
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: July 6, 2006

SUBJECT: Petition No. 400-03-08 - A request by the Salt Lake City Planning Commission to amend section 21A.46.070(K) of the Zoning Ordinance to adopt standards regulating street banners on utility poles in the public way.

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: City-wide

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development Department
Lex Traugher, Principal Planner

NOTICE REQUIREMENTS: Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

KEY ELEMENTS:

- A. The Administration's transmittal contains an ordinance for Council consideration to amend the Zoning Ordinance to adopt standards regulating street banners on utility poles in the public way.
- B. The proposed ordinance would allow street banner signs on any utility poles along the arterial and collector streets identified in the Salt Lake City Transportation Master Plan map, and along Terminal Drive at the Salt Lake City International Airport. (Note: The Administration's transmittal indicates that Terminal Drive was added to the list of streets at the request of the Department of Airports.) A map of these streets is included in the Administration's transmittal.
- C. The ordinance proposes that street banners be allowed for the limited purpose of encouraging and promoting community identity, community organizations, and community activities and events.
 1. The purpose statement reads as follows: the purpose of this chapter is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events. In allowing this limited signage on utility poles, in certain designated locations, the City does not intend to create an open public forum, but rather intends to create a limited forum for the purposes set forth herein.
 2. The ordinance lists the following groups as eligible applicants for a permit to display street banners: community organizations, local non-profit organizations, city and county government, the State of Utah, or governmentally owned educational institutions.
 3. The ordinance outlines specific display areas, allowable content and design, duration of display, and materials standards.
 4. The Transportation Division will handle applications for street banners, unless the City has entered into an agreement with community, government, or educational

organizations to manage a coordinate street banner program within a specific geographic area. A current example of this idea is in the downtown, where the signage program is under contract by the City to be managed by the Downtown Alliance. The Parks Division has expressed an interest in entering into an inter-city agreement to manage the signage surrounding Liberty Park. The Airport has also expressed an interest in managing the signage on Terminal Drive.

- D. After the original ordinance was transmitted to the City Council from the Administration, the City Attorney's office requested that a Council briefing be postponed until concerns regarding free-speech issues could be addressed. Subsequently, staff from the Attorney's Office, Planning & Zoning, and Transportation revised and finalized the ordinance. The revised version was then presented again to the Planning Commission, who again, forwarded a positive recommendation. This revised version is the ordinance that is before the City Council, and has the following substantive changes:
1. (Subsection I) - Establishes standards for the approval/denial for City personnel (to reduce risk of viewpoint-based discrimination).
 - Clarifies if a proposed sign "endangers public safety" by defining it as interfering with street lighting or obscuring traffic signs.
 2. (Subsection J) - Shortens the time allotted for the City to approve or deny a request from 60 to 30 days (the Attorney's Office raised concerns about free speech law and how a 60 day timeframe could be construed as "delaying a person's right to speak").
 3. (Subsection K) - To expressly state that people can seek judicial review of City staff's decisions (the Attorney's Office feels that this strengthens the ordinance under free speech law).
 4. (Subsection O) - The concept of this section was used in the Olympics omnibus ordinance. In short, it invalidates the entire ordinance, if (1) any part of the ordinance is ruled (through the judiciary or the administration) to be unconstitutional or illegal in the future, or (2) if any state or federal legislative action renders any part of the ordinance unconstitutional or illegal. The Attorney's Office has communicated that this will reduce the incentive for people to challenge the constitutionality of the ordinance.
- E. Key points from the Administration's transmittal are following:
1. The current section of the zoning ordinance pertaining to signs on public property prohibits the location of signs on publicly owned land or inside street rights of way, unless such signs are permitted by an authorized public agency. The interpretation of this current language has been to allow the Mayor to issue executive orders to regulate time, place and manner restrictions on signs in the public way (Executive Order dated August 19, 2003, included in the Administration's transmittal).
 2. The Administration is proposing this ordinance to codify in the zoning ordinance, the overall policy with relation to street banners, rather than issue a succession of executive orders.
 3. Other "street banner" related programs currently in place:
 - Downtown: There is currently a downtown banner program, which the City has contractually allowed the Downtown Alliance to administer since 1991 (their standards are included in the Administration's transmittal - Exhibit 2). The area is generally bounded by North Temple, 200 East, 400 South, and 400 West. This agreement will NOT be superseded by the proposed ordinance, as the Downtown Alliance is under contract with the

City to administer the signage. The proposed ordinance was mirrored after the Downtown Alliance's current standards.

- Neighborhood specific: In response to specific community requests, the City has approved various neighborhood street banners, first in Poplar Grove, then in Sugar House and in various other locations.
4. Because the standards regulating street banners on state roads are much more restrictive (they do not allow any private, non-governmental group), the City proposes that any applicant who wishes to display street banners on a state road first obtain a permit from UDOT. It should be noted that several of the City's state-owned roads are important gateways to the City (State Street, 700 East, 400 South, North Temple, etc).
 5. The Planning Staff's report found that the proposed text amendment is consistent with the purposes and goals of the adopted general plan of Salt Lake City, that the amendment contains sufficient language to ensure that street banners are harmonious with the overall character of existing development, and that adverse affects on adjacent properties will be limited.
 6. An open house to discuss this issue was held on October 10th, 2005. Those notified included the Business Advisory Board, Community Council Chairs, City Departments/Divisions, all business groups, and others on the Planning Division's mailing list. Only a representative from the Salt Lake City International Airport attended the open house.
- F. City Departments and Divisions were contacted for their comments. The Attorney's Office was involved in crafting the proposed ordinance and is aware of the risk of a constitutional challenge based on the First Amendment. The City Attorneys believe that time, place and manner restrictions, while at risk of being challenged, are a legally acceptable tool to regulate use of a sufficiently limited public forum. The Transportation Division is supportive of the proposed ordinance.
- G. Community Councils were notified in a letter dated May 29, 2003. No comments were received.
- H. The Arts Council provided several relevant comments in terms of appropriate language and wording clarification, which were incorporated into the draft ordinance.
- I. The Planning Commission held a public hearing on October 26, 2005. The Commission voted, based on Planning Staff's findings, to transmit a favorable recommendation to the City Council to adopt the proposed text amendment with the following exceptions: elimination of the proposed proximity requirement, and a word change in section E2a from "geographic area" to "management area." The following issues were discussed at the Planning Commission public hearing:
1. A representative from the Sugar House Community Council spoke at the hearing, and stated that banners were an important component to building community and was supportive of the proposed ordinance.
 2. Other issues discussed included community input, issues relating to removal of signage, first amendment issues, how long the banners should be allowed to be displayed, and the proximity requirement (which would limit the location of banner signs to within two miles of the permanent location of a community organization or event location).

3. The decision to eliminate the Proximity requirement was due to concerns that it would be “exclusive,” and that people on one side of the City would not know about events or locations on the other side of the City.
4. Planning Staff had suggested this provision to eliminate conflicts between various groups that might place street banners in locations that may not be appropriate. This provision was suggested by multiple concerned entities. The example raised is a banner for Hogle Zoo in Liberty Park, which may divert attention from the Tracy Aviary. It has been eliminated from the proposed ordinance before the Council, but was previously section E.2.i. The wording presented to the Planning Commission, but stricken from their recommendation, was as follows:
 - Street banners may be placed up to a maximum of 2 miles from the permanent or home location of a community organization, or the location of a specific community activity or community event.
5. The Planning Commission was presented with the revised version of the ordinance (referenced in section D above), on February 8, 2006. Commissioners indicated that they were in agreement with the proposed changes to the ordinance and their original positive recommendation stands.

MATTERS AT ISSUE:

- A. The Council may wish to revisit and discuss the issues pertaining to a proximity requirement. The Planning Commission recommended removing this requirement because of concerns that it would be exclusive and that people in one area of the City would not know what was going on in another area. However, planning staff recommended including the proximity requirement because of the concerns of several community entities that likely to use street banners, about conflicting/competing advertising. Planning staff also stated that keeping a proximity requirement also reinforced the idea of community identity.
- B. The initial proposal (presented to the Planning Commission in June 2003) included a \$25 application fee in order to be consistent with the fee currently charged by the Downtown Alliance. The Council may wish to ask the administration why the fee was raised to \$50, as latest paperwork obtained from the Downtown Alliance indicates that they still charge \$25 for their “application fee.”

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. While there are no specific references to implementing a street banner program or codifying street banner regulations in the zoning ordinance, several City Master Plans, including the Urban Design Element, Futures Commission Plan, and various Community Plans, discuss the need to enhance community identity, define neighborhood boundaries, and enhance community gateways using urban design elements.
- B. The Council has adopted the following statements with regard to Transportation philosophy that are relevant to this petition:
 1. The Council considers neighborhoods, residential and commercial, as the building blocks of the community;
 2. The Council encourages the preservation and enhancement of living environments, particularly in the Downtown area;
 3. The Council discourages through traffic on streets, other than arterial streets, in residential neighborhoods;
 4. The Council will make and support transportation decisions that increase the quality of life in the City, not necessarily the quantity of development;

5. The Council supports the creation of a series of linkages to foster appropriate growth in currently defined growth centers;
 6. The Council will give all neighborhoods equal consideration in transportation decisions.
- C. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

BUDGET RELATED FACTS:

- A. The proposed ordinance states that the street banner applicant must pay a \$50 application and permit fee. The Administration has not provided an analysis of the overall revenue that the City can expect from this fee should the Council approve the proposed ordinance.

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- February 12, 2003 Planning Commission initiates petition.
- March 8, 2003 Petition assigned.
- June 25, 2003 Planning Commission public hearing/subcommittee created to further study the proposal.
- October 10, 2005 Open House held.
- October 26, 2005 Planning Commission holds second public hearing.
- November 16, 2005 Ordinance received from City Attorney's office.
- December 1, 2005 Transmittal received in City Council Office.
- January 11- February 1, 2006 Attorney's Office, Planning and Transportation Staff revised and finalized the ordinance.
- February 8, 2006 Planning Commission presented with revised ordinance.
- February 16, 2006 Revised ordinance received from Attorney's Office.
- March 29, 2006 Revised transmittal received in City Council Office.

cc: Rocky Fluhart, Sam Guevara, Rick Graham, Kevin Bergstrom, Tim Harpst, Louis Zunguze, Alexander Ikefuna, Brent Wilde, Doug Wheelwright, Cheri Coffey, Lex Traughber, Joel Patterson, Kurt Larson, Val Pope, Barry Esham, Marge Harvey, Janice Jardine, Dave Oka, Valda Tarbet

File Location: Community Development Dept., Planning Division, Street Banners Standards Zoning Text Amendment, Planning Commission Request

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BRENT B. WILDE
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SALT LAKE CITY CORPORATION

DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** March 17, 2006
FROM: Louis Zunguze, Community Development Director
RE: Petition 400-03-08 by the Salt Lake City Planning Commission to amend section 21A.46.070(K) of the Zoning Ordinance to adopt standards regulating street banners on utility poles in the public way

STAFF CONTACT: Lex Traughber, Principal Planner, Planning Division
535-6184 or lex.traughber@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That City Council hold a briefing and schedule a Public Hearing regarding said Salt Lake City Code text amendment

BUDGET IMPACT: None

DISCUSSION:

This petition, initiated by the Planning Commission, is a Zoning Ordinance text amendment that has Citywide implications. It is proposed that street banner signs be allowed on any utility pole along the arterial and collector streets identified on the Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification) map or along Terminal Drive at the Salt Lake City International Airport.

Issue Origin: In 1995, Salt Lake City adopted a new Zoning Ordinance which includes Section 12A.46.070(K) – Signs on Public Property. This particular section prohibits the location of signs on publicly owned land or inside street rights of way, unless such signs are permitted by an authorized public agency. The City has interpreted this provision by authorizing the Mayor to issue executive orders to regulate signs in the public way including street banners. The Mayor's Executive Order dated August 19, 2003, concerning authorizing the placement of street banners in the public way currently regulates such signage.

Rather than continue to execute successive executive orders to deal with new requests for street banners, the Administration concluded that the City should review its overall policy with respect to street banners and incorporate regulations into the Zoning Ordinance.

Analysis: The proposed amendment will benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, and community activities and events. The proposed standards are designed to limit the adverse effects, including safety and maintenance, of street banners on adjacent properties.

Master Plan Considerations: The proposed text change is consistent with and does not conflict with the purposes, goals, objectives, and policies of the adopted Community Master Plan of Salt Lake City. Although there are no specific references to implementing a street banner program or adopting zoning ordinance regulations, several City master plans, such as the Urban Design Element, Futures Commission Plan, and various Community Plans, discuss the need to enhance community identity, define neighborhood boundaries, and enhance community gateways using urban design principles. Adopting zoning ordinance standards regulating the placement and design of street banners is consistent with the policies identified in these plans.

PUBLIC PROCESS:

An Open House was held on October 10, 2005. All members of the Business Advisory Board, all Community Council Chairs, City Departments/Divisions, all business groups, and all those on the Planning Division's mailing list were contacted regarding the Open House. Only one person, representing the Salt Lake City International Airport, attended to express the Department of Airports' interest in being able to install banner signs on Terminal Drive, the street leading to the Airport terminals. The proposed ordinance accommodates this request.

These same groups were notified of the Planning Commission Public Hearing which was held on October 26, 2005. At that meeting, the Planning Commission moved to transmit a favorable recommendation to the City Council to adopt the proposed text amendment with the recommendations as presented in the Planning Staff report, with the exception of eliminating a proposed proximity requirement (proposed Section E2ai) and a word change in proposed Section E2a.

The Planning Staff had recommended that the banner sign ordinance include a proximity provision that would limit the location of banner signs to a geographic proximity within two miles of the permanent home or location of a community organization or the location of a specific community activity or community event being advertised. The purpose of this provision was to eliminate conflicts between various groups or organizations that might place street banners in locations that may not be appropriate. For example, placing Hogle Zoo banners on the perimeter of Liberty Park may divert attention from the Tracy Aviary which is located within Liberty Park. The Planning Commission recommended that the proximity provision be removed from the ordinance, citing concerns that the provision would be exclusive (see pages 5 and 6 of the October 26, 2005, Planning Commission Minutes in Exhibit 5c of this transmittal).

The Planning Commission packet included an ordinance draft as prepared by the City Attorney's Office. After the Planning Commission hearing, the transmittal was finalized and forwarded

from the Director of Community Development to the Chief Administrative Officer on November 23, 2005.

The proposed amendment was scheduled for a briefing before the City Council on January 10, 2006. Prior to this scheduled briefing, the City Attorney's Office indicated concerns with the proposed ordinance and requested that the City Council briefing be postponed until the concerns were addressed. Subsequently the staff from the City Attorney's Office, Planning & Zoning Division, and Transportation Division revised and finalized the proposed ordinance language. The City Attorney's Office suggested two types of changes in the ordinance recommended by the Planning Commission. The first were non-substantive changes addressing ambiguities, clarifying, and improving the use of defined terms. The second were substantive changes involving free speech issues, as follows:

1. In Subsection (I), to limit, and provide standards for, the exercise of discretion by City personnel in approving or disapproving banners (to reduce the risk of viewpoint-based discrimination);
2. In Subsection (J), to shorten from 60 to 30 days the time allotted to the City to approve or deny a permit application (free speech law requires that the City not take more time than it reasonably needs to approve or disapprove speech applications because that would unreasonably delay a person's right to speak);
3. In Subsection (K), to expressly state that people can seek judicial review of permitting decisions (this strengthens the ordinance under free speech law), and
4. In Subsection (O), to add a "negative savings clause" that reduces the incentive for people to challenge the constitutionality of the ordinance (the Council used this concept in the Olympics omnibus ordinance). In addition, the Transportation Division approved adding to Subsection (I) a requirement that the banners not endanger safety, such as by interfering with street lighting or obstructing traffic signs.

The Planning Director consulted with the Planning Commission at their Public Hearing held on February 8, 2006, regarding the proposed changes. The Planning Commission indicated that they were in agreement with the proposed changes to the ordinance. The agenda and minutes from this meeting are included under section 5c of this transmittal.

RELEVANT ORDINANCES:

Salt Lake City Zoning Ordinance Section 12A.46.070(K) - Signs on Public Property

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050. "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E).

These standards were evaluated in the Planning Commission staff report and considered by the Planning Commission. Discussion and findings for these standards are found on pages 5-6 of the Planning Staff report in Exhibit 5B.

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1. CHRONOLOGY

PROJECT CHRONOLOGY

February 12, 2003	Planning Commission initiates petition.
February 28, 2003	Petition delivered to Planning Division.
March 8, 2003	Petition assigned to Joel Paterson.
June 25, 2003	Planning Commission hearing. Commission forms subcommittee to further study the proposal.
May 14, 2004	Planning Commission Subcommittee meets.
September 1, 2004	Planning Commission Subcommittee meets.
December 7, 2004	Planning Staff meets with Business Advisory Board.
June 21, 2005	Petition re-assigned to Lex Traugher.
September 14, 2005	Petition presented to Business Advisory Board. Planning Staff entertained questions from members of the Board and provided clarification regarding the proposal.
September 23, 2005	Open House notices sent via U.S Mail and email.
October 3, 2005	Planning Commission Subcommittee meets. Several suggestions from this meeting were incorporated into the proposal.
October 10, 2005	Open House held. A representative from the Salt Lake International Airport was the only attendee.
October 11, 2005	Planning Commission hearing notices sent via U.S. Mail and email.
October 26, 2005	Planning Commission holds a second public hearing and votes to forward a positive recommendation to the City Council.
October 27, 2005	Planning Staff requested ordinance from the City Attorney's Office.
November 16, 2005	Ordinance received from City Attorney's Office.

November 23, 2005	Transmittal forwarded from the Director of the Community Development Department to the Chief Administrative Officer.
January 10, 2006	The petition was scheduled before the City Council for a briefing, however the item was pulled by the City Attorney for revision to the proposed ordinance.
January 11, 2006 – February 1, 2006	The City Attorney’s Office, Planning and Transportation Staff revised and finalized the proposed ordinance.
February 8, 2006	The Planning Director discussed the proposed ordinance changes with the Planning Commission. The Planning Commission indicated that they had no issue with the proposed changes.
February 16, 2006	Revised signed ordinance received from the City Attorney’s Office.

2. ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 2006
(Enacting Regulations Pertaining to Street Banners on Utility Poles)

AN ORDINANCE ENACTING SECTION 21A.46.170, *SALT LAKE CITY CODE*,
RELATING TO STREET BANNERS ON UTILITY POLES LOCATED IN THE PUBLIC
WAY, PURSUANT TO PETITION NO. 400-03-08.

WHEREAS, the City Council finds that the proposed ordinance is in the best interest of the City.

Now, Therefore, be it ordained by the City Council of Salt Lake City, Utah, as follows:

SECTION 1. Section 21A.46.170, *Salt Lake City Code*, pertaining to street banners on utility poles located in the public way be, and the same hereby is, enacted to read as follows:

21A.46.170 Street Banners on Utility Poles in the Public Way:

A. Purpose: The purpose of this section is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, and community events. In allowing this limited signage on utility poles, in certain designated locations, the City does not intend to create a public forum, but rather intends to create a limited forum for the purposes set forth herein.

B. Definitions:

1. “**Applicant**” means any person or organization that makes application for a street banner permit as described herein.
2. “**Community event**” means a significant occurrence, happening, or activity in a given local neighborhood at a given place and time of specific and limited duration.
3. “**Community organization**” means a City recognized, community-based organization, as defined in Section 2.60.020 of the Salt Lake City Code, or a local non-profit 501(c)(3) tax exempt status organization.
4. “**Coordinated street banner program**” means a program described in subsection 21A.46.170(G).
5. “**Logo**” means a business trademark or symbol.
6. “**Sign**” means a sign as defined in Section 21A.46.020, Salt Lake City Code.
7. “**Street banner**” means a temporary secured banner to be located along designated arterial or collector streets as shown on the adopted “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or along Terminal Drive at the Salt Lake City International Airport, and displayed on a utility pole located in the public way.

C. Authority to Display: In order to encourage and promote community identity, community organizations, and community events, an eligible participant, as defined herein, may, after applying for and receiving a permit to do so, place street banners on existing utility poles in the public way.

D. Eligible Participants: The City will accept applications for a permit to display street banners only from community organizations, city and county government, the State of Utah, or from governmentally-owned educational institutions. Applications for political and for-profit promotional street banners will not be accepted. Street banners may be placed on existing utility poles in the public way or on public property only for the limited purpose of promoting and encouraging community identity, community organizations, or community events. Street banners located within the boundaries of a coordinated street banner program shall be managed by the respective coordinated street banner program administrators.

E. Approved Display Areas:

1. Street banners may be placed on any existing utility poles that are located along designated arterial or collector streets according to the adopted “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or on utility poles along Terminal Drive at the Salt Lake City International Airport, if done in compliance with the requirements of this section.
2. Location:
 - a. Placement of street banners within locations identified on the “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or on utility poles along Terminal Drive at the Salt Lake City International Airport, must be reviewed in relationship to proximity and use of other existing or proposed street banners and their sponsoring institutions. In certain locations, such banner uses may have the potential for adverse impacts if located without careful planning. Such impacts may interfere with the enjoyment of adjacent property and uses.
 - b. Street banners approved and managed by a coordinated street banner program shall be located within the boundaries of the program’s specified management area.

F. Display Content and Design

1. Allowable Displays - The following displays are permitted on street banners:
 - a. Advertisements or promotions of community organizations;
 - b. Advertisements or promotions of community events;
 - c. Advertisements or promotions of activities sponsored by the City, Salt Lake County, the State of Utah, or a governmentally-owned educational institution;
 - d. Advertisements or promotions of community events that are commercially sponsored;
 - e. Welcome messages, such as those for class reunions, conventions, conferences, athletic tournaments, or local winners of major events;
 - f. Advertisements or promotions of sales and fund-raising events for youth organizations, community organizations, and community service organizations for their program support; or
 - g. Non-partisan and non-candidate voting information.

2. Non-Allowable Displays - The following displays are not permitted on street banners:

- a. Personal messages;
- b. Promotion of a commercial for profit enterprise, activity, or event;
- c. Advertisements for clubs, churches or for profit organizations promoting an event with an admission charge;
- d. Advertisements for religious organizations with a message not described in subsection (F)(1);
- e. Messages of political parties or political groups that are not described in subsection (F)(1); or
- f. Advertisements of clubs or organizations for events that are primarily open only to members of those clubs or organizations.

G. Management of Coordinated Street Banner Programs: The City may enter into agreements with community, government, or educational organizations to manage a coordinated street banner program within a specified geographic area. Coordinated street banner programs shall be subject to requirements as set forth herein. Such agreements must be approved by the City and may establish regulations governing the application, approval, and placement of street banners within the geographic area specified by the agreement.

H. Application for Permit:

1. Street banners to be located outside the boundaries of a coordinated street banner program: Any person or entity who desires to display street banners to be located outside of the boundaries of a coordinated street banner program shall submit an application to the City Transportation Division. An application form must be submitted to the Transportation Division not more than six months nor less than two months before the first date the street banners are proposed to be displayed and must contain the following:
 - a. The name, address, and telephone number of the applicant, or if an organization, the name address and telephone number of a contact person;
 - b. The name, address, and telephone number of any licensed contractor hired to place or remove street banners;
 - c. A photograph, drawing, or other visual representation of the proposed street banners;
 - d. The proposed number of street banners and the proposed locations where the street banners will be placed;
 - e. The proposed dates for placement and removal of the street banners;
 - f. If the City does not own the real property or the utility pole upon which a street banner is proposed to be placed, evidence of written permission from the owner consenting to such placement; and
 - g. An application fee of \$50.00.
2. Street banners to be located within the boundaries of a coordinated street banner program: Any person or entity who desires to display street banners within the boundaries of a coordinated street banner program shall submit an application to the managing entity of the coordinated street banner program. The applicant shall submit any payment or fee required by the coordinated street banner program.

I. Standards for Granting of the Permit: A street banner permit application shall be reviewed and a permit issued by the City Transportation Division on a first-come first-served basis upon a determination that the application has been properly completed, and that:

1. The location and placement of the street banners will not endanger public safety, including motorists and pedestrians, by interfering with street lighting, obstructing traffic signs or other control devices, or otherwise creating dangerous distractions; and
2. The street banners would comply with all other requirements of this section.

J. Time for Approval or Disapproval of Application: Within thirty (30) days after receiving the application for a permit, the City Transportation Division shall grant, modify, or deny the permit request.

K. Judicial Review of Denial: Any person adversely affected by the granting or denial of the permit may appeal such decision to a court of competent jurisdiction after receiving notice of the decision. The decision granting or denying the permit shall be effective on the date of written notice issued by the City Transportation Division.

