

ORDINANCE NUMBER 2017-24

**AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO
REVISE THE OGDEN VALLEY OUTDOOR LIGHTING REGULATIONS.**

WHEREAS, the Weber County Land Use Code heretofore contained regulations governing the outdoor lighting in the Ogden Valley; and

WHEREAS, these regulations offered inadequate and outdated requirements for outdoor lighting that were difficult to fully enforce; and

WHEREAS, The Ogden Valley Planning Commission, after appropriate notice, held a public hearing on February 28, 2017 to consider public comments regarding amendments to the outdoor lighting regulations, and offered a positive recommendation to the County Commission for the changes; and

WHEREAS, on June 27, 2017, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments regarding amendments to the Ogden Valley outdoor lighting regulations; and

WHEREAS, the Weber County Board of Commissioners find, among other things, that the proposed ordinance amendments meet the intent of the Ogden Valley General Plan, offer protection for the night sky, and reduce lighting conflicts between landowners;

NOW THEREFORE, the Weber County Board of Commissioners ordains an amendment to the Weber County Land Use Code as follows:

See Exhibit A (Clean Copy) and Exhibit B (Track Changes)

This ordinance shall become effective fifteen (15) days after publication.

Adopted and ordered published this 27th day of June, 2017.

Board of Weber County Commissioners

By  _____,
James Ebert, Chair

Commissioner Ebert voted aye
Commissioner Gibson voted nay
Commissioner Harvey voted aye

Attest:



Ricky D. Hatch, CPA
Weber County Clerk/Auditor

Sec. 101-1-7. - Definitions.

When used in this Code, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

...

Custom exempt meat cutting. The term "custom exempt meat cutting" means the cutting, wrapping, and preparation of meat for human consumption; provided, however, that the source of meat shall be limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

Dark sky. The term "dark sky" means a night-time sky that is substantially free of interference from artificial light.

Dairy. The term "dairy" means a commercial establishment for the manufacture or processing of dairy products.

...

Glamorous camping (glamping), agri-tourism. The term "agri-tourism glamorous camping (glamping)" means an agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis, fully furnished tents and/or rustic cabin sites that are characterized by furnishings, amenities, and comforts offered by that of a luxury hotel room. Furnishings, amenities, and comforts may include but not be limited to, luxurious decor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.

Glare. The term "glare" means light, originating from a direct artificial light source, or any light reflected off a reflective surface, that causes visual discomfort or reduced visibility.

Grade, natural/existing (adjacent ground elevation). The term "grade, natural/existing (adjacent ground elevation)" means the lowest point of elevation of the finished surface of the natural ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building or structure and a line five feet from the building or structure.

...

Landscape plan. The term "landscape plan" means:

- (1) Detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings;
- (2) Ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt;
- (3) Number, type and mature and planted size of all landscape plantings; method of irrigation, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four-inch caliper;
- (4) Location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

Light, direct artificial. The term "direct artificial light" means any light cast directly to an illuminated area from an artificial light source, as defined by this section, or from any surface on or within the artificial light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source. This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective surfaces on or within the luminaire, or the ground or adjacent walls, provided those surfaces are not primarily intended for the reflection, refraction, or diffusion of the artificial light source. See also Section 108-16-9 for a graphic depiction.

Light pollution. The term "light pollution" means any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night-time sky; interferes with astronomical observations; interferes with the natural functioning of native wildlife, or disrupts the community character as defined in the applicable general plan for the area.

47 *Light source, artificial.* The term "artificial light source" means the part of a lighting device that
48 produces light. See also Section 108-16-9 for a graphic depiction.

49 *Light trespass.* The term "light trespass" means the projection of any light from a direct artificial light
50 outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless
51 the projection outside the lot or parcel boundary or street right-of-way is intended, wanted, and lawfully
52 permitted. See also Section 108-16-11 for a graphic depiction.

53 *Lighting, outdoor.* The term "outdoor lighting" means the illumination of an outdoor area or object by
54 any outdoor artificial light source.

55 *Lighting, recreation facility.* The term "recreation facility lighting" means outdoor lighting used to
56 illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool,
57 theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-
58 16-15 for a graphic depiction.

59 *Livestock feed yard.* The term "livestock feed yard" means a commercial operation on a parcel of
60 land where livestock are kept in corrals or yards for extended periods of time at a density which permits
61 little movement and where all feed is provided for the purpose of fattening or maintaining the condition of
62 livestock prior to their shipment to a stockyard for sale, etc.

63 ...

64 *Qualified professional.* The term "qualified professional" means a professionally trained person with
65 the requisite academic degree, experience and professional certification or license in the field or fields
66 relating to the subject matter being studied or analyzed.

67 ...

68 *Sign area.* The term "sign area" means the area of a sign that is used for display purposes, including
69 the minimum frame and supports. In computing sign area, only one side of back to back signs covering
70 the same subject shall be computed when the signs are parallel or diverge from a common edge by an
71 angle of not more than 45 degrees. In relation to signs that do not have a frame or a separate
72 background, sign area shall be computed on the basis of the least rectangle, triangle or circle large
73 enough to frame the display.

74 *Sign face.* The term "sign face" means the area of a sign that is designed to present or convey a
75 message or attract attention, exclusive of structural support members.

76 ...

77 *Sign.* The term "sign" means any object, device, display, or structure, or part thereof that is used to
78 advertise, identify, display, direct or attract attention to an object, person, institution, organization,
79 business, product, service, event, or location by any means, including, but not limited to words, letters,
80 figures, designs, symbols, fixtures, colors, illumination, or projected images.

81 *Sign, advertising.* The term "advertising sign" means an off-premises sign 20 square feet or less in
82 area.

83 *Sign, animated.* The term "animated sign" means a sign employing actual motion, the illusion of
84 motion or light and/or color changes achieved through mechanical, electrical or electronic means.

85

86 *Sign, athletic field scoreboard.* The term "athletic field scoreboard sign" means a sign which is
87 erected at a public or private park or public or private school for the purpose of providing game scores or
88 other information about the game in progress. Advertising by the sign donor shall be limited to 50 percent
89 of the total sign area.

90 ...

91 *Sign, conservation property.* The term "conservation property sign" means a sign that is placed on a
92 parcel with a minimum area of ten acres that is encumbered by a conservation easement held by an
93 organization or government entity as authorized by UCA §57-18-3.

...
Sign, development. The term "development sign" means a temporary business sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and an address of the construction firms, architect and developer.

...
Sign, freestanding (pole sign). The term "freestanding sign " or "pole sign" means any sign supported by one or more poles or a support that is placed on or anchored in the ground and that is independent, unattached, or not braced from any building or other structure.

...
Sign, illuminated. The term "illuminated sign" means a sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign.

...
Sign, pole. See sign, freestanding.

CHAPTER 16. - OGDEN VALLEY OUTDOOR LIGHTING

Sec. 108-16-1. - Purpose and intent.

The purpose and intent of this chapter is to promote the community character of the Ogden Valley, as provided for in the Ogden Valley General Plan, by providing regulations and encouragement for the preservation of a dark sky. This chapter is also intended to promote the health, safety, and general welfare of Ogden Valley residents and visitors by:

- (1) Reducing, eliminating, or preventing light trespass;
- (2) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;
- (3) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;
- (4) Preventing unsightly and unsafe glare;
- (5) Promoting energy conservation;
- (6) Maintaining nighttime safety, utility, and security;
- (7) Encouraging a minimal light footprint of land uses in order to reduce light pollution; and
- (8) Promoting and supporting astrotourism and recreation, including the pursuit or retention of accreditation of local parks by the International Dark Sky association.

Sec. 108-16-2. - Applicability.

- (a) *New outdoor lighting.* Except as provided in subsection (c) below, all outdoor lighting installed after August 1, 2017, shall conform to the requirements established by this chapter.
- (b) *Existing outdoor lighting.* Except as provided in subsection (c) below, all existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use and as such shall be phased out as outlined in Section 108-16-7 of this chapter.
- (c) *Lighting for residential use.* Except as may be provided in Section 108-16-7, the lighting standards of this chapter are not mandatory for a single-family, two-family, or three-family dwelling in existence or approved on or before August 1, 2017. The county shall employ educational methods and incentives to encourage voluntary compliance for these residential uses.

- (d) *Conflict.* Should this chapter be found to be in conflict with other sections of this code, the more restrictive shall apply.

Sec. 108-16-3. - General standards.

- (a) *Light shielding and direction.* Unless specifically exempted in Section 108-16-5, all outdoor lighting shall be fully shielded and downward directed in compliance with the following, examples of which are graphically depicted in Section 108-16-10:

- (1) No artificial light source shall project direct artificial light into the night-time sky;
- (2) No artificial light source shall be placed at a location, angle, or height that creates a light trespass, as defined in Section 101-1-7 and graphically depicted in Section 108-16-11.
- (3) The shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted.
- (4) Shielding may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening, provided it is in strict compliance with (1) through (3) of this subsection.

- (b) *Light color.* Unless otherwise specified in this chapter, the color of any outdoor lighting artificial light source shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature chart, as graphically depicted in Section 108-16-12.

Sec. 108-16-4. - Specific standards.

In addition to the general standards of Section 108-16-3, The following are specific standards that apply to all commercial, industrial, manufacturing, public and quasi public, institutional, multifamily, recreation, and resort uses:

- (1) *Light curfew.* Unless exempt in Section 108-16-5, and except for residential uses, all outdoor lighting shall be turned off by 10:00pm, or, if applicable, within one hour after the close of business, whichever is later, except the following:
 - a. Lighting to illuminate the entrance of the building;
 - b. Safety lighting of parking lots and pedestrian areas;
 - c. Lighting necessary for after-hours business.
- (2) *Flashing or flickering light.* No flickering or flashing lights shall be permitted.
- (3) *Canopy lighting.* All direct artificial light sources shall be sufficiently recessed so as not to project direct light greater than five feet from the outside perimeter of the canopy, and shall not produce more than a ratio of 8 lumens per square foot of canopy area. This ratio shall be calculated by combining the total lumen output of each artificial light source and dividing by the square footage of the canopy. See Section 108-16-13 for a graphic depiction.
- (4) *Parking lot lighting.* All artificial light sources in open-air parking lots shall not exceed a ratio of two lumens per square foot of parking lot area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the parking lot area. See Section 108-16-14 for a graphic depiction.
- (5) *Recreation facility lighting.* Recreation facility lighting, as defined in Section 101-1-7, shall comply with the following:
 - a. The lighting for the recreation activity area shall only be directed onto the area where the recreation activities are occurring. It shall not be allowed to illuminate surfaces that are not essential to the function of the recreation activity.
 - b. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity area. This ratio shall be calculated by combining the total lumen output of each artificial

light source divided by the square footage of the recreation activity area. See Section 108-16-15 for a graphic depiction.

c. The recreation activity area shall be lit only when it is in use.

d. The light color standard of 108-16-3 does not apply to lighting for the recreation activity area.

(6) *Sign lighting.* Sign lighting shall comply with the requirements of 110-2-12.

Sec. 108-16-5. - Exemptions.

The following artificial light sources are exempt from the requirements of this chapter:

(1) *Agricultural lighting.* Lighting for agricultural uses.

