



Millcreek Township

Planning Commission Meeting

Public Hearings

Wednesday, September 12, 2012

27680

Ordinance Amendment – 19.82

Electronic Message Center Sign Ordinance

Applicant: Salt Lake County Planning and Development Services

Planner: Nancy Moorman



STAFF REPORT

Executive Summary									
Hearing Body:	Millcreek Township Planning Commission								
Meeting Date and Time:	Wednesday, September 12, 2012	04:00 PM	File No:	2	7	6	8	0	
Applicant Name:	Salt Lake County PDS	Request:	Ordinance Amendment						
Description:	Chapter 19.82 Signs - Electronic Message Center amendments								
Location:	N/A								
Community Council Rec:	Not yet received								
Staff Recommendation:	Approval								
Planner:	Nancy Moorman								

1.0 BACKGROUND

1.1 Summary

Salt Lake County is seeking to amend Sections 19.82.020 Definitions and 19.82.040 Conformity Required and add section 19.82.135 Electronic Message Centers of Chapter 19.82 Signs of the Salt Lake County Code. Salt Lake County residents have expressed concerns about the increased number of EMC signs and have requested that the County pursue regulations regarding public safety and visual impacts of these signs. The current sign ordinance, through lack of clear regulations, offers no guidance for Planning & Development Services staff or members of the Planning Commissions to set appropriate design standards or conditions of approval on electronic message centers. These amendments aim to address this issue and establish regulations concerning elements of electronic message centers, such as brightness, animation, and frequency of change.

1.2 Neighborhood Response

No neighborhood response has been received at the time of this report.

1.3 Community Council Response

The Community Councils were sent information on this ordinance amendment for review at their August meetings. No written response has been received at the time of this report.

2.0 ANALYSIS

2.1 Existing Ordinance

Electronic message centers are currently not regulated in the sign ordinance other than as referenced in the table indicating signs allowed by zone.

2.2 Proposed Ordinance

See the attached document for the proposed ordinance amendments. A brief synopsis is below.

1. Definitions: Definitions are added to clarify the new provisions.
2. Nonconforming Signs: Electronic message centers are explicitly stated in the nonconforming section of the sign ordinance in order to make it clear that EMC signs approved before this ordinance is adopted will be able to remain as they are.
3. New Provisions:
 - a. Images can only be static, no animation.
 - b. Images can change every 4 seconds, minimum.
 - c. Brightness must be controlled depending on the ambient light conditions.
 - d. The Planning Commission can set hours of sign operation, sign height, sign size, and/or setbacks from property lines on conditional use applications.
 - e. EMC signs are now allowed in the MD-1 and MD-3 zones since these function like the C-2 and C-3 zones.
 - f. EMCs on monument signs are permitted uses. EMCs on ground signs are permitted unless they are within 300' of a residence.
 - i. Since this ordinance places regulations on animation, size, and brightness of EMCs, there are few other limitations that can be set on them. Therefore, EMC signs are permitted in most cases. All EMC signs located on ground signs are proposed to be conditional uses when within 300' of a residence in order to mitigate potential negative impacts to residents.
 - g. The size of the EMC is limited based on the zone in which it is located.
 - i. The size of EMC signs may be increased beyond that listed in the table if the applicant receives approval from the Planning Commission through the Conditional Use process. However, the Planning Commission may set additional regulations through this process in order to account for the larger EMC.

3.0 STAFF RECOMMENDATION

3.1 Staff recommends APPROVAL of the proposed Ordinance Amendment.

3.2 Reasons for Recommendation

- 1) These amendments set standards for EMC signs in order to protect the public safety and welfare.
- 2) The proposed amendments streamline the review process for businesses looking to obtain EMCs in many instances by allowing them as permitted uses where they were previously conditional uses.
- 3) Clear guidelines for setting conditions of approval on signs seeking conditional uses are established that ensure predictability for applicants but also allow the Planning Commissions to set appropriate regulations where public safety or welfare is concerned.