L. Street Banner and Hardware Standards:

1. **Materials:** Street banners must be constructed of a material that can withstand the normal and reasonably expected forces of nature for the period of time they are displayed. Torn or damaged street banners shall not be hung and shall be promptly replaced by the applicant if they are torn or damaged after being hung.
2. **Dimensions:**
 - a. The street banners shall not exceed an overall length of 96 inches and a width of 30 inches. There shall be a six inch sleeve at the top of the street banner to slide over the bracket. The bottom shall have a two inch hem, and the sides shall have a minimum hem of 0.75 inches. There shall be two grommets at the bottom of the street banner. The graphic area shall not exceed 26 inches by 88 inches.
 - b. Promotional street banners may carry a sponsor's logo. The sponsor logo is limited to the bottom 20% of the banner. Sponsor information shall not exceed 6 inches in height.
3. **Banner Hanging Hardware:** Any hardware installed on utility poles to hold banners must first be approved by the City Transportation Division. All street banners and hardware shall be installed such that the top of the street banner is at least 18 feet above the ground. If the street banner hangs over the traffic way, the top of the banner must be at least 22 feet above the ground. If the City does not own the utility pole or if the utility pole is not on City property, installation must be approved by the pole owner.

M. Duration of Display: The street banners may be permitted to be in place for a period of at least seven days but not more than 30 days. As long as no other applicant has applied for permission to place street banners in the same location, that initial 30-day maximum display period may be extended for additional periods of 30 days. Notwithstanding the foregoing, the City may order that street banners be removed prior to the expiration of any permit period, if such street banners are determined to constitute a safety hazard, blight, or otherwise not meet the requirements of this section. The City reserves the right to remove street banners after the display period expires. If the applicant does not remove the street banners,

the City may remove them and may charge the applicant for the cost of such removal.

N. Installation, Maintenance and Removal: Street banners and any hardware necessary to display them may be installed only by a licensed contractor approved by the City. Except as may be otherwise determined by the City, the applicant is responsible for all costs associated with installation, maintenance, and removal of street banners and any hardware necessary to display them. The applicant is also responsible for any damage that may occur to the street banners, hardware, or utility poles while the street banners are being installed, displayed, or removed. The applicant shall immediately replace, repair or clean, as applicable, damaged or dirty street banners. At the expiration of the permit period, the applicant shall remove the street banners within five (5) business days. After installation, any hardware installed on utility poles shall become the property of the City and shall remain on the utility poles after removal of the street banners unless the City Transportation Division instructs the applicant to remove the hardware.

O. Effect of Invalidity: If any portion of this section is determined to be illegal, invalid, unconstitutional, or superseded, in whole or in part, this entire section shall forthwith be voided and terminated, subject to the following provisions: (1) in the event of a judicial, regulatory, or administrative determination that all or some part of this section is illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the date of a final appealable court order; and (2) in the event of any state or federal legislative action that renders any portion of the section illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the effective date of such legislative action.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date February 14, 2006
By Melanie Keif

**3. NOTICE OF CITY
COUNCIL HEARING**

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition 400-03-08, a text amendment to Chapter 21A.46 of the Zoning Ordinance that will add standards to regulate the use and placement of street banners throughout the City. The purpose of this proposal is to designate the use of certain utility poles, located on arterial and collector streets, for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Lex Traughber at 535-6184 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at lex.traughber@slcgov.com

Assisted listening devices or interpreting services are available for public meetings. Salt Lake City complies with the American Disabilities Act (ADA). For further information, contact the TDD number 535-6021.

4. MAILING LABELS

COMMUNITY COUNCIL CHAIRS:
Updated: 11/3/2005 cr

KEN FUTZ, CHAIR
WEST POINTE COMM. COUNCIL
1217 NO. BRIGADIER CIRCLE
SALT LAKE CITY, UT 84116

KENNETH L. NEAL, CHAIR
ROSE PARK COMMUNITY COUNCIL
1071 NO. TOPAZ DR.
SALT LAKE CITY, UT 84116

ANGIE VORHER, CHAIR
JORDAN MEADOWS COMM. COUNCIL
1988 SIR JAMES DRIVE
SALT LAKE CITY, UT 84116

VICKY ORME, CHAIR
FAIRPARK COMM. COUNCIL
159 NORTH 1320 WEST
SALT LAKE CITY, UT 84116

MIKE HARMAN, CHAIR
POPLAR GROVE COMM. COUNCIL
1044 WEST 300 SOUTH
SALT LAKE CITY, UT 84104

RANDY SORENSON, CHAIR
GLENDALE COMMUNITY COUNCIL
1184 SO. REDWOOD DRIVE
SALT LAKE CITY, UT 84104-3325

PETER VON SIVERS, CHAIR
CAPITOL HILL COMMUNITY COUNCIL
223 WEST 400 NORTH
SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR
GRTR. AVENUES COMM. COUNCIL
807 E. NORTHCLIFFE DRIVE
SALT LAKE CITY, UT 84103

BILL DAVIS, CHAIR
RIO GRANDE COMMUNITY COUNCIL
329 E. HARRISON AVENUE
SALT LAKE CITY, UT 84115

BILL PLASTOW, CHAIR
PEOPLES FREEWAY COMM. COUNCIL
1625 SOUTH WEST TEMPLE
SALT LAKE CITY, UT 84115

THOMAS MUTTER, CHAIR
CENTRAL CITY COMMUNITY COUNCIL
228 EAST 500 SOUTH, #100
SALT LAKE CITY, UT 84111

DENNIS GUY-SELL, CHAIR
EAST CENTRAL COMMUNITY
COUNCIL
P.O. BOX 520473
SALT LAKE CITY, UT 84152-0473

BRIAN WATKINS, CHAIR
LIBERTY WELLS COMM. COUNCIL
1744 SOUTH 600 EAST
SALT LAKE CITY, UT 84106

JIM WEBSTER, CHAIR
YALECREST COMMUNITY COUNCIL
938 MILITARY DRIVE
SALT LAKE CITY, UT 84108-1326

MARYDELLE GUNN, CHAIR
WASATCH HOLLOW
COMMUNITY COUNCIL
1595 SOUTH 1300 EAST
SALT LAKE CITY, UT 84105

ELIOT BRINTON, CHAIR
SUNNYSIDE EAST ASSOCIATION
849 SOUTH CONNOR ST
SALT LAKE CITY, UT 84108

ELLEN REDDICK, CHAIR
BONNEVILLE HILLS
COMMUNITY COUNCIL
2177 ROOSEVELT AVE.
SALT LAKE CITY, UT 84108

DAVE MORTENSEN, CHAIR
ARCADIA HEIGHTS/BENCHMARK
COMMUNITY COUNCIL
2278 SIGNAL POINT CIRCLE
SALT LAKE CITY, UT 84109

MARK HOLLAND, CHAIR
SUGAR HOUSE COMM. COUNCIL
1942 BERKELEY STREET
SALT LAKE CITY, UT 84105

PAM PEDERSON, CHAIR
EAST LIBERTY PARK COMMUNITY
COUNCIL CHAIR
1165 WINDSOR STREET
SALT LAKE CITY, UT 84105

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE
COMMUNITY COUNCIL
1940 E. HUBBARD AVENUE
SALT LAKE CITY, UT 84108

PAUL TAYLER, CHAIR
OAK HILLS COMMUNITY COUNCIL
1165 SO. OAKHILLS WAY
SALT LAKE CITY, UT 84108

MIKE ZUHL, CHAIR
INDIAN HILLS COMMUNITY COUNCIL
2676 E. COMANCHE DRIVE
SALT LAKE CITY, UT 84108

St. Mary's Community Council
VACANT

TIM DEE, CHAIR
SUNSET OAKS COMMUNITY COUNCIL
1575 DEVONSHIRE DRIVE
SALT LAKE CITY, UT 84108

SHAWN McMILLEN, CHAIR
H ROCK COMMUNITY COUNCIL
1855 SOUTH 2600 EAST
SALT LAKE CITY, UT 84108



Mary Corporon
Corporon and Williams
808 E. South Temple
SLC, UT 84102

Peggy Lander
Richter 7
280 South 400 West #200
SLC, UT 84101

Tony Caputo
Tony Caputo Market & Deli
308 West 300 South
SLC, UT 84101

Rebecca Guevara
752 Northview Circle
SLC, UT 84103

Greg Gruber
McDonalds Restaurants
8218 S. Ridge Point Road
Sandy, UT 84093

Richard Wirick
The Oxford Shop
65 West 100 South
SLC, UT 84101

Jorge Fierro
Rico Mexican Market
779 South 500 East
SLC, UT 84102

Ellen Reddick
Elite Business Communications
1338 S. Foothill Drive, Suite 205
SLC, UT 84108

Lizzie Barlow
Downtown Alliance
173 East 400 South, Suite 600
SLC, UT 84111

Barbara Green
Smith Crown Company
2005 South 1100 East
SLC, UT 84106-2318

Paul Torres
Manuel's Fine Foods
2007 South 300 West
SLC, UT 84115

Dean Offret
Imagine It Consulting
153 2nd Avenue, Apt #15
SLC, UT 84103

Sue Stahle
Super Mercado
1179 S. Navajo
SLC, UT 84104

Lex Traugher
451 S. State Street, Room 406
Salt Lake City, UT 84111

Tim Harpst
SLC - Transportation
349 South 200 East, No. 450
Salt Lake City, UT 84111

Michael Barry
SLC - Transportation
349 South 200 East, No. 450
Salt Lake City, UT 84111

Val Pope
Public Services - Parks
1965 West 500 South, 1st Floor
SLC, UT 84104

Alison McFarlane
451 S. State Street, Room 306
SLC, UT 84111

Ed Butterfield
451 S. State Street, Room 306
SLC, UT 84111



ORGANIZATIONS:

Updated: 4/1/2005 sj

DOWNTOWN ALLIANCE
BOB FARRINGTON, DIRECTOR
175 EAST 400 SOUTH, #100
SALT LAKE CITY, UT 84111

S.L. CHAMBER OF COMMERCE
175 EAST 400 SOUTH, SUITE #100
SALT LAKE CITY, UT 84111

ATTN: CAROL DIBBLEE
DOWNTOWN MERCHANTS ASSN.
10 W. BROADWAY, SUITE #420
P.O. BOX
SALT LAKE CITY, UT 84101

HISPANIC CHAMBER OF
COMMERCE
P.O. BOX 1805
SALT LAKE CITY, UT 84110

VEST POCKET BUSINESS
COALITION
P.O. BOX 521357
SALT LAKE CITY, UT 84152-1357

SUGAR HOUSE MERCHANTS ASSN.
c/o BARBARA GREEN
SMITH-CROWN
2000 SOUTH 1100 EAST
SALT LAKE CITY, UT 84106

WESTSIDE ALLIANCE
c/o NEIGHBORHOOD HOUSING SVS.
MARIA GARCIA
622 WEST 500 NORTH
SALT LAKE CITY, UT 84116

5. PLANNING COMMISSION

A. Original Notice Postmarks

June 25, 2003

October 26, 2005

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

**NOTICE OF PUBLIC HEARING
SALT LAKE CITY PLANNING COMMISSION**

Dear Property Owner:

The Salt Lake City Planning Commission will consider Petition 400-03-08, a zoning text amendment initiated by Jeff Jonas, Salt Lake City Planning Commission Chair, requesting to amend Chapter 21A.46 of the Salt Lake city Zoning Ordinance by adding standards to regulate the use and placement of street banners within the public way.

You are invited to attend the Planning Commission public hearing, which will be held:

June 25, 2003

6:20 p.m.**

Room 326

Salt Lake City and County Building

451 South State Street

****After 5:00 p.m. please use the east entrance of the building.**

If you have any questions or comments concerning this proposal, please contact Joel Paterson at (801) 535-6141 between the hours of 8:00 am and 5:00 pm or send e-mail to joel.paterson@slcgov.com. Because it is difficult to notify all interested parties, please share this notice with other interested parties.

Accessible parking and entrance are located on the east side of the City and County 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 of the public hearing so that an interpreter can be provided.

Thank you,



Joel Paterson, AICP
Senior Planner
April 29, 2003

Joel Paterson
2450 E. Lambourn Ave
SLC, UT 84109

Salt Lake City Planning Division
Attn: Joel Paterson
451 S. State Street, Room 406
Salt Lake City, UT 84111



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NOTICE OF PUBLIC HEARING

Meeting is expected to leave at 4:00 p.m.

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 26, 2005, 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. APPROVAL OF MINUTES from Wednesday, October 12, 2005.
2. REPORT OF THE CHAIR AND VICE CHAIR
3. REPORT OF THE DIRECTOR
4. PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters
 - a) South Valley Sewer Improvement District and Salt Lake City Public Utilities Department - South Valley Sewer District are requesting that two standard utility crossing permits be granted by Public Utilities at two locations along the City owned Jordan and Salt Lake City Canal. One utility crossing permit is for a renewal of a prior crossing permit, located at approximately **50 East, 10000 South Street**. The second utility crossing permit is a new request, located at approximately **10100 South State Street**. Both utility crossing permits are for buried sewer lines and both locations are within Sandy City. Public Utilities Department staff intends to approve the requested permits. (Staff: *Karryn Greenleaf at 801-483-6769 or karryn.greenleaf@slcgov.com or Doug Wheelwright at 801-535-7757 or doug.wheelwright@slcgov.com*).
 - b) PacifiCorp and Salt Lake City Property Management Division - PacifiCorp, doing business as Utah Power and Light Company, is requesting the relocation of a buried power line easement, which is necessary due to the reconstruction of the Concession Building, located on City property within Liberty Park. The Concession Building is located near the center of the park at approximately **600 East and 1100 South**, within the Open Space (OS) zoning district. The new Concession Building is being constructed over a portion of the existing power line easement, and the easement is proposed to be relocated slightly to the south to avoid the new structure. The new easement will be granted in exchange for canceling the conflicting portion of the existing easement, without additional compensation due by either party. Property Management Division staff intends to approve the requested easement relocation request. (Staff: *Matt Williams at 801-535-6447 or matt.williams@slcgov.com or Doug Wheelwright at 801-535-6178 or doug.wheelwright@slcgov.com*).
5. PUBLIC HEARINGS
 - a) **Petition 400-03-08**, by the Salt Lake City Planning Commission, requesting approval to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance that will add standards to regulate the use and placement of street banners throughout the City. The purpose of this proposal is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events. (Staff: *Lex Traughber at 801-535-6184 or lex.traughber@slcgov.com*).
 - b) **Petitions No. 400-01-32 and Petition No. 400-02-08**, by the Salt Lake City Planning Commission to amend Chapter 21A.26.060 relating to the text of the C-SHBD (Sugar House Business District) zoning district and the corresponding Sugar House Community Zoning Map, as well as the text of the Sugar House Community Master Plan (2001) and corresponding Sugar House Future Land Use Map. In addition, several rezones are proposed for specific properties located adjacent to the area currently zoned C-SHBD (Sugar House Business District). The areas affected by these amendments are located between approximately **2100 South from 900 to 1300 East, and along 1100 East/Highland Drive from Hollywood Avenue to I-80, including the Granite Furniture block, the Sugar House Commons, and the Sugar House Center**. (Staff: *Lex Traughber at 801-535-6184 or lex.traughber@slcgov.com*).

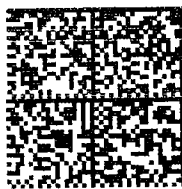
Lex Traughber
451 S. State Street, Room 406
SLC, UT 84111

NOTICE OF A HEARING

Salt Lake City Planning Division
Planning Commission Secretary
451 South State Street, Rm. 406
Salt Lake City, UT 84111
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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. In order to be considerate of everyone attending the meeting, public comments are limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:

Salt Lake City Planning Director
451 South State Street, Room 406
Salt Lake City, UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. 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.
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. 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 Planning Office 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

5. PLANNING COMMISSION

B. Staff Reports

June 25, 2003

October 26, 2005

DATE: June 20, 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 June 25, 2003 Planning Commission Meeting

CASE#: 400-03-08

APPLICANT: Jeff Jonas, Planning Commission Chair

STATUS OF APPLICANT: Section 21A.50.030 of the Salt Lake City Zoning Ordinance authorizes the Planning Commission to initiate zoning amendment petitions.

PROJECT LOCATION: Street banner signs may be placed on any existing utility pole along the streets identified on the "Salt Lake City Light Pole Banner Program Map" (see map in Attachment 1).

COUNCIL DISTRICT: Street banners will be allowed in all seven Council Districts.

REQUESTED ACTION: The Planning Commission is requested to forward a recommendation to the City Council to adopt a text amendment to Section 21A.46.070.K of the Zoning Ordinance that will add standards to regulate the use and placement of street banners.

PROPOSED ZONING TEXT AMENDMENT: Street banners are allowed under Section 21A.46.070.K of the Zoning Ordinance which allows the location of signs on publicly owned land or inside street rights of way, if such signs are erected by permission of an authorized public agency. This section of the ordinance does not include standards regarding the administration of such signs.

Recognizing that it would be beneficial to local neighborhood communities and to the City as a whole to allow street banners in certain locations, the Mayor has issued a number of executive

orders establishing time, place and manner restrictions on the location, placement and administration of the street banners. Rather than continuing to execute successive executive orders to deal with new requests for street banners, the administration decided that the City should review its overall policy with respect to street banners and incorporate regulations in the zoning ordinance. The proposed zoning ordinance text amendment is based on the latest executive order issued by the Mayor on May 22, 2003 (see Attachment 1).

APPLICABLE LAND USE REGULATIONS: Salt Lake City Zoning Ordinance Section 21A.46.070.K:

K. Signs On Public Property: 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.

MASTER PLAN SPECIFICATIONS: Although there are no specific references to adding street banner regulations to the zoning ordinance, several city-wide and community master plans discuss the need to enhance neighborhood identity and create gateway entries using elements of urban design. Adopting zoning ordinance standards regulating the placement and design of street banners is consistent with these plans.

HISTORY:

- The Downtown Alliance under contract with the City has administered the street banner program in the Salt Lake City Central Business Improvement District since 1991. This contract allows the Downtown Alliance to develop and implement standards for the administration of the street banner program in the improvement district. The Downtown Alliance banner guidelines are included in Attachment 2. The downtown banner program is administered in the area generally located between North Temple, 200 East, 400 South and 400 West.
- Salt Lake City adopted a new zoning ordinance in 1995. The ordinance includes Section 21A.46.070.K which allows the location of signs on publicly owned land or inside street rights of way, if such signs are erected by permission of an authorized public agency. This section of the ordinance does not include any standards regarding the administration of such signs. The City uses this provision to authorize the Mayor to issue executive orders to regulate the street banner program.
- In response to community requests, the City approved neighborhood street banners, first in Poplar Grove, then in Sugar House and in various other locations.
- During the 2002 Winter Olympic Games, the City enacted Olympics related ordinances, which, among other things, authorized the placement of Olympic street banners on many of the major street corridors in the City. Once the Olympics ended, the brackets installed on utility poles became the property of the City.

- Following the Olympics, the City started receiving an increasing number of requests for street banners in new locations. Because of the restrictive nature of the previous executive orders regulating street banners, many requests were denied even though the proposals were for street banners advertising local events, e.g., the St. Patrick's Day Parade.

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS:

- Attorney's Office:** The City Attorney's office was involved in drafting the current executive order and is supportive of codifying the street banner regulations. They recognize that there is some risk of a constitutional challenge based on First Amendment rights to free speech. The ordinance will limit who may participate in the street banner program and what types of activities (promoting and encouraging community identity, community organizations or community activities and events) and organizations (local non-profit 501(c)(3) organizations, governmentally owned libraries and educational institutions) may be advertised. Time, place and manner restrictions are always at risk of being challenged in court but are a legally acceptable tool used to create a limited public forum.
- Transportation:** The Transportation Division currently administers the street banner program outside of the Salt Lake City Business Improvement District under the provisions of the Mayor's executive orders. The Transportation Division endorses the efforts of the administration to incorporate street banner provisions in the Zoning Ordinance.
- Community Councils:** On May 29, 2003, the Planning Staff mailed a letter to all the community council chairs with information regarding the proposed text amendment. In the letter, Staff asked for comments and made an offer to schedule a public open house. No comments or requests for an open house were submitted.
- Planning Division:** The Planning Staff raises the following issues regarding street banner regulations:
 - **Free Speech/Public Forum:** Allowing street banners does pose a risk of creating a public forum and may be considered a constitutionally protected form of free speech. The intent of the proposed ordinance is to allow signage within certain time, place and manner restrictions to create a limited forum.
 - **Administration of the banner program:** Salt Lake City administers the banner program throughout the City with the exception of the Downtown Business Improvement District (BID). The Downtown Alliance administers banners in the BID by agreement with the City. It is not the intent of this proposed ordinance to supercede this program. The City intends to continue this collaboration with the Alliance and incorporate their guidelines for the Downtown Business Improvement District. Other similar groups, such as the Chamber of Commerce and the Westside Alliance may be willing, or have offered, to administer the program in other areas of the City.

- **Eligible participants:** The executive order limits participation in the banner program to local non-profit 501(c)(3) organizations, and governmentally owned libraries and educational institutions. The banners may only promote and encourage community identity, community organizations and community activities and events. The list of eligible participants and purposes for the banners are purposefully designed with a narrow scope to limit exposure to free speech issues. The Planning Commission may wish to widen the scope of permitted participants to ensure that all community councils and other governmental entities could participate in the banner program. However, allowing additional participants may create additional exposure to constitutional challenges.
- **The Light Pole Banner Program Map:** The current executive order allows street banners to be placed on any existing utility poles within the locations identified on the “Light Pole Banner Program Map.” This map is maintained by the Salt Lake City Transportation Division and is included in Attachment 1. This map highlights the streets where street banners have been deemed appropriate. This map is amended periodically when applications for new banners are reviewed by the City and determined to be acceptable. To avoid the need to process an ordinance amendment each time the map is updated, the ordinance will reference the map but not incorporate it.

The Planning Commission may wish to include standards for amending the map. Staff recommends that the streets eligible for future street banners be major arterials, collectors or gateway streets identified in community master plans. Private streets such as the portion of Rio Grande Street (455 West) located north of 200 South, Gallivan Avenue (260 South) and Weechquootee Place (15 East) may also be appropriate locations for street banners.

- **Banners Height and Size:** The current executive order limits street banners to a maximum size of 96” X 30” and requires the top of the banner be a minimum of 18 feet above the ground (22 feet if the banner hangs over the traffic way). Assuming that a banner is the maximum size, the bottom of the banner would be a minimum of 10 feet above the ground (14 feet if overhanging the traffic way). In some locations, organizations have chosen to hang smaller banners and the minimum bracket height requirements have made it difficult to read the banners. This was the case in Poplar Grove where smaller banners were installed and because of the minimum height standard for the top of the banner, the banners were too high to be effective.

Many of the existing banner brackets do not appear to meet the minimum height standard. Unless there is a compelling safety reason to raise existing non-conforming brackets, the existing brackets will remain in their present location. All new banner signs will be required to meet the ordinance requirements.

- **Banners on State Roads:** There are conflicts between the proposed street banner standards and Utah Department of Transportation (UDOT) standards (see attachment 3). The UDOT banner guidelines are more restrictive than the City’s standards in respect to message content and the allowable participants. The State allows only city,

county or other governmental agencies to place banners on State roads. The banners may include the name and dates of an event and related information. UDOT does not permit private, non-governmental/non-profit organization advertising (including logos) or political messages. The proposed City street banner regulations would allow non-profit organizations to advertise events and the banners could include the sponsors logo. The City's proposed standards would require a street banner applicant to obtain a permit from UDOT prior to allowing banners to be installed along a State-owned road. Street banners have been or are currently hanging on State-owned roads such as State Street, 700 East and 400 South. All of these are State roads and seem to be important components of the City's street banner program. Other State roads that that are gateways to the City, such as North Temple, Redwood Road, Foothill Boulevard, 1300 East, may be appropriate locations for street banners.

- **Appeals of administrative decisions regarding banner requests:** City Staff administratively approves street banner requests. If these provisions are incorporated in the zoning ordinance, the Board of Adjustment would hear any appeals submitted by aggrieved parties.
- **Fees for street banner applications:** The current executive order requires an application fee of \$50.00. The Downtown Alliance charges a fee of \$25.00. Staff recommends that the City and the Downtown Alliance use a standardized fee of \$25.00.

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: Although there are no specific references to implementing a street banner program or adopting zoning ordinance regulations, several city master plans, such as the Urban Design element, Futures Commission plan, Central Community plan and others discuss the need to enhance community identity, define neighborhood boundaries and enhance community gateways using urban design principles. The proposed zoning ordinance text amendment which will codify time, place and manner restrictions for street banners appear to be consistent with the adopted general plan of Salt Lake City.