(2) *Federal and state flag lighting.* The outdoor lighting of a United States or State of Utah official flag, provided it is in compliance with the following:

a. The light shall be downward directed from the top of the flag pole;

b. The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to the best effort practicable, only the area which the flag occupies in all wind conditions; and

c. The light level shall be minimized to create the least amount of impact on the dark sky, while still offering noticeable illumination of the flag;

(3) *Federal and state facilities lighting.* Federal and state facilities are exempt from the requirements of this chapter. However, they are encouraged to cooperate and to coordinate with the County the construction of their facilities in compliance with this chapter;

(4) *Fossil fuel lighting.* Fossil fuel light, produced directly by the combustion of natural gas or other utility-type fossil fuels;

(5) *Holiday or festive lighting.* Holiday or festive outdoor lighting for residential uses, provided it is in compliance with the following:

a. That the lighting shall not create a hazard or glare nuisance; and

b. That the lighting shall be temporary in nature and not permanently installed. It shall be removed within a reasonable time after the end of the holiday or festive event, but at least once per year;

(6) *Low output light source.* An artificial light source having an output equal to or less than one hundred five lumens, provided that the cumulative lumen output of all low output light sources shall not exceed a ratio of one and a half lumens per square foot of cumulative area intended to be illuminated. This ratio shall be calculated by combining the total lumen output of each low output light source divided by the square footage of the area intended to be illuminated. The low output light sources shall be distributed across the area intended to be illuminated and not organized in a focused location;

(7) *Mobile lighting.* Lighting affixed to a vehicle, provided the lighting is not intended for the stationary illumination of an area;

(8) *Motion sensor controlled light source.* An artificial light source that has a light output equal to or less than nine hundred lumens and is controlled by a motion sensor, provided it is in compliance with the following:

a. That the motion sensor is set to turn the artificial light source off 10 minutes after the last detection of motion; and

b. That the artificial light source is sufficiently shielded in a manner that prevents glare on adjacent properties or roadways;

- (9) *Safety or security lighting.* For the sole purpose of mitigating legitimate and verifiable safety or security hazards, the Land Use Authority may exempt an artificial light source if it is shown to be necessary. The Land Use Authority may apply reasonable conditions to ensure optimal compliance with the purpose and intent of this chapter. Evidence demonstrating that it is necessary shall be one or both of the following:
- a. Submitted proof of lighting requirements from a property insurance company that demonstrates that compliance with this chapter will render the property uninsurable. The minimum amount of lighting required by the property insurance company shall be considered the maximum for the purposes of this chapter; or
 - b. Submitted reasonable research findings, from a qualified professional, as defined by Section 101-1-7, that offer a compelling argument for the need for the exemption. However, if the Land Use Authority is aware of other research findings that refute what is submitted, then the Land Use Authority must determine which research findings are more persuasive under the circumstances. If the Land Use Authority grants the exemption, then the minimum amount of lighting necessary to ensure appropriate safety or security, as recommended by the qualified professional, shall be considered the maximum for the purposes of this chapter;
- (10) *Occasional event lighting.* Outdoor lighting intended for an occasional event, such as a wedding, party, social gathering, or other similar event that occurs on an occasional basis, provided it is in compliance with the following:
- a. Occasional event lighting shall be turned off by 10:30pm and any remaining lighting shall comply with this chapter; and
 - b. Occasional events shall not occur more than twice per month;
- (11) *Underwater lighting.* Underwater lighting in a swimming pool or other water feature provided it is not intended to illuminate features above water;
- (12) *Temporary public agency lighting.* Temporary outdoor lighting in use by law enforcement or a government agency or at their direction;
- (13) *Tower lighting.* Tower lighting required by the FAA or the FCC, provided that it shall not exceed the minimum requirements of those agencies. Collision markers shall have a dual mode for day and night to minimize impact to the night sky and migrating birds; and
- (14) *Traffic control devices.* Traffic control devices and signals.

Sec. 108-16-6. - Procedures for compliance.

- (a) *Applications.* Any application for a permit or approval required by this Land Use Code shall contain evidence that the proposed work complies with this chapter.
- (b) *Contents of application or submittal.*
- (1) In addition to the specific application requirements elsewhere in this Land Use Code, the application submittal shall contain the following:
 - a. Plans indicating the location of all artificial light sources on the premises, including their height above the ground.
 - b. Description of each artificial light source device, and supporting structure. This description may include, but is not limited to, device specifications from the manufacturer, drawings, details, and cross sections, when available.
 - (2) The required plans and descriptions set forth in subsection (b)(1) of this section shall be complete and shall be presented in a manner that clearly demonstrates compliance with this

chapter. The Land Use Authority may require the applicant to submit photometric schematics and attestation from a qualified professional that the submittal complies with this chapter.

Sec. 108-16-7. – Required replacement of nonconforming outdoor lighting.

After the effect of this chapter, which is August 1, 2017, all outdoor lighting that does not comply with the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming outdoor lighting shall be phased out in accordance with the following schedule:

- (1) *Lighting conversion.* Except for outdoor lighting for a single-family, two-family, or three-family dwelling in existence or approved on or before August 1, 2017, any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of this chapter within 10 years after the effect of this chapter. The County shall provide frequent public notice of the effect, but no less than one per year. After the effect of this chapter, The county shall employ educational methods and incentives to encourage voluntary compliance prior to this five year period and to assist the public in understanding and complying with this chapter;
- (2) *Lighting replacement.* The replacement of any nonconforming outdoor artificial light source shall comply with the requirements of this chapter;
- (3) *Building exterior modification.* When the replacement of a building's exterior materials exceeds 25 percent of the building's exterior area, excluding roof area, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. This shall not include repainting or re-roofing,
- (4) *Building expansion.* When a building's expansion exceeds the threshold established in this subsection, whether by a single expansion project or by an accumulation of separate expansion projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. The established threshold of expansion shall be the smaller of the following:
 - a. 25 percent of the total area of the building as it exists on August 1, 2017; or
 - b. 2,500 square feet; and
- (5) *Site improvements.* When a site improvement which requires a land use permit, conditional use permit, or design review approval, modifies an area that exceeds the threshold established in this subsection, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises shall be brought into compliance with the requirements of this chapter. The established threshold of modification shall be the smaller of the following:
 - a. 25 percent of the site area; or
 - b. 20,000 square feet.

Sec. 108-16-8. – Violations, enforcement, and implementation.

(a) *Violations.* The following constitute violations of this chapter:

- (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance with the provisions of this chapter.
- (2) The alteration of any outdoor artificial light source after a certificate of occupancy has been issued without the review and approval of the Land Use Authority when such alteration does not conform to the provisions of this chapter.
- (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a manner that does not comply with this chapter.

(b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in Section 101-1-13. If the violation constitutes a safety hazard, typical enforcement measures shall be employed. Unless the violation constitutes a safety hazard, enforcement of a violation of this chapter shall be addressed as follows:

(1) A courtesy letter shall be sent to the land owner that suggests that there may be noncompliant outdoor lighting on the premises. A second and third courtesy letter shall be sent at least 20 calendar days after the previous courtesy letter if a previous courtesy letter does not either cause the resolution of the violation or cause the landowner to initiate resolution with the County as provided in subsection (b)(3) of this section. Educational information about how to appropriately comply with this chapter shall also be sent and a method of contacting the county for discussion shall be provided in each courtesy letter. The third courtesy letter shall state that it is the last courtesy letter, and future contact will be in the form of a notice to comply.

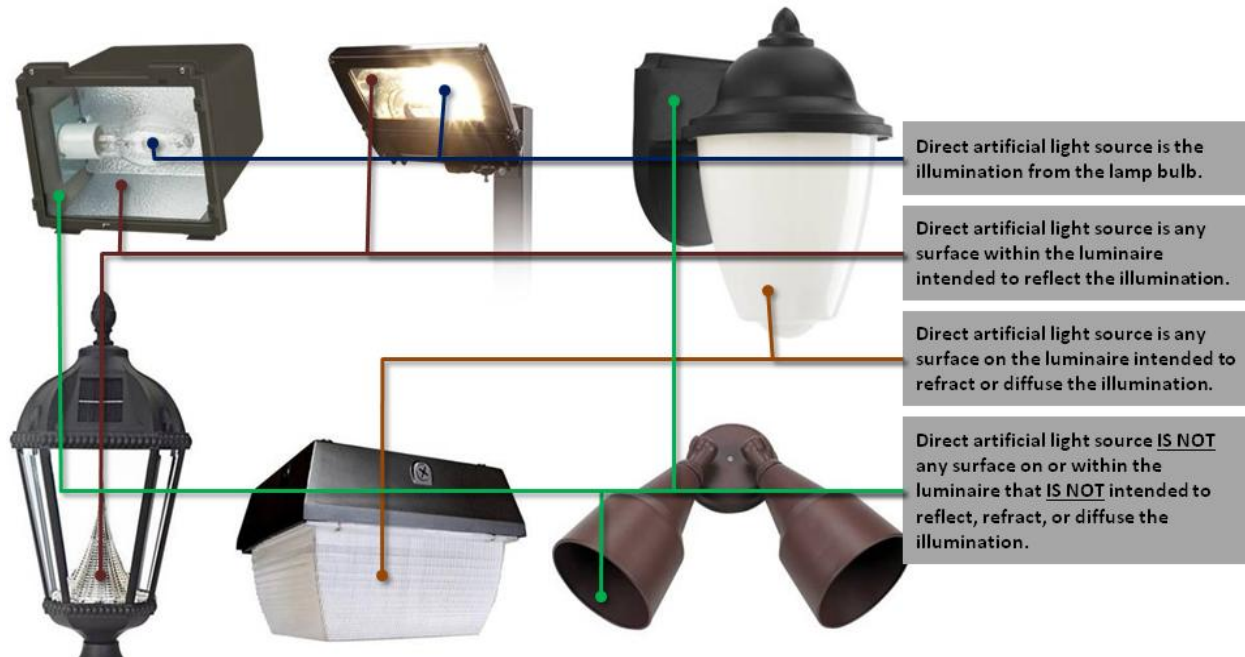
(2) No sooner than 30 days after the third courtesy letter is sent, if it did not either cause the resolution of the violation or cause the landowner to initiate resolution with the County as provided in subsection (b)(3) of this section, a notice to comply shall be sent to the land owner. The notice shall include, with specificity, the violation, and shall give the landowner 30 days to comply with this chapter or initiate resolution with the County as provided in subsection (b)(3) of this section. The notice shall also include educational information about how to appropriately comply with this chapter.

(3) If a landowner initiates resolution of a violation of this chapter with the County, the County shall give the landowner no less than six months and no more than 12 months to comply with this chapter if the landowner clearly demonstrates that good faith efforts will resolve the violation within the six month period given. If the landowner does not clearly demonstrate that good faith efforts will resolve the violation a notice to comply shall be sent to the landowner. The notice shall include, with specificity, the violation and shall give the landowner 30 days to comply with this chapter.

(4) If, after steps 1-3 of this subsection have been satisfied, a landowner fails to initiate resolution of a violation of this chapter, or fails to comply within the period specified in subsection (b)(3) of this section, typical enforcement measures shall be employed. Additionally, the final approval of current or future plans, the issuance of a certificate of occupancy, or the acceptance of new applications authorized by this Land Use Code may be withheld until compliance with this chapter is demonstrated.

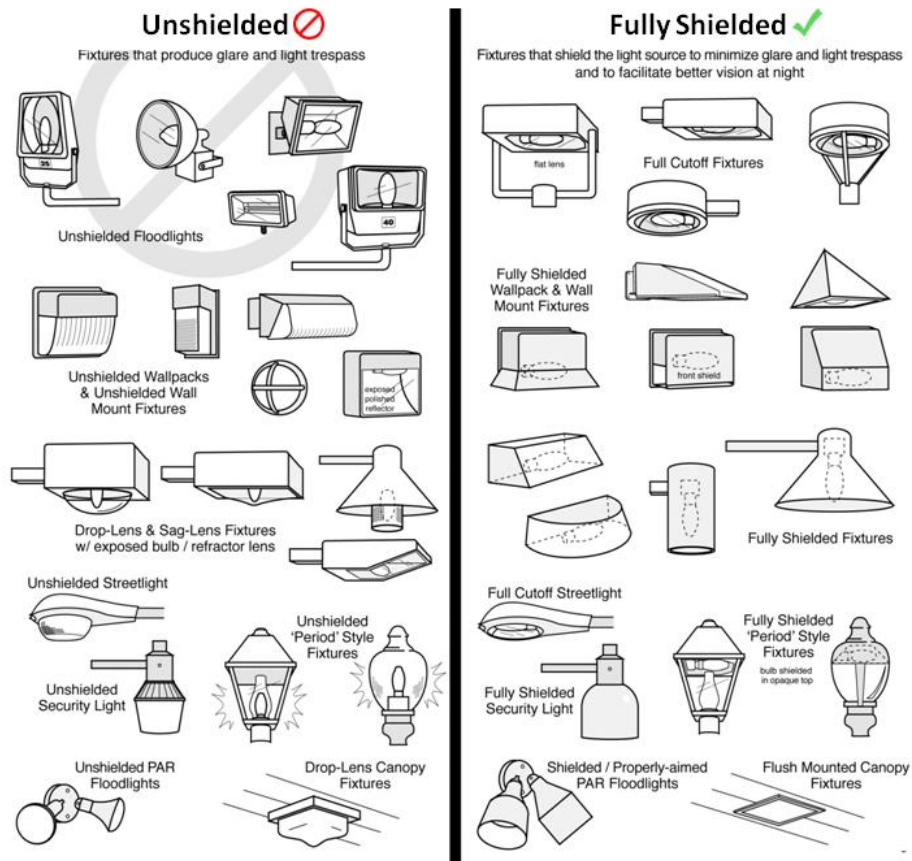
(c) *Creation of Dark Sky Committee.* The county will create a dark sky committee to include representatives as follows: one Planning Division employee, two Ogden Valley residents at large, two Ogden Valley Business Association members, and one individual from the Ogden Weber Chamber of Commerce. The committee's purpose shall be to advise the county on dark sky best practices, implementation strategies, incentive programs, public/private partnerships, and anything else as the county commission deems necessary.

