PLANNING COMMISSION MINUTES
July 17, 2001

Present: Chairman Paul Summers, Vice Chairman Dick Dresher, Mark Green, Lois Williams, Al Hess, Rod Nordfors, City Council Representative Gordon Thomas, City Attorney Rusty Mahan, Planning Director Blaine Gehring, Recording Secretary Connie Feil.

Absent: City Engineer Paul Rowland.

Paul Summers welcomed all those present. Al Hess made a motion for approval of the minutes of June 22, 2001 as amended. Dick Dresher seconded the motion and voting was unanimous.

Mr. Summers expressed his feelings about the cancelled Planning Commission meeting on June 19, 2001. Mr. Summers was embarrassed that there were five items on the agenda and all items had representation and expecting to be heard. The meeting was cancelled for lack of a quorum. Mr. Summers asked if the members could please call the secretary (Connie) at least the day before the meeting if not attending. If there will not be a full quorum, the meeting can be cancelled before the meeting and prevent this embarrassing situation.

Ordinance Amendments

1. Consider a new sign ordinance

Blaine Gehring explained that this is the long awaited draft of a new sign ordinance. Staff would like to have the Planning Commission give their comments on each section as discussed. Staff will then take your comments and recommendations to the City Council for their review and comment on August 14th. From there we will send copies to the Chamber of Commerce to solicit input from the business community as well as open it up for public review. A public hearing would probably be scheduled for some time in September.

Blaine Gehring explained the draft, which the Planning Commission received previously. First, this contains input from several sources and ordinances. Dick Dresher has provided a large part of that input and Mr. Gehring is grateful to him for that. In addition, Mr. Gehring has tried to respond to the input from the surveys given to each Planning Commission members and the City Council. It has helped as well.

Second, to reduce any confusion regarding interpretation, Mr. Gehring has put in a rather lengthy definition section.

Third, at the suggestion of Dick Dresher, Mr. Gehring has proposed specific regulations by zone rather than blanket types of regulations for the entire city. As part of that, staff recognizes the need to have a little more liberal policy along our western city boundaries because of the sign ordinances in effect in West Bountiful, Woods Cross and North Salt Lake. And, US Highway 89 from the south end of the city to the north end, represents a different kind of business corridor

with its traffic and uses. This has been represented in the zoning ordinance with the Heavy Commercial (C-H) Zone. But as Staff reviewed just where the regulations for the C-H Zone should realistically apply, they included the area near Slim Olsen's, Smiths and south of 2600 South along Highway 89 which are currently zoned General Commercial (C-G) and more appropriately fit the Commercial Heavy (C-H). Staff is, therefore, recommending that as part of this process the City rezone some of these areas to allow for the less restrictive sign regulations to apply.

Fourth, one of the more controversial aspects of any new ordinance, sign or otherwise, is how it affects existing uses and signs. To reduce the financial impacts of a new sign ordinance on businesses, usually an amortization schedule is proposed. Apparently, several cities which have tried a well-defined amortization program have found it to be very difficult and politically sensitive to enforce. Sandy City was one such city. They proposed a rather extensive amortization schedule and program. It didn't work. They have, instead, gone to a program requiring all non-conforming signs to be brought into conformity any time there is any change, even copy change or change of a tenant. That is the approach taken in this draft ordinance.

And last, there was a request that was looked into for making some kind of temporary signage program available for businesses to advertise special events and sales throughout the year. The Staff has looked at that and even drafted some proposed language. However, at this time, Staff is of the opinion that opening that door would cause more problems than it would solve. Enforcement is difficult now. It would only get worse with having to watch for those who have permits versus those who don't and explain to those who don't why they can't have a sign and someone else can. Also, most temporary signage is just that, temporary and makeshift. Aesthetically it is not something we feel would benefit Bountiful and would continue to cause safety concerns as well. Thus, proposed language for temporary signs has been included as Attachment 1 but not included as a part of the draft itself.

Barbara Holt, a member of the City Council, joined the Planning Commission for the discussion.

Mr. Gehring pointed out some changes he had made before he explained page for page of the handout of the new proposed ordinance. There were some changes made as each page was discussed. The main concerns or changes were with Bus Benches, Off-Premise, and Temporary Signs.

<u>Bus Benches:</u> Gordon Thomas feels that the elderly citizens should have the use of a bench while waiting for the bus or just to rest. Al Hess feels that in Bountiful there is no need for bus benches and they are being used only for advertising purposes. Mark Green asked if the city is against the bus benches?