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

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

Discussion: Ensuring that the street banners are compatible with the surrounding community is an important element of the proposed standards. The current executive order includes the following standards to assist in the review of street banner requests (see Attachment 1, pg. 4):

2.5 Granting of the Permit; Standards

- A. The location and placement of the street banners will not endanger public safety, including motorists and pedestrians by interfering with street lighting, obstructing traffic signs or other control devices, or otherwise creating dangerous distractions;
- B. The street banner will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
- C. The street banners will not materially obstruct the view of users of adjacent buildings to side yards, front yards, or to open space;
- D. The street banners will not negatively affect the visual quality of a public open space, such as a public recreation facility, square, plaza, courtyard, or the like in any material or substantial way;
- E. The street banners are compatible with building heights of the existing neighborhood and do not impose a foreign or inharmonious element to an existing skyline; and
- F. The street banners do not adversely affect the health, safety, or welfare of the public in any material way, and do not violate building code regulations regarding ingress, egress or fire protection.

Findings: The proposed amendment will ensure street banners are 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.

Discussion: The proposed standards are designed to limit the adverse affects of street banners on adjacent properties. Generally, the street banners that have been placed along streets within Salt Lake City have been well received and relatively few complaints have been submitted. However, problems with, or complaints about, street banners will arise. In residential areas, for example, people may be affected by the noise made by banners blowing in the wind. Where banners are placed too low (bottom of the banner is less than ten feet from the ground) they may cause interference with parked vehicles or create an attractive nuisance.

Findings: Although all adverse affects of street banners on adjacent properties can not be avoided, the proposed standards regulating the design and placement of street banners are intended to limit adverse affects.

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

Discussion: The placement of street banners will be subject to the provisions of any applicable overlay zoning districts.

Findings: 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.

Discussion: The proposed standards for street banners will not create any impact on public services or facilities.

Findings: 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 are adequate.

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 400-03-08 to amend Section 21A.46.070.K of the zoning ordinance to include street banner standards.

Attachments:

1. Executive Order issued on May 22, 2003
2. Downtown Alliance: Downtown Salt Lake City Banner Advertising Guidelines
3. UDOT Banner Guidelines

ATTACHMENT 1
EXECUTIVE ORDER ISSUED ON
MAY 22, 2003

EXECUTIVE ORDER

EFFECTIVE DATE: May 22, 2003

SUBJECT: AUTHORIZING THE PLACEMENT OF STREET
BANNERS IN THE PUBLIC WAY.

DISTRIBUTION: ALL DEPARTMENTS

AUTHORITY
SIGNATURE:


ROSS C. ANDERSON, MAYOR

5-22-03
DATE

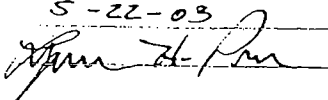
PREFACE

Section 21A.46.070.K of the City Code allows the location of signs on publicly owned land or inside street rights of way, if such signs are erected by permission of an authorized public agency.

Many existing utility poles are located within the public right-of-way; however, the City has not (with only limited exceptions) allowed the use of such utility poles for any signage or the communication of any messages.

The City has determined that it would be beneficial to the City as a whole to allow existing utility poles to be used to display street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events.

In allowing this limited signage on utility poles, in certain designated locations, the City does not intend to create a public forum, but rather intends to create a limited forum for the purposes set forth herein.

APPROVED AND FORWARDED:
City Clerk, City Manager's Office
5-22-03


This Executive Order is also intended to prescribe rules to be followed by City employees in determining whether to approve the erection of signs pursuant to said Section 21A.46.070.K and to establish applicable time, place, and manner restrictions.

Therefore, the Mayor of Salt Lake City enacts this executive order:

1. Definitions.

1.1 “Applicant” means the applicant for a street banner permit as described herein.

1.2 “Banner” means a public event banner, secured banner or unsecured banner, as defined in Section 21A.46.020 of the Salt Lake City Code.

1.3 “Community Organization” means a local non-profit 501(c)(3) organization.

1.4 “Mayor” means the mayor of Salt Lake City, Utah, or the mayor’s designee.

1.5 “Sign” means a sign as defined in Section 21A.46.020, Salt Lake City Code.

1.6 “Street Banner” means a banner displayed on a utility pole located in the public way.

2. General Provisions

2.1 Authority to Display

In order to encourage and promote community identity, community organizations, and community related activities and events, an eligible participant, as defined herein, may, after applying for and receiving a permit to do so, hang banners on existing utility poles in the public way, provided that such banners contain no commercial content and in no way identify a commercial product or business logo, except that the banners may contain the applicant’s logo.

2.2 Eligible Participants

The City will accept applications for a permit to display street banners only from local non-profit 501(c)(3) organizations, or from governmentally owned libraries and educational

institutions. Street banners may be placed on existing utility poles in the public way only for the limited purpose of promoting and encouraging community identity, community organizations, or community activities and events.

2.3 Approved Display Areas

Street banners may be placed on any existing utility poles within the locations identified on the "Street Banner Map" maintained by the City Transportation Division. No street banners shall be allowed outside of those designated areas.

2.4 Application for Permit

Any person or entity who desires to display such street banners must first apply for and obtain a permit for such display from the City Transportation Division, who shall provide a form for the application. The application must be submitted to the Transportation Division not less than 10 days and not more than 6 months before the date the street banners are proposed to be displayed and must contain the following:

- A. The name, address and telephone number of the applicant, or if an organization, the name address and telephone number of a contact person;
- B. A photograph, drawing, or other visual representation of the proposed street banners; and
- C. The proposed number of street banners and the proposed locations where the street banners will be placed.
- D. If the City does not own the real property or the utility poles upon which the street banners are proposed to be placed, the applicant must present written permission from the appropriate pole owner(s) consenting to such placement.
- E. An application and permit fee of \$50.00.

2.5 Granting of the Permit; Standards

The permit may be granted by the Transportation Division on a first come first served basis, upon a determination that the application has been properly completed, and that:

- A. The location and placement of the street banners will not endanger public safety, including motorists and pedestrians by interfering with street lighting, obstructing traffic signs or other control devices, or otherwise creating dangerous distractions;
- B. The street banners will not cover or blanket any prominent view of a structure or facade of historical or architectural significance;
- C. The street banners will not materially obstruct the view of users of adjacent buildings to side yards, front yards, or to open space;
- D. The street banners will not negatively affect the visual quality of a public open space, such as a public recreation facility, square, plaza, courtyard, or the like in any material or substantial way;
- E. The street banners are compatible with building heights of the existing neighborhood and do not impose a foreign or inharmonious element to an existing skyline; and
- F. The street banners do not adversely affect the health, safety, or welfare of the public in any material way, and do not violate building code regulations regarding ingress, egress or fire protection.

2.6 Time for Approval or Disapproval of Application

Within 14 days after receiving the application for a permit, the City Transportation Division shall either grant, modify or deny the permit request.

2.7 Judicial Review of Denial

Any person adversely affected by the granting or denial of the permit may appeal such decision to a court of competent jurisdiction, after receiving notice of the decision. The decision granting or denying the permit shall be effective on the date of the written notice issued by the City Transportation Division, unless the Mayor orders otherwise.

2.8 Banner and Hardware Standards

Street banners must be constructed of a material that can withstand the normal and reasonably expected forces of nature for the period of time they are displayed. Torn or damaged street banners will not be hung and will be promptly removed by the applicant, if damaged after being hung. The street banners shall not exceed an overall length of 96 inches and a width of 30 inches. There shall be a 6 inch sleeve at the top of the street banner to slide over the bracket. The bottom shall have a 2 inch hem, and the sides shall have a minimum hem of $\frac{3}{4}$ inches. There shall be 2 grommets at the bottom of the street banner. The graphic area shall not exceed 26 inches by 88 inches. A diagram outlining these street banner standards is attached hereto. Any hardware installed upon utility poles must first be approved by the City Transportation Division. All street banners and hardware shall be installed such that the top of the street banner is at least 18 feet above the ground. If the street banner hangs over the traffic way, the top of the banner must be at least 22 feet above the ground.

2.9 Duration of Display

The street banners may be permitted and be in place for a period not to exceed 30 days. If no other applicant has applied for permission to place street banners in the same location, that initial 30 day display period may be extended for an additional period of 30 days.

Notwithstanding the foregoing, the City may order that street banners be removed prior to the expiration of any permit period, if such banners are determined to constitute a safety hazard.

2.10 Installation, Maintenance and Removal

Street banners, and any hardware necessary to display such street banners, may only be installed by a licensed contractor approved by the City. Except as may be otherwise determined by the City, the applicant is responsible for all costs associated with installation, maintenance and removal of all street banners and any hardware necessary to display such street banners. The applicant is also responsible for any damage which may occur to the street banners or hardware while they are being installed, displayed, or retrieved. Damaged or dirty street banners must be removed immediately by the applicant. The cleaning and repair of street banners is the responsibility of the applicant. At the expiration of the permit period, the street banners shall be promptly removed by the applicant. After installation, any hardware installed on utility poles shall become property of the City, and shall remain on the utility poles after removal of the street banners.

2.11 Enforcement

The City may enforce the terms and limitations of this Executive Order through any lawful means.

3. Waiver

The requirements of this Executive Order may be waived or modified by the Mayor, with the advice of the City Attorney.

4. Negative Savings Clause

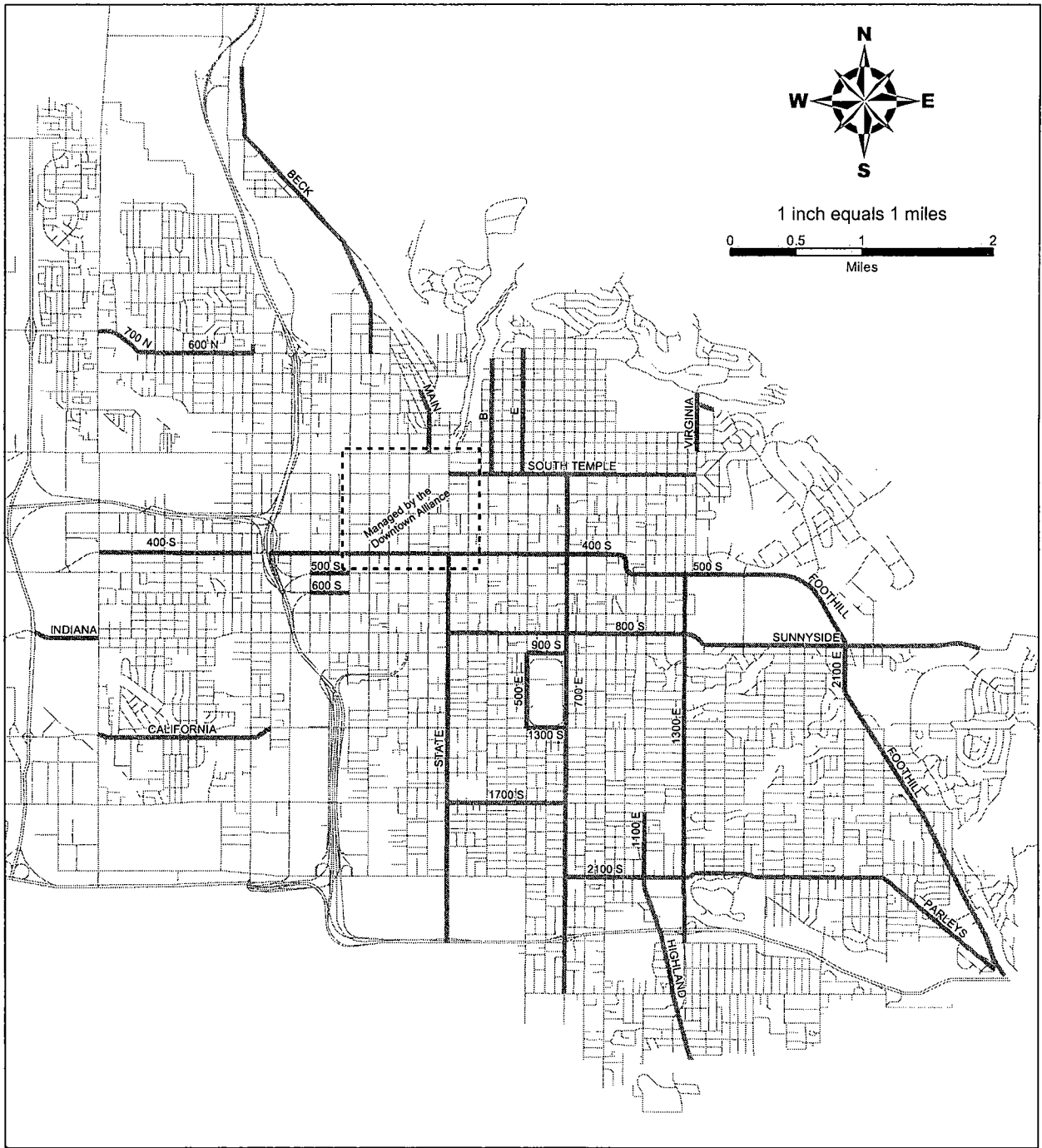
If any portion of this Order is determined to be illegal, invalid, unconstitutional, or superseded, in whole or in part, this entire Order shall forthwith be voided and terminated,

subject to the following provisions: (a) in the event of a judicial, regulatory, or administrative determination that all or some part of this Order is illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the date of a final appealable court order; and (b) in the event of any state legislative action that renders any portion of the Order illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the effective date of such legislative action.

This Executive Order may be revoked at any time without notice to any party. No property interest or vested right is created in any person or entity by this Order. If any portion of this Order is determined to be illegal, invalid, unconstitutional, or superseded, any person or entity who has erected any street banners contemplated by this Order shall immediately remove such street banners, after receiving oral or written notice from the Mayor or the City Attorney of such determination.

5. Supercedes Previous Executive Order

This Executive Order amends and supercedes the previous executive order dated January 21, 2003, which previous order shall now be deemed to be null and void.



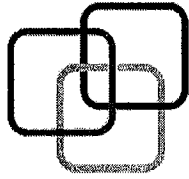
SALT LAKE CITY LIGHT POLE BANNER PROGRAM

SALT LAKE CITY CORPORATION
DIVISION OF TRANSPORTATION
349 SOUTH 200 EAST, SUITE 450

DRAWN BY: K. BELL 5/28/2003

ATTACHMENT 2

**DOWNTOWN ALLIANCE:
DOWNTOWN SALT LAKE CITY BANNER
ADVERTISING GUIDELINES**



Downtown Alliance

SALT LAKE CITY

238 South Main Street, Salt Lake City, UT 84101 801-359-5118 Fax 801-359-5136

DOWNTOWN SALT LAKE CITY BANNER ADVERTISING GUIDELINES

May 1, 2002

The Downtown Alliance manages the rental, installation, and content of the banners displayed on the light poles along the streets of the Salt Lake City Central Business Improvement District.

Eligible Participants

Only events and activities occurring at a downtown venue that are produced by local non-profit organizations, city and county government or the State of Utah will be accepted. Religious, political and for-profit promotional banners will not be accepted. Organizations, subject matter and banner content must be approved by The Downtown Alliance at least 90 days before the anticipated promotional schedule. Exceptions may be made to the policy concerning eligible participants and subject matter by The Downtown Alliance for events and activities of major civic importance.

Subject Matter

The content on the banners must be approved 90 days in advance by The Downtown Alliance. Please mail, email or fax banner design to Michelle Higham at the Downtown Alliance address above, email to michelle@downtownslc.org or fax to 801-359-5136. Participants are asked to deliver banners at least two weeks before the display schedule. Please contact Ray Watts at 558-7770 to schedule a drop-off time. The Downtown Alliance reserves the right to approve or reject the content of all banners.

Available Space

There are many banner locations. Banners on double bracket poles located on both sides of West Temple and State Street from South Temple to 400 South must be eight feet in length. Banners on the single bracket poles located on Main Street, 200 West, 300 West and 200 East between North Temple and 400 South, and on South Temple, 100 South, 200 South, 300 South and 400 South between 300 East and 500 West, must be six feet in length.

A minimum contract includes 28 banners that generally cover both sides of the street for one to two blocks depending on the location. The maximum number of locations is limited only by the space available. Space can be reserved up to one year in advance. Call Michelle at the Downtown Alliance for current availability.

Cost

The cost to install banners is \$12.00 per banner for a one week minimum length of time and a maximum length of one month. An additional \$5.50 per banner early removal fee will be charged for contracts of less than one week. The cost includes installation and maintenance of the banners (cost of designing, producing, and repairing the banners is the responsibility of the event/ organization). Storage fees of \$1.00 per banner per month will be invoiced if banners are not picked up within 7 days of removal. The banner locations will be leased on a first- come first-served basis.

Sponsorship Standards/Underwriter Acknowledgements

Promotional banners may carry a sponsor's logo and positioning statement. The Sponsor logo and positioning statement is limited to the bottom 20% of the banner. Sponsor information that exceeds 6 inches across the bottom of the banner will be refused.

Banner Standards

Banners must be delivered flat. Call Ray Watts at 558-7770 to schedule a drop-off time. Materials include vinyl, photo/mechanical/digital printing, or screen-printed. Banners

must be constructed of a material that can withstand the forces of nature for the period of time they are to be displayed. Torn or damaged banners will not be hung.

Banners on State Street and West Temple are to have an overall length of 96 inches and width of 25.5 inches. There is to be a 6 inch sleeve at the top of the banner to slide over the bracket. The bottom is to have a 2 inch hem while the sides are to have a minimum hem of .75 inches. The graphic area is not to exceed 24 inches by 87.5 inches. There must be three grommets on the inside hem of each banner for proper attachment to the poles; for placement refer to attached graphic.

Banners for placement in all other locations are to have an overall length of 72 inches and width of 25.5 inches. There is to be a 6 inch sleeve at the top of the banner to slide over the bracket. The bottom is to have a 2 inch hem while the sides are to have a minimum hem of .75 inches. The graphic area is not to exceed 24 inches by 66 inches. There must be three grommets on the inside hem of each banner for proper attachment to the poles; for placement refer to attached graphic.

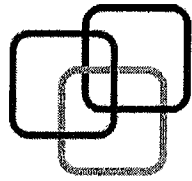
A list of vendors is available from The Downtown Alliance office. This list does not imply endorsement of these companies by The Downtown Alliance.

Maintenance and Liability

The Downtown Alliance or its subcontractors are not responsible for damage to the banners while they are being installed, displayed or retrieved. Damaged or dirty banners will not be displayed. The cleaning and repair of banner is the responsibility of the contracting organization. The installation contractor following the final date of the display contract will hold banners for pick-up for one week. After that time a storage charge of \$1.00 per banner per month will be imposed. Nonpayment for the storage fee will result in disposal of the banners.

Payment

A, non-refundable, \$25.00 reservation fee must accompany the application. The balance due for installation is due within 30 days of the end of the promotional period. A finance charge of 1 1/2% per month will be added to all invoices not paid within 30 days. Outstanding invoices will disqualify an organization from future participation in this program.



Downtown Alliance SALT LAKE CITY

Downtown Banner Application

(Retain a copy for your records)

Organization: _____ Telephone: _____

Contact: _____ Fax: _____

Address: _____

Event: _____ Date(s) of event: _____

Event Location: _____

Please provide a brief description of your event:

Preferred street location:

Preferred banner display dates: From ___/___/___ To ___/___/___

of banners: _____

Fees	Installation, Maintenance and Removal	\$12 per banner per month (4 weeks) *Minimum of 5 days and 28 banners
	Storage	\$ 1.00 per month per banner if banners are not picked up within 7 days of removal

A non-refundable, \$25.00 deposit must accompany this application. The balance is due within 30 days of the end of the promotional period. A finance charge of 1½ % per month will be added to all invoices not paid within 30 days.

*** If banner is hung for less than 5 days there is an additional \$5.50 fee for banner removal.**

I understand that this application, as well as banner designs, must be approved by The Downtown Alliance. I agree to pay fees in a timely manner (net 30). Your banners will not be cleaned while in storage. You are responsible for all maintenance while the banners are in storage. I understand that repairs will be billed separately and I am responsible for payment of those repairs. I understand that it is my responsibility to contact Ray Watts (558-7770) 7 days in advance of my installation date and deliver the banners to him. I also agree to pick up my banners within 7 days of removal or pay for storage of the banners. I agree to not hold The Downtown Alliance or Ray Watts responsible for any damage to my banners while they are in their possession.

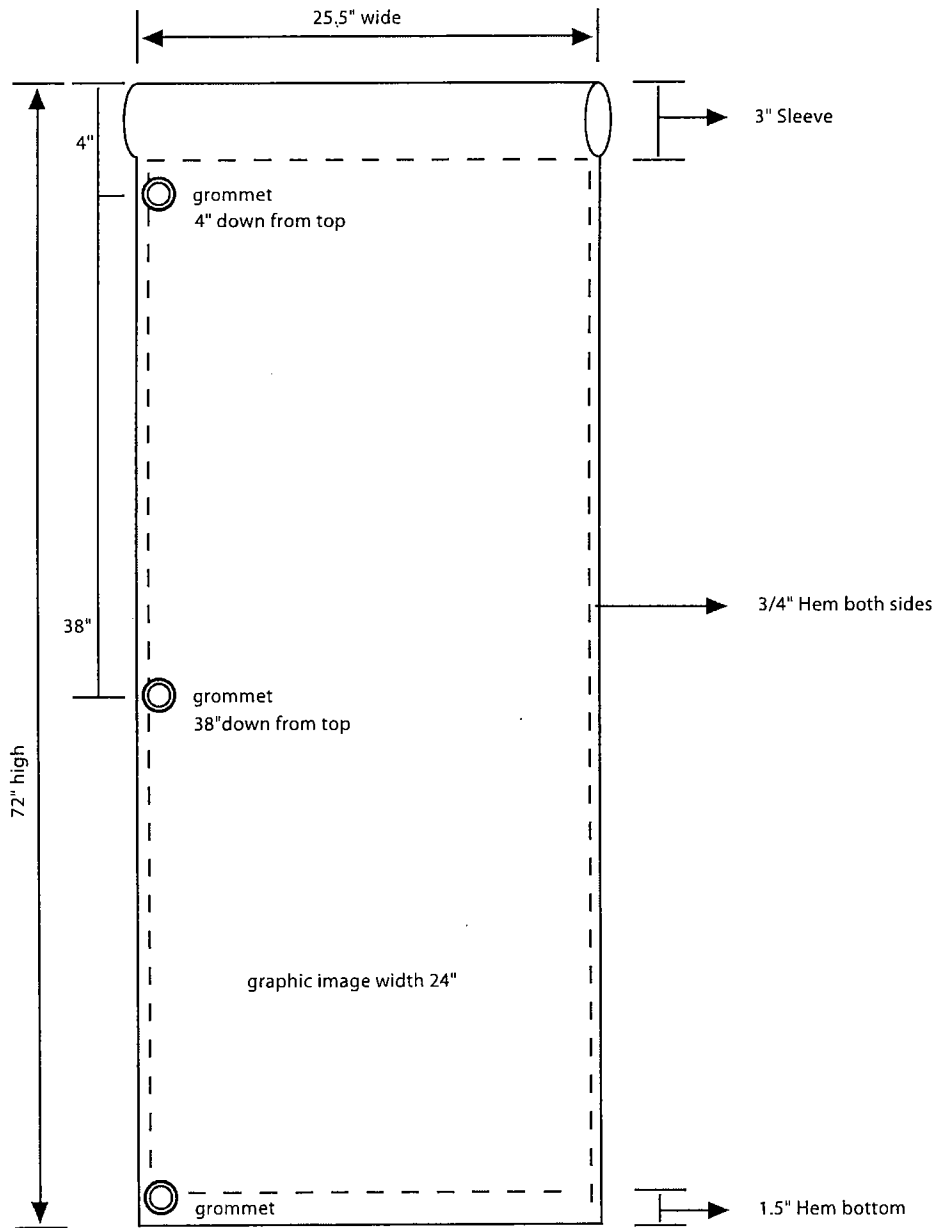
I have read and understand all of the information on this application:

Signed: _____ Date: _____

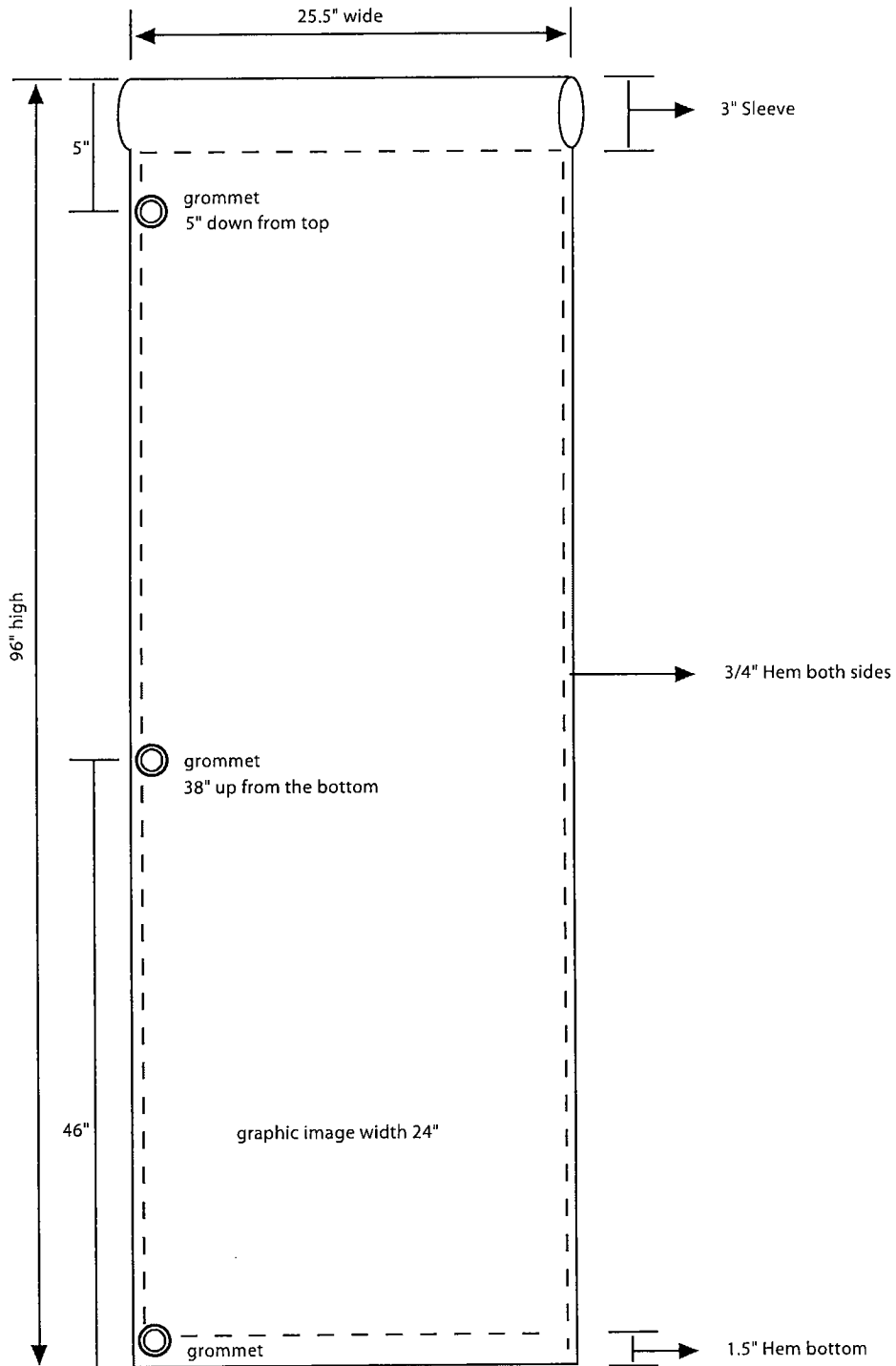
DTA Rep: _____ Notes: _____

Send Application to: Downtown Alliance, 238 South Main Street, Salt Lake City, UT 84101. A Copy may be faxed to Michelle Higham at 801-359-5136 to tentatively reserve a space, but a hard copy with application fee must be delivered to the Downtown Alliance to have a confirmed reservation.