Sec. 108-16-9. – Examples of direct artificial light.

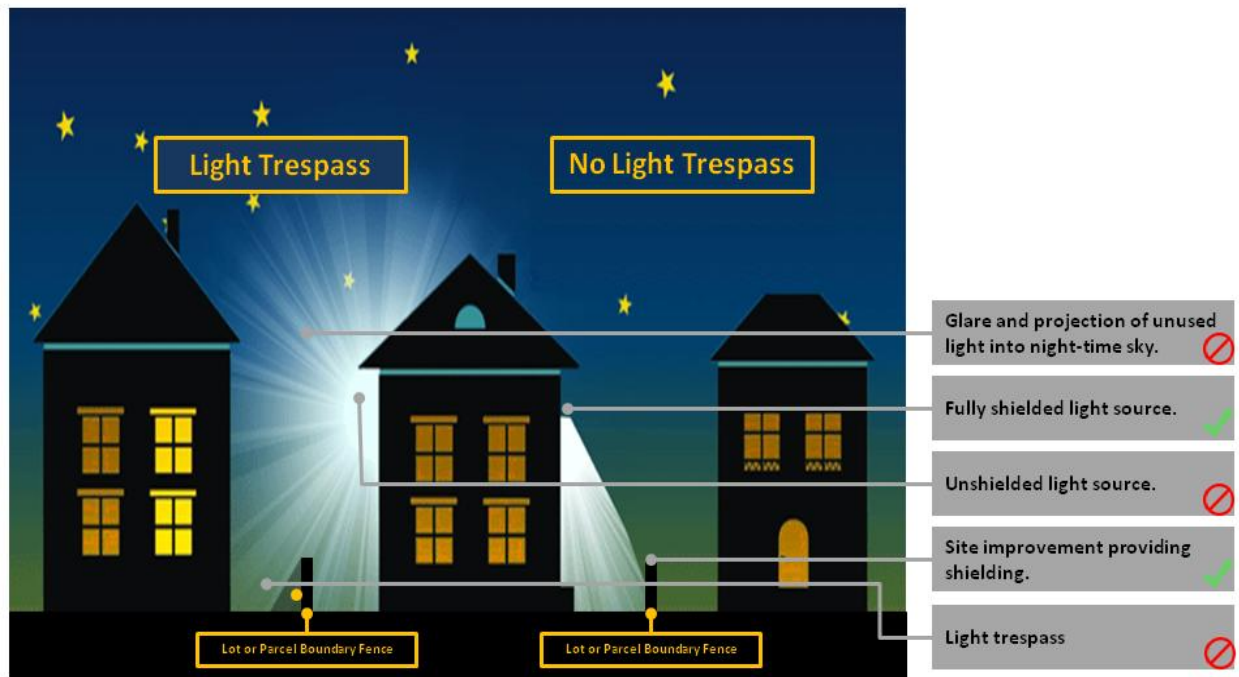


Sec. 108-16-10. – Examples of unshielded and shielded light sources.

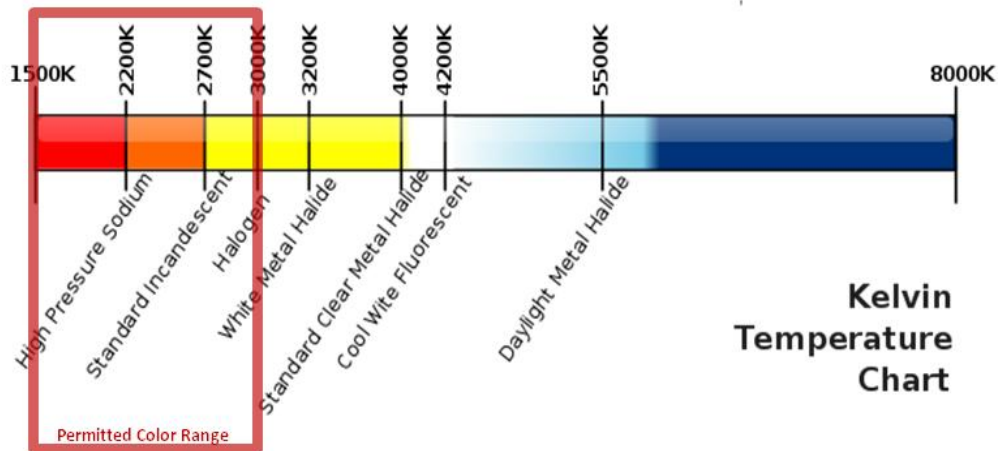




Sec. 108-16-11. – Example of light trespass.



359 **Sec. 108-16-12. – Standard Kelvin temperature chart.**



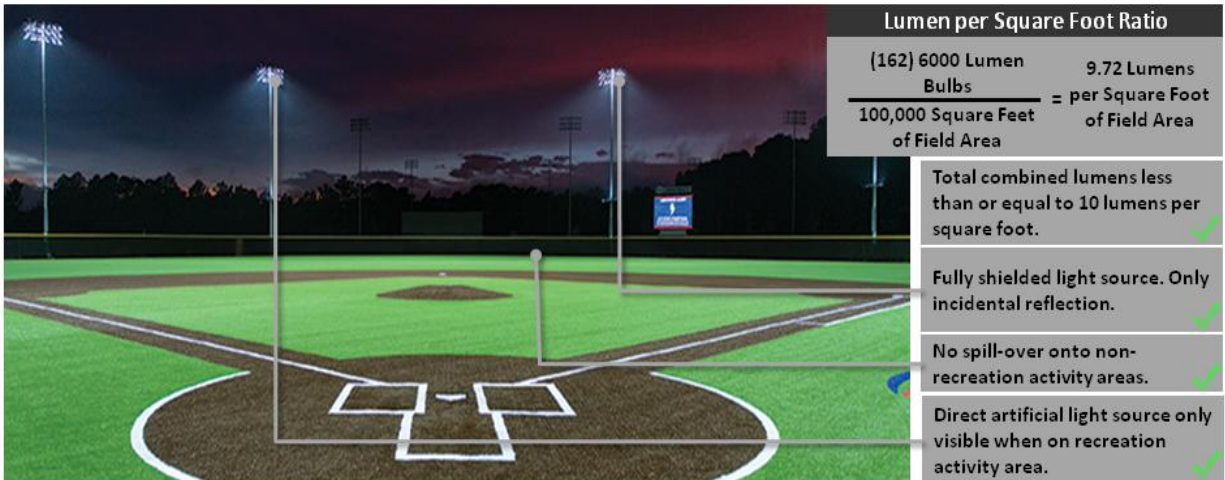
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361 **Sec. 108-16-13. – Example of canopy lighting.**



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363 **Sec. 108-16-14. – Example of parking lot lighting.**



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365 **Sec. 108-16-15. – Example of recreation facility lighting.**



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369 CHAPTER 2. - OGDEN VALLEY SIGNS

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371 Sec. 110-2-2. - Applicability.

372 (a) *Permit required.* No person shall erect, alter or relocate any sign without first obtaining a land use
 373 permit, and meeting the standards set forth in this section. Signs conforming to the requirements of
 374 this section which identify seasonal business may be removed for the seasons during which the
 375 business is not in operation, and may be reinstalled without a new permit. All applications for land
 376 use permits shall be accompanied by plans, designs, specifications and drawings stating specifically
 377 all dimensions, lighting (see also Section 108-16-6), colors and plan of installation stating clearances
 378 and setbacks. Land use permits expire six months after issuance if the sign is not erected or altered
 379 pursuant to the permit.

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381 Sec. 110-2-4. - Nonconforming signs.

382 After the effect of this chapter, which is August 1, 2017, any sign that does not comply with the
 383 requirements of this chapter shall be considered a nonconforming sign. A nonconforming sign that is not
 384 defined as a billboard under UCA 17-27a-103 shall be phased out in accordance with the following
 385 schedule:

- 386 (1) *Sign replacement.* The replacement of any nonconforming sign shall comply with the
 387 requirements of this chapter;
- 388 (2) *Building exterior modification.* When the replacement of a building's exterior materials exceeds
 389 25 percent of the building's exterior area, excluding roof area, whether by a single modification
 390 project or by an accumulation of separate modification projects, all nonconforming signs on the
 391 premises on or within 25 feet of the building shall be brought into compliance with the
 392 requirements of this chapter. This shall not include repainting or re-roofing,
- 393 (3) *Building expansion.* When a building's expansion exceeds the threshold established in this
 394 subsection, whether by a single expansion project or by an accumulation of separate expansion
 395 projects, all nonconforming signs on the premises on or within 25 feet of the building shall be

brought into compliance with the requirements of this chapter. The established threshold of expansion shall be the smaller of the following:

- a. 25 percent of the total area of the building as it exists on August 1, 2017; or
- b. 2,500 square feet; and

(4) *Site improvements.* When a site improvement which requires a land use permit, conditional use permit, or design review approval, modifies an area that exceeds the threshold established in this subsection, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming signs on the premises shall be brought into compliance with the requirements of this chapter. The established threshold of modification shall be the smaller of the following:

- a. 25 percent of the site area; or
- b. 20,000 square feet.

...

Sec. 110-2-8. - Prohibited signs.

...

(7) *Changeable copy signs.* Electronic changeable copy signs, except as permitted in 110-2-9(b)(13). Manual changeable copy signs except as permitted in section 110-2-10.

...

Sec. 110-2-9. - Other signs.

(a) The following signs are allowed in all zoning districts in the Ogden Valley of Weber County:

(1) *Conservation property sign.* A conservation property sign, as defined in Section 101-1-7, may be erected on any property complying with the minimum provisions of the definition. The sign shall either be a monument sign or a freestanding sign (pole sign) in compliance with the following:

- a. *Monument sign.* For a monument sign the width shall be no greater than ten feet and the height shall be no greater than eight feet, with a sign face no greater than 24 square feet.
- b. *Freestanding sign (pole sign).* For a freestanding sign (pole sign) the width shall be no greater than eight feet and the height shall be no greater than ten feet with a sign face no greater than 24 square feet. The sign face shall be mounted between the sign poles, which shall be constructed of timbers that measure at least eight inches by eight inches and extend from the ground to the top of the sign face. The top of the sign face and the bottom of the sign face shall be completely bounded by timbers that have a minimum vertical height of eight inches. When placed adjacent to a street with shoulders that slope downward toward the sign base, a freestanding sign may be installed atop a rock or earthen-berm base that is no greater than three feet in height.

c. *Example.* The following images are examples of each:



- 433
- 434 (2) *Gate or arch sign.* A gate or arch sign situated over the primary entry of a lot or parcel of land,
- 435 provided that the sign face does not exceed 30 square feet and that the sign provides a vertical
- 436 clearance of at least 14.5 feet from the driving surface, not to exceed 18 feet in height and a
- 437 minimum passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the Arch shall
- 438 not exceed two feet. A land use permit, to verify compliance with applicable standards, and a
- 439 building permit to verify proper installation of footings and to ensure wind tolerance, is required.
- 440 (3) *Subdivision entry signs.* An approved, recorded subdivision may locate one sign at each
- 441 entrance. The sign shall be a ground or monument sign, and shall meet all
- 442 specifications/requirements for monument signs in Section 110-2-5. In the event the location of
- 443 the subdivision entry sign is in a zone not governed by Section 110-2-5, the dimensions of the
- 444 sign shall be no greater than allowed in the AV-3 zone. The planning commission shall approve
- 445 location and design style. A double entry sign may be approved by the planning commission
- 446 where there is a divided center island entry street.
- 447 (b) The following signs are allowed in all zoning districts in the Ogden Valley of Weber County, and are
- 448 exempt from the standards of Section 110-2-12(a):
- 449 (1) *Addressing numbers.* Addressing numbers shall be no more than 12 inches in height. An
- 450 addressing number sign is also exempt Section 110-2-12(b)(8).
- 451 (2) *Athletic field scoreboard signs.* An athletic field scoreboard sign shall not exceed 120 square
- 452 feet in any zone. An athletic field scoreboard sign is also exempt from Section 110-2-12(b)(3).
- 453 (3) *Business signs.* No more than one "Open/Closed" and one "Vacancy/No Vacancy" sign, one
- 454 "Hours of Operation" sign, and one "Credit Card Acceptance" sign, not to exceed a total of four
- 455 square feet in area, displayed for each business. (4) *Flags.* Official governmental flags of the
- 456 United States, the State of Utah or Weber County, and which are properly displayed, and
- 457 provided they are not mounted on a roof or atop other signs. One corporate flag may be
- 458 displayed along with a proper display of any or all of the official flags listed in this subsection.
- 459 Flagpole height may not exceed the maximum height allowed in the zone for which it is being
- 460 placed. If over the height allowed in the zone, the flagpole shall have a conditional use permit
- 461 approved by the planning commission. Governmental uses, such as libraries and schools, shall
- 462 be exempt from height requirements of this sub-section.
- 463 (5) *Grand opening signs.* On a one-time basis, a business establishment shall be permitted one
- 464 banner not to exceed 12 square feet, to be displayed for a period of not more than 30 days.
- 465 (6) *Guidance signs.* Guidance and other informational signs authorized by the Utah Department of
- 466 Transportation or other governmental agency. A guidance sign is exempt from all of the
- 467 standards of Section 110-2-12.

