Size limitations apply. A minimum clear walking area must be maintained.

APPLICABLE LAND USE REGULATIONS:

Chapter 21A.46 Signs

Purpose: The regulations of this chapter are intended to:

1. Eliminate potential hazards to motorists and pedestrians by requiring that signs are designed, constructed, installed and maintained in a manner that promotes the public health, safety and general welfare of the citizens of Salt Lake City;
 2. Encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites, including landscaping, which they occupy;
 3. Encourage sign legibility through the elimination of excessive and confusing sign displays;
 4. Preserve and improve the appearance of the city as a place in which to live and to work, and create an attraction to nonresidents to come to visit or trade;
 5. Allow each individual business to clearly identify itself and the nature of its business in such a manner as to become the hallmark of the business which will create a distinctive appearance and also enhance the city's character;
 6. Safeguard and enhance property values; and
 7. Protect public and private investment in buildings and open space.
- Prior to the enactment of the temporary regulations, Salt Lake City did not permit portable signs on public property.

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.

Guidelines for signs 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

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. Under State law, temporary regulations may be enacted for a period of six month and the existing temporary regulations will expire on November 13, 2003. The proposed text amendment will codify the portable sign standards to ensure continuous on-going regulation of these signs.

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS:

Community Council: Notice of this hearing 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. No comments, correspondence or other type of communication has been received by Staff from any of these organizations.

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. Some other cities allow a-frame and portable signs on a limited basis, but there is a broad range of associated regulations from distance limitations to outright prohibitions.

Other alternatives to portable signs include the development of an aesthetically coordinated directional signage system to provide information without clutter. For example: many rapidly growing cities in the Palm Springs area have directional signage at major intersections to direct potential home buyers to new subdivisions. These signs are coordinated by the City to be aesthetically uniform, but open to all developers. This eliminates the need for multiple off-premise signs at each intersection. The City of Midway, Utah uses small directional signs, similar to street signs but different in color, to direct traffic to resorts within the community.

The existing way-finding signage system in Salt Lake City could be modified to accept directional signage to individual businesses. This could be done with an associated fee to maintain and keep the system current.

Findings: A-frame and other portable signs may provide for short-term or limited business needs, but there remains a demand for a long-term directional signage system.

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 A-frame signs and other signs in the public right-of-way has been prohibited since the early 1970's largely because they had resulted in a cluttered and confusing streetscape. Because the right-of-way is public, concerns over First Amendment issues regarding regulating content are heightened. For example, political and personal speech is generally protected more than commercial speech, therefore if commercial speech (store advertising) is allowed; it is difficult to regulate other forms of speech. These concerns, in part, resulted in the prohibition of advertising in the right-of-way.

Conversely, the use of portable signs has provided many small businesses with visibility. The signs generally respond to a pedestrian scale and provide some variety to the sidewalk.

Findings: The use of portable signs may have a positive effect on immediately adjacent business but also run the potential for clutter and abuse.

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

Discussion: One of the reasons advertising in the public right of way was prohibited in the 1970's was because of the tendency to place advertising signs for a business in front of a competing business. There is no location requirements associated with proposed ordinance.

Findings: There is a potential for abuse of the portable signs, which would have negative effect on adjacent land uses.

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

Discussion: Portable signs may or may not be consistent with historic districts. Because portable signs are not permanent or attached to historic structures, they would not be subject to Historic Landmark review. Other overlay districts (South State Street, Groundwater Source Protection, etc.) are not affected by the ordinance.

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 4 foot pedestrian pathway must be maintained on all sidewalks, except Downtown where it is 6 feet. 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 Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve Petition 400-03-26 to amend the zoning ordinance text to allow portable signs.

The Staff also recommends that the Planning Commission forward a recommendation that the issue of portable signs be considered a temporary or limited remedy until the administration devises a more aesthetically coordinated system of directional signage.

Attachments:

1. Proposed Ordinance.
2. Photographs of A-frame signs that are in use as of October 2003.

ATTACHMENT 1 PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 2003

(Amending the City Zoning Code to allow for
portable signs in certain zoning districts)

AN ORDINANCE AMENDING THE CITY ZONING CODE TO ALLOW FOR
PORTABLE SIGNS IN CERTAIN ZONING DISTRICTS.

WHEREAS, on May 13, 2003, the Salt Lake City Council adopted Ordinance No. 26 of 2003 enacting temporary zoning regulations for portable signs in certain zoning districts; and

WHEREAS, on September 10, 2003, the City Council adopted Ordinance No. 65 of 2003 amending the prior ordinance; and

WHEREAS, after having held public hearings before the Planning Commission and the City Council, the City Council desires to amend the City's zoning ordinance to make the display of portable signs, as authorized in the temporary zoning regulation, permanent; and

WHEREAS, the City Council has determined that the proposed amendments are in the best interest of the City;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Section 21A.46.030.I of the Salt Lake City Code shall be and hereby is amended to read as follows:

I. Permission Required for Signs and Marques on or Over Public Right of Way: Except for portable signs authorized pursuant to section 21A.46.055 below, signs, marques and other structures encroaching on or over the public sidewalk or on or over a public right of way shall obtain permission from the City pursuant to the City's right of way encroachment policy.

SECTION 2. Section 21A.46.040.N of the Salt Lake City Code shall be and hereby is enacted to read as follows:

N. **Portable Signs:** Portable signs as authorized pursuant to Section 21A.46.055 below.

SECTION 3. Section 21A.46.055 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

21A.46.055 Temporary Portable Signs.

Pursuant to the terms and conditions set forth in this ordinance, portable signs shall be allowed on public property in Residential Business (RB), Residential Mixed Use (RMU), Neighborhood Commercial (CN), Community Business (CB), Community Shopping (CS), Commercial Corridor (CC), Sugar House Business (CSHBD), General Commercial (CG), Light Manufacturing (M1), Heavy Manufacturing (M2), Central Business District (D1), Downtown Support (D2), Downtown Warehouse/Residential (D3), Downtown Secondary Central Business District (D4), Gateway-Mixed Use (GMU) and Business Park (BP) zoning districts. Such portable signs may only be displayed during the hours of 8:00 a.m. to 11:00 p.m. During other periods all such portable signs must be removed.

A. **Size:** The maximum size of such portable signs shall not exceed four feet (4') in height and three feet (3') in width on a sidewalk. Illumination and other attached decorations or objects on such signs are prohibited.

B. **Location:** Within the zoning districts identified above, any person may display a free standing portable sign on the City owned right of way (sidewalk or park strip). 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 four feet (4') in all areas except the Central Business District where it must be at least six feet (6'). In addition, any portable sign may not be placed in any location that would obstruct any handicapped feature.

C. **Construction:** All portable signs must be built so as to be reasonably stable and to withstand expected wind and other weather elements.

SECTION 4. Section 21A.46.070.K of the Salt Lake City Code shall be and hereby is amended to read as follows:

K. Signs on Public Property: Except for portable signs authorized pursuant to Section 21A.46.055 above, 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.

