
M E M O R A N D U M

DATE: September 1, 2006
TO: City Council Members
FROM: Russell Weeks
RE: Sign-Master Plans for Open-Air Malls and Stadiums
CC: Cindy Gust-Jenson, Rocky Fluhart, Louis Zunguze, Alexander Ikefuna, Gary Mumford, Doug Dansie, Janice Jardine

This memorandum pertains to a proposed ordinance that would allow developers of open-air malls and stadiums to substitute a sign-master-plan agreement for following sign regulations in the *Salt Lake City Code's* zoning ordinance. The proposed ordinance is based on land use Petition No. 400-04-25. The ordinance's intent is to provide more flexibility for signs on the interior faces of an open-air mall or a stadium. The City Council is scheduled on Tuesday, September 5, to hold a public hearing on the proposed ordinance.

The City Council heard a briefing on this issue August 8. After discussion with Planning Division representatives the City Council forwarded the ordinance as proposed for formal action without further amendment.

This staff memorandum contains no new information that has arisen since the August 8 briefing.

OPTIONS

- Adopt the proposed ordinance.
- Do not adopt the proposed ordinance.
- Do not adopt the proposed ordinance and return the issue to the Planning Division for further exploration of reducing the scope of the ordinance to the area designated as Gateway Mixed Use zoning.

MOTIONS

PUBLIC HEARING

- I move that the City Council close the public hearing.
- I move that the City Council continue the public hearing until (date selected by City Council) to study issues pertaining to this matter.

PETITION

- I move that the City Council adopt the ordinance pursuant to Petition No. 400-04-25.

- I move that the City Council consider the next item on the agenda.
- I move that the City Council return Petition No. 400-04-25 to the Planning Division for further study, including whether to reduce the scope of the proposed ordinance's effect to the area designated as Gateway Mixed Use zoning.

KEY POINTS

- According to the Administration transmittal, the proposed ordinance as written is designed "to clarify and codify historical interpretation regarding indoor signage" for open-air malls and stadiums.
- According to officials of The Boyer Company, the proposed ordinance would allow the company and its tenants to have a broader variety of creative options for signage on the Gateway Mall's interior street and walkways.
- The proposed ordinance would not affect existing signage requirements for signs "oriented to a public street" or to a surface parking lot.
- The proposed ordinance would appear to give developers two options:
 - Follow the current sign ordinance regulations, or
 - Develop a sign master plan agreement that would be vetted by the Planning Commission.

ISSUES/QUESTIONS FOR CONSIDERATION

- Would the proposed ordinance be better if limited to the area designated as Gateway Mixed Use zoning, or is there the potential for other open-air malls to be developed in Salt Lake City? It should be noted that the Planning Division contends that the ordinance should be applied city-wide because the Planning Staff and Planning Commission sought to avoid writing a new, location-specific sign ordinance if another open-air mall is built in Salt Lake City.
- How does one define the interior of an open air mall, if one can see well into the interior of it from a public street or pathway?

BACKGROUND/DISCUSSION

It should be noted that City Council staff has included an option to return the proposed petition to the Planning Division for further study, including whether to limit the effect of the proposed ordinance to areas designated as Gateway Mixed Use zoning. Staff raised the item as an option because, according to the Administration transmittal letter, Planning Division staff explored creating a specialized signage overlay district or amending the Gateway Mixed Use zoning district sign ordinance. However, Planning Division staff discarded those options in favor of the proposed option that would apply city-wide.

The option proposed in the ordinance would be to exempt signs in open-air malls from sign ordinance regulations – if "a sign master plan agreement" is considered as part of a planned development under the conditional use process or as part of a site design review process. The proposed ordinance describes a "sign master plan agreement" as "an agreement outlining sign criteria to be used on private property but not oriented to a public street. The criteria should include, but is not limited to the discussion of types, sizes and materials of construction of signs."

The proposed ordinance would apply to “open-air malls,” and defines those malls as “a building or buildings that are designed to function like a traditional shopping mall but to not have a ceiling or roof.” The proposed ordinance also would apply to stadiums.