- (7) *Historical signs.* Historical name signs for sites and/or structures designated by the board of county commissioners as having historical significance to the county (and as identified in the Ogden Valley Master Plan).
- (8) *Murals.* Murals, when depicted on the sides or rear of a building or storefront, provided that the mural has no connection or advertising context to any business conducted or any product or service offered therein.
- (9) *Nameplate signs.* Nameplate signs not to exceed four square feet that identify the occupants/owners and/or home occupation of a residential property.
- (10) *Private warning signs.* Private warning signs, provided they do not exceed four square feet.
- (11) *Signs on vehicles.* Signs for business identification which may include name, address, and telephone number, not to exceed two feet by three feet upon the side door of a vehicle.
- (12) *Statuary and sculptures.* Freestanding statuary and sculptures which are considered to be works of art and which are placed on private property clearly for the benefit and interest of the general public.
- (13) *Traffic signs.* All signs erected in or adjacent to a public right-of-way by a public agency or in a private road right-of-way for the purpose of controlling or directing traffic. A traffic sign is exempt from all of the standards of Section 110-2-12.

...

Sec. 110-2-11. - Temporary sign usage.

...

- (3) *Additional standards.* The following table applies to temporary sign use:

	General Standards in all Zones			Specific Standards for the Agricultural, Forest and Residential Zones			Specific Standards for the Commercial, Manufacturing and Resort Zones		
Sign Type	Display Period	Removal Required 3 Days After	Land Use Permit or Special Event Permit Required	Maximum Area per Sign Face	Maximum Height of Freestanding Signs (includes support structure)	Number of Signs Permitted per Sign Type	Maximum Area per Sign Face	Maximum Height of Freestanding Signs	Number of Signs Permitted per Sign Type
Occasional Signs:									
Campaign signs	60 days prior to the election	Completion of the election	N	32 square feet	6 feet	No limit	32 square feet	8 feet	No limit
Construction signs	Duration of construction	Completion of construction	N	32 square feet	6 feet	1 per street frontage	64 square feet	12 feet	1 per street frontage
Property/real estate sign	Duration of listing	Closing/lease commencement date	N	8 square feet	6 feet	1 per street frontage	64 square feet	12 feet	1 per street frontage
Short-term vendors § 108-13-3	120 days	End of event	Y/LUP	Not Applicable	Not Applicable	Not Applicable	16 square feet	6 feet if set in the ground or anywhere on the building	2 total per frontage, either a ground sign or on vendor trailer, mobile store, tent, or kiosk
Temporary outdoor sales § 108-13-4	Per state code if applicable or 30 days prior to the event	End of event	Y/LUP	Not Applicable	Not Applicable	Not Applicable	16 feet	6 feet if set in the ground or anywhere on the building	2 per street frontage
Temporary real estate sales office	Duration of construction	Completion of construction	Y/LUP	32 square feet	6 feet	1 per street frontage	Not Applicable	Not Applicable	Not Applicable
Temporary real estate sales office wall sign	Duration of construction	Completion of construction	Y/LUP	20 square feet	N/A	1 sign attached to the office	Not Applicable	Not Applicable	Not Applicable
Continued...	General Standards in all Zones			Specific Standards for the Agricultural, Forest and Residential Zones			Specific Standards for the Commercial, Manufacturing and Resort Zones		

Seasonal Signs:									
Farmer's markets § 108-13-5	June through October	End of event	Y/LUP	32 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Fruit and vegetable stand § 104-5-3 (8)	June through October	End of event	Y/LUP	16 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Political sign	No limit	No limit	N	16 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Event Signs:									
Public event sign	30 days prior to the event	End of event	Y/SEP	4 square feet	3 feet	1 per street frontage	4 square feet	3 feet	1 per street frontage
Public event banner (on public property, over public streets or sidewalks)	30 days prior to the event	End of event	Y/SEP	12 square feet	N/A	1 per street frontage	12 feet	N/A	1 per street frontage
Public event directional sign	30 days prior to the event	End of event	Y/SEP	8 square feet	4 feet	No limit off- premises directional signs	8 square feet	4 feet	No limit off- premises directional signs
Special event sign	60 days prior to the event	End of event	Y/SEP	16 square feet on-site	6 feet	No limit onsite signs, either ground or banner signs	16 square feet onsite	6 feet	No limit on- site signs, either ground or banner signs
Special event banner (on public property)	30 days prior to the event	End of event	Y/SEP	12 square feet	N/A	1 per street frontage	12 square feet	N/A	1 per street frontage
Special event directional sign	1 day prior to the event	End of event	Y/SEP	8 square feet offsite	4 feet	No limit off- premises directional signs	8 square feet offsite	4 feet	No limit off- premises directional signs
Special event off-site sign	30 days prior to the event	End of event	Y/SEP	32 square feet	10 feet	2 offsite per event either a ground sign or banner	32 square feet	10 feet	2 offsite per event either a ground sign or banner

Sec. 110-2-12. - Sign materials and display standards.

- (a) Sign materials. All materials used to construct signs, supports or fasteners shall conform to the following standards:
- (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone, textured concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought iron, and other metals may remain untreated and allowed to develop a natural patina.
 - (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick, stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought iron, and other metals may remain untreated and allowed to develop a natural patina. Support structures shall use natural, muted earth-tone colors including browns, black, grays, rusts, etc. White shall not be used as a predominant color, but may be used as an accent.
- (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the standards of this section.
- (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.
 - (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices shall be allowed to project or be located within a public right-of-way.
 - (3) *Illumination.* An illuminated sign, as defined in Section 101-1-7, shall comply with the requirements of Chapter 108-16 and the following provisions, examples of which are graphically depicted in Section 110-2-15.
 - a. Unless otherwise specified in this subsection, all exterior lighting of a sign shall be downward directed from the top of the sign, and oriented so as to illuminate only the sign area, as defined in Section 101-1-7, excluding the supports.
 - b. No direct artificial light, as defined in Section 101-1-7, shall be projected from the sign area or beyond the sign area, including by means of diffusion or refraction through a translucent or transparent surface. However, direct artificial light, excluding diffused or refracted light, for a sign area that does not have a frame or separate background, as in the case of a logo or individual lettering mounted to a wall without a defined sign perimeter, may illuminate or reflect onto a background surface, such as a wall, beyond the exterior perimeter of the sign area, provided that:
 1. It shall not exceed six inches beyond the sign area,
 2. It shall be shielded so as not to project light onto any other surface.
 - d. Exterior lighting of a sign shall not exceed a ratio of 75 lumens per square foot of sign area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the sign area. See Section 110-2-15 for a graphic depiction.
 - e. The Land Use Authority may require the applicant to submit photometric schematics and attestation from a qualified professional that the submittal complies with this chapter.
 - (4) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six inches or more below the top of the parapet wall.
 - (5) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the

effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or impair driver visibility upon roads.

(6) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a way that prevents free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.

(7) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of displaying a sign.

(8) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the lowest edge of the overhang eight feet to the driving or walking surface below.

(9) *Sign setbacks.*

a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a minimum of ten feet from any property line. Signs fronting on state highways shall be set back ten feet from the right-of-way.

b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed, except for signs set by public agencies for safety purposes, such as the state department of transportation.

c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in title 108, chapter 7 of the Weber County Land Use Code.

(10) *Landscaping.* The ground area around the base of all ground/monument signs shall be landscaped in accordance with the requirements of applicable chapters of the Weber County Land Use Code. The planning commission may exempt some monument/ground signs from this standard where it is demonstrated, by the owner/developer, that the landscaping would unduly interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be impractical.

(11) *No street frontage.* When a freestanding building, complex or storefront does not face a public street or approved private road, and is accessed via a pedestrian area or common parking and driveway area, the linear footage of building or storefront facing the pedestrian area or common parking area shall substitute for purposes of determining allowable signage.

(12) *Sign area.* The area of a sign shall be measured as provided in the definition of "sign area" as provided in Section 101-1-7.

...

Sec. 110-2-15. – Examples of sign illumination.



- Unacceptable color temperature. ✗
- Fully shielded artificial light source. No visible direct artificial light. ✓
- Light buffers no more than six inches around perimeter of sign area. ✓



- Acceptable color temperature. ✓
- Direct artificial light source projected by means of diffusion through translucent surface. ✗
- Light buffers no more than six inches around perimeter of sign area. ✓

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- | Lumen per Square Foot Ratio | |
|-----------------------------|--|
| 1650 Lumen Bulb | 50 Lumens per Square Foot of Sign Area |
| 33 Square Feet of Sign Area | = |
- Total combined lumens less than or equal to 50 lumens per square foot. ✓
 - Acceptable color temperature. ✓
 - Light only illuminates sign area. ✓
 - No visible direct artificial light. ✓

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Sec. 101-1-7. - Definitions.

When used in this Code, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

...

Custom exempt meat cutting. The term "custom exempt meat cutting" means the cutting, wrapping, and preparation of meat for human consumption; provided, however, that the source of meat shall be limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

Dark sky. The term "dark sky" means a night-time sky that is substantially free of interference from artificial light.

Dairy. The term "dairy" means a commercial establishment for the manufacture or processing of dairy products.

...

Glamorous camping (glamping), agri-tourism. The term "agri-tourism glamorous camping (glamping)" means an agri-tourism use/activity that provides the opportunity for agri-tourists to rent, on a nightly basis, fully furnished tents and/or rustic cabin sites that are characterized by furnishings, amenities, and comforts offered by that of a luxury hotel room. Furnishings, amenities, and comforts may include but not be limited to, luxurious decor, beds, linens, baths, veranda, spa services, concierge, dining, and chef.

Glare. The term "glare" means light, originating from a direct artificial light source, or any light reflected off a reflective surface, that causes visual discomfort or reduced visibility.

Grade, natural/existing (adjacent ground elevation). The term "grade, natural/existing (adjacent ground elevation)" means the lowest point of elevation of the finished surface of the natural ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building or structure and a line five feet from the building or structure.

...

Landscape plan. The term "landscape plan" means:

- (1) Detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings;
- (2) Ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt;
- (3) Number, type and mature and planted size of all landscape plantings; method of irrigation, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over four-inch caliper;
- (4) Location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

Light, direct artificial. The term "direct artificial light" means any light cast directly to an illuminated area from an artificial light source, as defined by this section, or from any surface on or within the artificial light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source. This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective surfaces on or within the luminaire, or the ground or adjacent walls, provided those surfaces are not primarily intended for the reflection, refraction, or diffusion of the artificial light source. See also Section 108-16-9 for a graphic depiction.

Light pollution. The term "light pollution" means any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night-time sky; interferes with astronomical

observations; interferes with the natural functioning of native wildlife, or disrupts the community character as defined in the applicable general plan for the area.

Light source, artificial. The term "artificial light source" means the part of a lighting device that produces light. See also Section 108-16-9 for a graphic depiction.

Light trespass. The term "light trespass" means the projection of any light from a direct artificial light outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless the projection outside the lot or parcel boundary or street right-of-way is intended, wanted, and lawfully permitted. See also Section 108-16-11 for a graphic depiction.

Lighting, outdoor. The term "outdoor lighting" means the illumination of an outdoor area or object by any outdoor artificial light source.

Lighting, recreation facility. The term "recreation facility lighting" means outdoor lighting used to illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool, theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-16-15 for a graphic depiction.

Livestock feed yard. The term "livestock feed yard" means a commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

...

Qualified professional. The term "qualified professional" means a professionally trained person with the requisite academic degree, experience and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

...

~~Sign, area.~~ The term "area sign" means the area of a sign that is used for display purposes, including the minimum frame and supports. In computing sign area, only one side of back to back signs covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than 45 degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

Sign face. The term "sign face" means the area of a sign that is designed to present or convey a message or attract attention, exclusive of structural support members.

...

Sign. The term "sign" means any object, device, display, or structure, or part thereof that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including, but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Sign, advertising. The term "advertising sign" means an off-premises sign 20 square feet or less in area.

Sign, animated. The term "animated sign" means a sign employing actual motion, the illusion of motion or light and/or color changes achieved through mechanical, electrical or electronic means.