SALT LAKE COUNTY ORDINANCE

Ordinance No. _____, 2012

ELECTRONIC MESSAGE CENTER SIGN AMENDMENTS

AN ORDINANCE AMENDING CHAPTER 19.82: SIGNS SETTING LIMITATIONS ON THE USE OF ELECTRONIC MESSAGE CENTERS ON ON-PREMISES SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Section 19.82.020 of Chapter 19.82 of the Salt Lake County Code of Ordinances, 2001, is amended to add or amend the following definitions:

Chapter 19.82.020 – DEFINITIONS

“Animation” means simulated movement created by the display of a series of pictures or images, creating the illusion of movement.

“Dissolve” means an image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent image.”

"Electronic message center" or “EMC” means a mechanism or device which uses a combination of lights, or lighted or unlighted panels which are controlled electrically and electronically to produce words, symbols, pictures, or messages which may [~~flash, travel or scintillate~~] change within a given panel area.

“Fade” means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increases intensity to the point of legibility.

“Footcandle” means the English unit of measurement for illuminance, which is equal to one lumen, incident upon an area of one foot.

“Illuminance” means the photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.

“Image” means the display of text, numbers or the likeness of an object or living thing of any type on an EMC.

“Image display duration” means the period of time that an image remains static.

“Image transition duration” means the period of time in which one image changes to another on an electronic message center.

“Scintillate” or “Scintillating” means light flashes, light sparkling, light starbursts, light twinkling, light pulsating or any other image transition effect or animation in which an image instantly and repeatedly changes for the purpose of attracting attention.

“Static” means no motion of any type or form.

“Video” means simulated movement created by the display of a series of images, creating the illusion of continuous movement.

SECTION III. Chapter 19.82 of the Salt Lake County Code of Ordinances, 2001, is amended to amend section 19.82.040, add section 19.82.135, and amend table 19.82.190 as follows:

Chapter 19.82 - SIGNS

19.82.040 - Conformity required.

A. Except as provided in this title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, unless in conformity with the regulations specified in this chapter.

B. A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless the sign is changed so as to conform to all provisions of this title. Alterations shall also mean the changing of the text or message that the sign is conveying from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy of electronic message centers, off-premises advertising signs, theater signs, outdoor bulletin or other similar signs which are designed to accommodate changeable copy.

19.82.135 – Electronic Message Center Requirements for On-Premises Signs.

A. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images.

B. The minimum image display duration shall be 4 seconds.

C. The maximum image transition duration shall be 3 seconds. Transitions from one static image shall fade out and fade or dissolve in to the next static image without the use of flashing, animation, or movement.

D. All electronic message centers shall be equipped with a sensor or other device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions. The nighttime illuminance of an electronic message center shall not increase ambient lighting conditions by more than 0.3 footcandles when measured perpendicular to the electronic message center face at a distance determined by the following formula: Measurement Distance (in feet) =

$$\sqrt{[\text{Area of electronic message center face (in square feet)} \times 100]}$$

E. Where allowed as a conditional use, conditions may be imposed by the planning commission regarding hours of sign operation, sign height, sign size, and/or setbacks from property lines to mitigate impacts on nearby residential properties, to protect critical viewsheds as established in the General Plan, or to prevent potential traffic hazards.

F. Electronic Message Center Conditional Use Requirements, Allowed Sign Types, and Allowable Sizes by zone are set forth in Table 19.82.135.

<u>Table 19.82.135</u> <u>ELECTRONIC MESSAGE CENTER CONDITIONAL USE REQUIREMENTS, ALLOWED SIGN TYPES, AND ALLOWABLE SIZES BY ZONE</u>				