According to the Planning Division and the transmittal letter, the City traditionally “has not regulated signage indoors, such as within the ZCMI Center or Crossroads Mall.” The transmittal letter also said that the City had extended the non-regulation policy “to enclosed but otherwise roofless areas, such as within Franklin Covey Field.”

The proposed ordinance still would require that open-air malls and stadiums would have to follow current signage regulations on buildings and surfaces that faced public streets. In addition, buildings in malls that surrounded surface parking lots – similar to the Sugar House Commons – would have to follow current sign regulations.

The City Council in late 2001 adopted an ordinance that allowed more flexibility and opportunities for additional signage in areas designated as Gateway Mixed Use zoning, according to an October 2001 City Council staff report. The report said the amendments adopted then:

1. Permitted perpendicular, projecting (blade) signs, canopy signs and official and corporate flags across the property lines in the Gateway Mixed Use Zone.
2. Permitted projecting building signs on the following uses:
 - Theaters with frontage and direct access to the street.
 - Anchor retail (large retailers with over 35,000 sq. ft. of usable floor area) or shopping centers or malls (containing multiple stores with a combined commercial/retail floor area of over 100,000 sq. ft.)
 - Historic buildings
3. Established the number and location of signs and area size, height and setback measurement criteria.

Despite the amendments, the operators of the Gateway Mall, tenants, and City officials had differences of opinion over compliance with signage regulations. The mall’s owner, The Boyer Company, then filed a petition in June 2004 to amend signage ordinances affecting the mall.

According to The Boyer Company’s Jacob Boyer, the company sought the same signage rights as those held by covered malls to give tenants potentially more creative opportunities to advertise themselves with signs.

The Planning Division saw the issue as a way “to clarify and codify historical interpretation regarding indoor signage,” according to the transmittal letter. It might be noted that codifying an issue ideally closes off subjective interpretation of ordinances.

It also might be noted that despite rapidly changing retail and retail development markets, open-air malls are still identified as a recent and growing trend in retail development. (Please see attachment.) That may mean that Salt Lake City might see other open-air developments in the future.

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DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION

DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Management Services Director **DATE:** November 16, 2005
FROM: Louis Zunguze, Community Development Director
RE: **Petition 400-04-25**, Request by the Gateway Mall (Boyer Company) to alter the sign ordinance

STAFF CONTACT: Doug Dansie, Principal Planner, at 535-6182 or
doug.dansie@slcgov.com

RECOMMENDATION: That the City Council schedule a briefing and a public hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: Petition 400-04-25 was initiated by the Gateway Mall (Boyer Company) requesting that Salt Lake City alter the sign ordinance to respond to signage issues within the Gateway Mall. The petition has been expanded to address open-air malls and roofless spaces throughout the City. These issues include advertising on private sidewalks, signs overhanging private property, and other signage not visible from the public street.

Analysis: Staff analyzed several alternatives to addressing signage for open-air malls, including the concept of creating a specialized signage overlay district or altering the Gateway Mixed Use (GMU) zoning district sign ordinance. Ultimately a decision was made to not modify the sign ordinance as it related to frontage on public streets but to clarify and codify historical interpretation regarding indoor signage. Traditionally the City has not regulated signage indoors, such as within the ZCMI Center or Crossroads Mall. The policy has been extended to enclosed but otherwise roofless areas, such as within Franklin Covey Field. The new proposal would allow open-air malls to vary from the sign ordinance on the interior of the mall (not facing a public street) but would still require permits and regulation through planned development or the conditional building and site design review process.

Master Plan: The Urban Design Element calls for signage that is appropriate to the area, which allows retailers to advertise their businesses without creating visual clutter. This proposal applies to signage interior to a building (but open to the sky) and will theoretically not affect signage visible from a public street.

Public Process: An open house was held Sept 27, 2005. Two people attended. No comments were received.

At their October 5, 2005 meeting, the Planning Commission voted to forward a positive recommendation to the City Council regarding the amendment of the sign ordinance.