~~Sign, area.~~ The term "area sign" means the area of a sign that is used for display purposes, including the minimum frame and supports. In computing sign area, only one side of back to back signs covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than 45 degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

Sign, athletic field scoreboard. The term "athletic field scoreboard sign" means a sign which is erected at a public or private park or public or private school for the purpose of providing game scores or

other information about the game in progress. Advertising by the sign donor shall be limited to 50 percent of the total sign area.

...

Sign, conservation property. The term "conservation property sign" means a sign that is placed on a parcel with a minimum area of ten acres that is encumbered by a conservation easement held by an organization or government entity as authorized by UCA §57-18-3.

...

Sign, development. The term "~~sign, development~~development sign" means a temporary business sign identifying a construction project or subdivision development. The sign may contain the name of the project, name and an address of the construction firms, architect and developer.

~~...Sign, face. The term "face sign" means the area of a sign that is designed to present or convey a message or attract attention, exclusive of structural support members.~~

...

Sign, freestanding (pole sign). The term "freestanding sign (~~pole sign~~)" or "pole sign" means any sign supported by ~~a single~~one or more poles or a support that is placed on or anchored in the ground and that is independent, unattached, or not braced from any building or other structure.

...

Sign, illuminated. The term "illuminated sign" means a sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign ~~proper~~.

...

Sign, pole. ~~The term "pole sign" means a freestanding sign that is mounted atop one or more poles and not attached or braced by any other structure.~~ See sign, freestanding.

...

CHAPTER 16. - OGDEN VALLEY OUTDOOR LIGHTING

Sec. 108-16-1. - Purpose and intent.

The purpose and intent of this chapter is to promote the community character of the Ogden Valley, as provided for in the Ogden Valley General Plan, by providing regulations and encouragement for the preservation of a dark sky. This chapter is also intended to promote the health, safety, and general welfare of Ogden Valley residents and visitors by:

(1) Reducing, eliminating, or preventing light trespass;

(2) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;

(3) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;

(4) Preventing unsightly and unsafe glare;

(5) Promoting energy conservation;

(6) Maintaining nighttime safety, utility, and security;

(7) Encouraging a minimal light footprint of land uses in order to reduce light pollution; and

(8) Promoting and supporting astrotourism and recreation, including the pursuit or retention of accreditation of local parks by the International Dark Sky association.

~~In order to preserve the rural character and public values of the Ogden Valley, this chapter is intended to regulate the permitted use of outdoor artificial illuminating devices emitting undesirable rays into the night sky, glare to oncoming traffic, intrusion of light onto adjacent properties, and light pollution in~~

~~general, which may have a detrimental effect on the welfare and safety of the populace, as well as the
ambiance and rural character of the valley.~~

Sec. 108-16-2. - Applicability.

(a) *New outdoor lighting.* Except as provided in subsection (c) below, all outdoor lighting installed after
August 1, 2017, shall conform to the requirements established by this chapter.

(b) *Existing outdoor lighting.* Except as provided in subsection (c) below, all existing outdoor lighting that
does not meet the requirements of this chapter and is not exempted by this chapter shall be
considered a nonconforming use and as such shall be phased out as outlined in Section 108-16-7 of
this chapter.

(c) *Lighting for residential use.* Except as may be provided in Section 108-16-7, the lighting standards of
this chapter are not mandatory for a single-family, two-family, or three-family dwelling in existence or
approved on or before August 1, 2017. The county shall employ educational methods and incentives
to encourage voluntary compliance for these residential uses.

(d) *Conflict.* Should this chapter be found to be in conflict with other sections of this code, the more
restrictive shall apply.

~~This chapter applies to commercial, industrial, multifamily, public and quasi-public uses.~~

~~Sec. 108-16-3. - Conformance with applicable regulations.~~

~~(a) All outdoor artificial illuminating devices, unless exempted, shall be installed in conformance with the
provisions of this chapter, the Land Use Code, and any building codes which may hereafter be
enacted, as applicable.~~

~~(b) Where any provisions of any of the state code or any federal law, or any companion land use
ordinance comparatively conflicts with the requirements of this outdoor light control ordinance, the
most restrictive shall be applied.~~

~~Sec. 108-16-4. - Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings
ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Individual* means any private individual, tenant, lessee, owner, or any commercial entity including but
not limited to companies, partnerships, joint ventures, or corporations.~~

~~*Installed* means the initial installation of outdoor light fixtures defined herein, following the effective
date of the ordinance from which this chapter is derived but shall not apply to those outdoor light fixtures
installed prior to such date, unless such light fixtures are replaced or significantly, structurally altered.~~

~~*Outdoor light fixtures* means outdoor artificial illuminating devices, outdoor fixtures, lamps and other
devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but
are not limited to lights for:~~

~~(1) Building and structures;~~

~~(2) Recreation areas;~~

~~(3) Parking lot lighting;~~

~~(4) Landscape lighting;~~

~~(5) American Flag;~~

~~(6) Advertising or other signage;~~

~~(7) Street lighting; and/or~~

~~(8) Festive lighting;~~

- ~~a. Festive, festoon or strings of lights, which are suspended from an electrical conductor or messenger cable, between two points, and limited to small individual bulbs on a string where the spacing of bulbs is not closer than three inches and where the output per bulb is no greater than four watts.~~
- ~~b. Festive lighting may be used to outline structures and landscaping; however, they shall not blink, flash or simulate motion. Festive lights are encouraged to be turned off by 10:00 p.m. or after close of the individual's business hours.~~
- ~~c. Festive lighting, as defined in subsection (8)a of this section is exempt from other requirements of this chapter.~~

Sec. 108-16-3. - General standards.

(a) Light shielding and direction. Unless specifically exempted in Section 108-16-5, all outdoor lighting shall be fully shielded and downward directed in compliance with the following, examples of which are graphically depicted in Section 108-16-10:

- (1) No artificial light source shall project direct artificial light into the night-time sky;
- (2) No artificial light source shall be placed at a location, angle, or height that creates a light trespass, as defined in Section 101-1-7 and graphically depicted in Section 108-16-11.
- (3) The shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted.
- (4) Shielding may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening, provided it is in strict compliance with (1) through (3) of this subsection.

(b) Light color. Unless otherwise specified in this chapter, the color of any outdoor lighting artificial light source shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature chart, as graphically depicted in Section 108-16-12.

Sec. 108-16-45. - General Specific requirements standards.

In addition to the general standards of Section 108-16-3, The following are specific standards that apply to all commercial, industrial, manufacturing, public and quasi public, institutional, multifamily, recreation, and resort uses:

(1) Light curfew. Unless exempt in Section 108-16-5, and except for residential uses, all outdoor lighting shall be turned off by 10:00pm, or, if applicable, within one hour after the close of business, whichever is later, except the following:

- a. Lighting to illuminate the entrance of the building;
- b. Safety lighting of parking lots and pedestrian areas;
- c. Lighting necessary for after-hours business.

(2) Flashing or flickering light. No flickering or flashing lights shall be permitted.

(3) Canopy lighting. All direct artificial light sources shall be sufficiently recessed so as not to project direct light greater than five feet from the outside perimeter of the canopy, and shall not produce more than a ratio of 8 lumens per square foot of canopy area. This ratio shall be calculated by combining the total lumen output of each artificial light source and dividing by the square footage of the canopy. See Section 108-16-13 for a graphic depiction.

(4) Parking lot lighting. All artificial light sources in open-air parking lots shall not exceed a ratio of two lumens per square foot of parking lot area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the parking lot area. See Section 108-16-14 for a graphic depiction.

(5) Recreation facility lighting. Recreation facility lighting, as defined in Section 101-1-7, shall comply with the following:

- a. The lighting for the recreation activity area shall only be directed onto the area where the recreation activities are occurring. It shall not be allowed to illuminate surfaces that are not essential to the function of the recreation activity.
- b. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the recreation activity area. See Section 108-16-15 for a graphic depiction.
- c. The recreation activity area shall be lit only when it is in use.
- d. The light color standard of 108-16-3 does not apply to lighting for the recreation activity area.

(6) Sign lighting. Sign lighting shall comply with the requirements of 110-2-12.

~~(a) Shielding. All exterior illumination devices, except those exempt from this chapter, and those regulated by subsection (c) of this section, shall be fully or partially shielded as required in subsection (c) of this section.~~

~~(1) The term "fully shielded" shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.~~

~~(2) The term "partially shielded" shall mean that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane centerline of the light source (lamp), minimizing light above the horizontal.~~

~~(b) Filtration.~~

~~(1) Those outdoor light fixtures requiring a filter in subsection (c) of this section shall be equipped with a filter whose transmission is less than five percent total emergent flux at wavelengths less than 3,900 angstroms. Total emergent flux is defined as that between 3,000 and 7,000 angstrom units.~~

~~(2) It is recommended that existing mercury vapor fixtures shall be equipped with a filter whose transmission is less than ten percent total emergent flux at wavelengths less than 4,400 angstroms.~~

~~(3) Low pressure sodium lamps are the preferred lamp for minimizing adverse effects on astronomical observations.~~

~~(c) Requirements for shielding and filtering. The requirements for the shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:~~

Requirements for Shielding and Filtering		
Fixture Lamp Type	Shielded	Filtered (4)
Low pressure sodium (1)	Partially	None
High pressure sodium	Fully	None

Metal halide (6)	Fully	Yes
Fluorescent	Fully	Yes (2)
Quartz (3)	Fully	None
Incandescent greater than 100-W	Fully	None
Incandescent less than 100-W	None	None
Mercury vapor	Fully (7)	Yes (7)
Gas filled tubes (neon, argon, krypton)	None	None
Natural gas/fossil fuels	None	None
Other source	As approved by the planning commission	

258 -

259 ~~Footnotes—~~

260 ~~(1) This is the preferred light source to minimize undesirable light into the night sky affecting~~
 261 ~~astronomical observations.~~

262 ~~(2) Warm white and natural lamps are preferred to minimize detrimental effects.~~

263 ~~(3) For the purposes of the chapter, quartz lamps shall not be considered an incandescent light~~
 264 ~~source.~~

265 ~~(4) Most glass, acrylic or translucent enclosures satisfy these filter requirements.~~

266 ~~(5) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated~~
 267 ~~from within do not require shielding.~~

268 ~~(6) Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing~~
 269 ~~hours if before 11:00 p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaries.~~

270 ~~(7) Recommended for existing fixture. The installation of mercury vapor fixtures is prohibited effective~~
 271 ~~90 days after the effective date of adoption of the ordinance from which this chapter is derived.~~

272 ~~**Sec. 108-16-6. Side yard requirements.**~~

273 ~~Lighting within side yards shall not exceed two foot-candles of illumination at the property line, and shall~~
 274 ~~not exceed one-half foot-candle within ten feet over the adjacent property line.~~

275 ~~**Sec. 108-16-7. Prohibitions.**~~

276 ~~The following uses are prohibited by this chapter:~~

277 ~~(1) Searchlights. The operation of searchlights for advertising purposes is prohibited.~~

~~(2) — Recreational facility. No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 p.m., except to conclude a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.~~

~~(3) — Outdoor building or landscaping illumination. The unshielded outdoor illumination of any building, landscaping, American flag, signage or other purpose is prohibited except with incandescent fixtures less than 100 watts.~~

~~(4) — Mercury vapor. The installation of mercury vapor fixtures is prohibited effective 90 days after the effective date of the ordinance from which this chapter is derived.~~

Sec. 108-16-58. - Permanent eExemptions.

The following artificial light sources are exemptions exempt from apply to thethe provisions in requirements of this chapter:

(1) Agricultural lighting. Lighting for agricultural uses.