SECTION 5. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2003.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

ROSS C. ANDERSON
MAYOR

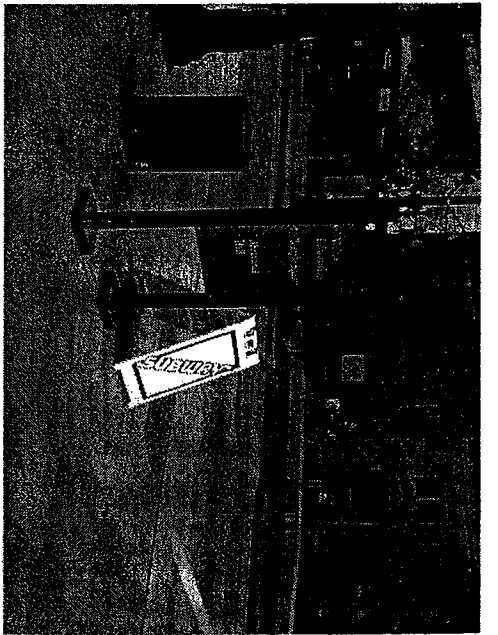
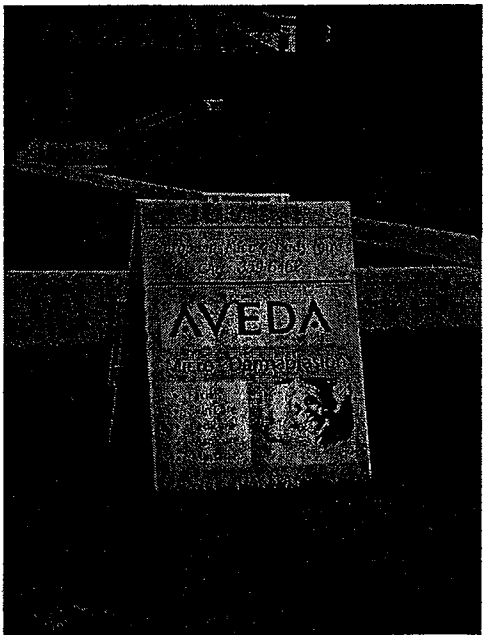
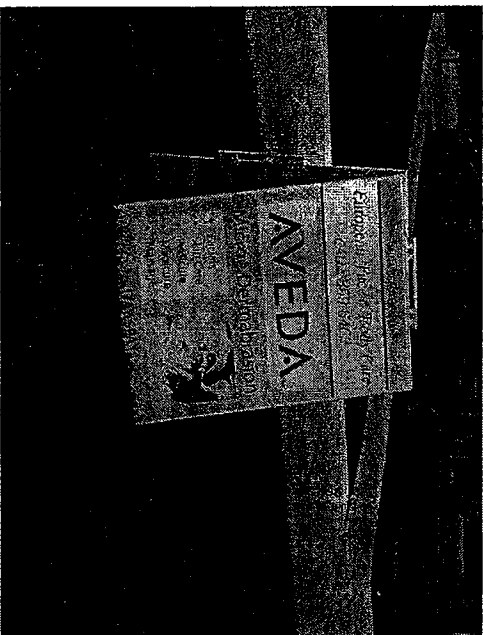
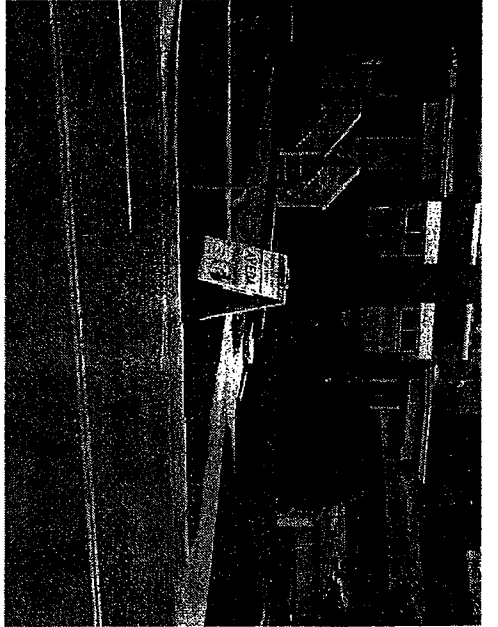
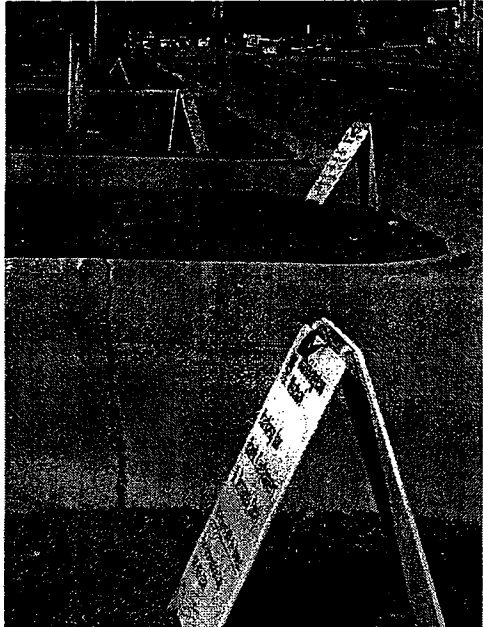
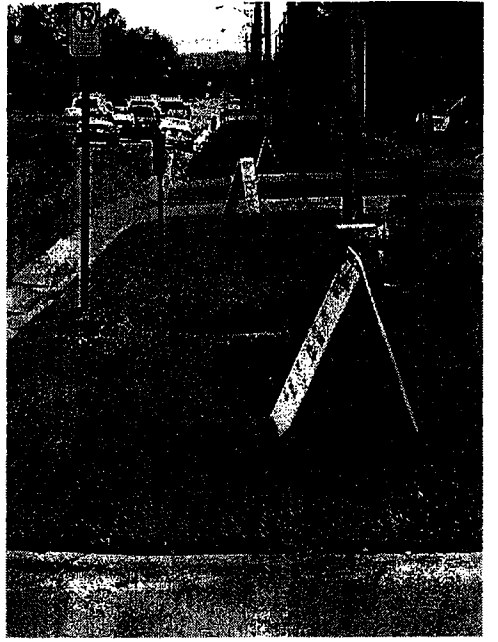