RELEVANT ORDINANCES: Amendments to the Zoning Ordinance 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 factors which should be analyzed prior to rezoning property (Section 21A.50.050 A-E).

Therefore, Staff analyzed master plan considerations, existing and potential future development in the immediate vicinity, impacts to adjacent properties, applicable overlay zones, and the adequacy of existing services and facilities, as detailed in the attached Staff report. The Planning Commission based its decision on these criteria, finding that the amendment meets the criteria.

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1. Chronology

Chronology

June 4, 2004	The Boyer Company requested to alter the sign ordinance to accommodate signage within the Gateway Mall.
June 2004-May 2005	Staff considered several methods of accommodating the proposal. Decision was made to formalize policy for indoor signage.
May –July 2005	Requested department input.
September 16, 2005	Notices for open house sent to Community Council Chairs and interested parties.
September 20, 2005	Notices for Planning Commission sent to Community Council Chairs and interested parties.
September 27, 2005	An Open House was held to solicit community input.
October 5, 2005	The Salt Lake City Planning Commission held a public hearing and voted to forward a positive recommendation to amend the sign ordinance.
October 26, 2005	The Planning Commission ratified the minutes of the October 5, 2005 meeting.
October 27, 2005	Staff requested an ordinance from the City Attorney's Office.
November 10, 2005	Received ordinance from Attorney's Office

2. Proposed Ordinance

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Open Air Malls Signage Ordinance)

AN ORDINANCE ADOPTING SECTION 21A.46.052, *SALT LAKE CITY CODE*,
PERTAINING TO SIGNS EXEMPT FROM SPECIFIC CRITERIA OTHER THAN FEES AND
PERMITS, AND AMENDING SECTION 21A.62.040, *SALT LAKE CITY CODE*,
PERTAINING TO DEFINITIONS, PURSUANT TO PETITION NO. 400-04-25.

WHEREAS, the City Council finds that the proposed amendments are in the best interest
of the City.

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

SECTION 1. That Section 21A.46.052, *Salt Lake City Code*, pertaining to signs exempt
from specific criteria other than fees and permits, shall be, and the same hereby is, enacted to
read as follows:

21A.46.052 Signs Exempt From Specific Criteria But Not Fees And Permits:

Signs within open air malls, stadiums or other enclosed spaces that do not have a roof, but are otherwise physically confined and separated from the public street right-of-way are required to obtain sign permits and pay fees to insure public safety and compliance with the City's building code. Such signs are subject to sign ordinance regulations unless a sign master plan agreement was specifically considered as part of a planned development as outlined in Chapter 21A.54 or was specifically authorized through the conditional building and site design review process as outlined in Chapter 21A.59. The sign master plan agreement shall only be authorized for signage within the open air mall or stadium that is not oriented to the public street. Signage oriented to a public street or to a surface parking lot is specifically not exempt from ordinance requirements and not subject to modification through a sign master plan agreement.

SECTION 2. That Section 21A.62.040, *Salt Lake City Code*, pertaining to definitions, shall be, and the same hereby is, amended, in part, to include the following definitions:

“Open air mall” means a building or buildings that are designed to function like a traditional shopping mall, but do not have a ceiling or roof.

“Sign master plan agreement” means an agreement outlining sign criteria to be used on private property but not oriented to a public street. The criteria should include, but is not limited to the discussion of types, sizes and materials of construction of signs.

“Stadium” means a confined but open air facility designed to accommodate athletic events or other large gatherings.

SECTION 3. 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 _____, 2004.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorneys Office
Date November 10, 2005
By Melanie Reef

(SEAL)

Bill No. _____ of 2004.

Published: _____.

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3. City Council Public Hearing

3a. Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing **Petition 400-04-25**, a request by the Boyer Company, to amend the sign ordinance to accommodate signage within open-air malls.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, the Planning staff may present information on the petition and 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 PM

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

If you have any questions relating to this proposal, please attend the meeting or call Doug Dansie at 535-6182 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. If you are the owner of a rental property, please inform you tenants of this hearing. We comply with all ADA guidelines. Assistive listening devices and interpreter services provided upon 24 hour advance request.