THE DOWNTOWN ALLIANCE
Downtown Banner Program Specifications
6 foot Banner



THE DOWNTOWN ALLIANCE
Downtown Banner Program Specifications
8 foot Banner
(State Street & West Temple)



BANNER DESIGN AND PRODUCTION COMPANIES

Nichols

Contact: Christopher Fordham
331 South Rio Grande, Suite 206
Salt Lake City, UT 84101
(801) 355.6970

Sign-A-Rama

Contact: Shauna Pfaff
56 West 400 South
Salt Lake City, UT 84101
(801) 355.4700

Display Business, Inc.

Contact: Rocky Raymond
380 W. Pierpont
Salt Lake City, UT 84104
(801) 322.1450

Downtown Banner Program

North-South Locations

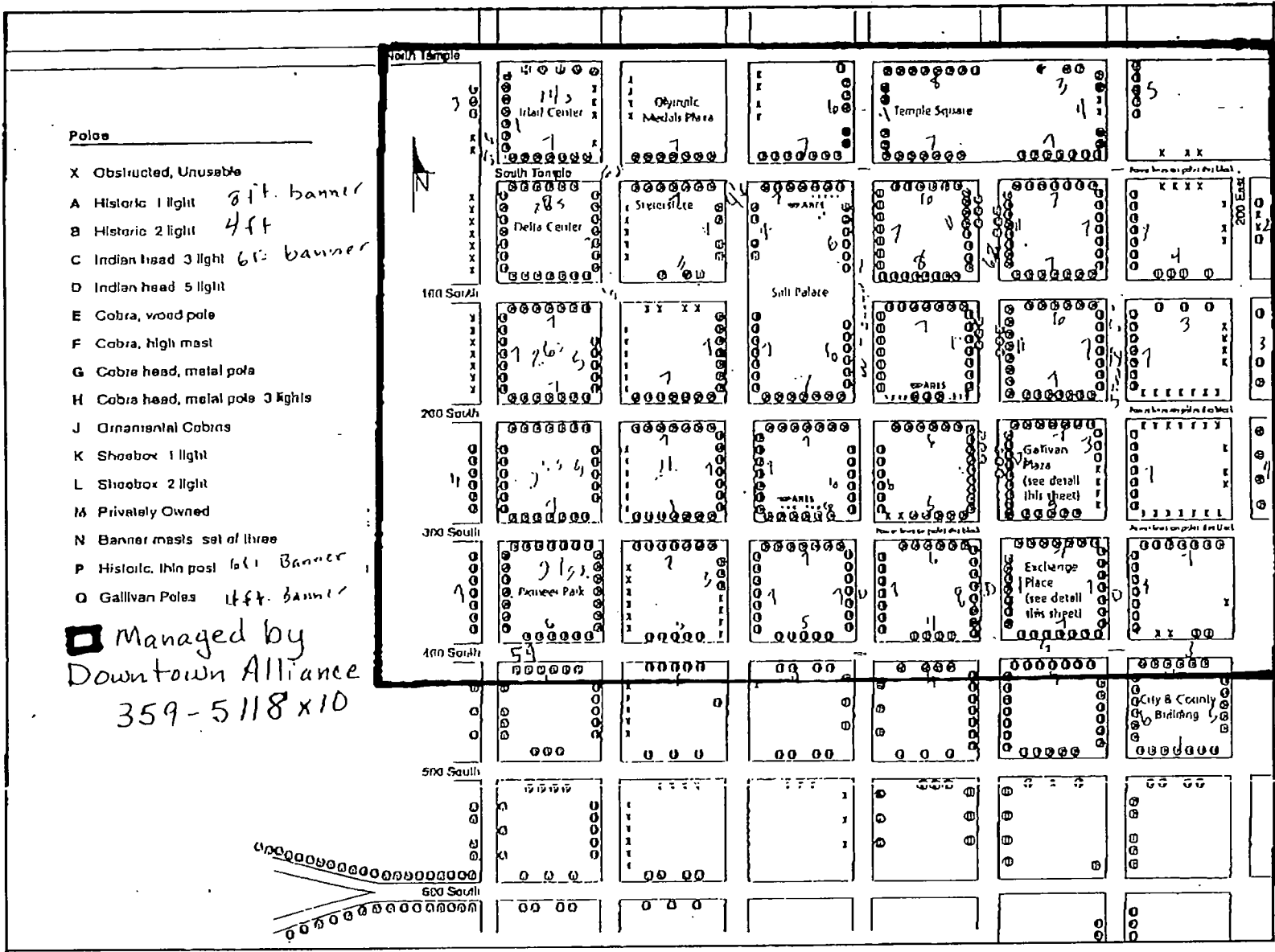
200 East	9 Banners
State Street	121 Banners
Main Street	62 Banners
West Temple	122 Banners
200 West	46 Banners
300 West	24 Banners (west side of street)
400 West	50 Banners

East-West Locations

North Temple	12 Banners
South Temple	68 Banners
100 South	52 Banners
200 South	65 Banners
300 South	71 Banners
400 South	59 Banners

- Poles**
- X Obstructed, Unusable
 - A Historic 1 light *8ft. banner*
 - B Historic 2 light *4ft*
 - C Indian head 3 light *6ft. banner*
 - D Indian head 5 light
 - E Cobra, wood pole
 - F Cobra, high mast
 - G Cobra head, metal pole
 - H Cobra head, metal pole 3 lights
 - J Ornamental Cobins
 - K Shoebox 1 light
 - L Shoebox 2 light
 - M Privately Owned
 - N Banner masts set of three
 - P Historic. 1/2 in post *6ft. banner*
 - O Gallivan Poles *4ft. banner*

Managed by
Downtown Alliance
359-5118 x10



Double Brackets - 8 Foot Banners

ATTACHMENT 3

UDOT BANNER GUIDELINES

BANNER GUIDELINES

Effective Date: March 4, 2002

Purpose

To establish procedures for the installation of "Banners" that are considered "Official Advertising Devices" over and across or on state highway right of way. To standardize methods of local entities displaying banners for such events such as county fairs, parades, races, art shows where a banner would be placed during the event. This is a temporary banner placed by the city, county or other government agency with the name and date of the event.

Authority

Utah Act Regulation of Roadside Advertising § 72-7-503.

Introduction

Requests for temporary banners for special events are not uncommon. Such special events include (but are not limited to) county fairs, parades, races, art shows. Event organizers often have a number of opportunities to provide attendees with promotional materials via flyers, newspaper advertisements, mailings etc., and should be encouraged to do so, thus avoid the need for regular and seemingly continuous displays by banner.

Overall, while the use of banners and possible disruptions they bring to the transportation system is discouraged, allowing banners for special events shall be determined by the degree of local support for such devices and the historical use of the devices. Since both state and federal law prohibit commercial advertisements on public rights of way, the purpose of the event banner is limited to announcing the plans for an up coming event of limited duration and frequency and shall not include advertising for any private business or product.

The following criteria shall be considered when permitting a "banner" for an "official advertising device"

CRITERIA FOR PLACEMENT

1. **Height Above Roadway:** No part of the banner shall be less than 20 vertical feet above the roadway surface. Where curb and gutter construction exists, the entire structure, including attachments and supports, must clear the sidewalk vertically by at least 9 feet, the outside edge of the structure must be at least 2 feet behind a vertical line extending upward from the face of the curb, and the entire structure must comply with the departments clear zone requirements. (In Urban areas banners placed across the roadway will not be allowed)
2. **Timetable:** A banner to occupy the right of way for a time not to exceed two weeks before the event and shall be removed not more than two days after the event. Banners will not be allowed to display the same message within 180 days of the last day of its most recent display

period.

3. **Appropriate Message:** The banner message shall be limited to the name and dates of the event, and /or related information. Banners shall not contain private, non-governmental / non-profit organizations advertising (including logos) nor be of a political nature.
4. **Installation by Local Agencies:** City or County forces shall be responsible obtaining the permit and the installation of banners, In lieu of installation by local agency forces, the installation or any part thereof may be performed by a contractor that is designated and approved by the sponsoring local agency.
5. **Unallowable Categories of Roadways for Banners:** Banners will not be allowed on N/A or L/A routes.
6. **Banners Prohibited from State Route Structures:** No banners shall be attached to: (a) Traffic control devices such as signal poles; (b) Sign bridges or structures; or (c) Bridges or overpass structures.
7. **Sight Obstructions:** No decoration, display, flag, banner, colored light, handbill, structure or other advertising or decoration item shall obstruct the normal view of traffic.
8. **Obstructing Traffic:** No decoration, display structure or other advertising or decoration item shall be placed within the right of way that may obstruct, impede or endanger the normal flow of traffic.
9. **Lights and traffic control signs, signals, marking devices :** Red or reddish colored decorations or advertising lights may not be permitted within the right of way. Nor should any decoration, display, flag, or banner the same shape, size, color or design to any UDOT traffic control sign, signal, marking or device.
10. **Banner Material:** A banner shall be made of durable canvas, plastic or cloth-like material that does not conduct electricity.
11. **Spacing:** Banners shall not be placed within 150 feet from the intersecting streets. (Measured from the stop bar). One banner for each location will be allowed.
12. **Liability Insurance Policy:** Permittee shall be required to have in force a liability insurance policy, naming UDOT as an additional insurer, the amount of which shall be determined by the UDOT Region Director or his authorized representative
13. **Banners placed on poles:** These banners must be attached to a utility pole or other such device which is permanently located in the right of way. New poles will not be erected in the right of way for the purpose of displaying banners.

PROCEDURES

1. Regions shall act in response to written request from the sponsoring agency within 30 days.
2. To assure the safe placement of the encroachment, the permittee shall provide to and have approved by UDOT a traffic control plan for the construction site.
3. Written permission or a banner release form, from the owner of the existing utility pole within the state right of way, must accompany the banner request.
4. If a banner request meets the above criteria, the Region shall permit the banner, including any applicable terms and conditions.

DATE: October 20, 2005
TO: Salt Lake City Planning Commission
FROM: Lex Traughber
Principal Planner
Telephone: (801)535-6184
Email: lex.traughber@slcgov.com
RE: STAFF REPORT FOR THE OCTOBER 26, 2005 MEETING

CASE NUMBER: 400-03-08

APPLICANT: Salt Lake City Planning Commission

STATUS OF APPLICANT: City Board

REQUESTED ACTION: The Planning Commission is requested to forward a recommendation to the City Council to adopt a text amendment to Section 21A.46.070(K) of the Zoning Ordinance that will add standards to regulate street banners on utility poles in the public way.

PROJECT LOCATION: This is a Zoning Ordinance text amendment that has implications city wide. It is proposed that street banner signs may be placed on any utility pole along the arterial and collector streets identified on the Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification) map, or along Terminal Drive at the Salt Lake City International Airport.

COUNCIL DISTRICTS: Street banners will be allowed in all Council Districts.

PROPOSED ZONING TEXT AMENDMENT: Street banners are currently allowed under an interpretation of Section 21A.46.070(K) of the Zoning Ordinance, which prohibits the location of signs on publicly owned land or inside street rights-of-way, unless such signs are erected by permission of an authorized public agency. This section of the ordinance does not currently include standards regarding the administration of such signs.

**RATIONALE FOR THE
PROPOSED AMENDMENT:**

Recognizing that it would be beneficial to local neighborhood communities and to the City as a whole to allow street banners in certain locations, the Mayor has issued a number of executive orders establishing time, place, and manner restrictions on the specific location, placement and administration of the street banners. Rather than continuing to execute successive executive orders to deal with new requests for street banners, the administration concluded that the City should review its overall policy with respect to street banners and incorporate regulations into the Zoning Ordinance. The proposed zoning ordinance text amendment is based on the latest executive order issued by the Mayor on August 19, 2003 (Exhibit 1).

**APPLICABLE LAND
USE REGULATIONS:**

Salt Lake City Zoning Ordinance Section 12A.46.070(K) - Signs on Public Property reads, "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."

**APPLICABLE
MASTER PLANS:**

Although there are no specific references to adding street banner regulations to the Zoning Ordinance, several city-wide and community master plans discuss the need to enhance neighborhood identity and create gateway entries using elements of urban design. Adopting zoning ordinance standards regulating the placement and design of street banners is consistent with these plans.

PROJECT HISTORY:

The Downtown Alliance under contract with the City has administered the street banner program in the Salt Lake City Central Business Improvement District since 1991. This contract allows the Downtown Alliance to develop and implement standards for the administration of the street banner program in the improvement district. The Downtown Alliance banner guidelines are included in Exhibit 2, and are particularly relevant because Planning Staff's proposed text amendment language essentially mirrors the

Downtown Alliance's program with some minor differences. The Downtown Alliance's program appears to be very successful, and is located between North Temple, 200 East, 400 South and 400 West.

Salt Lake City adopted a new zoning ordinance in 1995. The ordinance includes Section 12A.46.070(K) - Signs on Public Property, which prohibits the location of signs on publicly owned land or inside street rights of way, unless such signs are erected by permission of an authorized public agency. This section of the ordinance does not include any standards regarding the administration of any such signs. The City has interpreted this provision in the Zoning Ordinance to authorize the Mayor to issue executive orders to regulate signs in the public way including street banners. The Mayor's Executive Order dated August 19, 2003, concerning authorizing the placement of street banners in the public way, currently regulates such signage.

In response to community requests, the City approved neighborhood street banners, first in Poplar Grove, then in Sugar House and other various locations.

During the 2002 Winter Olympic Games, the City enacted Olympics related ordinances, which among other things, authorized the placement of Olympic street banners on many of the major street corridors in the City. Once the Olympics ended, the brackets installed on utility poles became the property of the City. Attached for reference is a map indicating those routes where brackets are located along the public way (Exhibit 3).

Following the Olympics, the City started to receive an increasing number of requests for street banners in new locations. Because of the restrictive nature of the previous executive orders regulating street banners, many requests were denied even though the proposals were for street banners advertising local events such as the St. Patrick's Day Parade.

DEPARTMENT/DIVISION COMMENTS:

The following is a summary of the comments received from various City Divisions/Departments:

1. Transportation

The Transportation Division currently administers the street banner program outside of the Salt Lake City Business Improvement District under the Mayor's executive order dated May 22, 2003. It is proposed that the Transportation Division will continue to administer the program under the proposed ordinance should it be adopted. The Transportation Division has been instrumental in providing comment regarding the proposed ordinance throughout the process, and endorses the efforts of the administration to incorporate street banner provisions in the Zoning Ordinance.

2. Parks

The Parks Division expressed interest in managing their own street banner program, especially around Liberty Park. Planning Staff notes that the draft

ordinance includes a provision to allow individual entities to manage their own program. Should the Parks Department be interested in managing their own program, an inter-City agreement would need to be executed to realize this request.

3. Economic Development

Planning Staff presented the proposal to the Business Advisory Board on September 14, 2005. Staff entertained questions during this meeting, however no specific recommendations were received from this group.

4. Mayor's Office

Responded in writing with "no comment."

5. City Attorney's Office

Did not respond in writing, however the City Attorney's Office supports the enactment of an ordinance to provide a comprehensive city-wide policy for street banners, noting that there are significant legal issues including constitutional rights of free speech and equal protection. Planning Staff has been sensitive to this advice and these issues throughout the draft ordinance development.

6. Arts Council

The Arts Council provided relevant comments regarding the proposed draft ordinance, particularly in terms of appropriate and specific language and wording. Planning Staff incorporated these comments into the draft ordinance.

7. Salt Lake City International Airport

The Airport expressed interest in managing their own street banner program. Planning Staff notes that the draft ordinance includes a provision to allow individual entities to manage their own program. Should the Airport be interested in managing their own program, an inter-City agreement would need to be executed to realize this request.

PUBLIC PROCESS & COMMENT:

Planning Staff met with the Planning Commission Sub-Committee for street banners on October 3, 2005. Several insightful suggestions were made by Sub-Committee members that were considered by Planning Staff in the preparation of the proposed ordinance. The only suggestion that was not incorporated into Planning Staff's proposal was the recommendation to drop the "proximity" requirement as found in sub-section E(3) of the proposed ordinance. Planning Staff heard from multiple entities that a proximity requirement should be incorporated. The rationale behind this recommendation is that perhaps said proximity requirement may eliminate conflict between various groups or organizations that would want to place street banners in locations that may not be appropriate. For example, placing Hogle Zoo banners on the perimeter of Liberty Park may create a conflict with placing banners that draw attention to the aviary in the Park.

An Open House was held on October 10th, 2005. All members of the Business Advisory Board, all Community Council Chairs, City Departments/Divisions, and all those on the City's listserv were contacted regarding the Open House. A representative of the airport was the only attendee.

ANALYSIS:

Because this petition is a modification of the Zoning Ordinance, the Planning Commission must review the proposal and forward a recommendation to the City Council based on the following standards for general amendments as noted 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.

Discussion: Although there are no specific references to implementing a street banner program or adopting zoning ordinance regulations, several City master plans, such as the Urban Design Element, Futures Commission Plan, and various Community Plans, discuss the need to enhance community identity, define neighborhood boundaries, and enhance community gateways using urban design principles. The proposed zoning ordinance text amendment which will codify time, place, and manner restrictions for street banners is consistent with the adopted general plan of Salt Lake City.

Finding: The proposed text change is consistent and does not conflict with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

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

Discussion: The proposed amendment is not site specific, but would apply to all street banners across the City on utility poles located in the public way.

Finding: The proposed amendment will benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events.

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

Discussion: The proposed standards are designed to limit the adverse effects, including safety and maintenance, of street banners on adjacent properties. In general, the street banners that have been placed along streets within Salt Lake City have been well received.

Finding: Although all adverse impacts of street banners cannot be avoided at all times, the proposed standards regulating the content, design, maintenance, and placement of street banners are intended to substantially limit adverse effects.

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

Discussion: The placement of street banners will be subject to the provisions of any applicable overlay zoning district, including the Historic Preservation Overlay which provides standards regulating the City's historic districts.

Finding: 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 wastewater and refuse collection.

Discussion: This petition is not site specific and therefore this criteria is not applicable.

Finding: Because this petition is not site specific, this criteria is not applicable. However, none of the Departments/Divisions that submitted comments were opposed to the project.

RECOMMENDATION:

Based on the comments, analysis, and findings of fact noted in this staff report, Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the attached Street Banner language (Exhibit 4) and amend Section 21A.46.070(K) of the Salt Lake City Zoning Ordinance.

Attachments:

- Exhibit 1 – Mayor's Executive Order (August 19, 2003)
- Exhibit 2 – Downtown Alliance street banner guidelines
- Exhibit 3 – Street banner bracket location map
- Exhibit 4 – Proposed Ordinance Language
- Exhibit 5 – Department/Division comments

**Exhibit 1 –
Mayor’s Executive Order**

RECEIVED

AUG 22 2003

TRANSPORTATION
DIVISION

EXECUTIVE ORDER

10 RECORDED 8/21/03
✓ Kay C.
✓ Gordon H
✓ Sheri Collins 7 8/2

EFFECTIVE DATE: August 19, 2003

SUBJECT: AUTHORIZING THE PLACEMENT OF STREET
BANNERS IN THE PUBLIC WAY.

DISTRIBUTION: ALL DEPARTMENTS

AUTHORITY
SIGNATURE:


ROSS C. ANDERSON, MAYOR

8-21-03
DATE

PREFACE

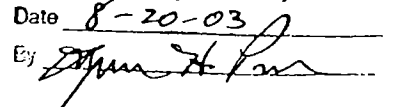
approved

Section 21A.46.070.K of the City Code allows the location of signs on publicly owned land or inside street rights of way, if such signs are erected by permission of an authorized public agency.

Many existing utility poles are located within the public right-of-way; however, the City has not (with only limited exceptions) allowed the use of such utility poles for any signage or the communication of any messages.

The City has determined that it would be beneficial to the City as a whole to allow existing utility poles to be used to display street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events.

In allowing this limited signage on utility poles, in certain designated locations, the City does not intend to create a public forum, but rather intends to create a limited forum for the purposes set forth herein.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 8-20-03
By 

This Executive Order is also intended to prescribe rules to be followed by City employees in determining whether to approve the erection of signs pursuant to said Section 21A.46.070.K and to establish applicable time, place, and manner restrictions.

Therefore, the Mayor of Salt Lake City enacts this executive order:

1. Definitions.

1.1 “Applicant” means the applicant for a street banner permit as described herein.

1.2 “Banner” means a public event banner, secured banner or unsecured banner, as defined in Section 21A.46.020 of the Salt Lake City Code.

1.3 “Community Organization” means neighborhood-based organization, as defined in Section 2.60.020 of the Salt Lake City Code, or a local non-profit 501(c)(3) organization.

1.4 “Mayor” means the mayor of Salt Lake City, Utah, or the mayor’s designee.

1.5 “Sign” means a sign as defined in Section 21A.46.020, Salt Lake City Code.

1.6 “Street Banner” means a banner displayed on a utility pole located in the public way.

2. General Provisions

2.1 Authority to Display

In order to encourage and promote community identity, community organizations, and community related activities and events, an eligible participant, as defined herein, may, after applying for and receiving a permit to do so, hang banners on existing utility poles in the public way, provided that such banners contain no commercial content and in no way identify a commercial product or business logo, except that the banners may contain the applicant’s logo.