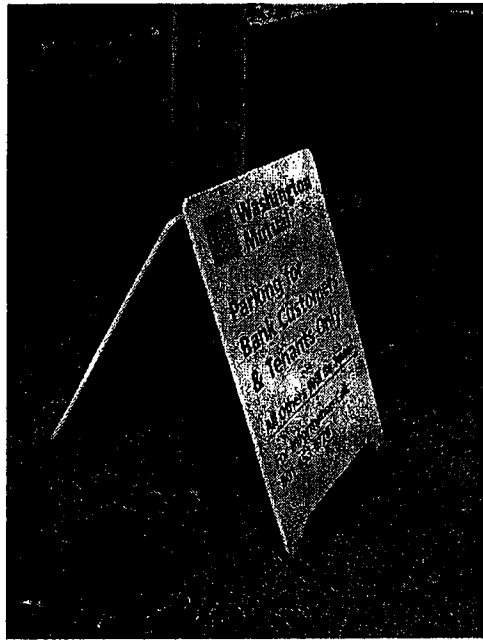
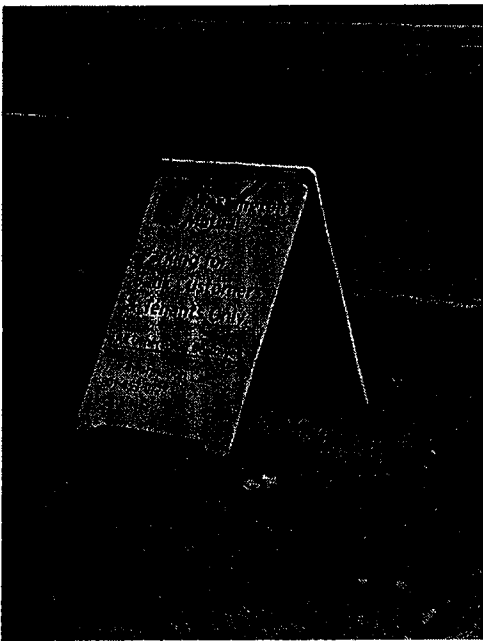
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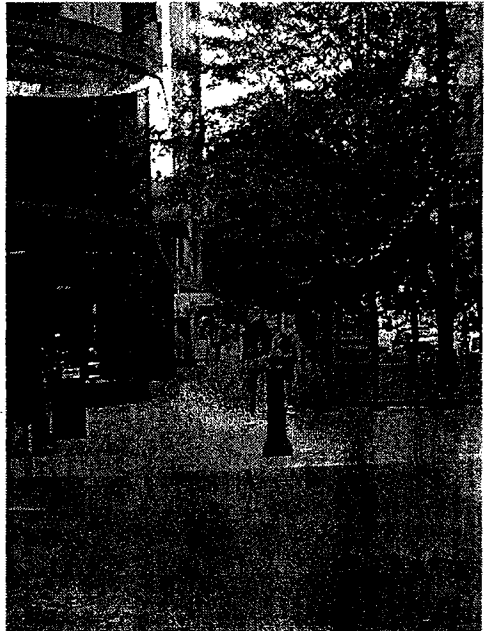
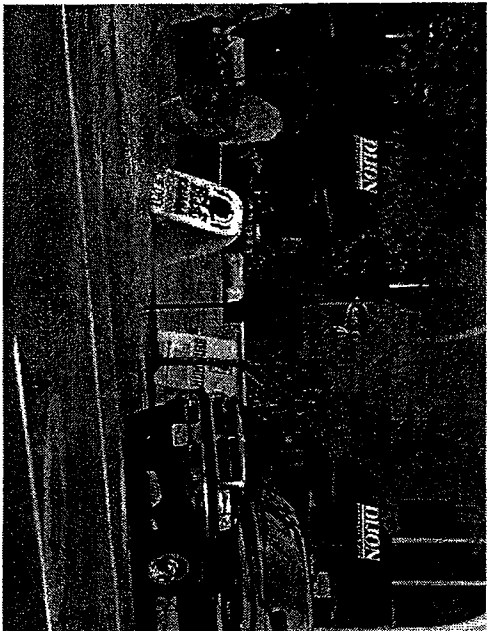
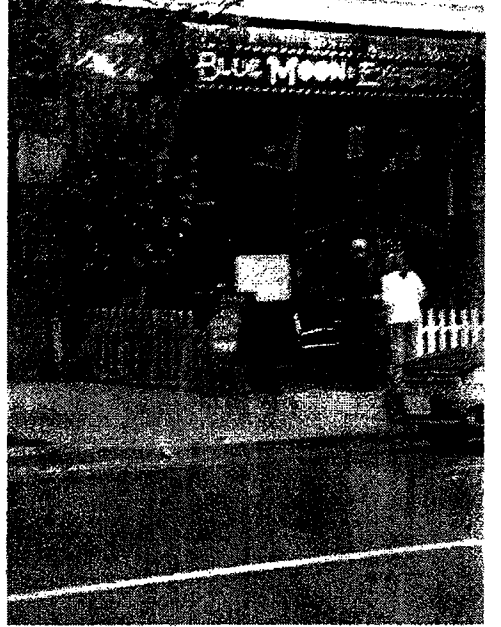
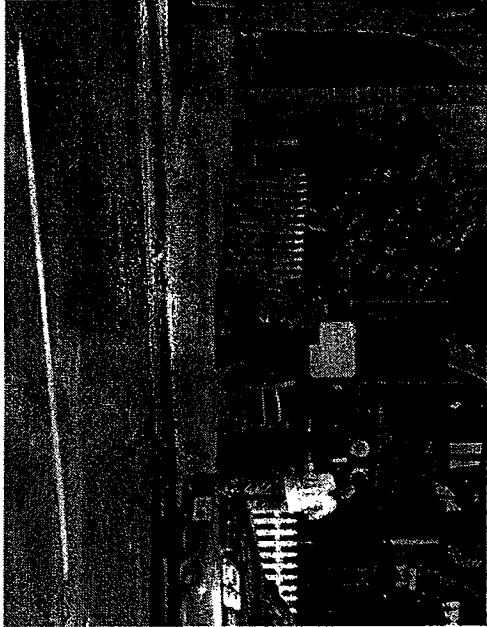
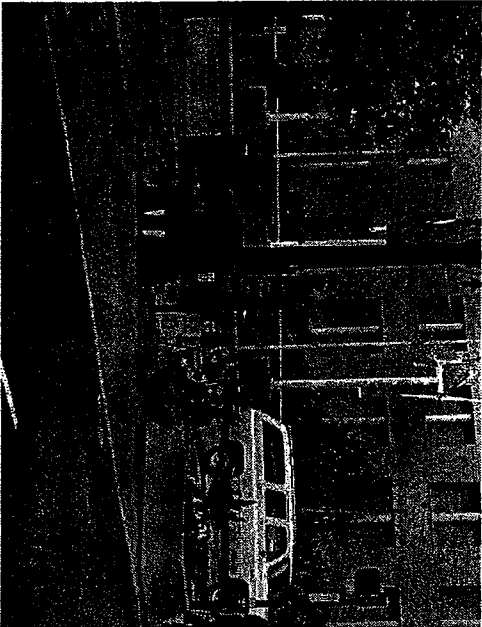
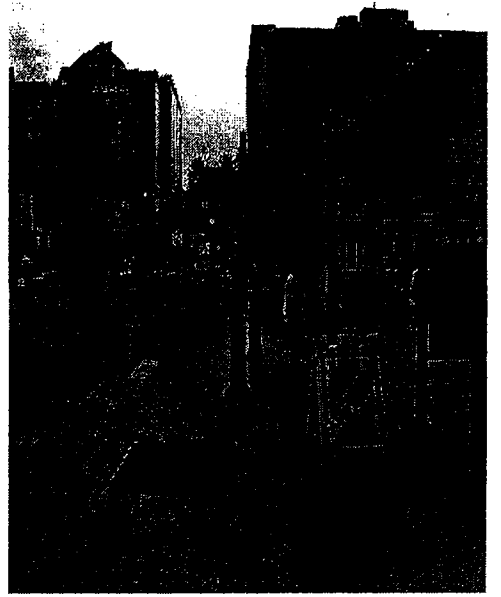
