



CITY COUNCIL STAFF REPORT

MEETING DATE: 9 November 2016
APPLICANT: South Salt Lake City
PROJECT NUMBER: T-16-003
REQUEST: Land Use Ordinance Amendment for Title 17.16 - Billboards
PREPARED BY: Michael Florence

SYNOPSIS: South Salt Lake City is petitioning the Planning Commission and City Council to amend the land use ordinances regarding requirements for locating and relocating signs within the City and Community Reinvestment Area's.

SUMMARY:

- The amendment changes the review process for modifications to billboards from Special Exceptions to Conditional Uses. The City has well defined standards of review for conditional use as found in 17.09 which are more applicable to mitigating impacts of uses than what is found in the Special Exception requirements of the sign code.
- The amendment clarifies where the sign distances from particular locations and uses are measured. The proposal also amends that billboards may not be located within 150 of a residential use whereas previously it was measured from a residential zone.
- Finally, the proposed amendment outlines a process specifically for relocating billboards from an existing redevelopment, community development or community reinvestment project area. An example of one of these areas is South Salt Lake's new Downtown District at 2100 S. State. These are areas established by the South Salt Lake Redevelopment Agency with the purpose of attracting new investment to the area. Specifically, the amendment would allow the Planning Commission or Community and Economic Development Director to review alternative locations for billboards within or outside a project area when new development of economic growth will occur due to the new development. The amendment would give the commission or director flexibility with sign area, height and setbacks in order to work with a billboard company to relocate the billboard to another location.
- The proposed amendments received a positive recommendation from the Planning Commission.



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General Plan Considerations:

Goal LU-1. Regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.

Goal LU-12. Adopt design standards for business and commercial areas.

Ordinance Requirements and Considerations:

Land Use Amendment Procedure:

17.01.150 Amendments.

- A. Amendments to the Zoning Map. Amendments to the zoning map shall be made in compliance with the provisions of this chapter and Utah State Code Annotated.
- B. Initiating Amendments and Corrections. Any citizen, property owner, the planning commission, the city council, or the community development director may initiate proposals for change or amendment of the South Salt Lake General Plan or any chapter or regulation of this code or the official city zoning map.
- C. Application. Any person seeking an amendment to the land use code or zoning map shall submit an application with the community development department indicating the change desired and how the change will further promote the goals and objectives of the general plan. Application will be processed and noticed to the public, when applicable, according to this code and Utah Code Annotated. Applications will be processed in an efficient manner in order to not cause the applicant unwarranted delays.
- D. Planning Commission. The planning commission shall:
 1. Fulfill all duties outlined in state statute that are to be performed by the planning commission.
 2. Prepare and recommend to the city council the general plan or amendments to the general plan, any proposed land use ordinance or ordinances and a zoning map, and amendments thereto that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality.
 3. Hold a public hearing on a proposed land use ordinance or zoning map amendment.

E. City Council. The city council:

1. May adopt or amend:

- a. The number, shape, boundaries, or area of any zoning district on the official city zoning map;
- b. Any regulation of or within the zoning district; or
- c. Any provision of the development code.

2. The municipal legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as indicated in this code and Utah State Code Annotated and holding a public meeting, the legislative body may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revision the municipal legislative body considers appropriate. The city council is not bound by any recommendation from the planning commission.

17.05.110 Purpose of the land use code.

- A. The purposes of this title are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city of South Salt Lake and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the city's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
- B. To accomplish the purposes of this chapter, the city may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that it considers necessary or appropriate for the use and development of land within the city, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
- C. This code is adopted to implement the City of South Salt Lake's general plan and to promote public health, safety, convenience, aesthetics, welfare, stable land values, efficient land use, sustainable land use and building practices, crime prevention, transportation and accessibility, and efficiency in land use review and administration.

- D. The land use code is also established to facilitate orderly growth and development in the City of South Salt Lake and to enhance the lives of the citizens of the city.
- E. The land use code intends to establish a fair and efficient process for development and land use applications, as accomplished through the delegation of powers among city officials and a transparent review process.

Staff Recommendation:

A recommendation to the City Council to amend ordinance 17.16 regarding requirements for billboards, for the following reasons:

1. The proposed ordinance is consistent with the General Plan goals of adopting design standards for residential and commercial development, and for regulating land uses based on compatibility with surrounding uses.
2. The proposed ordinance is consistent with the goal of the land use code to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city of South Salt Lake and its present and future inhabitants and businesses.
3. The proposed ordinance is consistent with the goal of the land use code to encourage streamlined, fair, and transparent permitting processes.