2.2 Eligible Participants

The City will accept applications for a permit to display street banners only from Community Organizations or from governmentally owned libraries and educational institutions. Street banners may be placed on existing utility poles in the public way only for the limited purpose of promoting and encouraging community identity, community organizations, or community activities and events.

2.3 Approved Display Areas

Street banners may be placed on any existing utility poles within the locations identified on the "Street Banner Map" maintained by the City Transportation Division. No street banners shall be allowed outside of those designated areas.

2.4 Application for Permit

Any person or entity who desires to display such street banners must first apply for and obtain a permit for such display from the City Transportation Division, who shall provide a form for the application. The application must be submitted to the Transportation Division not less than 10 days and not more than 6 months before the date the street banners are proposed to be displayed and must contain the following:

- A. The name, address and telephone number of the applicant, or if an organization, the name address and telephone number of a contact person;
- B. A photograph, drawing, or other visual representation of the proposed street banners; and
- C. The proposed number of street banners and the proposed locations where the street banners will be placed.

//

D. If the City does not own the real property or the utility poles upon which the street banners are proposed to be placed, the applicant must present written permission from the appropriate pole owner(s) consenting to such placement.

E. An application and permit fee of \$50.00.

2.5 Granting of the Permit; Standards

The permit may be granted by the Transportation Division on a first come first served basis, upon a determination that the application has been properly completed, and that:

A. The location and placement of the street banners will not endanger public safety, including motorists and pedestrians by interfering with street lighting, obstructing traffic signs or other control devices, or otherwise creating dangerous distractions;

B. The street banners will not cover or blanket any prominent view of a structure or facade of historical or architectural significance;

C. The street banners will not materially obstruct the view of users of adjacent buildings to side yards, front yards, or to open space;

D. The street banners will not negatively affect the visual quality of a public open space, such as a public recreation facility, square, plaza, courtyard, or the like in any material or substantial way;

E. The street banners are compatible with building heights of the existing neighborhood and do not impose a foreign or inharmonious element to an existing skyline; and

F. The street banners do not adversely affect the health, safety, or welfare of the public in any material way, and do not violate building code regulations regarding ingress, egress or fire protection.

2.6 Time for Approval or Disapproval of Application

Within 14 days after receiving the application for a permit, the City Transportation Division shall either grant, modify or deny the permit request.

2.7 Judicial Review of Denial

Any person adversely affected by the granting or denial of the permit may appeal such decision to a court of competent jurisdiction, after receiving notice of the decision. The decision granting or denying the permit shall be effective on the date of the written notice issued by the City Transportation Division, unless the Mayor orders otherwise.

2.8 Banner and Hardware Standards

Street banners must be constructed of a material that can withstand the normal and reasonably expected forces of nature for the period of time they are displayed. Torn or damaged street banners will not be hung and will be promptly removed by the applicant, if damaged after being hung. The street banners shall not exceed an overall length of 96 inches and a width of 30 inches. There shall be a 6 inch sleeve at the top of the street banner to slide over the bracket. The bottom shall have a 2 inch hem, and the sides shall have a minimum hem of $\frac{3}{4}$ inches. There shall be 2 grommets at the bottom of the street banner. The graphic area shall not exceed 26 inches by 88 inches. A diagram outlining these street banner standards is attached hereto. Any hardware installed upon utility poles must first be approved by the City Transportation Division. All street banners and hardware shall be installed such that the top of the street banner is at least 18 feet above the ground. If the street banner hangs over the traffic way, the top of the banner must be at least 22 feet above the ground.

2.9 Duration of Display

The street banners may be permitted and be in place for a period not to exceed 30 days. If no other applicant has applied for permission to place street banners in the same location, that initial 30 day display period may be extended for an additional period of 30 days. Notwithstanding the foregoing, the City may order that street banners be removed prior to the expiration of any permit period, if such banners are determined to constitute a safety hazard.

2.10 Installation, Maintenance and Removal

Street banners, and any hardware necessary to display such street banners, may only be installed by a licensed contractor approved by the City. Except as may be otherwise determined by the City, the applicant is responsible for all costs associated with installation, maintenance and removal of all street banners and any hardware necessary to display such street banners. The applicant is also responsible for any damage which may occur to the street banners or hardware while they are being installed, displayed, or retrieved. Damaged or dirty street banners must be removed immediately by the applicant. The cleaning and repair of street banners is the responsibility of the applicant. At the expiration of the permit period, the street banners shall be promptly removed by the applicant. After installation, any hardware installed on utility poles shall become property of the City, and shall remain on the utility poles after removal of the street banners.

2.11 Enforcement

The City may enforce the terms and limitations of this Executive Order through any lawful means.

3. Waiver

The requirements of this Executive Order may be waived or modified by the Mayor, with the advice of the City Attorney.

4. Negative Savings Clause

If any portion of this Order is determined to be illegal, invalid, unconstitutional, or superseded, in whole or in part, this entire Order shall forthwith be voided and terminated, subject to the following provisions: (a) in the event of a judicial, regulatory, or administrative determination that all or some part of this Order is illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the date of a final appealable court order; and (b) in the event of any state legislative action that renders any portion of the Order illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the effective date of such legislative action.

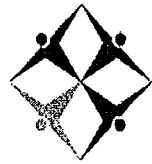
This Executive Order may be revoked at any time without notice to any party. No property interest or vested right is created in any person or entity by this Order. If any portion of this Order is determined to be illegal, invalid, unconstitutional, or superseded, any person or entity who has erected any street banners contemplated by this Order shall immediately remove such street banners, after receiving oral or written notice from the Mayor or the City Attorney of such determination.

5. Supercedes Previous Executive Order

This Executive Order amends and supercedes the previous executive order dated May 22, 2003, which previous order shall now be deemed to be null and void.

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**Exhibit 2 –
Downtown Alliance Program**



SALT LAKE
Downtown Alliance
an affiliate of the Salt Lake Chamber

175 East 400 South Ste 600, Salt Lake City, UT 84111 801-359-5118 Fax 801-328-5098

DOWNTOWN SALT LAKE CITY BANNER ADVERTISING GUIDELINES

February 8, 2005

The Downtown Alliance manages the rental, installation, and content of the banners displayed on the light poles along the streets of the Salt Lake City Central Business Improvement District.

Eligible Participants

Only events and activities occurring at a downtown venue that are produced by local non-profit organizations, city and county government or the State of Utah will be accepted. Religious, political and for-profit promotional banners will not be accepted.

Organizations, subject matter and banner content must be approved by The Downtown Alliance at least 90 days before the anticipated promotional schedule. Exceptions may be made to the policy concerning eligible participants and subject matter by The Downtown Alliance for events and activities of major civic importance.

Subject Matter

The content on the banners must be approved 90 days in advance by The Downtown Alliance. Please mail, email or fax banner design to Amy Durham at the Downtown Alliance address above, email to amy@downtownslc.org or fax to 801-328-5098. Participants are asked to deliver banners at least two weeks before the display schedule. Please contact Ray Watts at 558-7770 to schedule a drop-off time. The Downtown Alliance reserves the right to approve or reject the content of all banners.

Available Space

There are many banner locations. Banners on double bracket poles located on both sides of West Temple and State Street from South Temple to 400 South must be eight feet in length. Banners on the single bracket poles located on Main Street, 200 West, 300 West and 200 East between North Temple and 400 South, and on South Temple, 100 South, 200 South, 300 South and 400 South between 300 East and 500 West, must be six feet in length.

A minimum contract includes 14 (for 6ft locations) or 28 (for 8ft locations) banners that generally cover both sides of the street for one block depending on the location. The maximum number of locations is limited only by the space available. Space can be reserved up to one year in advance. Call Amy at the Downtown Alliance for current availability.

Cost

There is a \$25 non-refundable reservation fee required with the attached application form. The cost to install banners is \$15.00 per banner for a one week minimum length of time and a maximum length of one month. An additional \$6.50 per banner early removal fee will be charged for contracts of less than one week. The cost includes installation and maintenance of the banners (cost of designing, producing, and repairing the banners is the responsibility of the event/ organization). Storage fees of \$1.00 per banner per month will be invoiced if banners are

not picked up within 7 days of removal. The banner locations will be leased on a first- come first-served basis. Reservations are accepted beginning one year in advance of installation date.

Sponsorship Standards/Underwriter Acknowledgements

Promotional banners may carry a sponsor's logo and positioning statement. The Sponsor logo and positioning statement is limited to the bottom 20% of the banner. Sponsor information that exceeds 6 inches across the bottom of the banner will be refused.

Banner Standards

Banners must be delivered flat. Call Ray Watts at 558-7770 to schedule a drop-off time. Materials include vinyl, photo/mechanical/digital printing, or screen-printed. Banners must be constructed of a material that can withstand the forces of nature for the period of time they are to be displayed. Torn or damaged banners will not be hung.

Banners on State Street and West Temple are to have an overall length of 96 inches and width of 25.5 inches. There is to be a 6 inch sleeve at the top of the banner to slide over the bracket. The bottom is to have a 2 inch hem while the sides are to have a minimum hem of .75 inches. The graphic area is not to exceed 24 inches by 87.5 inches. There must be three grommets on the inside hem of each banner for proper attachment to the poles; for placement refer to attached graphic. The inside diameter of the grommets should be 3/8" (#2) or 7/16" (#3).

Banners for placement in all other locations are to have an overall length of 72 inches and width of 25.5 inches. There is to be a 6 inch sleeve at the top of the banner to slide over the bracket. The bottom is to have a 2 inch hem while the sides are to have a minimum hem of .75 inches. The graphic area is not to exceed 24 inches by 66 inches. There must be three grommets on the inside hem of each banner for proper attachment to the poles; for placement refer to attached graphic. The inside diameter of the grommets should be 3/8" (#2) or 7/16" (#3).

A list of vendors is available from The Downtown Alliance office. This list does not imply endorsement of these companies by The Downtown Alliance.

Maintenance and Liability

The Downtown Alliance or its subcontractors are not responsible for damage to the banners while they are being installed, displayed or retrieved. Damaged or dirty banners will not be displayed. The cleaning and repair of banner is the responsibility of the contracting organization. The installation contractor following the final date of the display contract will hold banners for pick-up for one week. After that time a storage charge of \$1.00 per banner per month will be imposed. Nonpayment for the storage fee will result in disposal of the banners.

Payment

A, non-refundable, \$25.00 reservation fee must accompany the application. The balance due for installation is due within 30 days of the end of the promotional period. A finance charge of 1 1/2% per month will be added to all invoices not paid within 30 days. Outstanding invoices will disqualify an organization from future participation in this program until resolved.

Downtown Banner Application

(Retain a copy for your records)

Organization: _____ Telephone: _____

Contact: _____ Fax: _____

Address: _____

Event: _____ Date(s) of event: _____

Event Location: _____

Please provide a brief description of your event:

Preferred street location:

Preferred banner display dates: From ___ / ___ / ___ To ___ / ___ / ___

of banners: _____

Fees: **Installation, Maintenance and Removal \$15 per banner per month (4 weeks)**
***Minimum of 5 days and 28 banners**

Storage: \$ 1.00 per month per banner
if banners are not picked up within 7 days of removal

A non-refundable, \$25.00 application fee must accompany this application. The balance for installation is due within 30 days of the end of the promotional period. A finance charge of 1½ % per month will be added to all invoices not paid within 30 days.

*** If banner is hung for less than 5 days there is an additional \$6.50 fee for banner removal.**

I understand that this application, as well as banner designs, must be approved by The Downtown Alliance. I agree to pay fees in a timely manner (net 30). Your banners will not be cleaned while in storage. You are responsible for all maintenance while the banners are in storage. I understand that repairs will be billed separately and I am responsible for payment of those repairs. I understand that it is my responsibility to contact Ray Watts (558-7770) 7 days in advance of my installation date and deliver the banners to him. I also agree to pick up my banners within 7 days of removal or pay for storage of the banners. I agree to not hold The Downtown Alliance or Ray Watts responsible for any damage to my banners while they are in their possession.

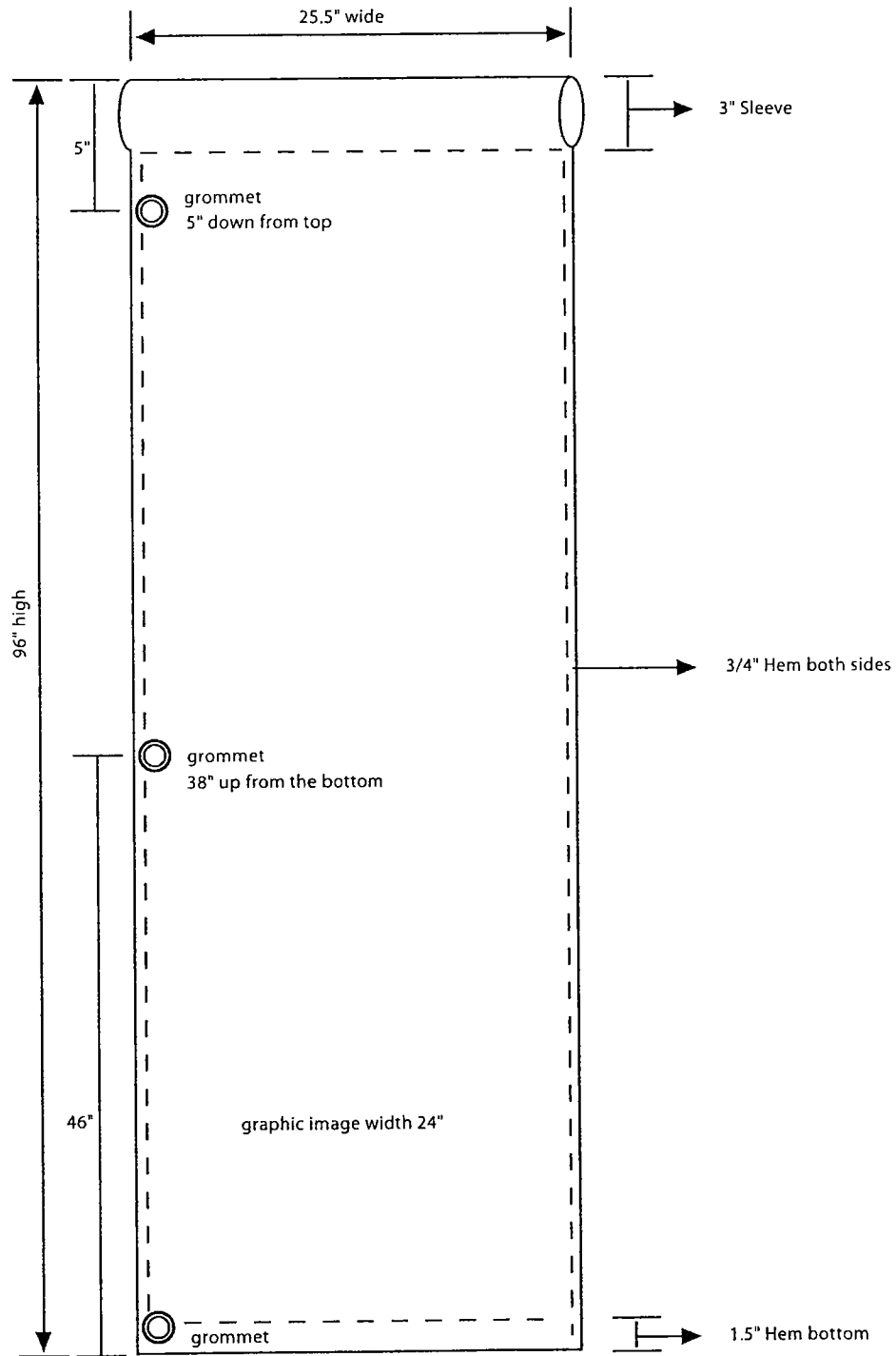
I have read and understand all of the information on this application:

Signed: _____ Date: _____

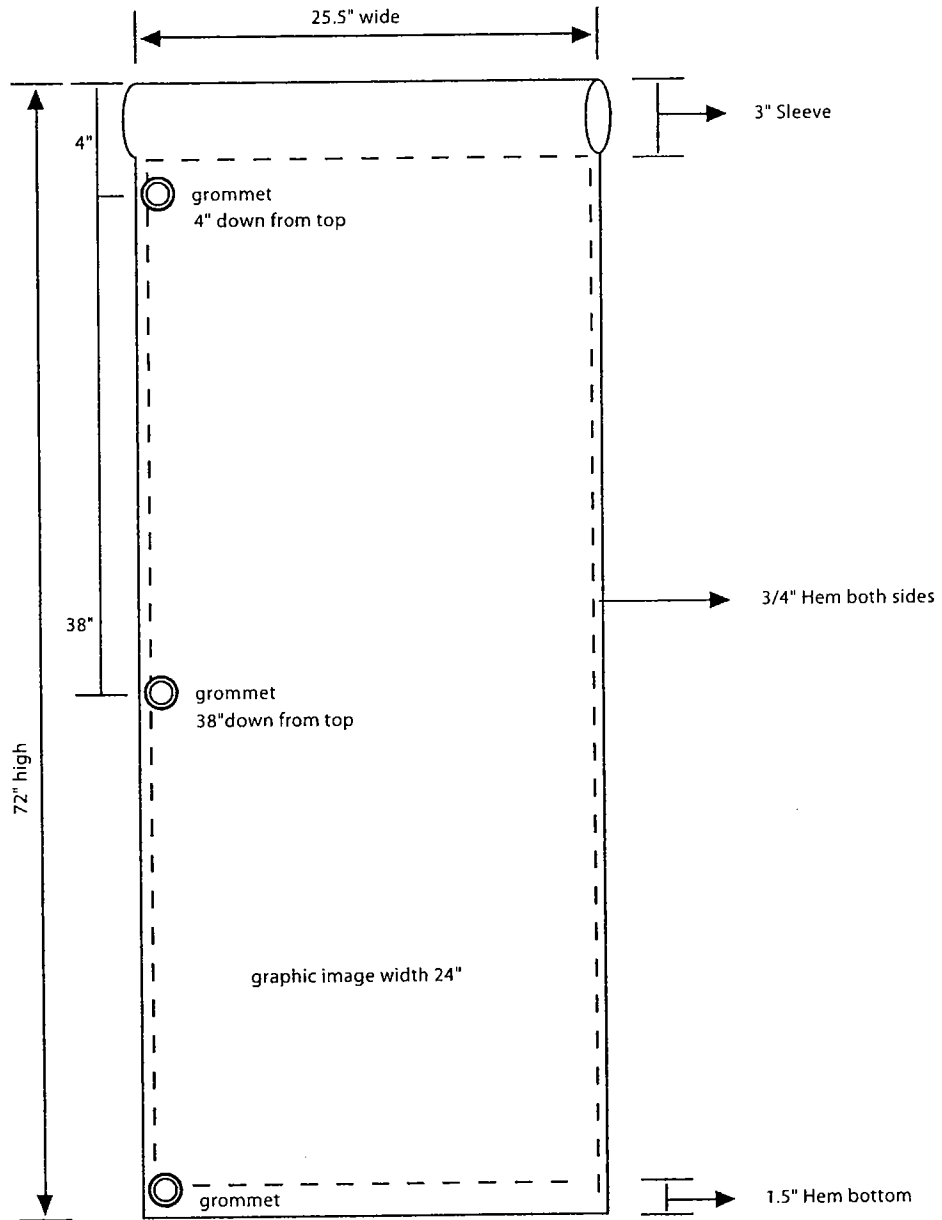
DTA Rep: _____ Notes: _____

Send Application to: Downtown Alliance, 175 E 400 South Ste 600, Salt Lake City, UT 84111. A Copy may be faxed to Amy Durham at 801-328-5098 to tentatively reserve a space, but a hard copy with application fee must be delivered to the Downtown Alliance to have a confirmed reservation.

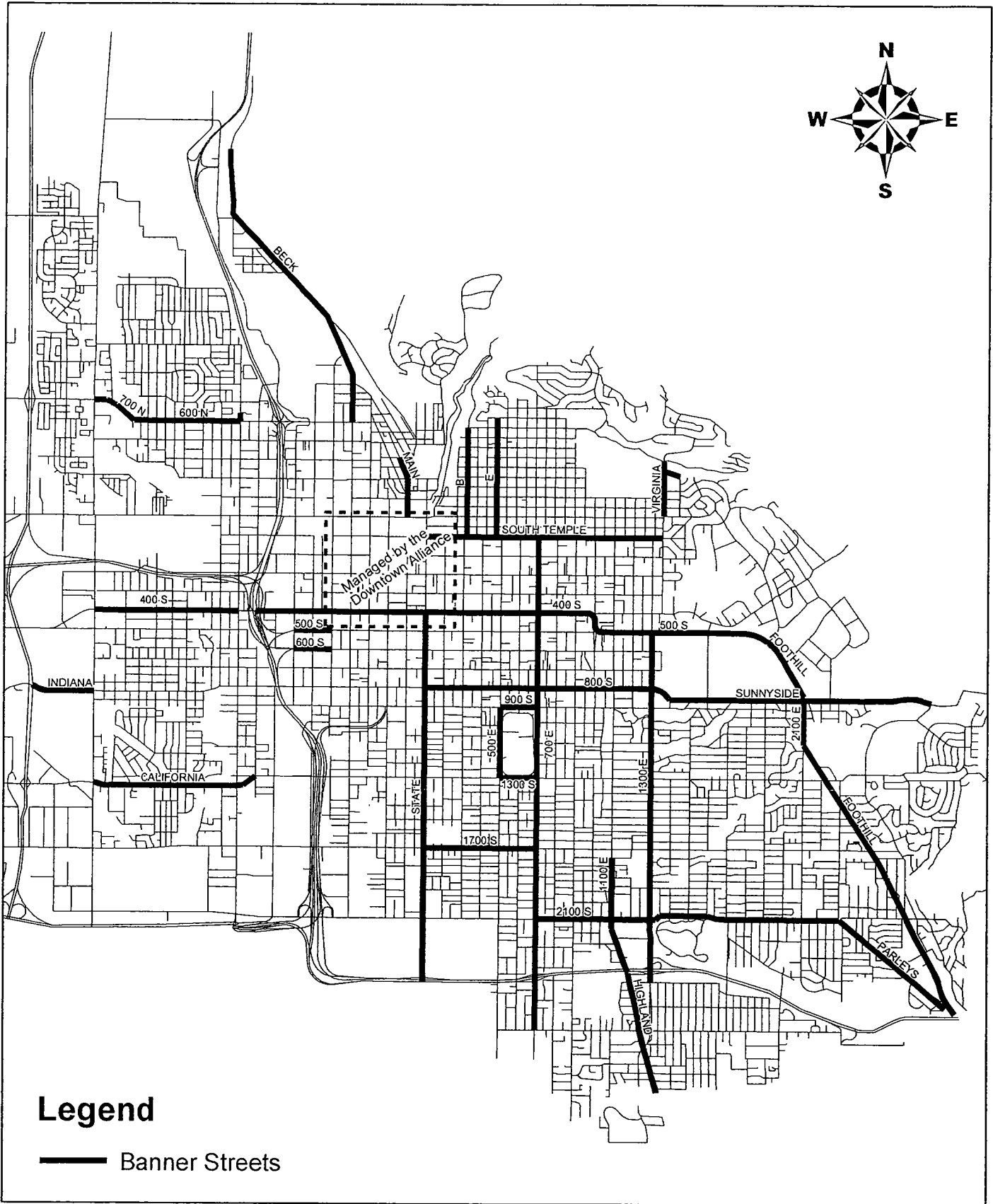
THE DOWNTOWN ALLIANCE
Downtown Banner Program Specifications
8 foot Banner
(State Street & West Temple)



THE DOWNTOWN ALLIANCE
Downtown Banner Program Specifications
6 foot Banner



**Exhibit 3 –
Street Banner Bracket
Location Map**



SALT LAKE CITY LIGHT POLE BANNER PROGRAM

**Exhibit 4 –
Proposed Ordinance**

**ZONING ORDINANCE TEXT AMENDMENT
PETITION 400-03-08
BANNER SIGN REGULATIONS**

21A.46.170 Street Banners on Utility Poles in the Public Way

A. Purpose: The purpose of this chapter is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events. In allowing this limited signage on utility poles, in certain designated locations, the City does not intend to create an open public forum, but rather intends to create a limited forum for the purposes set forth herein.