(2) Federal and state flag lighting. The outdoor lighting of a United States or State of Utah official flag, provided it is in compliance with the following:

a. The light shall be downward directed from the top of the flag pole;

b. The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to the best effort practicable, only the area which the flag occupies in all wind conditions; and

c. The light level shall be minimized to create the least amount of impact on the dark sky, while still offering noticeable illumination of the flag;

~~(3) — Federal and state facilities lighting. Those facilities and lands owned, operated as protected by the U.S. Federal Government or the State of Utah are exempted by law from all requirements of this chapter.~~
Federal and state facilities are exempt from the requirements of this chapter. However, they are encouraged to cooperate and to coordinate with the County the construction of their facilities in compliance with this chapter;

(4) Fossil fuel lighting. Fossil fuel light, produced directly by the combustion of natural gas or other utility-type fossil fuels;

~~Fossil fuel light. Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels~~

(5) Holiday or festive lighting. Holiday or festive outdoor lighting for residential uses, provided it is in compliance with the following:

a. That the lighting shall not create a hazard or glare nuisance; and

b. That the lighting shall be temporary in nature and not permanently installed. It shall be removed within a reasonable time after the end of the holiday or festive event, but at least once per year;

(6) Low output light source. An artificial light source having an output equal to or less than one hundred five lumens, provided that the cumulative lumen output of all low output light sources shall not exceed a ratio of one and a half lumens per square foot of cumulative area intended to be illuminated. This ratio shall be calculated by combining the total lumen output of each low output light source divided by the square footage of the area intended to be illuminated. The low output light sources shall be distributed across the area intended to be illuminated and not organized in a focused location;

(7) Mobile lighting. Lighting affixed to a vehicle, provided the lighting is not intended for the stationary illumination of an area;

(8) Motion sensor controlled light source. An artificial light source that has a light output equal to or less than nine hundred lumens and is controlled by a motion sensor, provided it is in compliance with the following:

- a. That the motion sensor is set to turn the artificial light source off 10 minutes after the last detection of motion; and
- b. That the artificial light source is sufficiently shielded in a manner that prevents glare on adjacent properties or roadways;

(9) Safety or security lighting. For the sole purpose of mitigating legitimate and verifiable safety or security hazards, the Land Use Authority may exempt an artificial light source if it is shown to be necessary. The Land Use Authority may apply reasonable conditions to ensure optimal compliance with the purpose and intent of this chapter. Evidence demonstrating that it is necessary shall be one or both of the following:

- a. Submitted proof of lighting requirements from a property insurance company that demonstrates that compliance with this chapter will render the property uninsurable. The minimum amount of lighting required by the property insurance company shall be considered the maximum for the purposes of this chapter; or
- b. Submitted reasonable research findings, from a qualified professional, as defined by Section 101-1-7, that offer a compelling argument for the need for the exemption. However, if the Land Use Authority is aware of other research findings that refute what is submitted, then the Land Use Authority must determine which research findings are more persuasive under the circumstances. If the Land Use Authority grants the exemption, then the minimum amount of lighting necessary to ensure appropriate safety or security, as recommended by the qualified professional, shall be considered the maximum for the purposes of this chapter;

(10) Occasional event lighting. Outdoor lighting intended for an occasional event, such as a wedding, party, social gathering, or other similar event that occurs on an occasional basis, provided it is in compliance with the following:

- a. Occasional event lighting shall be turned off by 10:30pm and any remaining lighting shall comply with this chapter; and
- b. Occasional events shall not occur more than twice per month;

(11) Underwater lighting. Underwater lighting in a swimming pool or other water feature provided it is not intended to illuminate features above water;

(12) Temporary public agency lighting. Temporary outdoor lighting in use by law enforcement or a government agency or at their direction;

(13) Tower lighting. Tower lighting required by the FAA or the FCC, provided that it shall not exceed the minimum requirements of those agencies. Collision markers shall have a dual mode for day and night to minimize impact to the night sky and migrating birds; and

(14) Traffic control devices. Traffic control devices and signals.

~~(3) Residential and agriculture. Single-family dwellings, two-family dwellings and agricultural uses shall be exempt from requirements of this chapter.~~

~~(4) Variance. The board of adjustment may grant a special exemption to the requirements of section 108-16-5 only upon written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.~~

Sec. 108-16-69. - Procedures for compliance.

(a) Applications. Any application for a permit or approval required by this Land Use Code shall contain evidence that the proposed work complies with this chapter. ~~Any applicant for a land use permit~~

and/or building permit, intending to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed work will comply with this chapter.

(1) ~~All other individuals intending to install outdoor lighting fixtures shall submit an application to the county planning commission providing evidence that the proposed work will comply with this chapter.~~

(2) ~~Utility companies entering into a duly approved contract with the county in which they agree to comply with the provisions of these regulations, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.~~

(b) *Contents of application or submittal.*

(1) In addition to the specific application requirements elsewhere in this Land Use Code, the application submittal shall contain ~~but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the Weber County Land Use Code upon application for the required permits:~~

a. ~~Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.~~ of all artificial light sources on the premises, including their height above the ground.

b. ~~Description of the each artificial light source illuminating devices, fixtures, lamps, device, and supporting structures and other devices, etc.~~ This description may include, but is not limited to, device specifications from the manufacturer, drawings, details, and cross sections, when available. ~~s catalog cuts, and drawings (including sections where applicable).~~

(2) ~~The required plans and descriptions set forth in subsection (b)-(1) of this section shall be complete and shall be presented in a manner that clearly demonstrates compliance with this chapter. The Land Use Authority may require the applicant to submit photometric schematics and attestation from a qualified professional that the submittal complies with this chapter. sufficiently complete to enable the county planning director to readily determine whether compliance with the requirements of this chapter will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing laboratory.~~

~~(c) Issuance of permit. Upon compliance with the requirements of this chapter, the county planning director shall issue a permit for installation of the outdoor lighting fixtures, to be installed as in the approved application. In the event the application is part of the land use permit and/or building permit or site design review, the issuance of the land use permit and/or building permit will be made if the applicant is in compliance with this chapter as well as the other requirements for issuance under the Land Use Code. Appeal procedures of this chapter are through the planning commission.~~

~~(d) Amendment to permit. Should the applicant desire to substitute outdoor light fixtures or lamps, or cause any change in the approved design, after a permit has been issued, the applicant shall submit all changes to the planning commission for approval, with adequate information to assure compliance with this chapter.~~

Sec. 108-16-XX7. – ~~Nonconforming lighting and amortization.~~ Required replacement of nonconforming outdoor lighting.

After the effect of this chapter, which is August 1, 2017, all outdoor lighting that does not comply with the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming outdoor lighting shall be phased out in accordance with the following schedule:

(1) Lighting conversion. ~~Except for outdoor lighting for a single-family, two-family, or three-family dwelling in existence or approved on or before August 1, 2017, any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of this chapter within 10 years after the effect of this chapter. The County shall provide frequent public notice of the effect, but no less than one per year. After the effect of this chapter, The~~

county shall employ educational methods and incentives to encourage voluntary compliance prior to this five year period and to assist the public in understanding and complying with this chapter;

(2) *Lighting replacement.* The replacement of any nonconforming outdoor artificial light source shall comply with the requirements of this chapter;

(3) *Building exterior modification.* When the replacement of a building's exterior materials exceeds 25 percent of the building's exterior area, excluding roof area, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. This shall not include repainting or re-roofing.

(4) *Building expansion.* When a building's expansion exceeds the threshold established in this subsection, whether by a single expansion project or by an accumulation of separate expansion projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. The established threshold of expansion shall be the smaller of the following:

- a. 25 percent of the total area of the building as it exists on August 1, 2017; or
- b. 2,500 square feet; and

(5) *Site improvements.* When a site improvement which requires a land use permit, conditional use permit, or design review approval, modifies an area that exceeds the threshold established in this subsection, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises shall be brought into compliance with the requirements of this chapter. The established threshold of modification shall be the smaller of the following:

- a. 25 percent of the site area; or
- b. 20,000 square feet.

Sec. 108-16-8. – Violations, enforcement, and implementation.

(a) *Violations.* The following constitute violations of this chapter:

- (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance with the provisions of this chapter.
- (2) The alteration of any outdoor artificial light source after a certificate of occupancy has been issued without the review and approval of the Land Use Authority when such alteration does not conform to the provisions of this chapter.
- (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a manner that does not comply with this chapter.

(b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in Section 101-1-13. If the violation constitutes a safety hazard, typical enforcement measures shall be employed. Unless the violation constitutes a safety hazard, enforcement of a violation of this chapter shall be addressed as follows:

- (1) A courtesy letter shall be sent to the land owner that suggests that there may be noncompliant outdoor lighting on the premises. A second and third courtesy letter shall be sent at least 20 calendar days after the previous courtesy letter if a previous courtesy letter does not either cause the resolution of the violation or cause the landowner to initiate resolution with the County as provided in subsection (b)(3) of this section. Educational information about how to appropriately comply with this chapter shall also be sent and a method of contacting the county for discussion shall be provided in each courtesy letter. The third courtesy letter shall state that it is the last courtesy letter, and future contact will be in the form of a notice to comply.

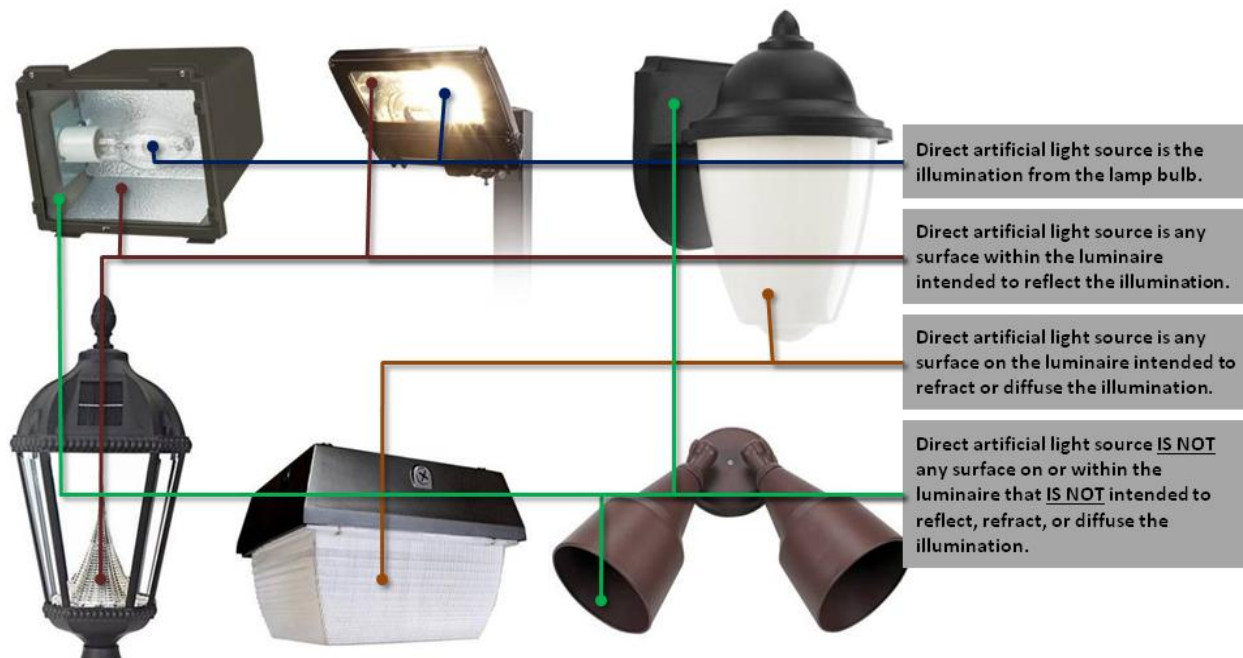
(2) No sooner than 30 days after the third courtesy letter is sent, if it did not either cause the resolution of the violation or cause the landowner to initiate resolution with the County as provided in subsection (b)(3) of this section, a notice to comply shall be sent to the land owner. The notice shall include, with specificity, the violation, and shall give the landowner 30 days to comply with this chapter or initiate resolution with the County as provided in subsection (b)(3) of this section. The notice shall also include educational information about how to appropriately comply with this chapter.

(3) If a landowner initiates resolution of a violation of this chapter with the County, the County shall give the landowner no less than six months and no more than 12 months to comply with this chapter if is the landowner clearly demonstrates that good faith efforts will resolve the violation within the six month period given. If the landowner does not clearly demonstrate that good faith efforts will resolve the violation a notice to comply shall be sent to the landowner. The notice shall include, with specificity, the violation and shall give the landowner 30 days to comply with this chapter.

(4) If, after steps 1-3 of this subsection have been satisfied, a landowner fails to initiate resolution of a violation of this chapter, or fails to comply within the period specified in subsection (b)(3) of this section, typical enforcement measures shall be employed. Additionally, the final approval of current or future plans, the issuance of a certificate of occupancy, or the acceptance of new applications authorized by this Land Use Code may be withheld until compliance with this chapter is demonstrated.

(c) *Creation of Dark Sky Committee.* The county will create a dark sky committee to include representatives as follows: one Planning Division employee, two Ogden Valley residents at large, two Ogden Valley Business Association members, and one individual from the Ogden Weber Chamber of Commerce. The committee's purpose shall be to advise the county on dark sky best practices, implementation strategies, incentive programs, public/private partnerships, and anything else as the county commission deems necessary.

Sec. 108-16-9. – Examples of direct artificial light.



Sec. 108-16-10. – Examples of unshielded and shielded light sources.