	<u>ALLOWED SIGN TYPES</u>	<u>CONDITIONAL OR PERMITTED USE APPROVAL</u>	<u>ALLOWABLE EMC SIZE AS A PERCENTAGE OF TOTAL ALLOWABLE SIGN SIZE PER TABLE 19.82.190¹</u>
<u>MD-1, MD-3</u>	<u>Monument</u>	<u>Permitted</u>	<u>50%</u>
	<u>Ground</u>	<u>Conditional use permit required if within 300 linear feet or less of a residence;</u> <u>otherwise, permitted.</u>	<u>50%</u>
<u>C-2</u>	<u>Monument</u>	<u>Permitted</u>	<u>70%</u>
	<u>Ground</u>	<u>Conditional use permit required if within 300 linear feet or less of a residence;</u> <u>otherwise, permitted.</u>	<u>50%</u>
<u>C-3</u>	<u>Monument</u>	<u>Permitted</u>	<u>80%</u>
	<u>Ground</u>	<u>Conditional use permit required if within 300 linear feet or less of a residence;</u> <u>otherwise, permitted.</u>	<u>50%</u>
<u>M-1</u>	<u>Monument</u>	<u>Permitted</u>	<u>100%</u>
	<u>Ground</u>	<u>Conditional use permit required if within 300 linear feet or less of a residence;</u> <u>otherwise, permitted.</u>	<u>75%</u>
<u>M-2</u>	<u>Monument</u>	<u>Permitted</u>	<u>100%</u>
	<u>Ground</u>	<u>Conditional use permit required if within 300 linear feet or less of a residence;</u> <u>otherwise, permitted.</u>	<u>75%</u>

<u>All Other Zones</u>	<u>None</u>	<u>NA</u>	<u>NA</u>
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Table 19.82.135 footnotes:

1. The planning commission may approve an increase in the allowable EMC sign size through the conditional use process as described in Section 19.82.135E.

Table 19.82.190
SIGNS ALLOWED, BY ZONES

ZONE	SIGN	SIZE	HEIGHT	LOCATION	OTHER
(4) C-2, C-3	C-2 Ground or projecting on-premises	48 sq. ft. plus 1 sq. ft. for each foot of frontage over 30 on a street to a maximum of 256 sq. ft. Property abutting a freeway with no frontage on a dedicated street may have one sign as a conditional use located within 30 ft. of the freeway not to exceed 256 sq. ft. and the height shall not exceed 25 ft. above freeway grade. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.	30 ft. max.	18-inch setback, 1 sign per 300 ft. frontage or part thereof	<p>Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. Rotation and subdued light change may be allowed with conditional use approval. Electronic message center signs are conditional use</p>

	C-3 Ground or projecting on-premises	48 sq. ft. plus 1 1/2 sq. ft. for each foot of frontage over 30 on a street to a maximum of 300 sq. ft. Property abutting a freeway with no frontage on a dedicated street may have one sign as a conditional use located within 30 ft. of the freeway not to exceed 300 sq. ft. and the height shall not exceed 25 ft. above freeway grade. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.	30 ft. max.	No setback required, 1 sign per 300 ft. frontage or part thereof	Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval. Rotation and subdued light change may be allowed with conditional use approval. Electronic message center signs are permitted use
(5) M-1, M-2	Ground or projecting on-premises	48 sq. ft. plus 1 sq. ft. for each foot of frontage over 30 on a street to a maximum of 256 sq. ft. A property having frontage on a dedicated street which connects directly to an on or off ramp of I-15 and is within 600 ft. of the main traveled way of I-15 may have one sign up to 60 ft. high, but not to exceed 25 ft. above freeway grade level and 400 sq. ft.	35 ft. max.	15 ft. setback, 1 sign per 300 ft. frontage or part thereof	Illumination may be built into or attached to sign. Electronic message center signs are permitted uses

SECTION IV. This ordinance shall be effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this _____ day of _____, 2012.

SALT LAKE COUNTY COUNCIL

By: _____
Chairman

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

ORDINANCE HISTORY

Councilman Bradley voting	_____
Councilman Burdick voting	_____
Councilman Bradshaw voting	_____
Councilman DeBry voting	_____
Councilman Horiuchi voting	_____
Councilman Iwamoto voting	_____
Councilman Jensen voting	_____
Councilman Snelgrove voting	_____
Councilman Wilde voting	_____

Vetoed and dated this _____ day of _____, 2012.

By: _____
MAYOR PETER CORROON
OR DESIGNEE

(Complete as Applicable)
Veto override: Yes _____ No _____ Date _____
Ordinance Published in Newspaper: Date _____
Effective Date of Ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2012, the County Council of Salt Lake County adopted Ordinance No. _____ which amends chapter 19.82 of the Salt Lake County Code of Ordinances. These new amendments set specific requirements regarding the use of electronic message centers on signs in commercial and industrial zones and make other related changes.