B. Definitions:

1. **“Applicant”** means any person or organization that makes application for a street banner permit as described herein.
2. **“Street Banner”** means a temporary secured banner to be located within the area designated for such use as shown on the adopted “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or along Terminal Drive at the Salt Lake City International Airport, and displayed on a utility pole located in the public way.
3. **“Community Organization”** means a City recognized, community-based organization, as defined in Section 2.60.020 of the Salt Lake City Code, and/or a local non-profit 501(c)(3) tax exempt status organization.
4. **“Sign”** means a sign as defined in Section 21A.46.020, Salt Lake City Code.
5. **“Logo”** means a business trademark or symbol.
6. **“Community Event”** means a significant occurrence or happening in a given local neighborhood at a given place and time (of limited and specific duration).
7. **“Community Activity”** means a specified pursuit in which an person partakes, in a given local neighborhood at a given place and time of specific and limited duration.

C. Authority to Display: In order to encourage and promote community identity, community organizations, and community related activities and events, an eligible participant, as defined herein, may, after applying for and receiving a permit to do so, place street banners on existing utility poles in the public way.

D. Eligible Participants: The City will accept applications for a permit to display street banners only from community organizations, local non-profit organizations, city and county government, the State of Utah, or from governmentally owned educational institutions. Applications for political and for-profit promotional street banners will not be accepted. Street banners may be placed on existing utility poles in the public way or public property only for the limited purpose of promoting and encouraging community identity, community organizations, or community activities and community events. Street banners located within

the boundaries of a coordinated street banner program as established in paragraph G of this section shall be managed by the respective coordinated street banner program administrators.

E. Approved Display Areas:

1. Street banners may be placed on any existing utility poles that are located along designated arterial or collector streets according to the adopted “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or on utility poles along Terminal Drive at the Salt Lake City International Airport.
2. Location and Proximity:
 - a. Placement of street banners within locations identified on the “Salt Lake City Transportation Master Plan (Major Street Plan: Roadway Functional Classification)” map, or on utility poles along Terminal Drive at the Salt Lake City International Airport, must be reviewed in relationship to proximity and use of other existing or proposed street banners and their sponsoring institutions. In certain locations, such banner uses may have the potential for adverse impacts if located without careful planning. Such impacts may interfere with the enjoyment of adjacent property and uses. The permissible locations of street banners shall be determined by geographical proximity, based upon the following criteria:
 - i. Street banners may be placed up to a maximum of two (2) miles from the permanent or home location of a community organization, or the location of a specific community activity or community event.
 - b. Street banners approved and managed by a coordinated street banner program as established in paragraph G of this section shall be located within the boundaries of the program’s specified geographic area.

F. Display Content and Design

1. Allowable Displays - The following displays are permitted on street banners:
 - Advertisements or promotions of local non-profit organizations
 - Advertisements or promotions of community activities and/or community events
 - Activities sponsored by the City, County, State, or a public educational institution
 - Community activities or events that are commercially sponsored
 - Welcome messages, such as those for class reunions, conventions, and conferences, athletic tournament participation, local winner of major event, etc.
 - Promotion of sales and fund raising events for youth organizations, local non-profit, and community service organizations for their program support
 - Non-partisan and non-candidate voting information
2. Non-Allowable Displays - The following displays are not permitted on street banners:
 - Personal messages
 - Promotion of a commercial "for profit" enterprise, activity, or event
 - Advertisements for clubs, churches or for profit organizations promoting an event with an admission charge
 - Advertisements for religious organizations with a message not related to an allowed category

- Messages of political parties or political groups that are not related to an allowed category
- Advertisements of clubs or organizations for events which would be primarily for listed membership participation.

G. Management of Coordinated Street Banner Programs: Salt Lake City may enter into agreements with community, government, and educational organizations to manage a coordinated street banner program within a specified geographic area. Coordinated street banner programs shall be subject to requirements as set forth herein. Such agreements shall be approved by Salt Lake City and may establish regulations governing the application, approval and placement of street banners within the area specified by the agreement.

H. Application for Permit:

1. Street banners to be located outside the boundaries of a coordinated street banner program: Any person or entity who desires to display street banners to be located outside of the boundaries of a coordinated street banner program shall submit an application to the City Transportation Division. Application forms are available from and must be submitted to the Transportation Division not more than 6 months before the date the street banners are proposed to be displayed and must contain the following:
 - a. The name, address and telephone number of the applicant, or if an organization, the name address and telephone number of a contact person;
 - b. The name, address and telephone number of any licensed contractor hired to place/remove street banners;
 - c. A photograph, drawing, or other visual representation of the proposed street banners;
 - d. The proposed number of street banners and the proposed locations where the street banners will be placed;
 - e. The proposed dates for placement and removal of the street banners;
 - f. If the City does not own the real property or the utility poles upon which the street banners are proposed to be placed, the applicant must present written permission from the appropriate pole owner(s) consenting to such placement at the time the application form is submitted.
 - g. An application and permit fee of \$50.00.
2. Street banners to be located within the boundaries of a coordinated street banner program: Any person or entity who desires to display street banners within the boundaries of a coordinated street banner program listed in paragraph G of this section shall submit an application to the managing entity of the coordinated street banner program. The applicant shall be required to submit any payment or fee required by the coordinated street banner program.

I. Standards for Granting of the Permit: A street banner permit application shall be reviewed on a first come first serve basis by representatives of the City Transportation Division. The City Transportation Division may recommend approval, approval with conditions, or denial of an application based on compliance with the standards of this chapter as set forth herein:

J. Time for Approval or Disapproval of Application: Within sixty (60) days after receiving the application for a permit, the City Transportation Division shall grant, modify or deny the permit request.

K. Street Banner and Hardware Standards:

1. **Materials:** Street banners must be constructed of a material that can withstand the normal and reasonably expected forces of nature for the period of time they are displayed. Torn or damaged street banners will not be hung and will be promptly replaced by the applicant, if damaged after being hung.
2. **Dimensions:**
 - a. The street banners shall not exceed an overall length of 96 inches and a width of 30 inches. There shall be a six inch sleeve at the top of the street banner to slide over the bracket. The bottom shall have a two inch hem, and the sides shall have a minimum hem of 0.75 inches. There shall be two grommets at the bottom of the street banner. The graphic area shall not exceed 26 inches by 88 inches.
 - b. Promotional street banners may carry a sponsor's logo. The sponsor logo is limited to the bottom 20% of the banner. Sponsor information shall not exceed 6 inches in height.
3. **Banner Hanging Hardware:** Any hardware installed on utility poles to hold banners must first be approved by the City Transportation Division. All street banners and hardware shall be installed such that the top of the street banner is at least 18 feet above the ground. If the street banner hangs over the traffic way, the top of the banner must be at least 22 feet above the ground. In the case that the City does not own the utility pole and/or it is not on City property, installation must be approved by the pole owner.

L. Duration of Display: The street banners may be permitted to be in place for a period of at least 7 days and not to exceed 30 days. If no other applicant has applied for permission to place street banners in the same location, that initial 30 day maximum display period may be extended for one additional period of 30 days. Notwithstanding the foregoing, the City may order that street banners be removed prior to the expiration of any permit period, if such street banners are determined to constitute a safety hazard, blight, or otherwise not meet the requirements of this ordinance. The City reserves the right to remove banners after the display period expires. Should the applicant not remove the banners, the City had the authority to charge the applicant accordingly for removal of the banners.

M. Installation, Maintenance and Removal: Street banners, and any hardware necessary to display such street banners, may only be installed by a licensed contractor approved by the City. Except as may be otherwise determined by the City, the applicant is responsible for all costs associated with installation, maintenance and removal of all street banners and any hardware necessary to display such street banners. The applicant is also responsible for any damage which may occur to the street banners, hardware, or utility pole and its contents while the banners are being installed, displayed, or retrieved. Damaged or dirty street banners must be replaced immediately by the applicant. The cleaning and repair of street banners is the responsibility of the applicant. At the expiration of the permit period, the street banners shall be removed within five (5) business days by the applicant. After

installation, any hardware installed on utility poles shall become the property of the City, and shall remain on the utility poles after removal of the street banners unless the City Transportation Division instructs the applicant to remove the hardware.

Exhibit 5 –
Department/Division Comments

*Transp
Comments*

*Need to update Map & Application Form
Need to review requirements for Coord. Banner
Programs*

**ZONING ORDINANCE TEXT AMENDMENT
PETITION 400-03-08
BANNER SIGN REGULATIONS**

21A.46.170 Street Banners

A. Purpose: The purpose of this chapter is to designate the use of certain utility poles for the display of street banners to benefit local neighborhood communities and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events. In allowing this limited signage on utility poles, in certain designated locations, the City does not intend to create an open public forum, but rather intends to create a limited forum for the purposes set forth herein.

B. Definitions:

1. "Applicant" means any person or organization that makes application for a street banner permit as described herein.
2. "Street Banner" means a temporary secured banner to be located within the area designated for such use as shown in the adopted "Street Banner Map" and displayed on a utility pole located in the public way.
3. "Community Organization" means neighborhood-based organization, as defined in Section 2.60.020 of the Salt Lake City Code, or a local non-profit 501(c)(3) organization.
4. "Sign" means a sign as defined in Section 21A.46.020, Salt Lake City Code.
5. "Logo" means a business trademark or symbol.

704

C. Authority to Display: In order to encourage and promote community identity, community organizations, and community related activities and events, an eligible participant, as defined herein, may, after applying for and receiving a permit to do so, place street banners on existing utility poles in the public way.

D. Eligible Participants: The City will accept applications for a permit to display street banners only from community organizations, local non-profit organizations, city and county government, the State of Utah, or from governmentally owned educational institutions. *Applications* Religious, political and for-profit promotional street banners will not be accepted. Street banners may be placed on existing utility poles in the public way or public property only for the limited purpose of promoting and encouraging community identity, community organizations, or community activities and events. Street banners located within the boundaries of a coordinated street banner program as established in paragraph G of this section shall be managed by the respective coordinated street banner program administrators. Street banners located within the Downtown Business Improvement District shall be } **OUT** managed by the Downtown Alliance, or its successor.

*Why eliminate this?
DPO
P.H.S.
Why is this needed?
Eliminate it since this is covered in P.G.*

E. Approved Display Areas:

1. Street banners may be placed on any existing utility poles within the locations identified on the "Street Banner Map" maintained by the City Transportation Division. No street banners shall be allowed outside of those designated areas, unless an amendment to allow such use is granted in accordance with subsection E(2) of this chapter.
2. Proposed new street banner locations shall be limited to arterial and major collector streets as shown on the city's major street plan. An amendment to the "Street Banner Map" shall be pursuant to the procedures for amending the zoning map in part V, chapter 21A.50 of this title. *We don't use a major collector designation on our official map.*
3. Location and Proximity:
 - a. Placement of street banners within locations identified on the "Street Banner Map" must be reviewed in relationship to proximity and use of other existing or proposed street banners and ^{THEIR SPONSORING} institutions. In certain locations, such banner uses may have the potential for adverse impacts if located without careful planning. Such impacts may interfere with the enjoyment of adjacent property and uses. The permissible locations of street banners shall be determined by geographical proximity, based upon the following criteria:
 - i. Street banners may be placed up to a maximum of one mile from the location of the community organization, activity or event.
 - b. Street banners approved and managed by a coordinated street banner program as established in paragraph G of this section shall be located within the boundaries of the program's specified geographic area.

Why is this needed?

F. Display Content and Design

1. Allowable Displays - The following ^{displays are} ~~are street banners~~ permitted ^{on} ~~for display~~ ^{street banners}:
 - Advertisements or promotions of local non-profit organizations
 - Advertisements or promotions of community activities and/or festivals
 - Activities sponsored by the City, State, or a public educational institution
 - Community activities or events that are commercially sponsored
 - Welcome messages, such as those for class reunions, conventions, and conferences, athletic tournament participation, local winner of major event, etc.
 - Promotion of sales and fund raising events for youth organizations, local non-profit, and community service organizations for their program support
 - Non-partisan and non-candidate voting information
2. Non-Allowable Displays - The following ^{displays} ~~are examples of street banners that~~ are not permitted ~~for display~~ ^{on street banners}:
 - Personal messages
 - Promotion of a commercial enterprise "for profit" activity
 - Advertisements for clubs, churches or for profit organizations promoting an event with an admission charge
 - Advertisements for religious organizations with a message not related to an allowed category
 - Messages of political parties or political groups that are not related to an allowed category

- Advertisements of clubs or organizations for events which would be primarily for listed membership participation.

G. Management of Coordinated Street Banner Programs: Salt Lake City may enter into agreements with community, government, and educational organizations to manage a coordinated street banner program within a specified geographic area. Coordinated street banner programs shall be subject to requirements as set forth herein. Such agreements shall be approved by Salt Lake City and may establish regulations governing the application, approval and placement of street banners within the area specified by the agreement. Approval of a coordinated street banner program shall require the amendment of this section. Coordinated street banner programs approved under this section include:

1. Downtown Business Improvement District.

Was Sugar House approved?

H. Application for Permit:

1. Street banners to be located outside the boundaries of a coordinated street banner program: Any person or entity who desires to display street banners to be located outside of the boundaries of a coordinated street banner program shall submit an application to the City Transportation Division. ~~The~~ application *forms are available from and* must be submitted to the Transportation Division ~~not less than 30 days and~~ not more than 6 months before the date the street banners are proposed to be displayed and must contain the following:

- The name, address and telephone number of the applicant, or if an organization, the name address and telephone number of a contact person;
- A photograph, drawing, or other visual representation of the proposed street banners; and
- The proposed number of street banners and the proposed locations where the street banners will be placed.

e. THE PROPOSED DATES FOR PLACEMENT AND REMOVAL OF THE BANNERS.
 d. If the City does not own the real property or the utility poles upon which the street banners are proposed to be placed, the applicant must present written permission from the appropriate pole owner(s) consenting to such placement. ~~The applicant must satisfy the requirements of UDOT and Utah Power & Light, and obtain permission in the form of a permit or other written consent from these entities prior to City approval.~~

COMPLETED WITH THE BANNER APPLICATION FORM

f. contractor info.
 f. An application and permit fee of \$50.00.

2. Street banners to be located within the boundaries of a coordinated street banner program: Any person or entity who desires to display street banners within the boundaries of a coordinated street banner program listed in paragraph G of this section shall submit an application to the managing entity of the coordinated street banner program. The applicant shall be required to submit any payment or fee required by the coordinated street banner program.

I. Standards for Granting of the Permit: A street banner permit application shall be reviewed on a first come first serve basis by representatives of the City Transportation Division. The City Transportation Division may recommend approval, approval with conditions, or denial of an application based on the following standards:

TRANSP. NOT EXEMPT
IN ALL OF THESE
AREAS

1. The location and placement of the street banners will not endanger public safety, including motorists and pedestrians by interfering with street lighting, obstructing traffic signs or other control devices, or otherwise creating dangerous distractions;
2. The street banners will not cover or blanket any prominent view of a structure or facade of historical or architectural significance;
3. The street banners will not materially obstruct the view of users of adjacent buildings to side yards, front yards, or to open space;
4. The street banners will not negatively affect the visual quality of a public open space, such as a public recreation facility, square, plaza, courtyard, or the like in any material or substantial way;
5. The street banners are compatible with building heights of the existing neighborhood and do not impose a foreign or inharmonious element to an existing skyline; and
6. The street banners do not adversely affect the health, safety, or welfare of the public in any material way, and do not violate building code regulations regarding ingress, egress or fire protection.
7. Compliance with the standards of this chapter as set forth herein.

ANY APPEAL PROCESS FOR DENIED REQUESTS? - B.A.

J. **Time for Approval or Disapproval of Application:** Within 90 days after receiving the application for a permit, the City Transportation Division shall grant, modify or deny the permit request.

K. Street Banner and Hardware Standards:

1. **Materials:** Street banners must be constructed of a material that can withstand the normal and reasonably expected forces of nature for the period of time they are displayed. Torn or damaged street banners will not be hung and will be promptly replaced by the applicant, if damaged after being hung.
2. **Dimensions:**
 - a. The street banners shall not exceed an overall length of 96 inches and a width of 30 inches. There shall be a six inch sleeve at the top of the street banner to slide over the bracket. The bottom shall have a two inch hem, and the sides shall have a minimum hem of 0.75 inches. There shall be two grommets at the bottom of the street banner. The graphic area shall not exceed 26 inches by 88 inches.
 - b. Promotional street banners may carry a sponsor's logo. The sponsor logo is limited to the bottom 20% of the banner. Sponsor information shall not exceed 6 inches in height.

BANNER HANGING

3. **Hardware:** Any hardware installed on utility poles must first be approved by the City Transportation Division. All street banners and hardware shall be installed such that the top of the street banner is at least 18 feet above the ground. If the street banner hangs over the traffic way, the top of the banner must be at least 22 feet above the ground. In the case that the City does not own the utility pole and/or it is not on City property, ^{THE HARDWARE} installation must be approved by the pole owner.

TO HOLD BANNERS

L. **Duration of Display:** The street banners may be permitted to be in place for a period of at least 7 days and not to exceed 30 days. If no other applicant has applied for permission to place street banners in the same location, that initial 30 day maximum display period may be

extended for one additional period of 30 days. Notwithstanding the foregoing, the City may order that street banners be removed prior to the expiration of any permit period, if such street banners are determined to constitute a safety hazard *OR OTHERWISE NOT MEET THE REQUIREMENTS OF THIS ORDINANCE. City reserves the right to remove banners after the display period should the applicant not remove the banners, at the applicant's expense.*

MAINTAINED M. Installation, Maintenance and Removal: Street banners, and any hardware necessary to display such street banners, may only be installed by a licensed contractor approved by the City. Except as may be otherwise determined by the City, the applicant is responsible for all costs associated with installation, maintenance and removal of all street banners and any hardware necessary to display such street banners. The applicant is also responsible for any damage which may occur to the street banners, *OR UTILITY POLE AND ITS CONTENTS* or hardware while they are being installed, *BANNERS* displayed, or retrieved. Damaged or dirty street banners must be replaced immediately by the applicant. The cleaning and repair of street banners is the responsibility of the applicant. At the expiration of the permit period, the street banners shall be promptly removed by the applicant. After installation, any hardware installed on utility poles shall become property of the City, and shall remain on the utility poles after removal of the street banners *unless the City Transportation Division instructs the applicant to remove the hardware.*

DRAFT

Traughber, Lex

From: Harpst, Tim
Sent: Thursday, August 25, 2005 6:38 PM
To: Traughber, Lex; Larson, Kurt; Pope, Val; Guevara, Sam; Pace, Lynn; Barry, Michael
Cc: Coffey, Cheri; Paterson, Joel
Subject: RE: Petition 400-03-08, Banner Signs

Lex - Thanks for the opportunity to comment. I have been out of town, but just finished reviewing the draft. I will be reviewing it with Kurt and Mike tomorrow morning and we will send you our comments. I note that several comments we made on an earlier draft have not been incorporated and that there are a few items that will still need to be discussed. Although I haven't seen Kurt's and Mike's comments yet, mine are mostly wording clarifications. The items that do need to be addressed is that although I am OK with this office administering this program, I am not comfortable being the sole decision maker since the majority of the criteria listed in the ordinance for approval consideration are items not within the expertise of this office. Examples include health/safety issues, sign code violations, and impacts to visual quality of open space. Although it doesn't need to be referred to in the ordinance, I believe this office should chair a committee of reps from different affected city departments that would review the applications we receive and provide input before approval or denial is issued. Another issue that needs discussion is whether or not there is an appeal for any denials that are issued.

Timothy P. Harpst, P.E., PTOE**Transportation Director**

Salt Lake City Transportation Division Phone: 801 535-6630

349 South 200 East, Suite 450 Fax: 801 535-6019

Salt Lake City, Utah 84111 email: tim.harpst@ci.sl.c.ut.us

From: Traughber, Lex
Sent: Thursday, August 25, 2005 8:59 AM
To: Harpst, Tim; Larson, Kurt; Pope, Val; Guevara, Sam; Pace, Lynn
Cc: Coffey, Cheri; Paterson, Joel
Subject: Petition 400-03-08, Banner Signs

Good morning,

On August 15, 2005, I sent a document (draft zoning ordinance) to you regarding the above referenced petition for your review. I requested that you respond by next Monday, August 29, 2005. The purpose of this email is simply to remind you that if you have comments, I need your response. I have received a request to present the proposal to the Business Advisory Board on 9/14/05, and if your comments require substantial changes I need time to prepare for this meeting. If you do not have any comments could you please let me know as well; a quick email or phone call would be fine. You can call me at 535-6184.

Thank you for your attention to this important matter.

Lex Traughber

8/30/2005

Traughber, Lex

From: Guevara, Sam
Sent: Friday, August 26, 2005 12:35 PM
To: Traughber, Lex
Subject: RE: Petition 400-03-08, Banner Signs
Categories: Confidential

Lex,
I have been reviewing the suggestions and have no other revisions. Thanks.

Sam Guevara
Office of the Mayor
Chief of Staff
801-535-7732

From: Traughber, Lex
Sent: Thursday, August 25, 2005 8:59 AM
To: Harpst, Tim; Larson, Kurt; Pope, Val; Guevara, Sam; Pace, Lynn
Cc: Coffey, Cheri; Paterson, Joel
Subject: Petition 400-03-08, Banner Signs

Good morning,

On August 15, 2005, I sent a document (draft zoning ordinance) to you regarding the above referenced petition for your review. I requested that you respond by next Monday, August 29, 2005. The purpose of this email is simply to remind you that if you have comments, I need your response. I have received a request to present the proposal to the Business Advisory Board on 9/14/05, and if your comments require substantial changes I need time to prepare for this meeting. If you do not have any comments could you please let me know as well; a quick email or phone call would be fine. You can call me at 535-6184.

Thank you for your attention to this important matter.

Lex Traughber
Principal Planner
Salt Lake City Planning Division

8/26/2005

Traughber, Lex

From: Boskoff, Nancy
Sent: Monday, August 15, 2005 3:48 PM
To: Traughber, Lex
Subject: RE: Street Banner Petition, Petition 400-03-08
Categories: Program/Policy

Hi, Lex –

Now we get to interact professionally!

I know how long this issue has been discussed so I congratulate you on getting it to this point. I have a few comments that I hope will aid in clarifying the language. Not having been party to the discussion, you may well have good reasons for stating the language as is, so take these comments in the spirit of assistance only:

On page 1 of the draft in the second line under "Purpose," the language states, "to benefit local neighborhood communities . . ."

I think perhaps that language is both redundant and confusing. It seems to me that *local, neighborhood and community* are somewhat interchangeable. Perhaps to clarify the purpose, you might consider saying, "to benefit Salt Lake City neighborhoods and community activities."

On page 2, paragraph E.3.a.i., it states that the "banners may be placed up to a maximum of one mile from the location of the community organization, activity or event." To clarify, would you mean that the location of the community organization is their office or center for activity? You might consider saying, "the permanent or home location of the community organization" or something along those lines.

Also on page 2, paragraph F.1.second bullet, it states "Advertisements or promotions of community activities and/or festivals."

We've found that "events" is a good general word to describe festivals, concerts, literary readings, etc. and would be less limiting than just "festivals."

Also on page 2, paragraph F.1.third bullet, it states that allowable displays include "activities sponsored by the City, State . . ."

On page 1, paragraph D, second line, it states that "city and county government" are eligible participants. Perhaps these two paragraphs should agree and allow City, County and State activities, if that is the intent.

Also on page 2, paragraph 2.second bullet, it states that "promotion of a commercial enterprise 'for profit' activity" is non-allowable. There might be a way to clarify this so it is not confused with the fourth bullet in the previous paragraph ("community activities or events that are commercially sponsored"). For example, altho' it says "for profit" activity, you might consider adding "that does not benefit a community organization . . ."

I hope these comments are helpful, and let me know if you have questions. Good luck with the process.

Nancy

From: Traughber, Lex

8/16/2005

Traughber, Lex

Subject: Banner Sign Regulation presentation to the Business Advisory Board
Location: Room 326

Start: Wed 9/14/2005 8:00 AM
End: Wed 9/14/2005 9:00 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Declined

Required Attendees: Traughber, Lex

Lex,
I know you've always wanted to present to the Business Advisory Board - so here's your chance! The Board consists of 12 members representing a cross section of industries and business organizations in the City. Several of the business organizations (especially the Sugar House Merchants) would like to establish their own "banner program" under the proposed amendment. Also, many have questioned how the proposed amendment will impact their business logos that are placed on the banners when sponsoring a community event. With that in mind, your presence will be greatly appreciated and hopefully you will gain some great insights from the business community on this issue.

Regards,

Ed Butterfield

Traughber, Lex

From: Traughber, Lex
Sent: Thursday, September 01, 2005 12:00 PM
To: Pope, Val
Cc: Paterson, Joel
Subject: RE: Petition 400-03-08, Banner Signs

Val,

Thank you for the comments. We will consider them in our preparation of the proposed ordinance language, and they will be forwarded verbatim to the Planning Commission and City Council for consideration .