Proposed Redline Ordinance

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL AMENDING CHAPTER 17.16, OF THE SOUTH SALT LAKE MUNICIPAL CODE, AMENDING SIGN REGULATIONS PERTAINING TO THE RELOCATION OF OFF-PREMISE BILLBOARDS LOCATED WITHIN COMMUNITY REINVESTMENT PROJECT AREAS CREATED OR EXISTING UNDER THE LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES - COMMUNITY REINVESTMENT AGENCY ACT, TITLE 17C OF THE UTAH CODE, AS AMENDED FROM TIME TO TIME

WHEREAS: the City Council is authorized by law to enact ordinances for the protection of the health, safety and welfare; and

WHEREAS: the City is authorized by law to enact ordinances establishing regulations for land use; and

WHEREAS: the City Council finds that certain changes are desirous in order to implement the General Plan of the City; and

WHEREAS: The City Council finds that these changes implement the City's General Plan goal for regulating land uses based on compatibility with surrounding uses, residential areas, and economic feasibility; and

WHEREAS: The City Council finds that these changes implement the City's General Plan goal to maintain residential, business, and industrial areas that are vibrant and where the health and safety of all are protected; and

WHEREAS: The City Council finds that these changes implement the City's General Plan goals of adopting design standards for residential and commercial development, and for regulating land uses based on compatibility with surrounding uses; and

WHEREAS: The City Council finds that these changes implement the goal of the South Salt Lake Land Use Code to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city of South Salt Lake and its present and future inhabitants and businesses; and

WHEREAS: The City Council find that these changes consistent with the goal of the land use code to encourage streamlined, fair, and transparent permitting processes; and

WHEREAS: The City Council received a positive recommendation from the South Salt Lake Planning Commission;

BE IT ORDAINED, therefore, by the City Council of the City of South Salt Lake that Chapter 17.16 of the City of South Salt Lake Code is amended as follows:

Article VI. - Billboards

17.16.610 - Purpose and intent.

- A. It is the purpose and intent of this section to limit the number of billboards in the city in order to improve driver safety, avoid impediments to redevelopment and enhance aesthetics. This article and chapter provides for the reasonable regulation of billboards with the following intentions:
1. Limiting negative impacts and providing for the protection of property values;
 2. Implementing goals and policies promoting pedestrian and traffic safety;
 3. Maintaining the desired gateway areas of the city;
 4. Protecting the views and vistas that enhance the city;
 5. Creating aesthetically pleasing streetscapes, commercial districts and freeway connections, and enhancing the aesthetics of existing billboards;
 6. Encouraging business location;
 7. Furthering the applicable elements of the city's general and master plans.

(Ord. 2008-10 (part): Ord. 2003-13 (part))

17.16.620 - Cap.

- A. The total number of billboards allowed in the city shall be limited to the number of billboards within the city legitimately in existence or for which permits were properly issued as of September 1, 2003.
- B. The total combined square footage of advertising area of all billboards in the city shall be limited to the total combined square footage of advertising area of all billboards within the city legitimately in existence or for which permits were properly issued as of September 1, 2003.
- C. The total combined height of all billboards in the city shall be limited to the total combined height of all billboards within the city legitimately in existence or for which permits were properly issued as of September 1, 2003.
- D. As the total number of billboards, total combined square footage of advertising area of all billboards and/or total combined height of all billboards in the city decreases, the cap on the total number, total combined square footage of advertising area and total combined height of all billboards within the city shall decrease correspondingly.

(Ord. 2008-10 (part): Ord. 2003-13 (part))

17.16.630 - Permits.

- A. Permits **are shall be** required for all billboard construction, including modifications, relocations and initial construction. Construction shall not commence without all required permits.