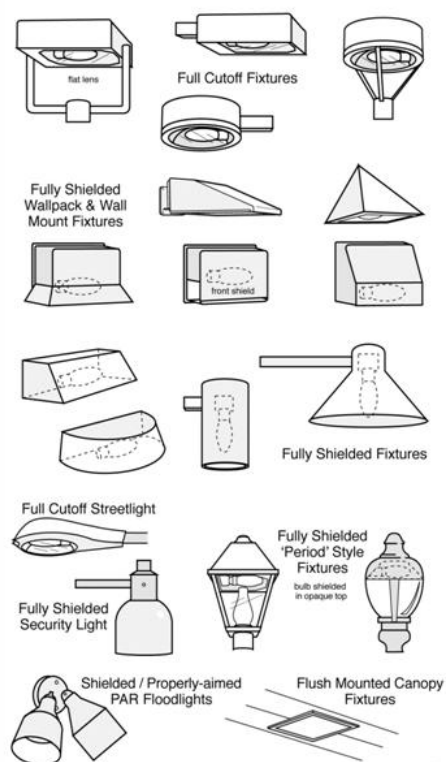
Unshielded

Fixtures that produce glare and light trespass

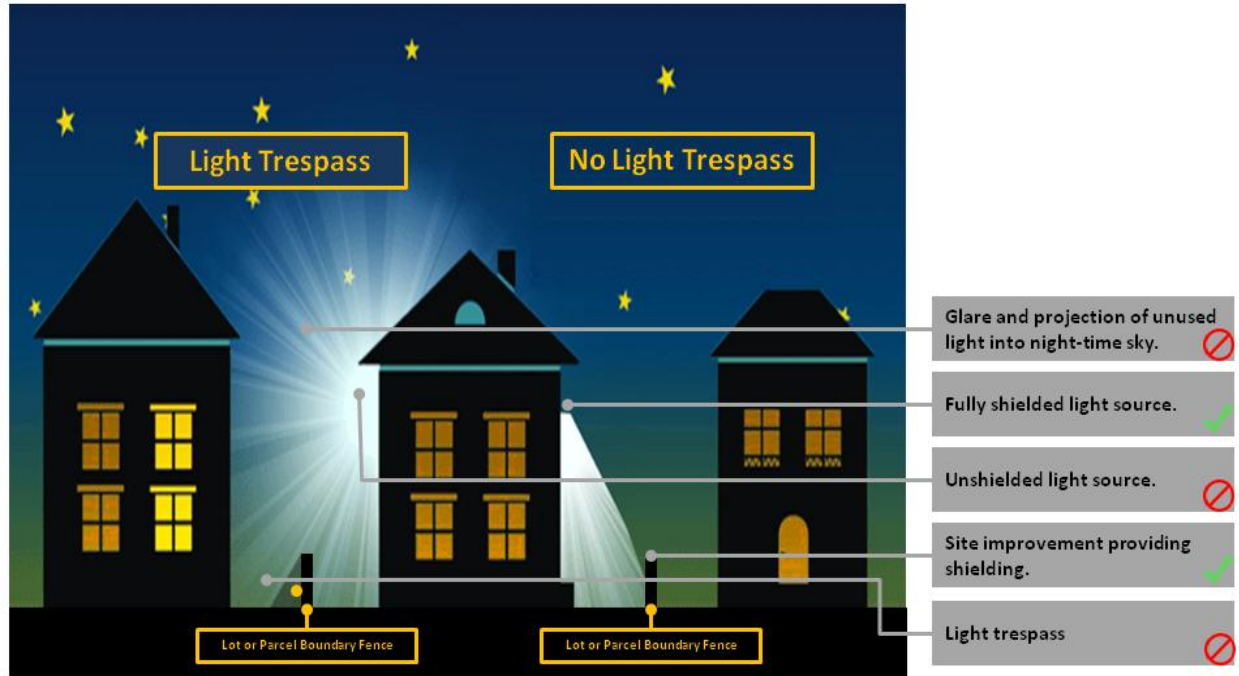


Fully Shielded

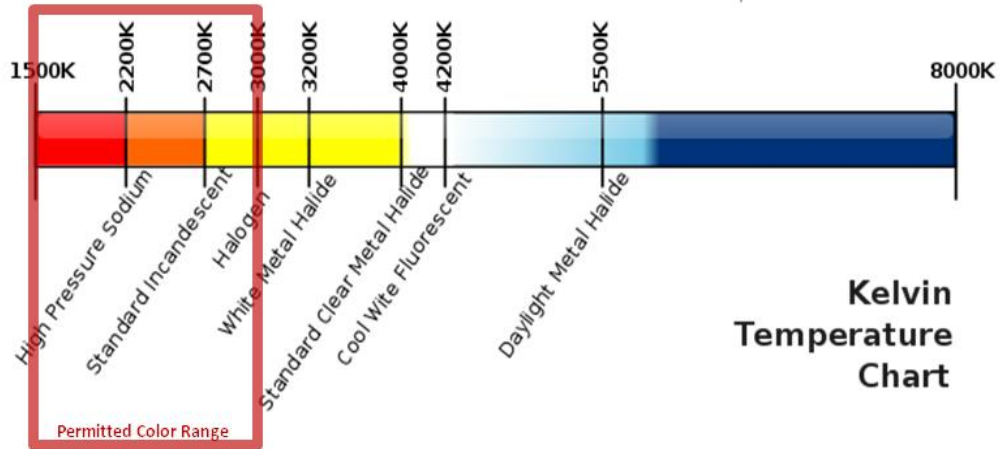
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Sec. 108-16-11. – Example of light trespass.



Sec. 108-16-12. – Standard Kelvin temperature chart.



Sec. 108-16-13. – Example of canopy lighting.



80 ft

63 ft

Lumen per Square Foot Ratio	
(14) 2800 Lumen Bulbs	7.78 Lumens per Square Foot of Canopy Area
5040 Square Feet of Canopy Area	

- Total combined lumens less than or equal to 8 lumens per square foot. ✓
- Fully shielded, recessed light source. Only incidental reflection. ✓
- Direct light projected no greater than five feet from canopy perimeter. ✓

Sec. 108-16-14. – Example of parking lot lighting.

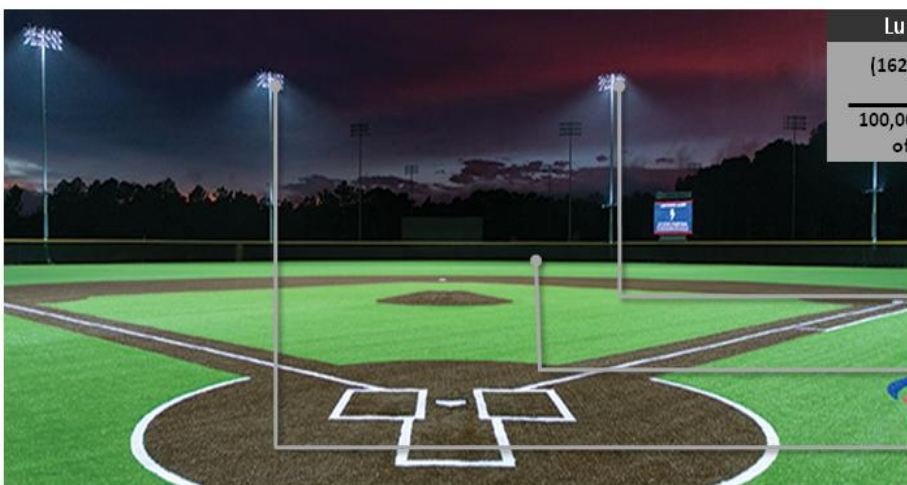


250,000 sf

Lumen per Square Foot Ratio	
(60) 8000 Lumen Bulbs	1.92 Lumens per Square Foot of Parking Lot Area
250,000 Square Feet of Parking Lot Area	

- Total combined lumens less than or equal to 2 lumens per square foot. ✓
- Parking lot lighting spill-over shielded by wall. ✓
- Direct artificial light source only visible when on parking lot area. ✓
- No spill-over onto non-parking lot area. ✓

Sec. 108-16-15. – Example of recreation facility lighting.



Lumen per Square Foot Ratio	
(162) 6000 Lumen Bulbs	9.72 Lumens per Square Foot of Field Area
100,000 Square Feet of Field Area	

- Total combined lumens less than or equal to 10 lumens per square foot. ✓
- Fully shielded light source. Only incidental reflection. ✓
- No spill-over onto non-recreation activity areas. ✓
- Direct artificial light source only visible when on recreation activity area. ✓

~~16-10. Temporary exceptions.~~

~~(a) Request for temporary exception. Any individual may submit a written request to the county planning commission, for a temporary exemption to the requirements of this chapter, such exemption to be valid for up to three months. A written request for temporary exception shall contain minimally the following information:~~

- ~~(1) Specific exemptions requested;~~
- ~~(2) Type and use of exterior light involved;~~
- ~~(3) Duration of time for requested exemption;~~
- ~~(4) Type of lamp and calculated lumens;~~
- ~~(5) Total wattage of lamp or lamps;~~
- ~~(6) Proposed location of exterior light;~~
- ~~(7) Previous temporary exceptions, if any;~~
- ~~(8) Physical size of exterior light and type of shielding provided.~~

~~In addition to the above data, the county may request any additional information which would enable a reasonable evaluation of the request for temporary exception.~~

~~(b) Appeal for temporary exemption. An appeal of a decision of the planning commission shall be heard by the board of adjustment.~~

...

CHAPTER 2. - OGDEN VALLEY SIGNS

...

Sec. 110-2-2. - Applicability.

(a) *Permit required.* No person shall erect, alter or relocate any sign without first obtaining a land use permit, and meeting the standards set forth in this section. Signs conforming to the requirements of this section which identify seasonal business may be removed for the seasons during which the business is not in operation, and may be reinstalled without a new permit. All applications for land use permits shall be accompanied by plans, designs, specifications and drawings stating specifically all dimensions, lighting ([see also Section 108-16-6](#)), colors and plan of installation stating clearances and setbacks. Land use permits expire six months after issuance if the sign is not erected or altered pursuant to the permit.

...

Sec. 110-2-4. - Nonconforming signs.

~~A sign may be reinstalled which duplicates the original nonconforming sign in dimensions and location. Any changes in size or location shall require conformance to this chapter and the current lighting ordinance. After the effect of this chapter, which is August 1, 2017, any sign that does not comply with the requirements of this chapter shall be considered a nonconforming sign. A nonconforming sign that is not defined as a billboard under UCA 17-27a-103 shall be phased out in accordance with the following schedule:~~

- ~~(1) Sign replacement. The replacement of any nonconforming sign shall comply with the requirements of this chapter;~~
- ~~(2) Building exterior modification. When the replacement of a building's exterior materials exceeds 25 percent of the building's exterior area, excluding roof area, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming signs on the~~

premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. This shall not include repainting or re-roofing.

(3) *Building expansion.* When a building's expansion exceeds the threshold established in this subsection, whether by a single expansion project or by an accumulation of separate expansion projects, all nonconforming signs on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. The established threshold of expansion shall be the smaller of the following:

a. 25 percent of the total area of the building as it exists on August 1, 2017; or

b. 2,500 square feet; and

(4) *Site improvements.* When a site improvement which requires a land use permit, conditional use permit, or design review approval, modifies an area that exceeds the threshold established in this subsection, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming signs on the premises shall be brought into compliance with the requirements of this chapter. The established threshold of modification shall be the smaller of the following:

a. 25 percent of the site area; or

b. 20,000 square feet.

Sec. 110-2-8. - Prohibited signs.

(7) Changeable copy signs. Electronic changeable copy signs, except as permitted in 110-2-9(b)(13). Manual changeable copy signs except as permitted in section 110-2-10, ~~Special purpose signs.~~

Sec. 110-2-9. - Other signs.

~~In addition to being regulated by other ordinances and state or federal law, the following signs are only regulated in the following manner:~~

(a) The following signs are allowed in all zoning districts in the Ogden Valley of Weber County:

(1) *Conservation property sign.* A conservation property sign, as defined in Section 101-1-7, may be erected on any property complying with the minimum provisions of the definition. The sign shall either be a monument sign or a freestanding sign (pole sign) in compliance with the following:

a. *Monument sign.* For a monument sign the width shall be no greater than ten feet and the height shall be no greater than eight feet, with a sign face no greater than 24 square feet.

b. *Freestanding sign (pole sign).* For a freestanding sign (pole sign) the width shall be no greater than eight feet and the height shall be no greater than ten feet with a sign face no greater than 24 square feet. The sign face shall be mounted between the sign poles, which shall be constructed of timbers that measure at least eight inches by eight inches and extend from the ground to the top of the sign face. The top of the sign face and the bottom of the sign face shall be completely bounded by timbers that have a minimum vertical height of eight inches. When placed adjacent to a street with shoulders that slope downward toward the sign base, a freestanding sign may be installed atop a rock or earthen-berm base that is no greater than three feet in height.

c. Example. The following images are examples of each:



(2) Gate or arch sign. A gate or arch sign situated over the primary entry of a lot or parcel of land, provided that the sign face does not exceed 30 square feet and that the sign provides a vertical clearance of at least 14.5 feet from the driving surface, not to exceed 18 feet in height and a minimum passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the Arch shall not exceed two feet. A land use permit, to verify compliance with applicable standards, and a building permit to verify proper installation of footings and to ensure wind tolerance, is required.