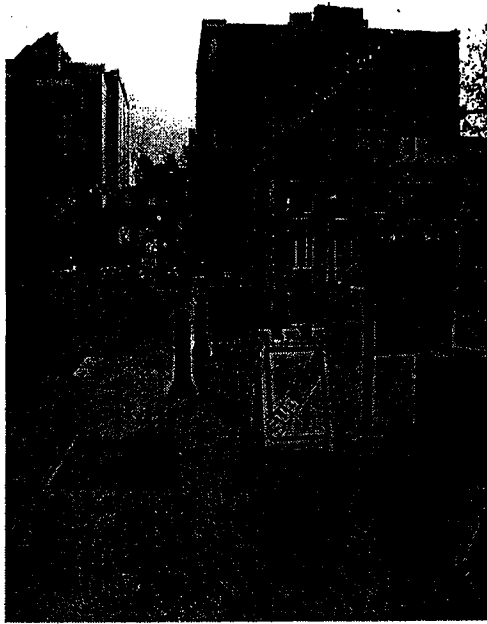
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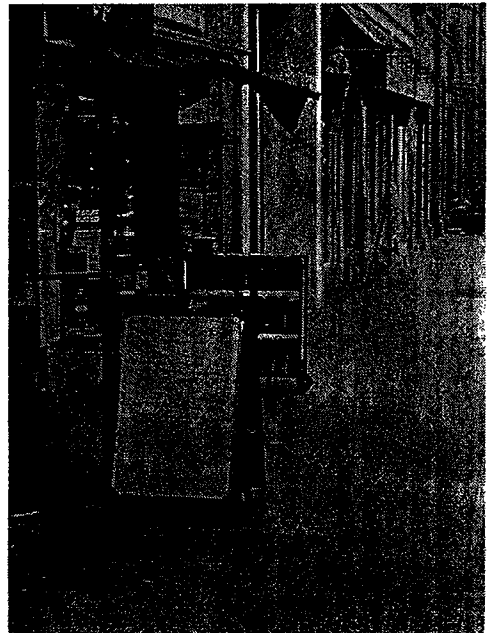
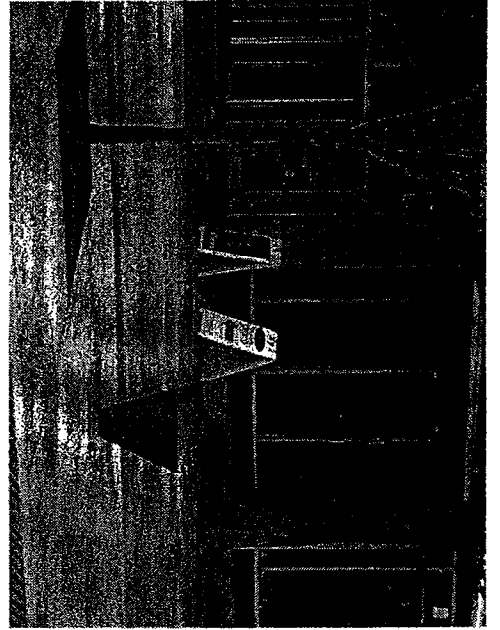
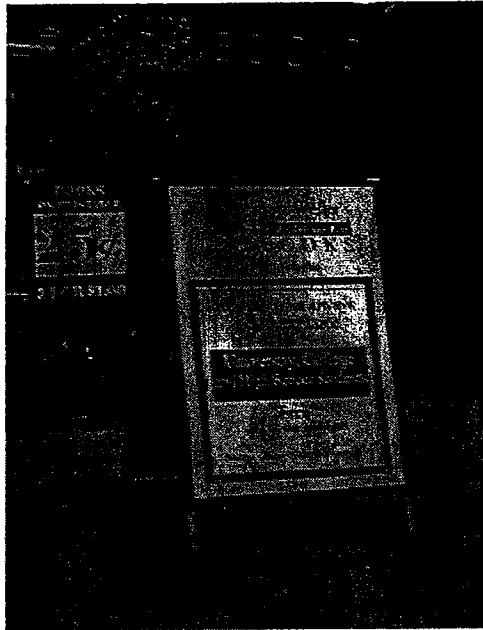
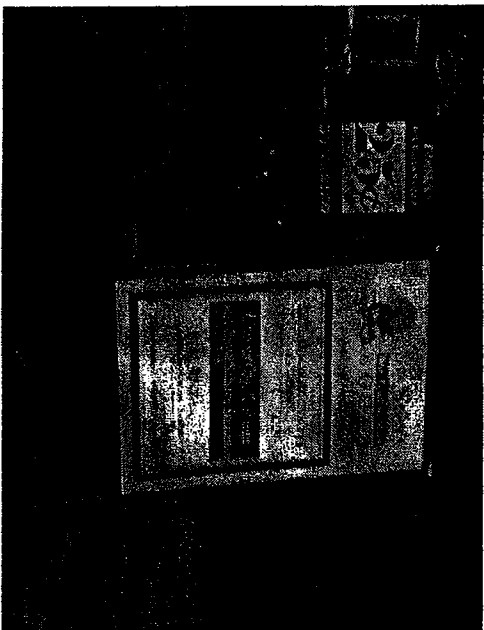
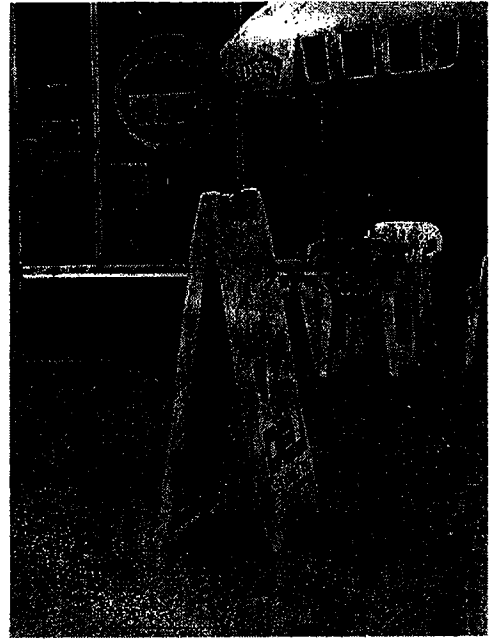
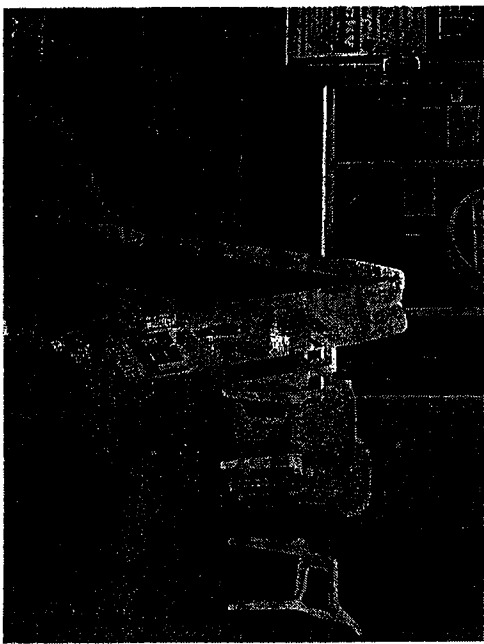
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Published: _____.