- B. Except as found in subsection C of this section, all permits issued for billboard construction expire ninety (90) days after issuance. Renewals or extensions to issued permits ~~are~~ shall not ~~be~~ allowed. Work not completed in the prescribed time frame requires a new permit.
- C. State Permits. If, in addition to a city permit, a state permit is required, the state permit must be obtained within one hundred twenty (120) days of issuance of the city permit or the city permit shall expire. The city permit shall expire ninety (90) days after the issuance of the state permit.
- D. Relocation of Billboards. Except for billboards relocated by ~~conditional use or provisions found in 17.16.670 special-exception~~, conforming and nonconforming billboards may be relocated only to sites within the city allowed pursuant to provisions of this chapter and in compliance with all other restrictions in this chapter. A ~~special-exception conditional use permit~~ may be granted by the planning commission following a public hearing to facilitate development or redevelopment of a site. Prior to relocation of a billboard, a permit to remove an existing conforming or nonconforming billboard must be obtained. A permit may be issued for construction of a billboard at the relocation site only after completion of the removal of the existing billboard.
- E. Permits Involving Modifications. To eliminate nonconformity, visual clutter and antiquated billboards, existing billboards may be modified in accordance with this section.
 - 1. Conforming Billboards. Modifications to conforming billboards shall be made consistent with the requirements of this chapter. Consistent with the cap imposed on the total square footage of advertising area and billboard height set forth in Section 17.16.620, if the conforming billboard is of lesser height and/or contains less advertising area than is allowed under this chapter, the height or advertising area of the billboard may be increased to the maximum limits allowable only in exchange for the elimination of a nonconforming billboard within the city or a corresponding reduction in square footage of advertising area and/or height of a nonconforming billboard within the city. In addition, if a billboard sign owner removes a nonconforming billboard from a surface street, the footage may be used to increase the size of a conforming or nonconforming billboard on the interstate provided that the modified interstate billboard does not exceed six hundred seventy-five (675) square feet in size exclusive of embellishments.
 - 2. Nonconforming Billboards. Modifications to nonconforming billboards may not increase the nonconformity with the exception of relocating square footage from a billboard on a surface street to a billboard on the interstate. If a nonconforming billboard exceeds the height and/or advertising area limits of this chapter, any modification to the nonconforming billboard shall bring it into compliance with the current height and advertising area limits. If the nonconforming billboard is of lesser height and/or contains less advertising area than is allowed under this chapter, the height or advertising area of the billboard may be increased to the maximum limits allowable only in exchange for the elimination of a different nonconforming billboard within the city or a corresponding reduction in square footage of advertising area and/or height of a nonconforming billboard within the city.

3. Billboards Affected by Road Construction. Billboards affected by road construction may be modified in accordance with state law and this chapter.
- F. Removal by the City. The city may remove billboards as provided by state law without taking out a permit.

(Ord. 2008-10 (part): Ord. 2003-13 (part))

17.16.640 - Location.

A. Billboards may be allowed only as found herein.

1. Billboards may be allowed in CC, ~~CB~~, CG and LI zones. Billboards may be relocated within community reinvestment project areas created or existing under the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the Utah Code, as amended from time to time, following the process outlined within this chapter.
 2. Prohibited Areas. Billboards are not allowed in the following areas of the city, regardless of the underlying zone:
 - a. Within one hundred fifty (150) feet of any residential use zone as measured from the edge of the sign face to the closest property lines;
 - b. Within one hundred fifty (150) feet of any part of the I-15/I-80 interchange as measured from the edge of the sign face to the closest property lines. The interchange shall be that area which is one hundred fifty (150) feet from the freeway property and lies within the area west of West Temple, east of 600 West, south of 2100 South and north of 2600 South;
 - c. Five hundred (500) feet from any direction of the I-15/3300 South interchange as measured from the edge of the sign face to the closest property lines;
 - d. Five hundred (500) feet from any direction of the SR 201/900 West interchange as measured from the edge of the sign face to the closest property lines;
 - e. Five hundred (500) feet from any direction of the I-80/State Street interchange as measured from the edge of the sign face to the closest property lines;
 - f. East of 200 East;
 - g. Within the transit-oriented overlay zone, except those areas specified in subsection (A)(3) of this section.
 3. Billboards may be allowed in the following areas of the city ~~by special exception~~ by conditional use permit following the requirements as found in Title 17.09 but only for purposes of relocation from another site to accommodate development.
 - a. 3300 South from State Street to the Jordan River;
 - b. 2100 South from the Jordan River to State Street.
- B. Separation. Except by ~~special exception~~ conditional use permit approval, the minimum distance between billboards shall be five hundred (500) feet along the

same side of the street. The separation distance may be reduced to four hundred (400) feet by ~~special exception~~ conditional use permit but only for purposes of relocation from another site to accommodate development.

(Ord. 2008-10 (part): Ord. 2003-13 (part))

17.16.650 - Design and construction standards.

A. Size of Advertising Area.

1. Billboard advertising shall not exceed six hundred seventy-five (675) square feet in area, sixty (60) feet in width or twenty (20) feet in height along freeways (within one hundred (100) feet of the freeway property). Billboard advertising shall not exceed three hundred (300) square feet in area, twenty-five (25) feet in width or fifteen (15) feet in height in other locations or areas of the city.
 2. The maximum size and height of the advertising area is exclusive of embellishments.
 - a. Along freeways, embellishments may be allowed provided the embellishment does not exceed thirty (30) percent of the advertising face of any billboard and does not extend more than five feet above or to the side of the billboard structure.
 - b. In other areas of the city, embellishments may be allowed provided the embellishment does not exceed fifteen (15) percent of the advertising face of any billboard and does not extend more than five feet above or to the side of the billboard structure.
- B. Height. The highest point of any billboard shall be no higher than thirty-five (35) feet above the existing grade. If the freeway, within one hundred (100) feet of the billboard measured from the freeway at the point at which the billboard is perpendicular to the freeway, is on a different grade than the billboard, then the highest point of the billboard may be twenty-five (25) feet above the pavement elevation or any barrier wall at that location of the freeway.
- C. Setbacks. All setbacks shall be measured from the closest edge of any portion of a billboard to the property line. The minimum yard setback from all property lines shall be five feet. The minimum frontage setback for billboards shall be five feet, plus one additional foot for each foot in height over twenty-five (25) feet in height, up to the maximum height allowed.
- D. Lighting. Lighting shall be confined to the sign face and not illuminate the night sky. Such lighting shall also conform to the illumination provisions of this chapter.
- E. Supports. All billboards shall be detached signs. Monopole construction is required unless the department determines that special design or safety considerations exist that warrant differing support systems.
- F. Maintenance. All billboards shall be continuously maintained both structurally and copy.
- G. Landscaping. All billboards are to be located in a landscaped area. All landscaped areas are subject to design review standards. The "normal minimum" landscaped