3.b Mailing List

COMMUNITY COUNCIL CHAIRS:

Updated: 11/3/2005 cr

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WEST POINTE COMM. COUNCIL
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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
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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
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PETER VON SIVERS, CHAIR
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SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR
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BILL PLASTOW, CHAIR
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Updated: 4/1/2005 sj

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ATTN: CAROL DIBBLEE
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GHAZVINI, ALI
5 S 500 W
Suite 615
SALT LAKE CITY, UT 84101-4123

GRIMALDI MEDICAL USA
5 S 500 W
Suite 1006
SALT LAKE CITY, UT 84101-4126



BOYDSTUN, DEREK S & NORA L; JT
2838 BELL FLOWER DR
Suite
ANTIOCH, CA 94531-

ZAFERIS, JAMES P & VALERIE A; TRS
PO BOX 668
Suite
FALLBROOK, CA 92088-

MANCEBO, JO N
PO BOX 3517
Suite
FREMONT, CA 94539-

LEWIS, CHARLES D & GARLYN F; JT
4627 GRANDVIEW TERR/
Suite
LA MESA, CA 91941-

NORTHGATE VILLAGE AS LP
320 GOLDEN SHOR
Suite 200
LONG BEACH, CA 90802-

NORTHGATE VILLAGE AS LP
320 GOLDEN SHORE ST
Suite
LONG BEACH, CA 90802-

ENTRUST ADMINISTRATI SKB-F IRA ACCOL
555 12TH STREET
Suite 1250
OAKLAND, CA 94607-

BANKS, RONALD & LISI; JT
108 WISTERIA DR
Suite
BONAIRE, GA 31005-

FONG, LEONARD K M; T
3868 POKAPAHU PLACE
Suite
HONOLULU, HI 96816-

WENDLAND, DAVID M
3746 E ALTA RIDGE DR
Suite
BOISE, ID 83716-

IWR GATEWAY CENTRAL LLC
2901 BUTTERFIELD RD
Suite
OAK BROOK, IL 60523-

INLAND WESTERN SALT CITY GATEWAY
2901 BUTTERFIELD ROAI
Suite
OAKBROOK, IL 60523-

THE DENVER & RIO GRA RR CO
Suite
OMAHA, NE 68102-2010

UNION PACIFIC RAILRO
1400 DOUGLAS ST STOP
Suite
OMAHA, NE 68179-

UTAH POWER & LIGHT C
700 NE MULTNOMAH ST
Suite 700
PORTLAND, OR 97232-2131

CAMERON, MATTHEW J & C J; JT
1843 E 2475 S
Suite
BOUNTIFUL, UT 84010-

MAGALDE, SHERRITA R
1395 S KNOLL HOLLOW LN
Suite
DRAPER, UT 84020-7695

PARC GATEWAY PARTNER
6440 S WASATCH BLVD
Suite
HOLLADAY, UT 84121-3511

WHEAT, O KELLY & BARBARA M; JT
PO BOX 530
Suite
HUNTSVILLE, UT 84317-

CACHE VALLEY ELECTRI
PO BOX 405
Suite
LOGAN, UT 84323-0405

ANDERTON, SUZETTE
1158 E EAGLE WOOD LOOI
Suite
NORTH SALT LAKE, UT 84054-

BOOCHEVER, SLOANE & DANIELLE C; JT
1017 E 450 S
Suite
PLEASANT GROVE, UT 84062-

SKM PETERSON LLC
3574 N 150 W
Suite
PROVO, UT 84060-

SHEEN, TROY
4607 PROMENADE DR
Suite
ROY, UT 84067-3676

SHEEN, TROY W
4607 PROMENADE DR
Suite
ROY, UT 84067-

GCII INVESTMENTS LC
242 S 200 E
Suite
SALT LAKE CITY, UT 84111-2562

BONNEVILLE INTERNATI
55 N 300 W
Suite
SALT LAKE CITY, UT 84103-

BONNEVILLE INTERNATI
55 N 300 W
Suite
SALT LAKE CITY, UT 84103-

KSL BROADCAST HOUSE AMD COMMON AF
55 N 300 W
Suite
SALT LAKE CITY, UT 84103-

ESP FUTURE LTD
964 S 3800 W
Suite
SALT LAKE CITY, UT 84104-4567



- 4. Planning Commission Hearing**
 - a. Original Notice and Postmark**
 - b. Staff report**
 - c. Minutes**