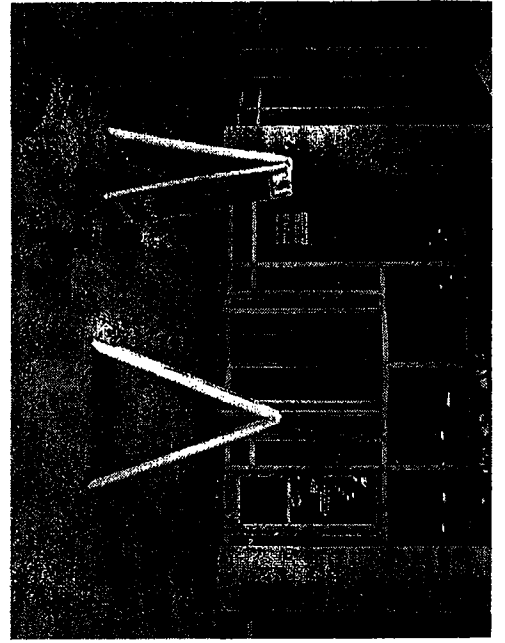
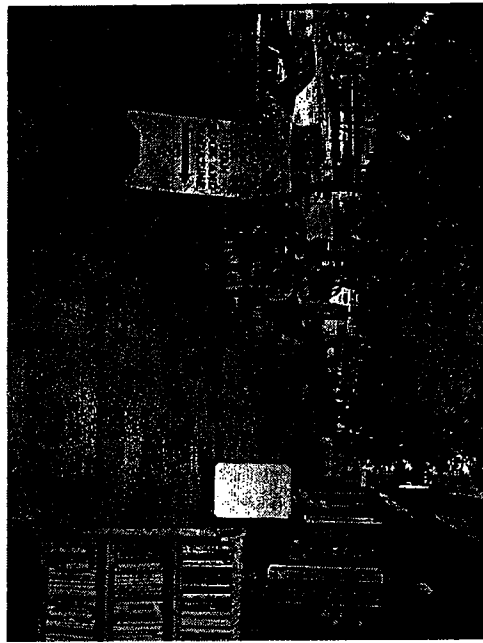
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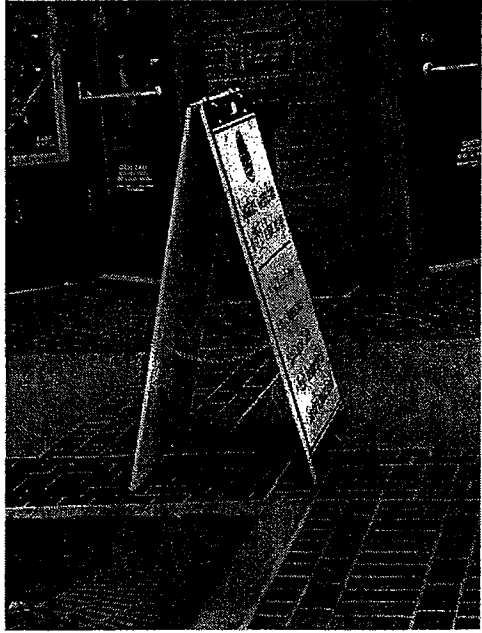
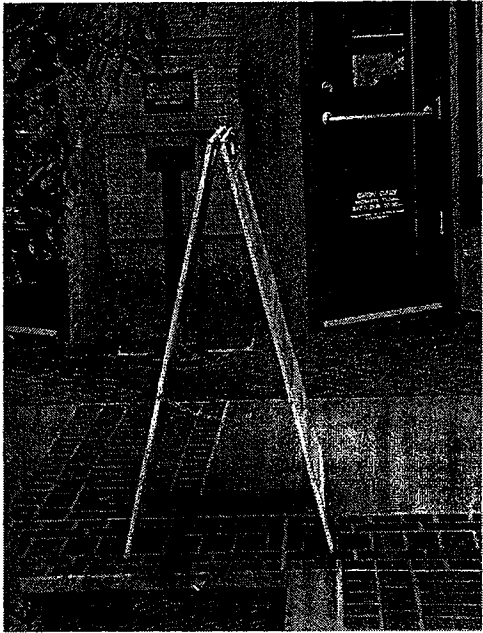
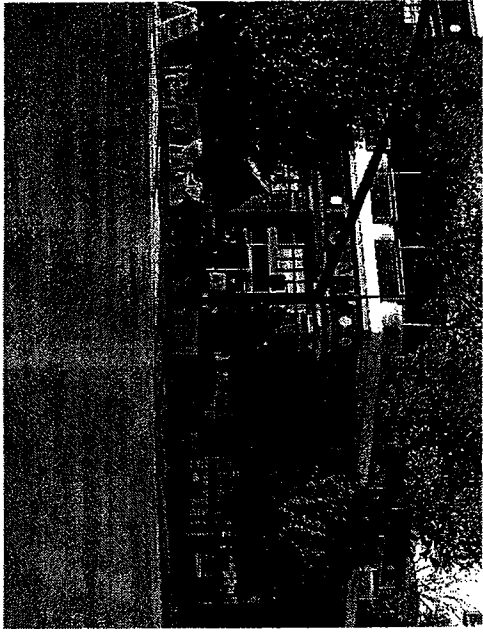
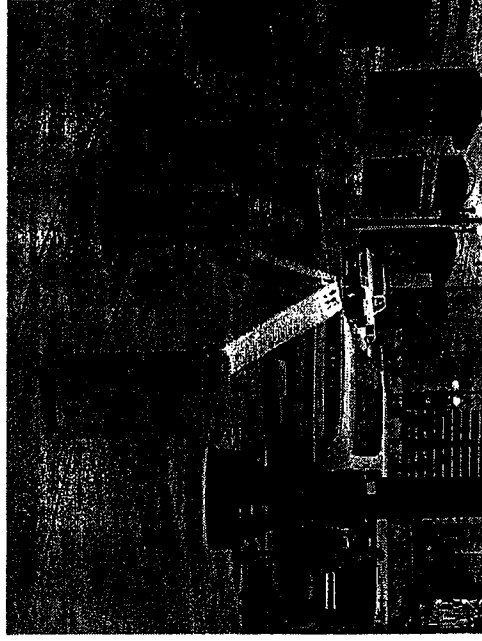
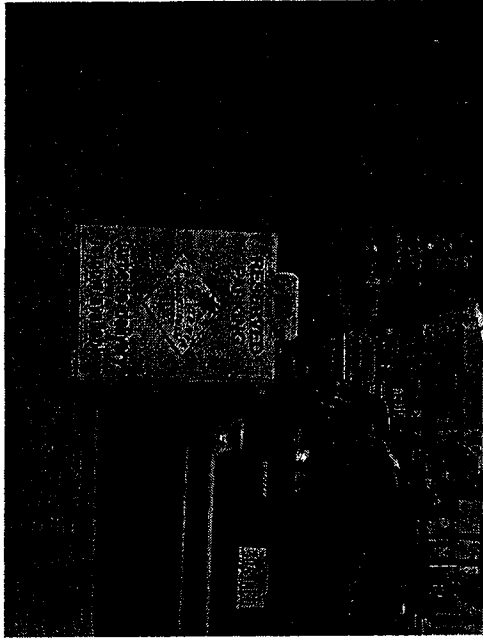
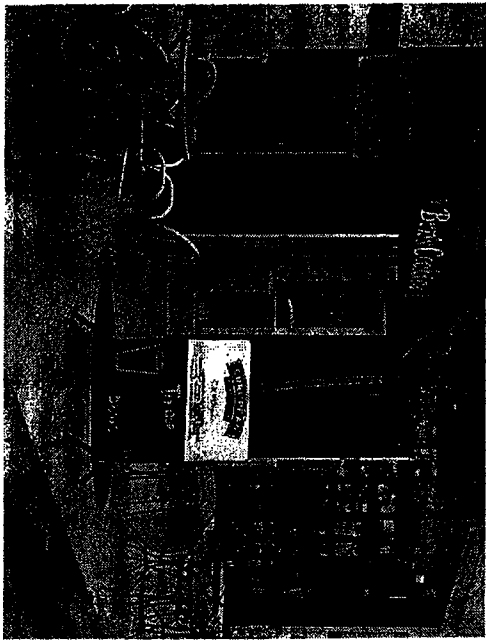
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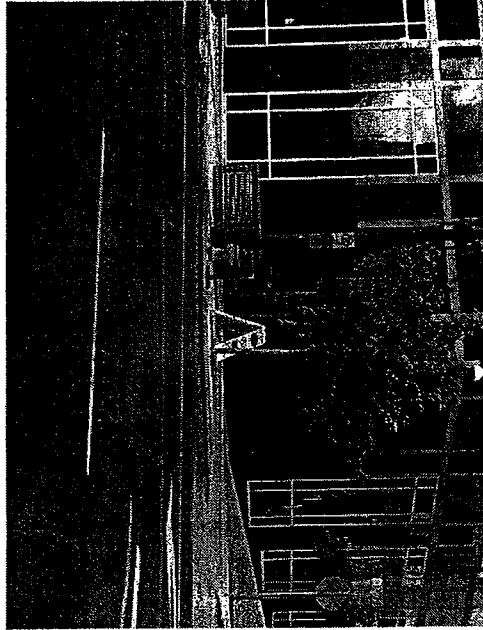
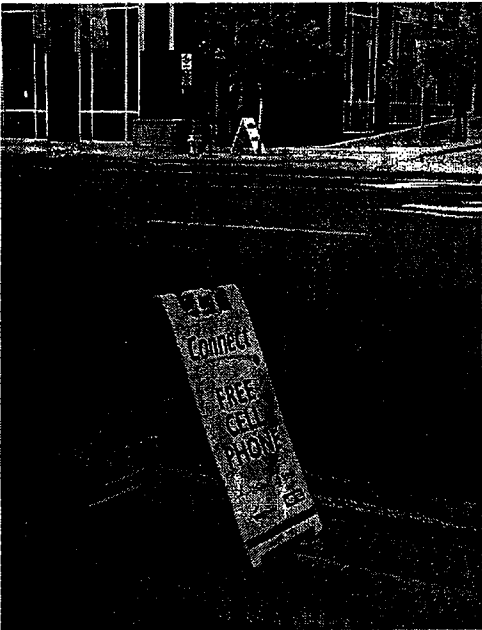
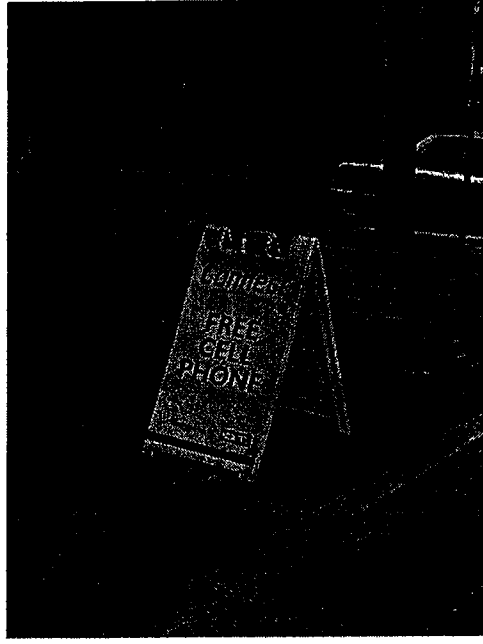