Lex

From: Pope, Val
Sent: Wednesday, August 31, 2005 10:14 AM
To: Traughber, Lex; Harpst, Tim; Larson, Kurt; Guevara, Sam; Pace, Lynn; Graham, Rick; Bergstrom, Kevin
Cc: Coffey, Cheri; Paterson, Joel
Subject: RE: Petition 400-03-08, Banner Signs

Lex,

Before Gordon Haight left employment with the City, He and I had a couple of discussions about the Parks Division managing the banners around the perimeter of Liberty Park and on the Library Plaza. The thought was because of the requests that the Parks Division receives through the special event process to allow banners at these two sites, it would be easier and more accommodating to those special events applicants and others if the Parks Division managed the perimeter of Liberty Park. Gordon was in agreement to allow the Parks Division the management of the banners around the perimeter of Liberty Park.

As I read the draft the banners on the Library Plaza do not appear to be affected and remain associated with the Parks Division. To allow the Parks Division to manage the banners around Liberty Park allows for those amenities within the park and the events taking place in the park to be much more visible. We have envisioned that some of the banners would have the City and a Liberty Park logo to add some color and festivity to the Park.

Please consider this request. I am sorry for responding after your requested date.

Val,

From: Traughber, Lex
Sent: Thursday, August 25, 2005 8:59 AM
To: Harpst, Tim; Larson, Kurt; Pope, Val; Guevara, Sam; Pace, Lynn
Cc: Coffey, Cheri; Paterson, Joel
Subject: Petition 400-03-08, Banner Signs

Good morning,

On August 15, 2005, I sent a document (draft zoning ordinance) to you regarding the above referenced petition for your review. I requested that you respond by next Monday, August 29, 2005. The purpose of this email is simply to remind you that if you have comments, I need your response. I have received a request to present the

9/1/2005

proposal to the Business Advisory Board on 9/14/05, and if your comments require substantial changes I need time to prepare for this meeting. If you do not have any comments could you please let me know as well; a quick email or phone call would be fine. You can call me at 535-6184.

Thank you for your attention to this important matter.

Lex Traugher
Principal Planner
Salt Lake City Planning Division

Traughber, Lex

From: McCandless, Allen
Sent: Friday, October 14, 2005 3:59 PM
To: Traughber, Lex
Cc: Domino, Steve
Subject: Street Banners

Lex,

Thank you for meeting with me regarding the proposed street banner amendment at your open house on October 10, 2005.

The airport does not allow banners to be displayed on it's streets unless a very large city-wide or regional event is planned, such as the Olympics. When such large - scale events take place in the future, the airport may need to display street banners for event advertising, for visitor way-finding, or for other event requirements.

The airport requests that provisions be made in the ordinance amendment to allow the airport to administratively manage its street banners. I understand the proposed ordinance will allow limited geographical areas to manage their own banner program. As we discussed, airport banners could be allowed under paragraph G entitled, "Management of Coordinated Street Banner Program." This paragraph requires the airport to enter into an agreement with the city to manage its own geographical area. Under this ordinance amendment, the airport can apply for this management status when there is a proposed regional event where street banners are needed.

**- Allen McCandless
Planning Manager**

5. PLANNING COMMISSION

C. Agendas & Minutes

June 25, 2003

October 26, 2005

February 8, 2006

SALT LAKE CITY PLANNING COMMISSION

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of Salt Lake City, Utah will hold a regular public meeting on Wednesday, June 25, 2003 at 5:45 p.m. at 451 South State Street, Room 326. The Agenda is as follows:

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, June 25, 2003, 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 planning information with the Planning Commission. This portion of the meeting will be open to the public.

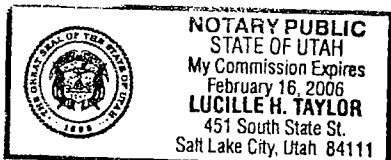
- 1. **APPROVAL OF MINUTES** from Wednesday, June 11, 2003
- 2. **REPORT OF THE DIRECTOR**
 - a. Discussion of Planning Commission Retreat matters and Long Range Planning Issues.
- 3. **CONSENT AGENDA** – Salt Lake City Property Conveyance Matters:
 - a. Justin Jensen and others/property owners and Salt Lake City Public Utilities Department – Property owners of seven single family homes abutting on the North and West sides of the existing Salt Lake City Water Reservoir Site known as “Park Reservoir,” are requesting Salt Lake City Public Utilities to issue revocable permits to allow the home owners to use approximately 30 feet by the width of the seven individual home lots, as part of their private yard space and to preserve existing trees and landscaping. The requested land is part of the Reservoir site property, and the proposed use of the property has been determined by the Public Utilities Department to not conflict with the maintenance of, or the use of the reservoir facilities. The properties are located at 3430, 3440, 3450, 3460, 3470, and 3480, East 3020 South Street and at 3087 South 3380 East Street, in unincorporated Salt Lake County. (Staff – Doug Wheelwright at 535-6178)
- 4. **PUBLIC HEARINGS**
 - a. **PUBLIC HEARING at 6:00 p.m.** – Petition No. 410-638, by Qwest Wireless, requesting Conditional Use approval to install a wireless telecommunications antenna disguised as a flagpole and the associated electrical equipment at 2205 East 2100 South. The property is located in a Community Business (CB) zoning district. (Staff – Janice Lew at 535-7625)
 - b. **PUBLIC HEARING at 6:20 p.m.** – Petition No. 400-03-08, a zoning text amendment by Jeff Jonas, Planning Commission Chair, requesting to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance by adding standards to regulate the use and placement of street banners within the public way. (Staff – Joel Paterson at 535-6141, or joel.paterson@slcgov.com)
 - c. **PUBLIC HEARING at 6:40 p.m.** – Petition No. 410-528, by Mr. Nathan Anderson requesting Planned Development and preliminary subdivision approval of a proposed 6-unit (3 building) twin-home development located at 3027 S. 1100 E. in a Special Development Pattern Residential (SR-1) zoning district. (Staff – Ray McCandless at 535-7282)
- 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.

On Friday, June 13, 2003, I personally posted copies of the foregoing notice within the City and County Building at 451 S. State Street at the following locations: Planning Division, Room 406; City Council Bulletin Board, Room 315; Community Affairs, Room 345. A copy of the agenda has also been faxed to all Salt Lake City Public Libraries.---

Signed: Kathy Castro
SUBSCRIBED AND SWORN before me on Friday, June 13, 2003:

STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE



Lucille Taylor
NOTARY PUBLIC residing in Salt Lake County, Utah

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 COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, June 25, 2003, 5:45 pm

Present from the Planning Commission were Chair Jeff Jonas, Arla Funk, Kay (Berger) Arnold, Tim Chambless, Robert "Bip" Daniels, Kathy Scott, and Jennifer Seelig.

Present from the Planning Staff were Planning Director Louis Zunguze; Deputy Planning Directors Brent Wilde and Doug Wheelwright; and Planners Janice Lew, Joel Paterson, and Ray McCandless.

Petition No. 400-03-08, a zoning text amendment by Jeff Jonas, Planning Commission Chair, requesting to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance by adding standards to regulate the use and placement of street banners within the public way.

This hearing began at 7:22 p.m. Planner Joel Paterson presented the petition as written in the staff report. The current Salt Lake City zoning ordinance under Chapter 46 that regulates signs has a provision that specifically prohibits the placement of signs within a public right-of-way or on public streets, unless otherwise authorized by a public agency. Since the early 1990's the Downtown Alliance has been administering a street banner program on Main Street, State Street and several streets within the Downtown improvement district. This has been allowed under an agreement between the City and the Downtown Alliance.

Prior to the Olympics, SLOC asked the City to allow street banner signs on various streets throughout the City, in an attempt to help with the Olympic movement. The Mayor initiated an executive order that included rather narrow standards to allow street banner signs that were Olympic related on various streets.

Since that was a very successful effort, following the Olympics many organizations have come to the City requesting that they be allowed to place banners along certain streets. The University of Utah has done it along 400 South. To accommodate those requests, additional executive orders have been issued by the Mayor. As different executive orders were issued, the standards changed to accommodate certain requests that were deemed to be acceptable by the City. The program has become very successful, and the standards have become too narrow to accommodate many of the organizations wanting to place banners. The City has received a number of complaints.

In May 2003, the Mayor issued another executive order that broadened the scope of the banner program to allow local non-profit 501(c)(3) organizations, governmentally owned libraries, and educational institutions to post banner signs on certain streets. Since the City has been operating under those executive orders, the Administration has asked that to avoid that process the City incorporate the standards in the zoning ordinance. The Planning Commission is being asked to consider the standards.

Mr. Paterson presented the Commission with following issues to consider (as listed in the staff report) in adopting the standards:

1. Free speech/public forum. Allowing street banners does pose a risk of creating a public forum and may be considered a constitutionally protected form of free speech. However, the intent of the proposed ordinance is to allow signage within certain time, place and manner restrictions to create a

limited forum. The proposed standards do place some limits on the content of the banner signs. They would be for the express purpose of promoting community identity, events and organizations. The City could also be challenged on the equal protection clause of the Constitution because of limiting who may participate in the program.

2. Administration of the banner program. Does the City want to create a uniform street banner policy to be administered city-wide or create separate districts with different standards, e.g., in the Downtown Business Improvement District (BID) where the Downtown Alliance currently administers the street banner program. Other groups, such as the Chamber of Commerce, the Sugar House Business area, and the Westside Alliance have expressed interest, or may be willing, to administer the program in other areas of the City.
3. Who can hang banners? The executive order limits participation in the banner program to local non-profit 501(c)(3) organizations, and governmentally owned libraries and educational institutions. The banners may only promote and encourage community identity, community organizations and community activities and events. The list of eligible participants and purposes for the banners are purposefully designed with a narrow scope to limit exposure to free speech issues. The Planning Commission may wish to widen the scope of permitted participants to ensure that all community councils and other governmental entities could participate in the banner program. However, allowing additional participants may create additional exposure to constitutional challenges.
4. Where should street banners be located? The current executive order allows street banners to be placed on any existing utility poles within the locations identified on the "Light Pole Banner Program Map." This map is maintained by the Salt Lake City Transportation Division and is included in Attachment 1. This map highlights the streets where street banners have been deemed appropriate. This map is amended periodically when applications for new banners are reviewed by the City and determined to be acceptable. To avoid the need to process an ordinance amendment each time the map is updated, the ordinance will reference the map but not incorporate it.

The Planning Commission may wish to include standards for amending the map. Staff recommends that the streets eligible for future street banners be major arterials, collectors or gateway streets identified in community master plans. Private streets such as the portion of Rio Grande Street (455 West) located north of 200 South, Gallivan Avenue (260 South) and Weechquootee Place (15 East) may also be appropriate locations for street banners.

5. Size and height of street banners. The current executive order limits street banners to a maximum size of 96" X 30" and requires the top of the banner be a minimum of 18 feet above the ground (22 feet if the banner hangs over the traffic way). Assuming that a banner is the maximum size, the bottom of the banner would be a minimum of 10 feet above the ground (14 feet if overhanging the traffic way). In some locations, organizations have chosen to hang smaller banners and the minimum bracket height requirements have made it difficult to read the banners. This was the case in Poplar Grove where smaller banners were installed and because of the minimum height standard for the top of the banner, the banners were too high to be effective.

Many of the existing banner brackets do not appear to meet the minimum height standard. Unless there is a compelling safety reason to raise existing non-conforming brackets, the existing brackets will remain in their present location. All new banner signs will be required to meet the ordinance requirements.

The Downtown Alliance standards are slightly different than what is proposed above. Mr. Paterson noted correspondence received from the Downtown Alliance asking the Planning Commission to consider some larger banners they use at the north end of Main Street on their masthead poles. Near the ZCMI Center within the sidewalk the Downtown Alliance has some larger signs that are 143" by 36", on double poles so that there are two banners side by side.

6. Does the City require consent of owner before issuing a permit? There are conflicts between the proposed street banner standards and Utah Department of Transportation (UDOT) standards (see attachment 3). The UDOT banner guidelines are more restrictive than the City's standards in respect to message content and the allowable participants. The State allows only city, county or other governmental agencies to place banners on State roads. The banners may include the name and dates of an event and related information. UDOT does not permit private, non-governmental/non-profit organization advertising (including logos) or political messages. UDOT intentionally created very narrow standards in an attempt to avoid legal challenges based on free speech and the establishment clause.
 - Along certain segments of State roads, the Federal government also has jurisdiction. This occurs on SR-186 (400/500 South, Foothill Boulevard), SR-71 (700 East), SR-266 (500 and 600 South streets between I-15 and State Street, and SR-270 (West Temple from 400 South to I-15).
 - The proposed City street banner regulations would allow non-profit organizations to advertise events and the banners could include the sponsors' logo. The City's proposed standards would require a street banner applicant to obtain a permit from UDOT prior to allowing banners to be installed along a State-owned road.
 - Street banners have been or are currently hanging on State-owned roads such as State Street, 700 East and 400 South. All of these are State roads and seem to be important components of the City's street banner program. Other State roads that that are gateways to the City, such as North Temple, Redwood Road, Foothill Boulevard, 1300 East, may be appropriate locations for street banners.
7. Appeals of administrative decisions regarding banner requests. City Staff administratively approve street banner requests. If these provisions were incorporated in the zoning ordinance, the Board of Adjustment would hear any appeals submitted by aggrieved parties.
8. Fees. The current executive order requires an application fee of \$50.00 while the Downtown Alliance charges a fee of \$25.00. Should the fee be consistent throughout the City? Mr. Paterson believed that standardizing the fees would be the best way to go.

The executive order was mailed out to all Community Council Chairs within the City, with the request to gather comments from their respective Councils. The City also offered the possibility of holding a public open house if there was a demonstrated need for that. The City has received no comments from the Community Councils or requests for an open house.

Staff is recommending that the Planning Commission give them feedback on the important issues, and if the Commission sees fit, to recommend that Staff forward an ordinance to the City Council for their consideration.

Mr. Jonas expressed confusion, saying he did not recall seeing a case like this where the Commission was asked to recommend approval of a petition to amend a zoning ordinance when they had no idea what the ordinance was being amended to. Mr. Jonas said this was like an issues only petition, in which case it would be more appropriate to appoint a subcommittee to come back with specific recommendations. He did not wish to spend a lot of time trying to write an ordinance in a public hearing.

Mr. Paterson said Administration was recommending that the City incorporate the standards in the executive order.

Ms. Funk said the issue of obtaining permission from private road owners should be resolved before looking at the ordinance. She was also concerned about Mr. Paterson making recommendations that were different than those written in the staff report. The Mayor had put forth what he believed is

acceptable. She wanted to know if staff was either recommending or not recommending what the Mayor thinks is acceptable.

Mr. Paterson reiterated that the executive order does require the approval of UDOT or other owners of streets where the banners may be proposed. UDOT has a different standard, which raises issues. Ms. Funk said the Commission needed to know what UDOT wants and tailor the ordinance to meet that as well.

Ms. Funk asked if the map in the staff report listed all of California and Indiana Avenues. Ms. Funk also asked if 600 North discontinued at about 800 West. Mr. Paterson said California Avenue was listed between just east of 900 West and Redwood Road. 600 North is also between 900 West and Redwood Road. Indiana is included between I-215 and Redwood Road. Mr. Paterson said that could possibly be extended farther east to I-15.

Ms. Funk said it seemed to her that there were streets lacking on the west side of the City. However, she felt there was not enough information to act on the petition.

Mr. Jonas said he did not understand that the Mayor's executive order was intended to be the basis for the new ordinance. He wanted to see how the new language would fit into the existing ordinance.

Ms. Seelig asked what the criteria were for deeming a street banner appropriate. Mr. Paterson said it was based on earlier executive orders issued by the Mayor. The original one was written prior to the Olympics to allow signage during the Olympics. Ms. Seelig said if the purpose was to encourage and promote community identity, organizations and activities, she was concerned about the lack of streets on the west side as well. She felt she needed more information as well, particularly concerning community groups could be included within the prescribed parameters.

Mr. Daniels commented that if they were going to deal primarily with non-profit groups, he would rather have a refundable deposit instead of a uniform fee. A refundable deposit would make the person hanging the banner responsible for taking it back down. Mr. Daniels felt one of the things that puts a blight on the community, both the east and west side, is people being allowed to put up any kind of signage without having to be responsible for taking it down. He still sees signage from people running for office five years ago on the west side of the city.

Mr. Daniels was unsure what the criteria is for what signage would be approved or disapproved, but said there were some communities that disallow sponsorship or co-sponsorship from beer and cigarette companies. Mr. Paterson said the standards do regulate that and would not allow any commercial signage to appear on the street banners. It would just be the logo of the sponsoring non-profit organization or community event.

Mr. Jonas asked if the Downtown Alliance would still be administering the program should the Commission approve an ordinance amendment. Mr. Paterson said Staff would recommend that the Downtown Alliance do continue to regulate the program. He recommended that the Commission incorporate the Downtown Alliances standards for the Downtown Business Improvement District into an ordinance. Mr. Jonas asked for confirmation that for the rest of the City the program would be administered by the City Transportation Division. Mr. Paterson said that was how it was currently being administrated.

Mr. Jonas said the Transportation Division would need to set guidelines in terms of where the banners would be. He also said the Downtown Alliance administered it downtown because it was a promotional tool. The last thing the Transportation Division is worried about is promotion. He felt a more analogous organization, such as Community Economic Development, to administer the program throughout the rest of the city. Mr. Paterson said the executive order includes standards for review to make sure that the banners do not block historic buildings and would have to fit in with the character of the neighborhood in

terms of building heights. Whichever City department or division that ends up administering the program would not have to be written in the ordinance.

Mr. Chambless was concerned about First Amendment rights and asked if the City Attorney's office had looked at the executive order standards. Mr. Zunguze said all the executive orders were drafted out of the City Attorney's office. This has been a complicated issue for the City. It was initially supposed to be a narrowly defined program, but because of the great success of the program, there is demand from groups that are typically beyond promotional elements associated with economic development. The issue is how best does the City handle these demands. The Commission should be concerned about the overall role of land use in the banner program such as size and location. The administration of this ordinance will be in the Department of Community and Economic Development, primarily through the Transportation Office. No particular street will be excluded unless there are specific health and safety issues that are associated with travel along those roads and the location of banners.

Mr. Zunguze said that because of the complexity of the issues that have been raised, a subcommittee would be the best way to go. They could work with the City Attorney's office.

Mr. Chambless agreed that a subcommittee is necessary. He mentioned a banner at the University of Utah that said "Beat BYU". He wondered if that might raise a First Amendment question in terms of content. Also, if that banner were left up for several years and became weathered, at what point would that constitute blight.

Ms. Seelig agreed that the program has added vibrancy and life to the Downtown area and would like to see it expanded. She felt it was important to do it right. She asked if other cities had been looked at who had benefited from longer term experience with street banners and the potential pitfalls. Mr. Paterson said he had received ordinances from various cities around the country and that he could provide a list of those cities to the Commission with a summary of their ordinances as a part of the subcommittee process. Ms. Seelig said that would be helpful in visualizing the possibilities. She was supportive of a subcommittee.

Mr. Jonas then opened the meeting to the public and asked if anyone from the Community Council wished to speak. None were forthcoming. He then asked if anyone from the general public wished to speak.

Mr. Arthur Holman, 285 West 300 South, Salt Lake City, Utah, 84101, spoke next. He manages the residences by the Marriott Hotel on the corner of 300 West and 300 South. He asked what the current ordinance is for or against banners on private buildings. Mr. Wilde said banners that take the form of temporary advertising are not permitted. The proposed ordinance would also not permit that type of banner. Mr. Holman has been opposed in the past to commercial advertising. He said the 30 day period allowed for banners could be extended another 30 days for a total of 60 days, and felt that was too long. He wondered what type of event could justify banners being up for 60 days. Mr. Daniels gave the example of the Greek Festival. Mr. Daniels agreed that 60 days was too long and that there were probably people in Mr. Holman's neighborhood who put up illegal signs.

Ms. Tracy Von Horten, a representative from the Downtown Alliance, spoke next. She addressed the 30 day period standard. She said to actually hang the banners was quite time consuming, and it made more sense administratively to put banners up when they were taking one set down. She said most people who wished to hang banners wanted them in proximity to their event. Most non-profit groups were financially restricted and could not afford very large banners, and that should be taken into consideration. The Commission may want a smaller banner restriction to allow the non-profit groups to afford to produce the banners. To underwrite the costs of a banner, many non-profit groups need underwriters or sponsors. Those sponsors would require a logo displayed on their banners. The Downtown Alliance limits their logo sizes to 20 percent of the overall size of the banner.

Mr. Jonas asked Ms. Von Horten if she would be willing to serve on a subcommittee. Ms. Von Horten said absolutely.

Mr. Paterson said Maria Garcia, Director of Neighborhood Housing Services, wished to say that they believe that North Temple, 900 West and Redwood Road are appropriate locations for banners and would like to see those streets added to the program map. She expressed concerns about UDOT standards because North Temple is a State road. UDOT standards would not allow logos on the banners. She is working with the Northwest Alliance and Utah Power & Light to get banners put up on North Temple. Ms. Garcia believes a consistent fee throughout the City of \$25 would be appropriate.

Mr. Jonas closed the public hearing and brought it back to the Commission for discussion.

Motion

Ms. Funk moved to appoint and accept volunteers for a subcommittee to study the issue further and bring it back to the Commission with recommendations. Mr. Chambless seconded the motion.

Mr. Daniels said concerned parties outside of the Planning Commission should be invited to sit on the subcommittee, such as representatives from the Downtown Alliance, the Transportation Division and UDOT.

Mr. Jonas called for the vote. Ms. Scott, Ms. Seelig, Ms. Arnold, Mr. Chambless, Ms. Funk and Mr. Daniels voted "Aye." Mr. Jonas, as Chair, did not vote. The motion carried.

Subcommittee Volunteers

Ms. Kathy Scott, Mr. Tim Chambless, and Ms. Jennifer Seelig volunteered to be on the subcommittee. Mr. Daniels suggested that Mr. Prescott Muir be invited to be on the subcommittee as well, since he already works with the Downtown Alliance. Mr. Jonas agreed.

This hearing ended at 8:05 p.m.

... to leave at 4:00 p.m.]

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 26, 2005, 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. **APPROVAL OF MINUTES from Wednesday, October 12, 2005.**
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters**
 - a) South Valley Sewer Improvement District and Salt Lake City Public Utilities Department - South Valley Sewer District are requesting that two standard utility crossing permits be granted by Public Utilities at two locations along the City owned Jordan and Salt Lake City Canal. One utility crossing permit is for a renewal of a prior crossing permit, located at approximately **50 East, 10000 South Street**. The second utility crossing permit is a new request, located at approximately **10100 South State Street**. Both utility crossing permits are for buried sewer lines and both locations are within Sandy City. Public Utilities Department staff intends to approve the requested permits. (Staff: *Karryn Greenleaf at 801-483-6769 or karryn.greenleaf@slcgov.com or Doug Wheelwright at 801-535-7757 or doug.wheelwright@slcgov.com*).
 - b) Pacificorp and Salt Lake City Property Management Division - Pacificorp, doing business as Utah Power and Light Company, is requesting the relocation of a buried power line easement, which is necessary due to the reconstruction of the Concession Building, located on City property within Liberty Park. The Concession Building is located near the center of the park at approximately **600 East and 1100 South**, within the Open Space (OS) zoning district. The new Concession Building is being constructed over a portion of the existing power line easement, and the easement is proposed to be relocated slightly to the south to avoid the new structure. The new easement will be granted in exchange for canceling the conflicting portion of the existing easement, without additional compensation due by either party. Property Management Division staff intends to approve the requested easement relocation request. (Staff: *Matt Williams at 801-535-6447 or matt.williams@slcgov.com or Doug Wheelwright at 801-535-6178 or doug.wheelwright@slcgov.com*).
5. **PUBLIC HEARINGS**
 - a) **Petition 400-03-08**, by the Salt Lake City Planning Commission, requesting approval to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance that will add standards to regulate the use and placement of street banners throughout the City. The purpose of this proposal is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events. (Staff: *Lex Traughber at 801-535-6184 or lex.traughber@slcgov.com*).
 - b) **Petitions No. 400-01-32 and Petition No. 400-02-08**, by the Salt Lake City Planning Commission to amend Chapter 21A.26.060 relating to the text of the C-SHBD (Sugar House Business District) zoning district and the corresponding Sugar House Community Zoning Map, as well as the text of the Sugar House Community Master Plan (2001) and corresponding Sugar House Future Land Use Map. In addition, several rezones are proposed for specific properties located adjacent to the area currently zoned C-SHBD (Sugar House Business District). The areas affected by these amendments are located between approximately **2100 South from 900 to 1300 East, and along 1100 East/Highland Drive from Hollywood Avenue to I-80, including the Granite Furniture block, the Sugar House Commons, and the Sugar House Center**. (Staff: *Lex Traughber at 801-535-6184 or lex.traughber@slcgov.com*).