a. Original Notice and Postmark

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 12, 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, September 28, 2005
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC NOTICE AGENDA**
5. **PUBLIC HEARINGS**
 - a) **Petition No 400-05-23** - by Gregory Savage, representing Mr. Chris Drakos/Montana Brand Trucking requesting that Salt Lake City close and declare as surplus property, 1500 North Street between Beck Street and Hot Springs Street (745 West), in a Light Manufacturing (M-1) zoning district. (Staff - Ray McCandless at 535-7282 or ray.mccandless@slcgov.com).
 - b) **Petition Number 400-05-20** - by Salt Lake City Council, requesting that properties located at approximately **405 West 2300 North** on the high Lake Bonneville Bench Area east of Beck Street be rezoned from an Open Space (OS) zoning district to a Natural Open Space (NOS) zoning district. (Staff - Ray McCandless at 535-7282 or ray.mccandless@slcgov.com).
 - * c) **Petition 400-04-25** - by Boyer Company/Gateway Association requesting a modification to the sign ordinance portion of the zoning ordinance regarding open air malls. (Staff - Doug Dansie at 535-6182 or doug.dansie@slcgov.com).
6. **UNFINISHED BUSINESS**

OGDEN, SCOTT N
S 500 W

NOTICE OF A HEARING

Salt Lake City Planning Division
Planning Commission Secretary
451 South State Street, Rm. 406
Salt Lake City, UT 84111

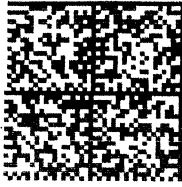
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1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the 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.

94101-1000

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OGDEN, SCOTT
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SALT LAKE CITY, UT 84111

b. Staff report

DATE: Oct 5, 2005

TO: Salt Lake City Planning Commission

RE: STAFF REPORT FOR THE OCTOBER 12, 2005 MEETING

CASE#: 400-04-25

APPLICANT: The Boyer Company / Gateway Associates

STATUS OF APPLICANT: Property Owner

PROJECT LOCATION: This is a zoning ordinance text change that will affect the sign ordinance.

PROJECT/PROPERTY SIZE: NA

COUNCIL DISTRICT: City wide

REQUESTED ACTION: An amendment to the sign ordinance portion of the zoning ordinance to clarify treatment of signage within open air malls and other confined, but roofless, spaces.

PROPOSED USE(S): A sign ordinance modification affecting open air malls stadiums and other confined, but roofless spaces.

APPLICABLE LAND

USE REGULATIONS: The proposed change modifies 21A.46.052 and 21A.62.040 of the zoning ordinance.

MASTER PLAN SPECIFICATIONS: The Urban Design Element of the Salt Lake City Master Plan recommends that signage allow ample opportunities for advertising while enhancing the quality of life of the City.

SUBJECT PROPERTY HISTORY: The petition was initially driven by signage issues within the Gateway Mall but has other application.

Signage within enclosed malls has historically been administered as being exempt from the sign ordinance. Signage within fully enclosed and gated roofless spaces (such as Franklin Covey Field) has historically been considered interior signs. Signage within open air malls, that are not entry restricted, remains within an ambiguous area of ordinance interpretation.

ACCESS: Not Applicable

PROJECT DISCRPTION: The issue of signage in enclosed, but unregulated (no admission) or partially open spaces has remained an ambiguous area of interpretation. This ordinance attempts to clarify and define those regulations.