SALT LAKE COUNTY COUNCIL

By: _____
Chairman

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

APPROVED AS TO FORM:

Councilman Bradley voting _____
Councilman Burdick voting _____
Councilman Bradshaw voting _____
Councilman DeBry voting _____
Councilman Horiuchi voting _____
Councilman Iwamoto voting _____
Councilman Jensen voting _____
Councilman Snelgrove voting _____
Councilman Wilde voting _____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2100A, Salt Lake City, Utah.

DRAFT

Comparison Chart of EMC Regulations in Incorporate Cities throughout the County

Jurisdiction	Illumination	Image Duration	Image Effects	Hours of Operation	Other	Allowed on:
Salt Lake County	<p>Sensor that automatically dims light</p> <p>Shall not increase ambient lighting conditions by more than 0.3 footcandles</p>	4 seconds	No motion, static images only	All hours unless the PC sets them for conditional uses		<p>Monument signs – permitted, size varies by zone</p> <p>Ground signs permitted unless within 300’ of a residence, in which case is conditional use</p>
Salt Lake City			No motion			<p>Referred to as changeable copy message centers. Allowed in most zones. Working on rewriting regulations.</p>
Sandy	<p>Brightness of such sign will not exceed one foot-candle along the property line as measured 6 feet above curb grade.</p> <p>Must be equipped with a dimmer switch to change the intensity of</p>	N/A	N/A	N/A	N/A	<p>Pylon Signs – only 50% of sign</p> <p>Monument signs – only 50% of sign</p>

	light emitted					
West Valley	<p>Based on NITs and different for full color versus monochrome</p> <p>Must also be set with a photo-cell dimmer to automatically dim with ambient light changes.</p>	<p>6 seconds</p> <p>Freeway oriented signs – 3 seconds</p>	<p>Message shall fade for duration of at least three (3) seconds into the subsequent message</p> <p>No scrolling except freeway oriented signs may fade or scroll into the subsequent message</p>	<p>In RB, B/RP, and C-1 zones: EMCs shall automatically terminate any and all energy that may allow the electronic message center sign to light up 10pm-6am</p>	<p>Minimum of 100' from any residential boundary</p>	<p>RB, B/RP, and C-1, C-2, C-3, and M zones:</p> <p>Wall or billboard – 100% of sign. Wall signs limited to one EMC per building elevation and 10% coverage of the front elevation of the building.</p> <p>Pole signs – 50% of sign. Freeway oriented pole signs – 100% of sign and not required to be off at night.</p> <p>Monument sign – 50% of sign.</p> <p>EMCs not permitted in the RB zone unless the parcel has at least five (5) acres.</p>
Holladay	N/A	N/A	N/A	N/A	N/A	None
Cottonwood Heights	N/A	1 minute	N/A	7:00 a.m. to 10:00 p.m. daily, with	N/A	None except that time and

				the exception of lighted signs deemed necessary to protect public safety		temperature signs and public information signs may be permitted as conditional uses in PF zone with max allowable area of 90 sq ft
Draper	Must have automatic dimmer to dim to ambient light, shall not exceed 80% of full brightness during the day and 15% of full brightness after dusk	8 seconds	flashing, blinking, or rotating lights prohibited for all signs must use fading for image transition full color text images only, no use of single color	N/A	N/A	1 EMC sign allowed for 15 acre developments in C zones
South Jordan	Only low wattage lighting	3 seconds	No flashing or scrolling	N/A	EMCs shall occupy the lower level of a sign. The identification center sign and tenant signs shall be located above the electronic message sign	EMCs only as pylon or monument in the C-F and P-C zones or as monument in C-C, C-F, O-S and P-C zones. Area not to exceed 50%
Murray	Lamp size may not exceed fifty four (54) watts of	2 seconds	No flashing or scintillating	EMCs within 500' of a residential area, or as	A minimum of five percent (5%) of the time the sign	Electronic message centers require

	incandescent lighting for daytime usage. Automatic dimmer must be installed to reduce nighttime wattage to thirty (30) watts			otherwise determined by the planning commission, may not operate between 10:00pm and 6:00am	is in use the message shall be devoted to public service messages	conditional use permit approval in the C-D and M-G zones Not allowed on billboards
Riverton	N/A	N/A	N/A	N/A	N/A	Permitted in all zones except residential and agricultural – up to 50% of sign area
West Jordan	N/A	N/A	N/A	N/A	N/A	Integrated with another approved sign up to 50% of sign area