Commissioner Noda asked if anyone had any questions for Ms. Guy-Sell or Mr. Paterson. No response was heard. Mr. Paterson stated that the question before the Planning Commission was to decide if the Planning Director could approve the modification for a temporary parking lot or if the change would need to have a public hearing.

Commissioner Seelig asked that it be put in the record that all letters and information for requests for these types of decisions be presented to the Planning Commission earlier so the Commissioners would have time to study each item and be prepared to respond. It was so entered into the record.

Chairperson Noda stated that if there were no objections from the Planning Commission, the modifications presented tonight would be signed by the Planning Director, Mr. Alexander Ikefuna. No objections were heard.

PUBLIC NOTICE AGENDA – Salt Lake City Property Conveyance Matters
(6:09 P.M.)

South Valley Sewer Improvement District and Salt Lake City Public Utilities Department—South Valley Sewer District is requesting that two standard utility crossing permits be granted by Public Utilities, at two locations along the City owned Jordan and Salt Lake City Canal. One utility crossing permit is for a renewal of a prior crossing permit, located at 50 East, 10000 South Street. The second utility crossing permit is a new request, located at 10100 South State Street. Both utility crossing permits are for buried sewer lines and both locations are within Sandy City. Public Utilities Department staff intends to approve the requested permits.

Pacificorp and Salt Lake City Property Management Division—Pacificorp, doing business as Utah Power and Light Company, is requesting the relocation of a buried power line easement, which is necessary due to the reconstruction of the Concession Building, located on City property within Liberty Park. The Concession Building is located near the center of the park at approximately 600 East and 1100 South, within the Open Space (OS) zoning district. The new Concession Building is being constructed over a portion of the existing power line easement, and is proposed to be relocated slightly to the south to avoid the new structure. The new easement will be granted in exchange for canceling the conflicting portion of the easement, without additional compensation due by either party. Property Management division staff intends to approve the requested easement relocation request.

Chairperson Noda asked if the Commissioners had any concerns or questions with regard to the items on the Public Notice Agenda. No response was heard.

PUBLIC HEARINGS

Petition No. 400-03-08, by the Salt Lake City Planning Commission, requesting approval to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance that will add standards to regulate the use and placement of street banners throughout the City. The purpose of this proposal is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the

limited purpose of encouraging and promoting community identity, community organizations, community activities and events.

At 6:11 p.m. Chairperson Noda introduced Petition No. 400-03-08 and Lex Traughber, Principal Planner. Mr. Traughber stated that the Downtown Alliance, under contract with the City, has administered the street banner program in the Salt Lake City Central Business Improvement District since 1991. This contract allows the Downtown Alliance to develop and implement standards for the administration of the street banner program in the improvement district. The Downtown Alliance banner guidelines are included in Exhibit 2, and are particularly relevant because Planning Staff's proposed text amendment language essentially mirrors the Downtown Alliance's program with some minor differences. The Downtown Alliance's program appears to be very successful, and is located between North Temple, 200 East, 400 South and 400 West.

Mr. Traughber stated that Salt Lake City adopted a new zoning ordinance in 1995. The ordinance includes Section 12A.46.070(K) - Signs on Public Property, which prohibits the location of signs on publicly owned land or inside street rights of way, unless such signs are erected by permission of an authorized public agency. This section of the ordinance does not include any standards regarding the administration of any such signs. The City has interpreted this provision in the Zoning Ordinance to authorize the Mayor to issue executive orders to regulate signs in the public way including street banners. The Mayor's Executive Order dated August 19, 2003, concerning authorizing the placement of street banners in the public way, currently regulates such signage.

Mr. Traughber said that during the 2002 Winter Olympic Games the City enacted Olympics related ordinances, which among other things, authorized the placement of Olympic street banners on many of the major street corridors in the City. When the Olympics ended, the brackets installed on utility poles became the property of the City. He said a reference map was attached for reference indicating those routes where brackets are located along the public way (Exhibit 3).

Following the Olympics, the City started to receive an increasing number of requests for street banners in new locations. Because of the restrictive nature of the previous executive orders regulating street banners, many requests were denied even though the proposals were for street banners advertising local events such as the St. Patrick's Day Parade.

Mr. Traughber stated that a subcommittee of the Planning Commission had reviewed the project and made recommendations. All of their recommendations have been incorporated into the proposed ordinance except their recommendation to not have a proximity regulation.

Mr. Traughber stated that the Planning Staff heard from multiple entities that a proximity requirement should be incorporated. The rationale behind the recommendation was that perhaps said proximity requirement would eliminate conflict between various groups or organizations that would want to place street banners in locations that may not be appropriate. For example, placing Hogle Zoo banners on the perimeter of Liberty Park may create a conflict with placing banners that draw attention to the aviary in the Park.

Based on the comments, analysis and findings in the staff report, we recommend that the Planning Commission forward a favorable recommendation to the City Council to adopt the Street Banner language that is presented in your staff report amending the Salt Lake City Ordinance.

Commissioner Seelig was concerned with the "proximity" requirement as found in subsection E(3) of the proposed ordinance and felt the "two mile limit" could be exclusive in nature and thus indicate that a person on one side of the valley would not know what was occurring on the other side of the valley.

Mr. Traughber further explained the reason for the "proximity" language by stating that complaints about banners being located in areas that conflict with uses in certain locations had been received. He used the example of Hogle Zoo banners being placed around Liberty Park that has an Aviary that is a bird zoo. He stated that could create a conflict because Liberty Park would like to advertise the Aviary in the park.

Comments from the Commissioners included statements regarding the purpose and support of tax dollars and questions that asked if Hogle Zoo would be allowed to regulate the banners around that area and what the purpose of the banners really were. Mr. Traughber said the distance requirement was in relationship to the home base of the organization or activity center, and where that particular activity would take place. The purpose of the two mile limit was to minimize conflicts, give a viewer some sense of what was in the neighborhood, and be a source of direction.

Ms. Coffey stated that most facilities advertise for events. The two mile radius was not to discriminate or keep certain people from being informed. She said these facilities had many ways of advertising and this was just one way.

Chairperson Noda asked if there were any questions for Staff. No response was heard. She opened the public hearing and asked if anyone from a Community Council wished to speak.

Helen Peters, resident of Sugar House, stated that banners were an important community building piece in Sugar House and she felt this was a good idea to provide some codification of the banner ordinance.

Chairperson Noda asked if anyone else wished to speak. No response heard. She closed the public hearing and asked for discussion and/or a motion.

The Planning Commissioners spent considerable time discussing how the banners would be funded, the issue of power and control regarding grass root organizations, small functions versus larger functions and well established companies and corporations. The Commissioners also discussed the Subcommittee recommendations and discussions that involved the sponsorship of the banners, external advantages in partnering with the local businesses in the community and the functions that banners served; esthetic values, good advertising and a directional concept.

Mr. Traughber stated that the proposed Draft Ordinance at the back of the staff report, Exhibit four, item "G", provided the reasoning for how this came to be an issue. He said the Downtown Alliance is currently the only entity that managed and coordinated the Street Banner Program. All other applicants would apply through the Transportation Division. Mr. Traughber stated that the public had expressed the view that there were entities who were interested in managing their own program and this draft would allow the entities to enter into an agreement with the City. The agreement would be an outline of an entity's program and would closely follow any City regulations. These people could define their own geographic area and program.

Mr. Ikefuna stated that one of the entities wishing to control and define a geographic area and program was the Salt Lake City Airport Authority. Given the nature of terrorism and security, Mr. Ikefuna said the Airport Authority had expressed interest in entering into a contract with the City to regulate or control what was done within the Airport district.

Mr. Traughber stated that the banners provide cohesiveness to a community in terms of advertising events, activities, and community happenings in a certain area of the city.

Commissioner Muir stated that he was familiar with Downtown Alliance issues. A policy and review group was established to adjudicate disputes. He stated the city was trying to absolve itself of refereeing by being regulatory, standing back, and letting it take care of itself but he did not think the City would be able to do that. Those decisions must be handled by a management team that would create a policy that was more flexible and could be adapted over time depending on the issues.

Mr. Ikefuna stated that the City Attorney had reviewed concerns regarding freedom of speech and fully supported the enactment of an ordinance to provide a comprehensive city-wide policy for street banners, noting that there were significant legal issues that included constitutional rights of free speech and equal protection. He said the Planning staff had been sensitive to the advice and those issues throughout the draft ordinance development. He stated that the ordinance was not restrictive.

Mr. Traughber stated that the Transportation Department administered the program under the executive order to resolve these types of issues. He told the Planning Commissioners that if they did not think the proximity issue was important (Section E.2.1. of the draft ordinance) Coordinated Street Banner Program would work, they could strike it. He said the intent of the Coordinated Street Banner Program was not to alleviate review for the City, although it would do that, but was to give groups that wanted to manage their own program the ability to do so.

Mr. Ikefuna stated that what was in place right now was not working effectively. The proposed program would provide an avenue to manage the conflicts currently being experienced by the City. Further, the executive order issued by the Mayor concerning banners was generic and very restrictive. He said the proposal should be flexible in terms of peoples' ability to hang street banners. It would remove the conflict.

Commissioner Diamond asked what the downside would be if banners did not have a boundary stated. Ms. Coffey said one downside would be conflict resulting in more than

one group wanting to advertise in the same area. He also asked staff to notify various groups about the banner program so they could take advantage of it. He did think many groups knew of the program.

Commissioner Scott stated she was inclined to agree with this proposal. Commissioner Seelig said that she was on the subcommittee and the subcommittee as a whole did not recommend the two-mile radius.

Chairperson Noda closed the Public Hearing and asked for discussion and/or a motion.

Motion for Petition No. 400-03-08

Commissioner Seelig moved for the Planning Commission to approve Petition No. 400-03-08 as it related to the City Street Banner Program based on comments, analysis, findings of fact, and discussion with the staff and Commission Members and forward a favorable recommendation to the City Council to adopt the attached Street Banner language with the exception of item "E2ai and E2b" and change the word "geographic" area to "management" area. Commissioner Chambless seconded the motion. Commissioner Chambless, Commissioner Diamond, Commissioner McDonough, Commissioner Muir, Commissioner Seelig, and Commissioner Scott voted "Aye". Commissioner De Lay and Commissioner Galli were not present. There were none opposed. The motion passed.

Petition No. 400-01-32, and Petition No. 400-02-08 by the Salt Lake City Planning Commission to amend Chapter 21A.26.060 relating to the text of the C-SHBD (Sugar House Business District) zoning district and the corresponding Sugar House Community Zoning Map, as well as the text of the Sugar House Community Master Plan (2001) and corresponding Sugar House Future Land Use Map. In addition, several rezones are proposed for specific properties located adjacent to the area currently zoned C-SHBD (Sugar House Business District). The areas affected by these amendments are located between approximately 2100 South from 900 to 1300 East, and along 1100 East/Highland Drive from Hollywood Avenue to I-80, including the Granite Furniture block, the Sugar House Commons, and the Sugar House Center.

At 6:51 p.m., Chairperson Noda introduced Petition No. 400-01-32, Petition No. 400-02-08 and Lex Traughber, Principal Planner. On September 14th, 2005, a hearing was held by the Planning Commission. The Planning Staff presented a PowerPoint presentation in an attempt to summarize and focus on the "big picture" and the rationale behind the proposed amendments. Public comment was taken and subsequently the public hearing portion of the meeting was closed. After questions had been posed to the Planning Staff and much discussion and deliberation were completed, a decision was made to refer the matter to a subcommittee, comprised of Commissioners Peggy McDonough, Laurie Noda, John Diamond, and Prescott Muir, for further discussion and revision of the proposed amendment materials prepared and presented by the Planning Staff.

AMENDED

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, February 8, 2006, at 5:45 p.m.**

The Planning Commissioners and Staff will have 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 is open to the public for observation.

1. APPROVAL OF MINUTES from Wednesday, January 25, 2006.

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

- a) Petition 400-04-21 by the Salt Lake City Planning Division, requesting that Petition 400-04-21, to allow a stand alone retail option as a land use within the Business Park Zoning District be withdrawn by the Salt Lake City Planning Commission.

4. PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters – (John Spencer at 535-6938 or john.spencer@slcgov.com; Matt Williams at 535-6447 or matt.williams@slcgov.com; Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com):

- a) T-Mobile USA and Salt Lake City Property Management — T-Mobile USA received Conditional Use approval for a utility pole installation of a cellular telephone antenna under Case #410-763 at approximately 1200 West and 1000 North Streets, through an Administrative Hearing held September 27, 2005. The subject utility pole is owned by Utah Power and is located within the City owned street right-of-way of 1000 North Street. T-Mobile USA is now seeking a three foot by approximately thirty-one foot telecommunications right-of-way permit from Salt Lake City Property Management, to allow the connection of underground power and telecommunications cables to connect from the power pole to the required equipment shelter structure, located in the rear yard area of an adjoining Residential R-1-7000 zoned property by separate lease agreement. The Property Management Division staff intends to approve the requested right-of-way permit.
- b) C F J Properties and Salt Lake City Property Management — C F J Properties, dba Flying “J” Truck Stop, is requesting the Property Management Division to approve a short term (up to one year) commercial lease for the temporary use of a City owned alley and a partial street, which were never developed or improved, and which City property impacts the Flying “J” Truck Stop property, in a way as to be inconsistent with the proposed redevelopment of the Flying “J” Property. Flying “J” has submitted building permit plans to reconstruct and expand the existing truck stop facility, located at 900 West and 2100 South Street. During the initial building permit review, City Permits Office staff identified the alley conflict and referred the applicant to the Planning Office. Recently, Flying “J” filed for Alley Closure and Street Closure in petitions 400-05-47 and 400-05-48, which are beginning to be processed by the Planning Staff. Since the alley and street closure processes typically take 6 to 8 months to complete, Flying “J” is requesting a short term lease to allow the street and alley properties to be redeveloped consistent with the proposed redevelopment and expansion plans for the new truck stop facility, while the alley and street closure processes are completed. The subject alley is located at approximately 850 West on 2100 South Street and is approximately 700 feet by 12 feet, and contains 8400 square feet. The subject partial street is located at 800 West and extends north from 2100 South Street approximately 191 feet by 33 feet wide, and contains 6303 square feet. The Property Management staff intends to approve the requested short term commercial lease, pending notification to the Planning Commission and the City Council, consistent with City policy.

5. PUBLIC HEARINGS

- a) Petition 410-774 – A request by Mike Weller of Diamond Parking, for conditional use approval of a commercial surface parking lot in a D-3 zoning district at 179 W. Broadway. (Staff - Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com).
- b) Petition 400-02-41 – A request by the Salt Lake City Planning Commission to modify the text of Capitol Hill Protective Area Overlay District to establish height limits for residential and Urban Institutional zoned properties and to amend the Zoning Map by adjusting the boundaries of the Capitol Hill Protective Area Overlay District in the following locations:
 1. Generally, from Main Street and Center Street to 200 West between Girard Avenue and 200 North; and
 2. Generally, from Canyon Road to “A” Street between Fourth Avenue and Second Avenue. (Staff – Everett Joyce at 535-7930 or everett.joyce@slcgov.com)
- c) Petition No. 400-05-24 – A request by Harrison Apartments, LLC for a zoning map amendment to rezone the property located at 713 East Harrison Avenue from R-1/5000, Single Family Residential to RMF-35, Moderate Density Multi-Family Residential in order to demolish the existing structure and construct six individually owned town homes. The project will also require an amendment to the future land use map of the Central Community Master Plan to identify the property as Low Medium Density Residential rather than Low Density Residential. (Staff – Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com)
- d) Petition 400-02-22 - Restaurant Definition, Parking Ratios, Shared Parking, Off-site and Alternative Parking Amendments - Proposal to amend the text of the Salt Lake City Zoning Ordinance relating to small commercial areas zoned CN (Neighborhood Commercial), CB (Community Business) and CS (Community Shopping). Specifically, the proposal is to amend the definition of “restaurant” (large or small), and amend the parking requirements for small restaurants, retail goods establishments, and retail service establishments, such that the requirement is the same for these three uses. The purpose of this parking requirement amendment is to facilitate the interchangeability of these three types of uses. Additionally, the proposal includes a re-evaluation and expansion of shared, off-site, and alternative parking solutions. (Staff – Lex Traugher 535-6184 or lex.traugher@slcgov.com)

POSTPONED

6. UNFINISHED BUSINESS

The next scheduled Planning Commission meeting will be February 22, 2006. This information can be accessed at www.slcgov.com/CED/planning.

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 at least 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

On Thursday, February 2, 2006, I personally posted copies of the foregoing notice within the City and County Building at 451 South State Street at the following locations: Planning Division, Room 406; City Council Bulletin Board, Room 315; and Community Affairs, Room 345. A copy of the agenda has also been faxed/e-mailed to all Salt Lake City Public Libraries for posting and to the Salt Lake Tribune and Deseret News.

Signed: _____

STATE OF UTAH)
 :SS
COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN to before me this 2nd day of February 2006.

NOTARY PUBLIC residing in Salt Lake County, Utah

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, February 8, 2006**

Present for the Planning Commission were Laurie Noda (Chairperson), Tim Chambless, Babs De Lay, John Diamond, Robert Forbis Jr., Peggy McDonough (Vice Chairperson), Kathy Scott, and Jennifer Seelig. Craig Galli and Prescott Muir were unable to attend.

Present from the Planning Division were Alexander Ikefuna (Planning Director), Cheri Coffey (Deputy Planning Director), Kevin LoPiccolo (Zoning Administrator), Elizabeth Giraud (Senior Planner), Ray McCandless (Principal Planner), Lex Traughber (Principal Planner), Sarah Carroll (Associate Planner) and Deborah Martin (Senior Planning Secretary).

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:45 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Tim Chambless, Laurie Noda, Kathy Scott and Robert Forbis Jr. Planning Division Staff present were Cheri Coffey, Elizabeth Giraud, Lex Traughber and Sarah Carroll.

APPROVAL OF MINUTES from Wednesday, January 25, 2006.

(This item was heard at 5:46 p.m.)

Commissioner Chambless requested that the minutes (page 3, paragraph 4) reflect that the Research Park Work Group is scheduled to meet on February 13 and March 20 to prepare a recommendation for the Planning Commission at the meeting scheduled for March 22, 2006. The Work Group is hopeful that they will be able to make a positive recommendation to end the present hold on conditional use applications in the Research Park area.

Commissioner De Lay moved to approve the January 25, 2006 minutes with the noted inclusion. Commissioner Seelig seconded the motion. All voted aye; the motion passed.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:48 p.m.)

Chairperson Noda noted that there was nothing to report at this time regarding meetings with the City Council. Meetings with the City Council will be arranged after the legislative session.

Chairperson Noda expressed her appreciation to Planning Commission Members for their input on the letter they submitted relating to Senate Bill SB170. She was unable to be involved or sign the letter because of a conflict of interest. Chairperson Noda is affiliated with the Attorney General's Office that reviews legislative bills.

REPORT OF THE PLANNING DIRECTOR

(This item was heard at 5:49 p.m.)

Street Banner Ordinance Mr. Ikefuna informed the Commissioners that the street banner ordinance reviewed by the Planning Commission in the Fall of 2005 was reviewed by the Salt Lake City Attorney's

Office. The Attorney's Office had some concerns and made modifications to the ordinance. The original ordinance and the modifications made by the Attorney's Office were forwarded to Commission Members for their review. Mr. Ikefuna noted that he found no substantial impact on the intent of the original ordinance, and invited questions and concerns from Planning Commission Members.

The Planning Commission had no problems with the changes.

Transportation Study by University of Utah Students Mr. Ikefuna explained that on February 7, 2006, he met with planning students from the University of Utah who are performing a study on transportation in the downtown area. One of the areas they will focus on is the area southwest of Gateway, and the study will include growth, carrying capacity, economic feasibility and current transportation development and proposals. The students wish to work closely with the Planning Staff and present their findings to the Planning Commission. When the study is completed, Mr. Ikefuna will arrange for a presentation to the Planning Commission.

Petition 400-04-21 by Salt Lake City Planning Division requesting that this petition to allow stand-alone retail options as a land use within the Business Park Zoning District be withdrawn by the Salt Lake Planning Commission.

Mr. Ikefuna explained that the Planning Staff no longer finds a need to continue with the petition to review allowing stand-alone retail options within the Business Park (BP) zoning district, and Staff is requesting that the Planning Commission withdraw the petition.

Mr. McCandless explained that the current Zoning Ordinance allows retail businesses only in conjunction with planned developments in BP zoning districts. Referring to a map, Mr. McCandless noted the BP zoning districts are generally located along the west side of the I-215 freeway with larger areas zoned BP to the north and northeast of the Airport. Planning Staff received a request in 2004 to develop a stand-alone retail business west of the I-215 corridor. At that time, Staff requested that the Planning Commission initiate a petition to explore the possibility of allowing stand-alone retail land uses within the BP zoning district. Staff's in-depth analysis included reviewing ordinances from other jurisdictions and found consistently that retail uses are typically allowed to support primary land uses in BP districts. In addition, Staff concluded that most stand-alone retail uses would want to be located at the freeway interchanges of 700 North and 2100 North in the BP area. Therefore, as these types of specific requests come in, they should be analyzed as rezoning for specific projects. Thus, Mr. McCandless asked that the Planning Commission withdraw the petition.

The consensus of Planning Commission Members was to withdraw the petition.

Motion for Petition 400-04-21

Commissioner Scott moved for the Planning Commission to withdraw the petition to allow stand-alone retail options as a land use within the Business Park Zoning District. Commissioner Chambless seconded the motion. All voted aye; the motion passed.

PUBLIC NOTICE AGENDA

(This item was heard at 5:56 p.m.)

Salt Lake City Property Conveyance Matters – (John Spencer at 535-6938 or john.spencer@slcgov.com; Matt Williams at 535-6447 or matt.williams@slcgov.com; Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com):

- a) **T-Mobile USA and Salt Lake City Property Management — T-Mobile USA received Conditional Use approval for a utility pole installation of a cellular telephone antenna under Case #410-763 at approximately 1200 West and 1000 North Streets, through an Administrative Hearing held September 27, 2005. The subject utility pole is owned by Utah Power and is located within the City owned street right-of-way of 1000 North Street. T-Mobile USA is now seeking a three foot by approximately thirty-one foot**

6. ORIGINAL PETITION

and Ms. Seelig voted "Aye." Mr. Muir was recused and not present. Chair Jonas, as chair, did not vote. The motion carried.

Mr. Muir returned to the meeting.

LONG RANGE PLANNING ISSUES

Chair Jonas called for comments on the summary of the Planning Commission retreat contained in the staff report. Ms. Seelig noted that the Staff had asked for feedback on the retreat from the Planning Commission. Mr. Wilde asked if the Planning Commission would consider a lunch meeting with Lynn Pace to discuss policy and procedures and the retreat issues at the same time. Chair Jonas favored discussing the retreat summary at a lunch meeting rather than this evening. He commended whomever was responsible for having Lynn Pace attend the last meeting. He stated that Mr. Pace's presence was helpful, and he would like him to attend future meetings as often as possible. The Commissioners concurred with having a lunch meeting. Mr. Wilde offered to coordinate a date and place. Mr. Daniels suggested that the Commissioners consider meeting mid-morning on a Saturday. The Commissioners did not favor a Saturday meeting and preferred to meet for lunch.

Planning Director Louis Zunguze announced that the City Council has retained Frank Gray to work with the City on the walkable communities ordinance. Mr. Gray will be in town March 25, 26, and 27 and he would like to meet with the Planning Commission to discuss their concerns and hear their feedback. Mr. Zunguze suggested a lunch meeting on March 25 or March 26.

Mr. Zunguze noted that the City is receiving an increasing number of requests for street banners. In the past, the administration, through the Mayor, executed executive orders authorizing street banners. Mr. Zunguze suggested considering a more holistic approach. He noted that a section in the zoning ordinance addresses banners but is not comprehensive. He requested that the Planning Commission initiate a petition for the staff to study this issue and initiate proper changes to the ordinance. Chair Jonas agreed to initiate the petition requested by Mr. Zunguze.

Mr. Wilde noted that on December 5 the Planning Commission initiated a petition to consider modifying the sign ordinance to look at off-premise and animated signs downtown and along Main Street. KUTV Channel 2 is one of the parties interested in such an animated sign, and as staff puts this together, he suggested that they consider the option to allow the sign

REMARKS

Petition No. 400-03-08

By Planning Commission

Is requestion a petition to have
staff study and initiate proper
changes to the ordiance regarding
street banners.

Date Filed _____

Address _____