COMMENTS, ANALYSIS AND FINDINGS:

COMMENTS

Comments from City Departments and Community Council(s):

The petition was routed to Engineering, Public Utilities, Transportation, Permits, Fire and the Police Department. The petition was also routed to all Community Councils and Business organizations.

- a) **Transportation:** No objections.
- b) **Building Services/Permits:** Prefers the ordinance be clear enough that they are not making judgment calls regarding what is or is not visible from the street and/or subject to the ordinance.

- c) **Engineering:** No comment.
- d) **Police:** No objections.
- e) **Public Utilities:** No objections.
- f) **Fire:** No comment.
- g) **Community Councils:** An open house was held Sept 27, 2005. Two people attended. No comments were received.

ANALYSIS AND FINDINGS

The petition is being primarily driven by signage issues within the Gateway Mall, however there are other applicable situations within Salt Lake City. Signage within enclosed malls has historically been administered as being exempt from the sign ordinance. Signage within fully enclosed and gated roofless spaces (such as Franklin Covey Field) has historically been considered interior signs. Signage within open air malls remains within an ambiguous area of ordinance interpretation.

Issues that are being generated by this proposal.

No issues have been generated by the public. The primary concern expressed during interdepartment review of the proposal was the ability to clearly interpret the ordinance. Zoning enforcement officers did not wish to make judgment calls as to whether signage is or is not visible from the street; therefore the proposed ordinance relies on the adoption of a sign master plan agreement to clarify exactly what signage is allowed that may otherwise differ from ordinance restrictions. An ongoing concern has been whether the addition of new sign types would create clutter on the building or if the number and/or square footage of signage would be greater than the signage allowed in general.

STANDARDS FOR GENERAL AMENDMENTS TO THE ZONING ORDINANCE

Since the request is a modification of the existing sign ordinance, the Planning Commission must review the proposal and forward a recommendation to the City Council. In undertaking the task, the Planning Commission must use the following standards:

The following standards are listed in the Zoning Ordinance [21A.50.050] and must be considered for all proposed zoning 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: Most community master plans do not have specific language regarding signage, other than it be designed to be appropriate to the level of need. The Urban Design Element is the overall City Master Plan affecting general design issues. The Urban Design Element of the Salt Lake City Master Plan recommends that signage allow ample opportunities for advertising while enhancing the quality of life of the City.

The Sign Ordinance is designed to encourage consistency for signage and not allow one use to have “advantage” over another. However, enclosed or confined spaces have historically not been subject to the sign ordinance because they are not visible from the public street. This ordinance attempts to treat open air malls similar to enclosed malls in terms of signage, without creating clutter or an increase of signage that may be visible from the street. The verbiage of the ordinance specifically requires the mall to meet the sign ordinance in all aspects, unless a Sign Master Plan Agreement is specifically approved to regulate the signage not visible from the street. This agreement is required to assist enforcement officers in distinguishing general signage from that which is interior to the open air mall.

Finding: The zoning amendment clarifying signage allowed in enclosed, but roofless, spaces is consistent with the Urban Design Element of the Salt Lake City Master Plan.

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

Discussion: A typical enclosed mall or stadium is exempt from the sign ordinance if the signs are interior to the building. By allowing the requested additional sign ordinance modification, it clarifies that roofless malls and stadiums are not considered exempt from building permits and regulations (because of outdoor health safety building code concerns) or fees, but they are allowed some variation from the same sign standard as signs facing the public street, if they are not oriented to the street or have presented a Sign Master Plan Agreement as part of the development application.

Because the proposed ordinance only affects signage oriented to the interior of an open air mall, the effect on adjacent development is minimal. The signage should not be seen from outside the development.

Finding: The proposed amendment is harmonious with existing development.

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

Discussion: Because the ordinance change will only affect signage oriented to the interior of the development, it will have no general effect on adjacent properties.

Finding: The proposed signage will not affect adjacent properties.

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

Discussion: The proposed changes will still be subject to Historic Landmark Commission review, or other zoning overlays, when applicable.

Findings:

Any potential impact on overlay districts is minimal or non-existent.

