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## MEMORANDUM

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**DATE:** January 14, 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

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### 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.)
- 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.
- C. If the Council chooses to schedule a public hearing, the Council could set the date and advertise on February 1<sup>st</sup> for a hearing on February 15<sup>th</sup>. 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, 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)

### **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. (Ord. 78-03 § 3, 2003)

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**From:** Isbell, Randy  
**Sent:** Friday, December 03, 2004 3:30 PM  
**To:** Jones, Sylvia  
**Cc:** Zunguze, Louis; Wilde, Brent; Spangenberg, Craig; LoPiccolo, Kevin; Harvey, Marge  
**Subject:** temporary portable signs

Sylvia,

Further discussion of the temporary portable signs ordinance and the number of signs allowed, it has been determined by Kevin, Zoning Administrator, that because the ordinance is void of specifying the number of signs allowed for attended portable signs and elsewhere in the sign ordinance there are specified limits as to the number of different sign types allowed, a business may display more than one attended portable sign provided the sign meets all other requirements of the temporary portable sign ordinance.

Thanks,

Randy

**Paterson, Joel**

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**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**

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**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,