EXHIBIT 4
DEPARTMENTAL COMMENTS

Paterson, Joel

From: Spangenberg, Craig
Sent: Tuesday, November 09, 2004 10:15 AM
To: Paterson, Joel
Cc: Isbell, Randy; Walkingshaw, Nole
Subject: Portable sign ordinance
Categories: Program/Policy

Joel:

Regarding the portable sign ordinance, our main concern has been the portion of the ordinance that deals with attended signs. This section is often difficult to enforce.

Thanks,

Craig

Paterson, Joel

From: Spangenberg, Craig
Sent: Wednesday, November 10, 2004 5:50 AM
To: Paterson, Joel
Cc: Isbell, Randy
Subject: Portable Signs
Categories: Program/Policy

Joel:

I had another thought regarding the portable signs. Is there any thought being given to restricting the number of portable signs for each business use? Although this has not really been a problem, several business owners could get together and display their signs as well as signs for business owners that are part of their group. As long as the signs were only displayed during business hours, the signs would meet the definition of an attended sign. The result could be a large number of portable signs.

Thanks,

Craig

Exhibit 5c

**PLANNING COMMISSION
AGENDAS/MINUTES**

**AMENDED AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 17, 2004, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. REPORT OF THE CHAIR AND VICE CHAIR

2. REPORT OF THE DIRECTOR

3. CONSENT AGENDA – Salt Lake City Property Conveyance Matters:

- a. Smith-Scott Properties, Inc. and Salt Lake City Property Management – Request by Smith-Scott Properties to be allowed to continue to encroach upon the City street right-of-way along 1100 East street with a non-complying on-premise pole sign which overhangs the public sidewalk by 6 feet. The property is located at 2005 South 1100 East, in the Sugar House Planning Community, and is zoned Sugar House Business “C-SHBD”. A lease agreement is being required by property management Staff, who recommended that the encroachment lease be approved.
- b. Armand Johansen, representing McClelland Retail Partners and Salt Lake City Property Management – McClelland Retail Partners is requesting that property management issue a lease to allow aerial encroachments for four canopies/awnings, which are architectural features of the new building, to overhang the street right-of-way and public sidewalk by 2.5 feet. The property is located at 1006 East 2100 South Street, in the Sugar House Planning Community, and is zoned Sugar House Business District “C-SHBD”. Property Management Staff recommend that the encroachment lease be approved.
- c. Questar Gas Company and Salt Lake City Property Management – Questar Gas is requesting a utility easement to allow a natural gas service line to be extended within Liberty Park, to provide gas service for new heaters in the new tennis court bubble structure, which is being erected to allow winter tennis court use. The proposed utility easement is located at approximately 1050 South 650 East and will extend from an existing gas line easement within the park. The park is zoned Open Space and is located in the Central City Planning Community. Property Management and Public Services Staff recommend approval of the utility easement.
- d. Big-D Construction and Salt Lake City Property Management – Big-D Construction is requesting an encroachment lease agreement to allow the construction of a wheelchair access ramp for the new headquarters building located at 404 West 400 South, which would encroach into the public street right-of-way on 400 South Street by 3.5 feet. The subject building is located in the Central City Planning Community and is zoned Downtown Warehouse/Residential “D-3”. Property Management and the City DRT Staff recommend the approval of the encroachment lease.
- e. Doerken Properties and Salt Lake City Property Management – Doerken Properties is constructing a new parking structure to support the existing office building at 324 South State Street. The City is requiring the construction of a sand/grease trap interceptor on the storm water drain prior to entering the City storm water drain system. Doerken Properties is requesting a public way encroachment lease to allow the sand/grease trap interceptor to be constructed under the City sidewalk on Exchange Place. The subject building property is zoned Central Business District “D-1”, within the Central City Planning Community. Property Management and the City DRT Staffs recommend approval of the encroachment lease.

