



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: July 18, 2023

RE: Nonconforming Signs Ordinance Text Amendment
PLNPCM2022-00984

Item Schedule:

Briefing: June 13, 2023

Set Date: June 6, 2023

Public Hearing: July 11, 2023

Potential Action: July 18, 2023

PUBLIC HEARING UPDATE

No one spoke at the July 11, 2023 public hearing. The Council closed the hearing and deferred action to a future meeting.

BRIEFING UPDATE

In response to a Council Member's question about what the proposed ordinance changes, Planning staff noted it would allow a business to keep an existing sign when use of the property changes or to modify a sign with, for example, energy efficient lighting. The proposal would allow these types of changes if they don't make the sign more noncompliant. Being able to modify nonconforming signs can save businesses significant costs to replace these signs. It would also allow signs to remain in place rather than being torn down and disposed of. The current ordinance does not allow changes to nonconforming signs unless they are brought into complete compliance.

Council Members also discussed requiring lights on signs to be dimmed at night, new sign display technology, and vintage signs, all of which are not included in the proposed ordinance but are in other sections of *City Code*.

Some Council Members expressed support for a legislative action to review and potentially update the electronic signs ordinance.

The following information was provided for June 13, 2023 Council briefing. It is included again for background purposes.



The Council will be briefed about a proposal initiated by Mayor Mendenhall to amend the City ordinance related to nonconforming signs. The proposal would allow more flexibility in maintaining, reusing, modifying, and updating existing signs. It would also help align sign standards with federal and state statutes, City goals, and support businesses.

Federal statute prevents municipalities from regulating sign content and State statute requires municipalities to permit reuse of noncomplying structures. The proposed text amendment allows changes to a sign's text, and reuse of nonconforming signs if changes do not increase the degree of noncompliance. These proposed changes would bring *City Code* into compliance with State and Federal requirements.

Nonconforming signs are those that were permitted under *City code* when they were constructed but do not conform to current standards. They may remain, but the current code limits changes that can be made to these signs and effectively prevents reusing nonconforming signs. The current section of *Salt Lake City Code* related to nonconforming signs includes the following:

A nonconforming sign shall not be reconstructed, raised, moved, replaced, extended, altered, or enlarged unless the sign is changed so as to conform to all provisions of this chapter. A nonconforming sign may be temporarily removed for routine maintenance and reinstalled in the same location and manner. Alterations shall also mean the changing of the text or message of the sign as a result of a change in use of the property.

If a property with a nonconforming sign was sold, under the current ordinance the buyer would not be able to change the sign's text or upgrade to energy efficient lighting on the sign without making other changes to bring the sign fully into conformance with the ordinance. This could create a burden on the business owner requiring numerous updates to an existing sign or its removal and replacement with a new conforming sign.

The proposed ordinance contains the following language related to nonconforming signs:

A. Applicability: The regulations in this section shall apply to all nonconforming signs with the following exceptions:

- 1. Vintage signs shall be regulated by Section 21A.46.125 of this chapter.*
- 2. Billboards shall be regulated by Section 21A.46.160 of this chapter.*

B. Modifications: A sign permit may be issued for modifications to a nonconforming sign provided the modifications do not increase the level of nonconformity of such sign. This includes changes to dimensional standards, location, or the replacement of any part of the sign structure. This provision does not apply in the case of:

- 1. Any modification that is necessary due to a government action that results in the relocation or alteration of a sign, including signs that would become nonconforming due to the government action, are permitted.*

C. Maintenance: Nonconforming signs shall be maintained as defined in Section 21A.46.020, including the temporary removal of the sign for repairs and other routine maintenance. The sign shall be reinstalled in the same location and in the same manner or relocated to a location that increases the level of conformity.

It is worth noting that vintage signs and billboards are under separate sections of *City code* and are not affected by the proposed nonconforming signs text amendment.

Planning staff recommended the Planning Commission forward a positive recommendation to the Council. The Commission reviewed the proposal during its March 29, 2023 meeting and held a public hearing at which one person spoke in favor of the proposed text amendment. Commissioners voted unanimously in favor of forwarding a positive recommendation to the City Council.

Goal of the briefing: Review the proposed text amendment, determine if the Council supports moving forward with the proposal.

POLICY QUESTION

1. The Council may wish to ask the Administration if they know approximately how many nonconforming signs would be impacted by the proposed text amendment.