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 proposal relates to signage. Responses by City Departments/Divisions indicate the proposal will not affect any public services

Findings:

The proposed sign ordinance text amendment does not affect public services.

RECOMMENDATION:

In light of the comments, analysis and findings noted above, staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve an ordinance to clarify the requirements for signage within enclosed but roofless spaces.

Attachments: Exhibit 1 – Draft Ordinance. Exhibit 2 – Other Division Recommendations.

Exhibit 1
Draft Ordinance.

21A.46.052 Signs Exempt from specific criteria but not fees and permits:

Signs within open air malls, stadiums or other enclosed spaces that do not have a roof, but are otherwise physically confined and separated from the public street right-of-way are required to obtain sign permits and pay fees to insure public safety and compliance with building code. Such signs are subject to sign ordinance regulations unless a sign master plan agreement was specifically considered as part of a planned development as outlined in 21A.54 or was specifically authorized through the conditional building and site design review process as outline in 21A.59. The sign master plan agreement shall only be authorized for signage within the open air mall or stadium that is not oriented to the public street. Signage oriented to a public street or to a surface parking lot is specifically not exempt from ordinance requirements and not subject to modification through a sign master plan agreement.

21A.62.040 Definitions:

“Open air mall” means a building or buildings that are designed to function like a traditional shopping mall, but do not have a ceiling or roof.

“Stadium” means a confined but open air facility designed to accommodate athletic events or other large gatherings.

“Sign Master Plan Agreement”: An agreement outlining sign criteria to be used on private property not oriented to a public street. The criteria should include, but is not limited to discussion of types, sizes, and materials of construction of signs.

Exhibit 2
Other Division Recommendations.

June 15, 2005

Doug Dansie
Planning Division
451 So. State Street, Room. 406
Salt Lake City, Utah 84111

Re: Petition 400-04-25. Zoning Text Amendment to modify the sign ordinance regarding open air malls.

Dear Doug:

The Division of Transportation review comments and recommendations for the proposal for a text amendment to modify the requirements of the sign ordinance for open air malls is for approval as follows:

The Transportation Division sees no impact to the existing public right of way corridors per the proposed change in that the revision is restricted to interior areas with no exposure to the public transportation corridor roadway.

Please feel free to call me at 535-6630 if you have any further questions.

Sincerely,

Barry D. Walsh
Transportation Engineer Assoc.

Doug,

No concerns with this signage petition.

Thanks,

J.R. Smith
SLCPD
Community Action Team

Doug,

Salt Lake City Public Utilities has no objections to the proposed zoning language changes for signage.

Brad

c. Minutes

SALT LAKE CITY

PLANNING COMMISSION MEETING In Room 326 of the City & County Building 451 South State Street, Salt Lake City, Utah Wednesday, October 12, 2005

Present from the Planning Commission were Chairperson Chambless, Vice Chairperson Laurie Noda, and Commissioners Babs De Lay, John Diamond, Craig Galli, Peggy McDonough, Kathy Scott, Jennifer Seelig, and Prescott Muir.

Present from the Staff were Alexander Ikefuna, Planning Director, Doug Wheelwright, Deputy Planning Director, Ray McCandless, Principal Planner, Doug Dansie, Principal Planner, and Maggie Tow, Planning Commission Secretary.

PUBLIC HEARINGS

Petition No. 400-04-25, by Boyer Company/Gateway Association requesting a modification to the sign ordinance portion of the zoning ordinance regarding open air malls.

At 7:16 P.M. Chairperson Chambless introduced Petition No. 400-04-25 and Doug Dansie, Principal Planner. Mr. Dansie stated that the petition was primarily driven by signage issues within the Gateway Mall, but other applicable situations were found within Salt Lake City. He stated that Gateway was basically like all malls except it did not have a roof on it.

Mr. Dansie gave a brief history of the sign ordinance, saying that signage within enclosed malls had historically been administered as being exempt from the sign ordinance. Signage within fully enclosed and gated roofless spaces (such as Franklin Covey Field) had historically been considered interior signs. Signage within open air malls remained within an ambiguous area of ordinance interpretation.