area is defined as an area equal to the size of the advertising area of the sign or four hundred (400) square feet, whichever is the lesser amount.

(Ord. 2008-10 (part): Ord. 2006-14: Ord. 2003-13 (part))

17.16.660 - Nonconforming billboards.

A. Moving, Extensions or Alterations.

1. A nonconforming billboard shall not be reconstructed, raised, moved, replaced, extended, altered or enlarged except in conformance with applicable requirements of this chapter.
 2. Alteration shall not include the changing of copy or copy panels so long as the structure remains the same.
 3. Repair or maintenance shall not be considered an alteration.
 4. Removal of portions of a billboard or extension of a billboard adjacent to the freeway, subject to permit approval, shall not be a violation of this section if such removal brings the sign more closely in compliance with the provisions of the chapter and any extension does not increase the cap limits of Section 17.17.620.
 5. Billboards nonconforming as to site requirements only (setbacks, landscaping, height, etc.) may be modified or relocated on site, after receiving appropriate permits, if such relocation or modifications brings the billboard into compliance with the requirements of this chapter.
- B. Termination of nonconforming billboards shall be after notice and if the sign owner has failed to bring the billboard in question into compliance with this chapter in a reasonable amount of time and a hearing as established by State Statute 10-9-408.

(Ord. 2008-10 (part): Ord. 2003-13 (part))

17.16.670 - Relocation.

- A. The owner of an existing billboard may remove the existing billboard and relocate to an approved location as found in 17.16.640 only after permits are obtained as set forth in this chapter and other provisions of this chapter are complied with.
- ~~B. Except as allowed by special exception, billboards moved to approved locations shall conform to all requirements of the new location and this chapter.~~
- ~~B~~ C. Any relocation must not increase the cap limits as set forth in Section 17.16.620. ~~unless the relocation meets the standards found in section D.~~
- ~~C~~ D. Relocations may be allowed as a result of road widening, development proposals or voluntary request.
- ~~D. Within community reinvestment project areas created or existing under the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the Utah Code, as amended from time to time, the Land Use Authority may allow for the relocation of an existing billboard following conditional use permit process as found in 17.09. The Land Use Authority, after review and consideration of the proposed relocation, may allow for sign area,~~

setback and height modifications in excess of the requirements found in this chapter and as found in 17.16.620. The Land Use Authority shall ensure that the following standards as well as the standards of review for conditional use and design review found in Title 17 are met when considering the relocation:

1. The existing billboard to be relocated shall be relocated within an existing redevelopment, community development or community reinvestment project area;
2. Relocation of the billboard shall facilitate new development of the site and economic growth within an existing redevelopment, community development or community reinvestment project area;
3. Billboards may be relocated to an area outside of existing redevelopment, community development or community reinvestment project area. However, the Land Use Authority may only consider height and setback modifications;
4. Billboards shall be compatible in size, height and characteristics of the surrounding structures while accommodating visibility of the sign area;
5. Measures directed at minimizing or eliminating possible nuisance factors such as light intensity or glare shall be incorporated;
6. Billboards may only be relocated to the land use districts as allowed under 17.16.640.

(Ord. 2008-10 (part): Ord. 2003-13 (part))

17.16.680 - Billboards a business.

- A. In order to equalize competition, to encourage business success, and to impose appropriate requirements and fees, all billboards shall be considered a separate business and shall be subject to obtaining a business license and paying the required fee as established in the fee schedule of the city. Companies or individuals with multiple locations may license as a single unit with a fee for each location.
- B. The city considers billboards to operate as a separate business due to the following factors:
 1. Advertising space is rented/leased on each billboard separately.
 2. Each billboard is erected at a separate location requiring a separate rent/lease agreement.
 3. Billboards require regular inspections to assure continued compliance.
 4. Billboards create other administrative costs such as zoning approvals and enforcement activities.

(Ord. 2008-10 (part): Ord. 2003-13 (part))