KEY CONSIDERATIONS

Planning staff identified two key considerations related to the proposal which are found on pages 6-7 of the Planning Commission staff report and summarized below. For the complete analysis, please see the staff report.

Consideration 1-How the proposal helps implement the City goals and policies identified in Plan Salt Lake

Planning staff noted a key principle in *Plan Salt Lake* is “...a balanced economy that produces quality jobs and fosters an innovative environment for commerce, entrepreneurial local business, and industry to thrive.” Helping remove barriers to economic development may help achieve that goal.

The current nonconforming sign ordinance includes text or message changes as alterations to signs. Planning found the inability to reuse an existing nonconforming sign is a barrier to economic development that can be removed.

Consideration 2-Continued use of noncomplying structures

Continued use of nonconforming uses and noncomplying structures is allowed under Salt Lake City Code. Changes to these structures are allowed provided they do not increase the degree of noncompliance. Modifications that increase the structures’ compliance with the ordinance are also allowed.

It is Planning staff’s opinion that the proposed nonconforming signs ordinance changes are consistent with the intent of the section of City code governing noncomplying structures in that changes to signs that do not increase nonconformity, or that increase the degree of conformity should be allowed. They believe that “alterations to the face, sign cabinet, type of illumination, or the design, and even the replacement to a more complying sign, will not create an adverse impact to the surrounding properties and the city in general and supports businesses because of an increase in flexibility regarding modifications and maintenance to existing signs.”

ZONING TEXT AMENDMENT STANDARDS

Planning staff reviewed the proposed text amendment against the following criteria *City Code* says the City Council should consider. Please see Attachment B (page 11) of the Planning Commission staff report for additional information.

Factor	Finding
Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents.	Complies

Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.	Complies
A proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.	Not Applicable
The extent to which a proposed text amendment implements the best current, professional practices of urban planning and design.	Complies

PUBLIC COMMENTS

Planning staff received a letter from Scenic Utah sharing concerns about some aspects of the proposed text amendment. These concerns and Planning's responses are summarized below. Scenic Utah's letter was also sent to the Council and is included as an attachment to this report.

- Scenic Utah asked why the definition of an 'electronic changeable copy sign' is proposed to be changed to mean a sign face type rather than a sign type.
 - Planning staff explained the change is intended to provide clarity in the zoning ordinance. A sign face is defined as the part of a sign that identifies, advertises, or communicates information. Electronic changeable copy is not a sign type, as any type of sign (e.g., pole, monument, flat, etc.) could contain this changeable copy as part of the sign face.
- Scenic Utah asked for dwell times (time that elapses between text, images, or graphics on an electronic billboard or electronic sign), and twirl times (the time it takes for static text, images, and graphics on an electronic billboard or electronic sign to change to different, text, images, or graphics on a subsequent sign face), to be updated in the proposal.
 - Planning staff noted that these terms are only defined in the billboard section of the sign ordinance and beyond the scope of the proposed text amendment. A separate petition would need to be initiated to change those.
- Scenic Utah agrees with additional flexibility in maintaining, reusing, modifying, and updating nonconforming signs, but expressed concern about a lack of standards or criteria for determining conditions under which these signs can or should be permitted to be altered.
 - Planning staff said nonconforming signs can be maintained or modified provided that the degree of nonconformity is not increased. During the sign permit process, proposed changes would be evaluated against the sign ordinance to ensure that no new or additional nonconformity is created. If not, a permit would be issued. This aligns with regulations for nonconforming uses and noncomplying structures found in *City code*.

The Sugar House Community Council sent a letter to Planning staff expressing support for the proposed text amendment.

PROJECT CHRONOLOGY

- October 11, 2022-Application received by Planning Division.
- October 11, 2022-Petition assigned to Kaitlynn Harris, Principal Planner.
- October 2022-February 2023-Petition reviewed internally, and staff drafted language to support goals of the petition.
- February 6, 2023-Notice mailed to all Community Councils.
 - Application posted for the open house.
- Planning Commission agenda posted to the website and emailed to the listserv.
- March 29, 2023-Planning Commission meeting and public hearing. The Planning Commission voted unanimously to forward a positive recommendation to the City Council.
- April 5, 2023-Ordinance requested from Attorney's Office.
- April 7, 2023-Planning received signed ordinance from the Attorney's Office.
- April 27, 2023-Transmittal received in City Council Office.