Property Conveyance matters located outside of Salt Lake City:

- f. Highland Care Center/Daywest Properties and Salt Lake City Public Utilities Department – Highland/Daywest Properties is requesting approval of a proposed box culvert construction and a surface use lease for an approximate 300 foot portion of the Jordan and Salt Lake City Canal right-of-way, located at 4285 South Highland Drive. This portion of the canal right-of-way property is located in Holladay City. Public Utilities and Property Management Staff recommend approval of the surface use lease and box culvert construction request.
- g. Quest Communications and Salt Lake City Public Utilities – Quest is requesting a standard utility permit to allow the installation of 2 fiber optic cable conduits to cross a portion of the Jordan and Salt Lake City Canal right-of-way property, located at 35 West 9000 South in Sandy City. Public Utilities Staff recommends approval of the utility permit request. (Staff – Doug Wheelwright at 535-6178; John Spencer at 535-6398; Matt Williams at 535-6447; and Karryn Greenleaf at 483-6769)

4. PUBLIC HEARINGS

- a. **PUBLIC HEARING** – Petition No. 400-04-38, by Capitol Park Penthouses, L.L.C. and Karen S. Wright requesting a zoning map amendment to reclassify the property located at 635 North “F” Street, consisting of the 5.1 acre site of the old Veteran’s Administration (V.A.) Hospital, from “FR-3/12000” Foothills Residential District to “RMF-35” Moderate Density Multi-Family Residential District, in order to convert the V.A. Hospital Buildings into two condominium projects. *The main V.A. Hospital building is proposed as a 29-unit residential condominium and the Annex building is proposed as a 7-unit residential condominium.* The requested rezone also requires that the future land use map in the Avenues Community Master Plan be amended to reflect a higher density residential use rather than a “very-low density” residential land use category. (Staff – Wayne Mills at 535-6173).
- b. **PUBLIC HEARING** – Petition No. 400-04-47, by the Salt Lake City Administration requesting to amend the Salt Lake City Sign ordinance regarding portable signs, such as “A-frame” signs. The petition proposes to make the portable sign regulations permanent by removing reference to a November 30, 2004 sunset date. (Staff – Joel Paterson at 535-6141)

5. UNFINISHED BUSINESS

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.

This transmittal includes a set of draft minutes from the November 17, 2004 Planning Commission meeting. Adopted minutes will be forwarded to the City Council upon adoption by the Planning Commission on December 8, 2004.

DRAFT

Petition No. 400-04-47, by the Salt Lake City Administration requesting to amend the Salt Lake City Sign ordinance regarding portable signs, such as "A-frame" signs. The petition proposes to make the portable sign regulations permanent by removing reference to a November 30, 2004 sunset date.

This item was heard at 6:48 p.m.

Senior Planner Joel Paterson presented the petition as written in the staff report. He noted that the request is by the Salt Lake City Administration to amend the text of Chapter 21A.46 Signs of the Salt Lake City Zoning Ordinance by eliminating the expiration dates for the portable sign regulations. The requested text amendment will make the portable sign provisions a permanent part of the sign ordinance.

On October 22, 2003, the Planning Commission recommended that the City Council adopt Petition 400-03-26, to allow portable signs to be located within the public right-of-way in certain downtown, commercial, manufacturing and mixed-use residential zoning districts. The purpose of the portable sign provisions is to encourage and facilitate additional retail activity in the City. Many business owners in the Central Business District indicate that 20 percent or more of their business activity is generated from these signs.

When the Planning Commission considered the portable sign provisions there was concern that the actual use of portable signs would not be consistent with the original intent and that the provisions could be abused. For this reason, the Planning Commission recommended adding an expiration date of mid-November 2004, to the portable sign provisions. In this manner, if significant problems with implementation of the ordinance arose or widespread displeasure was expressed regarding the manner in which portable signs were displayed, the provisions would automatically expire. Mr. Paterson noted that there has been a fairly positive response regarding the portable signs and the Administration recommends that the Planning Commission forward a positive recommendation to the City Council to remove the expiration dates included in the portable sign provisions found in Chapter 21A.46 of the Salt Lake City Zoning Ordinance.

Commissioner De Lay disclosed that she is a business owner Downtown and has a personal interest in the portable signs. She asked if the Commission feels that she should recuse herself from this public hearing.

Commissioner Galli said that Commissioner De Lay has satisfied her responsibility in disclosing that information and he felt that that would not affect Commissioner De Lay's ability to make a decision regarding the proposal.

Commissioner Scott asked if all portable signs need to be located within 25-feet of the establishment entrance.

Mr. Paterson replied that an individual responsible for the sign must be within 25-feet of the portable sign.

DRAFT

Commissioner Scott reiterated that a sign could be placed several blocks away from a business, if there is a person responsible for maintaining the placement of the sign.

Commissioner Diamond asked if the proposed ordinance applies to people who wear sandwich board type signs.

Commissioner De Lay felt that those types of signs fall under the freedom of speech category which can not be regulated.

Mr. Zunguze stated that the City Attorney's Office has indicated if a person is wearing or holding a sign it would fall under the freedom of expression category.

Commissioner Galli referred to the words "freestanding portable sign" in the proposal and said that he would interpret that language as a signs which does not need to be supported by a person or a structure. He said that sandwich board type signs would not be governed by the proposed ordinance.

Chair Chambless opened the public hearing.

No one was forthcoming.

Chair Chambless closed the public hearing.

Commissioner Scott noted that the proposal is attached to certain zones. She asked if a portable sign could be located outside of those zones if they are attended.

Mr. Paterson replied that portable signs must be located in the zones listed in the staff report. He gave an example saying that if a business is located in a "CN" zone, the portable sign could not be placed in an adjacent "R-2" zone.

Commissioner De Lay noted that the Commission received a letter of support from Central City Community Council Chair Thomas Mutter, representing himself.

Motion for Petition No. 400-04-47

Commissioner De Lay made a motion based on the findings in the original staff report, the evaluation of the current proposal, the responses received regarding the modification, and discussion this evening, that the Planning Commission forward a positive recommendation to the City Council to remove the expiration dates included in the portable sign provisions found in Chapter 21A.46 of the Salt Lake City Zoning Ordinance.

Commissioner Galli seconded the motion.

Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner Scott, and Commissioner Seelig voted "Aye". Tim Chambless as Chair did not vote. All voted in favor, and therefore the motion passed.

Exhibit 6

PUBLIC COMMENT

PETITION 400-04-47
TEXT AMENDMENT TO REMOVE EXPIRATION DATES
FROM ZONING ORDINANCE PROVISIONS REGARDING PORTABLE SIGNS

OPEN HOUSE

NOVEMBER 9, 2004

NAME: Richard M. Wirick
ADDRESS: 57 W. 100 S. S.L.C., UT 84501
COMMENTS: ATTACHED

"A" Frame Sign (for corners of block)

Up-date Report Fall of 2004

Our United Block on First South (known as Convention Corners) depends on "A"-Frame Signs for approximately fifteen to twenty percent of our business.

If indeed the current "A"-Frame sign policy is too liberal and hard to enforce, we propose one sign promoting all of the stores and restaurants on a particular block, such as ours.

We hereby submit a picture of our "A"-Frame to you as a model featuring our entire block.

We would greatly appreciate your approval of this type of sign.