Recommended Legislative Language



1. **Electronic Message Center (EMC) Criteria:** The night-time illumination of an EMC shall conform with the criteria set forth in this section.
 - A. **EMC Illumination Measurement Criteria:** The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table.
 - B. **EMC Illumination Limits:** The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
 - C. **Dimming Capabilities:** All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.
 - D. **Definition of EMC:** A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.



SIGN AREA VERSUS MEASUREMENT DISTANCE

AREA OF SIGN sq. ft.	MEASUREMENT Distance (ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

** For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$*

Six STEPS: EMC Brightness Levels

How to Measure the Brightness of an Electronic Message Center (EMC)

STEP 1

OBTAIN AN ILLUMINANCE METER.

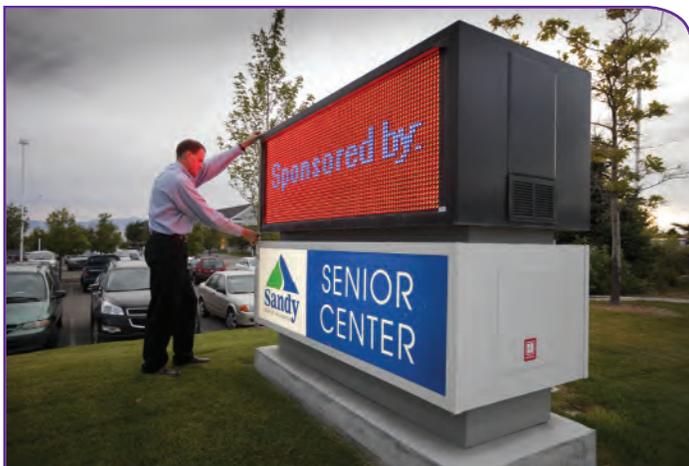
Purchase or otherwise procure an illuminance meter. Most city/county traffic departments have an illuminance meter, which are also referred to as lux or footcandle meters (lux is the metric measure of illuminance; footcandles is the English measure of illuminance). The illuminance meter must have the ability to provide a reading up to two decimal places and must be set to read footcandles. It is preferred to have an illuminance meter with a screw-mount that allows the sensor to be mounted on a tripod. A tripod ensures that the highly sensitive sensor is held perfectly still; otherwise it may be difficult to obtain an accurate reading.

If you do not have an illuminance meter, the Konica Minolta T-10 is a high quality illuminance meter that works well. However, other less expensive illuminance meters may also provide adequate results. The International Sign Association has no affiliation with Konica Minolta.

STEP 2

DETERMINE SQUARE FOOTAGE.