Mr. Mahan explained that these benches are considered Off-Premise Signs and they are placed in the public-right-of-way. The City Council has prohibited the use of the public-right-of-way for commercial use. The benches are located in the park strip which makes it difficult for the elderly or handicap to get off the curb onto the bus. The City can't pay the expense of replacing the curb with handicap ramps for each bench, especially when these benches are commercial uses

for advertising purposes.

Mr. Gehring mentioned that he has talked with UTA about the placement of these benches. He was told that if a bus stop is continually used by a handicap or elderly person or persons they will look into placing a bench. Staff is concerned with the benches that are being used for adverting purposes (Off-Premise Sign) and not being maintained. Currently the benches are prohibited. Since the benches have been removed, the City has not received any calls on there removal.

Off-Premise Sign: Gordon Thomas asked about the signs for yard sales, home for sale, weight control, doing nails etc., these types of signs are posted all over the City. Are they legal? Mr. Gehring answered no, they are not legal. These types of signs have been taken down and the owner or sponsors of these signs have been contacted to take all signs down because they are illegal. Some people have been prosecuted for continuing to place these signs in Bountiful.

Mr. Mahan explained that if the Planning Commission and City Council wants Off-Premise Signs, the park strips could be full of signs. In Mr. Mahan's opinion this would be creating a sewer of signs in the public-right-of-way. The Staff is advocating the principle of no Off-Premise-Signs and the public-rights-of-way are not to be used for advertising. If the Planning Commission and City Council want to go a different way then that is what the Staff will do but those are the principles that will be given up for the signs. If the bus bench signs are allowed then what about those that want a sign without the bench? Then we have lost the principle that underlies the Off-Premise and the public-right-of-way.

Mr. Gehring explained that these types of signs have always been illegal and they have been a problem. The signs are put up but never taken down. There was a discussion on allowing these signs but enforcing the ordinance if the signs are left too long or are too large. Mark Green does not have a problem with these types of signs. Mr. Mahan mentioned that if some signs are allowed and some are not the City is regulating content (you can put up a garage sale but you cannot put up a weight loss sign). Mr. Mahan strongly objects to content regulating.

Roof Signs: Roof signs have never been allowed in Bountiful mainly because of the esthetics and the traffic distraction. Inflatables have been permitted for a new business for 30 days only. There was a discussion about inflatables and it was decided to allow them on a roof for no more than 30 days and with a height restriction of no more than 35 ft.

Temporary Signs: In the current ordinance these signs are prohibited. Staff prefers to prohibit temporary signs because of the clutter and problems they create. If they are included in the ordinance, Staff is proposing a permit and fee be required for qualified (A-frame, banner etc.) temporary signs. Lois Williams, being in retail business, feels that a permit and fee for a temporary sign is ridiculous. The City wants the businesses to be profitable and yet with this proposal they are being restricted. Temporary signs are very important to retail business. Gordon Thomas mentioned that small businesses are struggling and agrees with Mrs. Williams.

Mark Green and Dick Dresher mentioned that, if no permits are to be issued, somehow the signs

have to be regulated. Mrs. Williams suggested that the Staff define what temporary signage is and enforce it like the other types of signs. If there is a sign that is not in compliance then make it come into compliance but do not require a permit and fee. Mr. Dresher mentioned that it is hard to regulate if the residents and store owners do not know what the regulations are. Most people do not know there are restrictions and they won't come in to find out what they are.

Blaine Gehring mentioned that the Planning Commission prohibits the signs altogether or allow them to be placed all over the City or restrict them someway. Mark Green suggested to restrict them without a permit. Mr. Gehring and Mr. Mahan mentioned that the signs would be too hard to control. Dick Dresher feels that there should be something written to help restrict and control the signs. Mr. Green suggested attaching the rules in the ATTACHMENT 1 but eliminate the sign permit. Use it on a trial basis to see if it works. If not, adjust it. Mrs. Williams agreed with this.

Rusty Mahan asked for a vote of opinions on the temporary licensing. Lois Williams made a motion to include temporary signage as part of the ordinance without the permit but with Staff's recommendations. Gordon Thomas seconded the motion and voting was unanimous.

Mark Green made a motion for approval of the proposed outlined sign ordinance as amended from discussion. Gordon Thomas seconded the motion and voting was unanimous.

Meeting adjourned at 9:00 p.m.