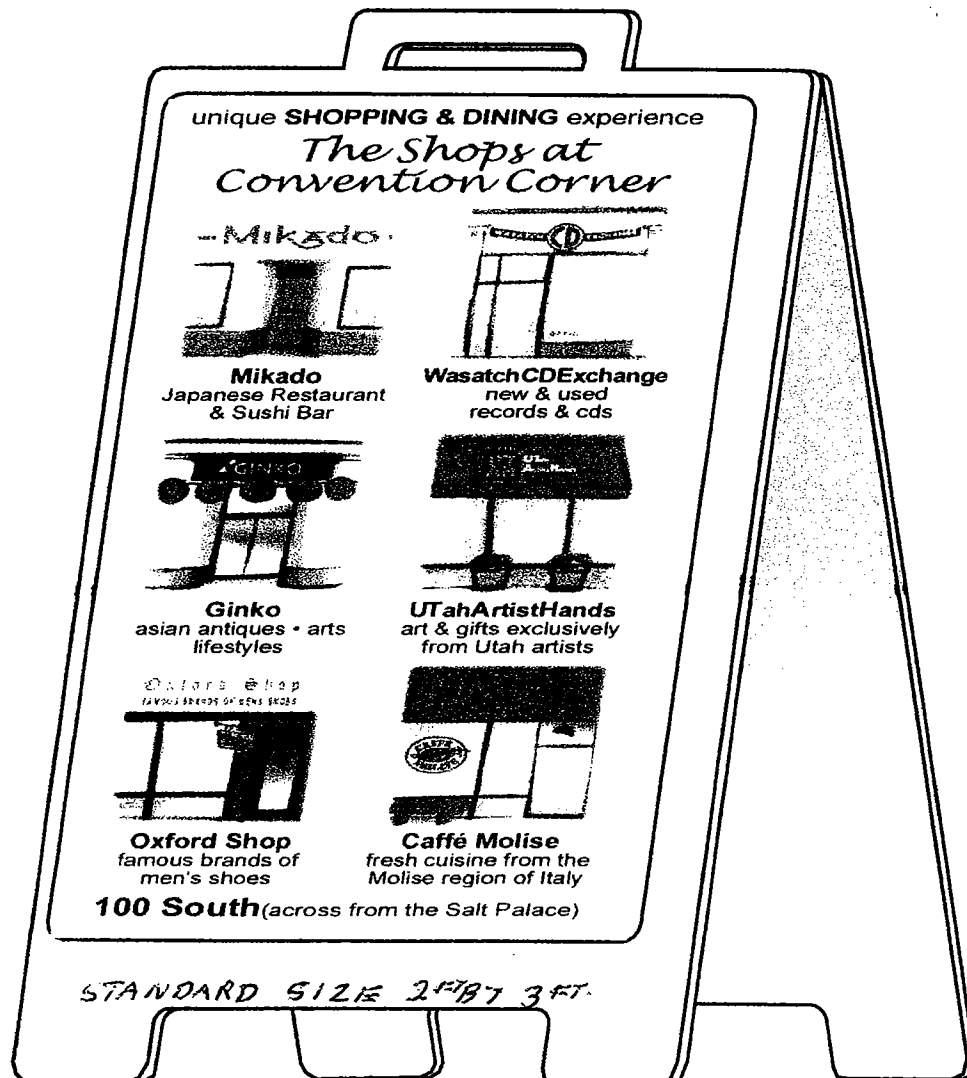
Most respectfully,

Richard Wirick

And all the tenants on First South (Convention Corners)

(FROM MAIN STREET TO WEST TEMPLE)

p.s. Pam O'Mara is to be given credit for the design and production of this sign.



PETITION 400-04-47
TEXT AMENDMENT TO REMOVE EXPIRATION DATES
FROM ZONING ORDINANCE PROVISIONS REGARDING PORTABLE SIGNS

OPEN HOUSE

NOVEMBER 9, 2004

NAME: Pam Ellora UTAH Artist Hands

ADDRESS: 61 W. 100 S. SLC 8401

COMMENTS:

I need all the help I can get to keep
my business afloat.

Every day people find me from the signs.

From: Robyn [af1@xmission.com]
Sent: Friday, November 05, 2004 11:44 AM
To: Paterson, Joel
Subject: A frames

I am in support of the petition. They provide a service to merchants and patrons.

Robyn Nelson
Executive Director
Utah Arts Festival
331 W Pierpont Ave
SLC UT 84101
801-322-2428
801-363-8681 fax
Robyn@utahartsfestival.org
www.utahartsfestival.org

CENTRAL CITY NEIGHBORHOOD COUNCIL

Liberty Senior Center
251 East 700 South
Salt Lake City, Utah 84111

Date: November 16th, 2004

To: Salt Lake City Planning Dept.

Re: A frame signs

My name is Tom Mutter and I am the Chairperson for the Central City Neighborhood Council(CCNC). I just wanted to make some comments regarding A frame signs. I am unaware of the current issue with the A frame signs but would like to say that these signs are very appropriate downtown, when the business is open. I think these types of signs are okay in some other places, when the business is open. Personally I feel these signs block my view of approaching side traffic if the road speeds are greater than 25 mph and the signs are closely spaced. In any case these A frame signs should never be the primary signage for a business. Thank you

Thomas Mutter
Chair CCNC

Exhibit 7

ORIGINAL PETITION

PETITION NO. 400-04-47

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>10/26/04</u>	<u>NA</u>	Petition delivered to Planning
<u>10/26/04</u>	<u>NA</u>	Petition assigned to: <u>Joel Patterson</u>
<u>11/17/04</u>	<u>JWP</u>	Planning Staff or Planning Commission Action Date
_____	_____	Return Original Letter and Yellow Petition Cover
<u>11/30/04</u>	<u>JWP</u>	Chronology
<u>NA</u>	<u>JWP</u>	Property Description (marked with a post it note)
<u>NA</u>	<u>JWP</u>	Affected Sidwell Numbers Included
<u>10/26/04</u>	<u>JWP</u>	Mailing List for Petition, include appropriate Community Councils
<u>11/2/04</u>	<u>JWP</u>	Mailing Postmark Date Verification
<u>11/30/04</u>	<u>JWP</u>	Planning Commission Minutes • <u>Draft Minutes</u>
<u>11/10/04</u>	<u>JWP</u>	Planning Staff Report
<u>11/30/04</u>	<u>JWP</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>11/30/04</u>	<u>JWP</u>	Ordinance Prepared by the Attorney's Office
<u>11/30/04</u>	<u>JWP</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Joel Patterson</u> <u>535-6141 joel.patterson@slcgov.com</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office



ROSS C. "ROCKY" ANDERSON
MAYOR

SALT LAKE CITY CORPORATION

OFFICE OF THE MAYOR

MEMORANDUM

TO: LOUIS ZUNGUZE, PLANNING DIRECTOR
FROM: ROSS C. ANDERSON, MAYOR *RCA*
SUBJECT: INITIATION OF A NEW PETITION TO AMEND THE PORTABLE
SIGN REGULATIONS
DATE: OCTOBER 26, 2004

The purpose of this memorandum is to initiate a petition to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance by removing the expiration date for portable sign regulations. When the portable sign regulations were adopted by the City Council in November 2003, there were concerns that the provisions could be abused and portable signs might create a cluttered image within City rights-of-way. For this reason, the Council adopted an ordinance which included an expiration date of November 30, 2004. However, it appears that these concerns are unfounded and the portable sign provisions have been successful in generating additional business activity.

REMARKS

Petition No. 400-04-47

By Mayor Anderson

Is requesting a petition to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance by removing the expiration date for portable sign regulations.

Date Filed _____

Address _____