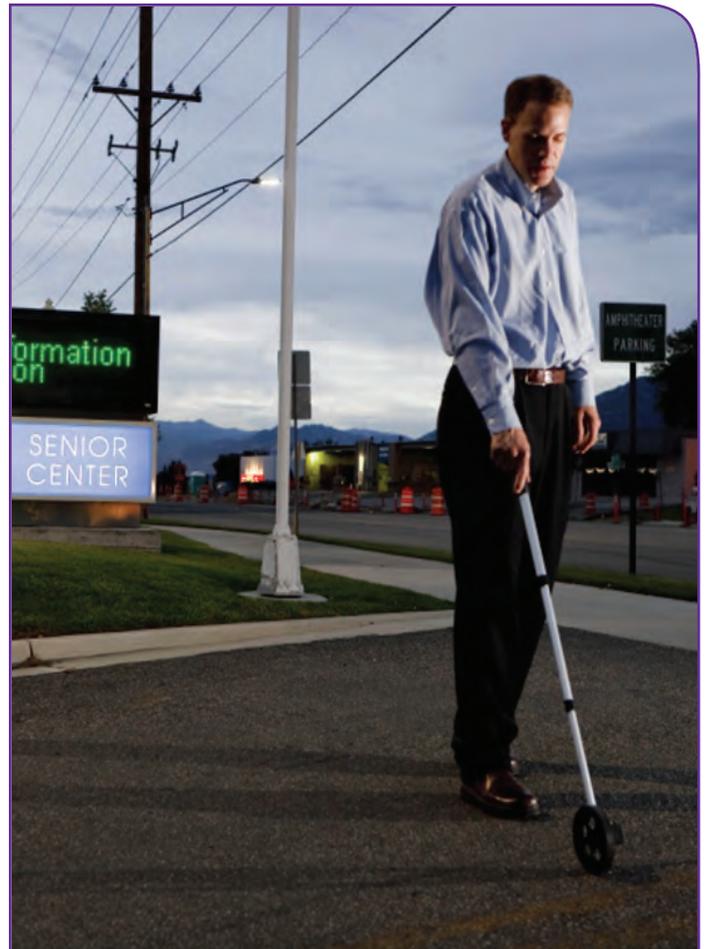
Determine the square footage of the face of the electronic message sign (EMC) by multiplying the height and width of the EMC. This information may be available in a permit application, or can be determined by physically measuring the height and width of the EMC. Do not include the sign face square footage attributable to any additional static signs associated with the EMC (if applicable).



STEP 3

DETERMINE THE MEASUREMENT DISTANCE.

Using the total square footage found in Step 2, look up the measurement distance in the table provided in the Recommended Legislative Language on page 6, to determine the distance to measure the brightness of the EMC. The distance should be measured perpendicular to the EMC sign face. The use of a measuring wheel is the most convenient way to measure the distance.



How to Measure the Brightness of an Electronic Message Center

STEP 4

PREPARE THE DISPLAY FOR TESTING.

Ensure that the EMC is programmed to alternate between a solid white (or in the case of a monochrome display – the solid color of the display) message and a blank message. You may wish to have a requirement that the sign owner cooperate with testing by programming the EMC for testing upon written notice.

STEP 5

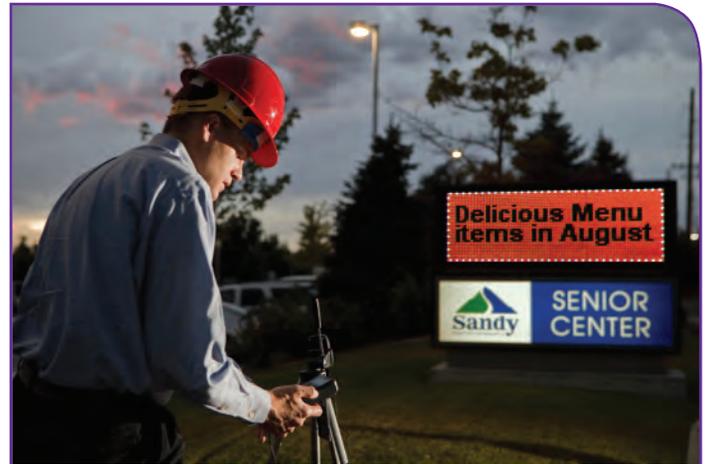
USE AN ILLUMINANCE METER TO MEASURE THE BRIGHTNESS OF THE EMC.

Mount the sensor of your illuminance meter to a tripod and orient the sensor directly towards the face of the EMC at the measurement distance determined in Step 2.



STEP 5 [CONTINUED]

Ensure that the illuminance meter is set to measure footcandles up to two decimal places. As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance. If not, the display will need to be adjusted to a lower brightness level using the manufacturer’s recommended procedures.



STEP 6

ENSURE THAT THE DISPLAY CAN ADJUST TO DIFFERENT AMBIENT CONDITIONS.

Inspect the sign to ensure that it incorporates a photocell or other technology to ensure that the display can adjust according to ambient lighting conditions.

As the display alternates between a solid white message and an “off” message, note the range of values on the illuminance meter. If the difference between the readings is less than 0.3 footcandles, then the brightness of the display is in compliance.