Mr. Dansie stated that the Sign Ordinance was designed to encourage consistency for signage and not allow one use to have "advantage" over another. However, enclosed or confined spaces had historically not been subject to the sign ordinance because they were not visible from the public street. He stated that this ordinance would attempt to treat open air malls similar to enclosed malls in terms of signage, without creating clutter or an increase of signage that could be visible from the street. The verbiage of the ordinance specifically required the mall to meet the sign ordinance in all aspects, unless a Sign Master Plan Agreement was specifically approved administratively or by the Planning Commission to regulate the signage not visible from the street. This agreement was required to assist enforcement officers in distinguishing general signage from that which was interior to the open air mall.

Chairperson Chambless opened the public hearing.

Kim Fletcher, with the Boyer Company, stated that with the current signage criteria they did not have the latitude they needed on the inside of their shopping center with regards to placing signs

outside of the shops. Ms. Fletcher requested that the Gateway Mall be considered the same as an enclosed mall with the same signage requirements.

Tracey James, with Inland Southwest Management, stated that the shops at Gateway are currently not meeting the ordinance criteria when signs are placed on the sidewalk outside of their shops. Mr. James requested that the Planning Commission review the Gateway Association Master Plan, which he said is well defined and conforms to the design the Planning Commission wants to see.

Chairperson asked if anyone had questions for Ms. Fletcher or Mr. James. No response was heard.

Mr. Dansie answered the Planning Commissioner's questions regarding signage set-backs, which business would or would not have to meet the requirements in relation to public streets, and portable signs. He gave examples of different situations pertaining to signage.

Chairperson Chambless asked if there was anyone from the Community Council or community that wished to talk about this matter. No response was heard. Chairperson Chambless closed the public hearing and asked for discussion and/or a motion.

Motion for Petition No. 400-04-25:

Commissioner De Lay moved that the Planning Commission transmit a favorable recommendation to the City Council to approve Petition No. 400-04-25, based on the comments, findings and analysis in the staff report to clarify the requirements for signage with the enclosed but roofless spaces. Commissioner Seelig seconded the motion. Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner McDonough, Commissioner Muir, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye". There was none opposed. The motion passed.

The Planning Commission meeting was adjourned at 7:48 P.M. by Chairperson Chambless.

Margaret Tow, Secretary

5. Original Petition

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>6/04/04</u>	<u>LLH</u>	Petition delivered to Planning
<u>6/8/04</u>	<u>DJ</u>	Petition assigned to: <u>Doug Dansie</u>
<u>10/5/05</u>	<u>TD</u>	Planning Staff or Planning Commission Action Date
<u>11/4/5</u>	<u>DD</u>	Return Original Letter and Yellow Petition Cover
<u>11/4/5</u>	<u>DD</u>	Chronology
<u> </u>	<u>NA</u>	Property Description (marked with a post it note)
<u> </u>	<u>NA</u>	Affected Sidwell Numbers Included
<u>11/4/5</u>	<u>TD</u>	Mailing List for Petition, include appropriate Community Councils
<u>11/4/5</u>	<u>TD</u>	Mailing Postmark Date Verification
<u>11/4/5</u>	<u>TD</u>	Planning Commission Minutes
<u>11/4/5</u>	<u>DD</u>	Planning Staff Report
<u>11/4/5</u>	<u>DD</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u> </u>	<u> </u>	Ordinance Prepared by the Attorney's Office
<u> </u>	<u> </u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Doug Dansie</u>	<u> </u>	Planner responsible for taking calls on the Petition
<u> </u>	<u> </u>	Date Set for City Council Action <u> </u>
<u> </u>	<u> </u>	Petition filed with City Recorder's Office

REMARKS

Petition No. 400-04-25

By The Boyer Company/Gateway Assoc.

Is requesting a Zoning Text
Amendment at the Gateway, 50 North
to 200 South/400 West to 500 West.

Date Filed _____

Address _____