(3) Subdivision entry signs. An approved, recorded subdivision may locate one sign at each entrance. The sign shall be a ground or monument sign, and shall meet all specifications/requirements for monument signs in Section 110-2-5. In the event the location of the subdivision entry sign is in a zone not governed by Section 110-2-5, the dimensions of the sign shall be no greater than allowed in the AV-3 zone. The planning commission shall approve location and design style. A double entry sign may be approved by the planning commission where there is a divided center island entry street.

(b) The following signs are allowed in all zoning districts in the Ogden Valley of Weber County, and are exempt from the standards of Section 110-2-12(a):

(1) Addressing numbers. Addressing numbers shall be no more than 12 inches in height. An addressing number sign is also exempt Section 110-2-12(b)(8).

(2) Athletic field scoreboard signs. An athletic field scoreboard sign shall nNot-to- exceed 120 square feet in any zone. An athletic field scoreboard sign is also exempt from Section 110-2-12(b)(3). The planning commission shall approve the location of all scoreboard signs in all zones except commercial and manufacturing zones.

(3) Business signs. No more than one "Open/Closed" and one "Vacancy/No Vacancy" sign, one "Hours of Operation" sign, and one "Credit Card Acceptance" sign, not to exceed a total of four square feet in area, displayed for each business.

~~(4) Gate or arch sign. A gate or arch sign situated over the primary entry of a lot or parcel of land, provided that the sign face does not exceed 30 square feet and that the sign provides a vertical clearance of at least 14.5 feet from the driving surface, not to exceed 18 feet in height and a minimum passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the Arch shall not exceed two feet. A land use permit, to assure standards are in compliance, and a building permit for proper installation of footings and to ensure wind tolerance, are required.~~

(45) Governmental fFlags. Official governmental flags of the United States, the State of Utah or Weber County, and which are properly displayed, and provided they are not mounted on a roof or atop other signs. One corporate flag may be displayed along with a proper display of any or all of the official flags listed in this subsection. Flagpole height may not exceed the maximum height allowed in the zone for which it is being placed. If over the height allowed in the zone, the

flagpole shall have a conditional use permit approved by the planning commission. Governmental uses, such as libraries and schools, shall be exempt from height requirements of this sub-section.

(56) *Grand opening signs.* On a one-time basis, a business establishment shall be permitted one banner not to exceed 12 square feet, to be displayed for a period of not more than 30 days.

(67) *Guidance signs.* Guidance and other informational signs authorized by the Utah Department of Transportation or other governmental agency. A guidance sign is exempt from all of the standards of Section 110-2-12.

(78) *Historical signs.* Historical name signs for sites and/or structures designated by the board of county commissioners as having historical significance to the county (and as identified in the Ogden Valley Master Plan).

(89) *Murals.* Murals, when depicted on the sides or rear of a building or storefront, provided that the mural has no connection or advertising context to any business conducted or any product or service offered therein.

(109) *Nameplate signs.* Nameplate signs not to exceed four square feet that identify the occupants/owners and/or home occupation of a residential property. ~~Larger residential signs shall comply with the provisions of this Land Use Code.~~

(110) *Private warning signs.* Private warning signs, provided they do not exceed four square feet.

(121) *Signs on vehicles.* Signs for business identification which may include name, address, and telephone number, not to exceed two feet by three feet upon the side door of a vehicle.

(132) *Statuary and sculptures.* Freestanding statuary and sculptures which are considered to be works of art and which are placed on private property clearly for the benefit and interest of the general public.

~~(14) *Subdivision entry signs.* An approved, recorded subdivision may locate one entry sign at each entrance. The sign shall be of the monument type and meet all specifications/requirements for monument signs in section 110-2-5, Allowable signs by zoning district. The name of the subdivision shall be the only text included on said sign. The planning commission shall approve location and design style. A double entry sign may be approved by the planning commission where there is a divided center island entry street.~~

(1513) *Traffic signs.* All signs erected in or adjacent to a public right-of-way by a public agency or in a private road right-of-way for the purpose of controlling or directing traffic. A traffic sign is exempt from all of the standards of Section 110-2-12.

...

Sec. 110-2-11. - Temporary sign usage.

...

(3) *Additional standards.* The following table applies to temporary sign use:

	<u>General Standards in all Zones</u>			<u>Specific Standards for the Agricultural, Forest and Residential Zones</u>			<u>Specific Standards for the Commercial, Manufacturing and Resort Zones</u>		
<u>Sign Type</u>	<u>Display Period</u>	<u>Removal Required 3 Days After</u>	<u>Land Use Permit or Special Event Permit Required</u>	<u>Maximum Area per Sign Face</u>	<u>Maximum Height of Freestanding Signs (includes support structure)</u>	<u>Number of Signs Permitted per Sign Type</u>	<u>Maximum Area per Sign Face</u>	<u>Maximum Height of Freestanding Signs</u>	<u>Number of Signs Permitted per Sign Type</u>
<u>Occasional Signs:</u>	-	-	-	-	-	-	-	-	-
<u>Campaign signs</u>	<u>60 days prior to the election</u>	<u>Completion of the election</u>	<u>N</u>	<u>32 square feet</u>	<u>6 feet</u>	<u>No limit</u>	<u>32 square feet</u>	<u>8 feet</u>	<u>No limit</u>
<u>Construction signs</u>	<u>Duration of construction</u>	<u>Completion of construction</u>	<u>N</u>	<u>32 square feet</u>	<u>6 feet</u>	<u>1 per street frontage</u>	<u>64 square feet</u>	<u>12 feet</u>	<u>1 per street frontage</u>
<u>Property/real estate sign</u>	<u>Duration of listing</u>	<u>Closing/lease commencement date</u>	<u>N</u>	<u>8 square feet</u>	<u>6 feet</u>	<u>1 per street frontage</u>	<u>64 square feet</u>	<u>12 feet</u>	<u>1 per street frontage</u>
<u>Short-term vendors § 108-13-3</u>	<u>120 days</u>	<u>End of event</u>	<u>Y/LUP</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>16 square feet</u>	<u>6 feet if set in the ground or anywhere on the building</u>	<u>2 total per frontage, either a ground sign or on vendor trailer, mobile store, tent, or kiosk</u>
<u>Temporary outdoor sales § 108-13-4</u>	<u>Per state code if applicable or 30 days prior to the event</u>	<u>End of event</u>	<u>Y/LUP</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>16 feet</u>	<u>6 feet if set in the ground or anywhere on the building</u>	<u>2 per street frontage</u>
<u>Temporary real estate sales office</u>	<u>Duration of construction</u>	<u>Completion of construction</u>	<u>Y/LUP</u>	<u>32 square feet</u>	<u>6 feet</u>	<u>1 per street frontage</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>Temporary real estate sales office wall sign</u>	<u>Duration of construction</u>	<u>Completion of construction</u>	<u>Y/LUP</u>	<u>20 square feet</u>	<u>N/A</u>	<u>1 sign attached to the office</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
<u>Continued...</u>	<u>General Standards in all Zones</u>			<u>Specific Standards for the Agricultural, Forest and Residential Zones</u>			<u>Specific Standards for the Commercial, Manufacturing and Resort Zones</u>		

Seasonal Signs:	-	-	-	-	-	-	-	-	-
Farmer's markets § 108-13-5	June through October	End of event	Y/LUP	32 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Fruit and vegetable stand § 104-5-3 (8)	June through October	End of event	Y/LUP	16 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Political sign	No limit	No limit	N	16 square feet	10 feet	1 per street frontage	32 square feet	10 feet	1 per street frontage
Event Signs:	-	-	-	-	-	-	-	-	-
Public event sign	30 days prior to the event	End of event	Y/SEP	4 square feet	3 feet	1 per street frontage	4 square feet	3 feet	1 per street frontage
Public event banner (on public property, over public streets or sidewalks)	30 days prior to the event	End of event	Y/SEP	12 square feet	N/A	1 per street frontage	12 feet	N/A	1 per street frontage
Public event directional sign	30 days prior to the event	End of event	Y/SEP	8 square feet	4 feet	No limit off-premises directional signs	8 square feet	4 feet	No limit off-premises directional signs
Special event sign	60 days prior to the event	End of event	Y/SEP	16 square feet on-site	6 feet	No limit onsite signs, either ground or banner signs	16 square feet onsite	6 feet	No limit on-site signs, either ground or banner signs
Special event banner (on public property)	30 days prior to the event	End of event	Y/SEP	12 square feet	N/A	1 per street frontage	12 square feet	N/A	1 per street frontage
Special event directional sign	1 day prior to the event	End of event	Y/SEP	8 square feet offsite	4 feet	No limit off-premises directional signs	8 square feet offsite	4 feet	No limit off-premises directional signs
Special event off-site sign	30 days prior to the event	End of event	Y/SEP	32 square feet	10 feet	2 offsite per event either a ground sign or banner	32 square feet	10 feet	2 offsite per event either a ground sign or banner

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Table 1

Sign-Type	Display-Period	Removal-Required-3 Days-After	Land-Use-Permit-or Special-Event-Permit Required
Occasion-Signs			
Campaign-signs	60-days-prior-to-the election	Completion-of-the election	N
Construction-signs	Duration-of-construction	Completion-of construction	N
Property/real-estate-sign	Duration-of-listing	Closing/lease commencement-date	N
Short-term-vendors § 108-13-3	120-days	End-of-event	Y/LUP
Temporary-outdoor-sales § 108-13-4	Per-state-code-if applicable-or-30-days prior-to-the-event	End-of-event	Y/LUP
Temporary-real-estate-sales office	Duration-of-construction	Completion-of construction	Y/LUP
Temporary-real-estate-sales office-wall-sign	Duration-of-construction	Completion-of construction	Y/LUP
Seasonal-Signs			
Farmer's-markets § 108-13-5	June-through-October	End-of-event	Y/LUP
Fruit-and-vegetable-stand § 104-5-3 (8)	June-through-October	End-of-event	Y/LUP
Political-sign	No-limit	No-limit	N

Event Signs			
Public event sign	30 days prior to the event	End of event	Y/SEP
Public event banner (on public property, over public streets or sidewalks)	30 days prior to the event	End of event	Y/SEP
Public event directional sign	30 days prior to the event	End of event	Y/SEP
Special event sign	60 days prior to the event	End of event	Y/SEP
Special event banner (on public property)	30 days prior to the event	End of event	Y/SEP
Special event directional sign	1 day prior to the event	End of event	Y/SEP
Special event off site sign	30 days prior to the event	End of event	Y/SEP

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669 **Table 2**

Types of Temporary Signs Permitted in Agricultural, Forest and Residential Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Signs (includes support structure)	Number of Signs Permitted per Sign Type
Occasion Signs			
Campaign sign	32 square feet	6 feet	No limit
Construction sign	32 square feet	6 feet	1 per street frontage

Property/real-estate sign	8-square-foot	6-foot	1-per street frontage
Temporary real-estate sales office	32-square-foot	6-foot	1-per street frontage
Temporary real-estate sales office wall sign	20-square-foot	N/A	1-sign attached to the office
Seasonal Signs			
Farmer's markets	32-square-foot	10-foot	1-per street frontage
Fruit and vegetable stand	16-square-foot	10-foot	1-per street frontage
Political sign	16-square-foot	10-foot	1-per street frontage
Event Signs			
Public event sign	4-square-foot	3-foot	1-per street frontage
Public event banner (on public property, over public streets or sidewalks)	12-square-foot	N/A	1-per street frontage
Public event directional sign	8-square-foot	4-foot	No limit off-premises directional signs
Special event sign	16-square-foot on-site	6-foot	No limit onsite signs, either ground or banner signs
Special event banner (on public property)	12-square-foot	N/A	1-per street frontage
Special event directional sign	8-square-foot offsite	4-foot	No limit off-premises directional signs
Special event offsite sign	32-square-foot	10-foot	2-offsite per event either a ground sign or banner

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671 **Table 3**

Types of Temporary Signs Permitted in Commercial, Manufacturing and Resort Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Signs	Number of Signs Permitted per Sign Type
Occasion Signs			
Campaign sign	32 square feet	8 feet	No limit
Construction sign	64 square feet	12 feet	1 per street frontage
Property/real estate sign	64 square feet	12 feet	1 per street frontage
Short term vendors	16 square feet	6 feet if set in the ground or anywhere on the building	2 total per frontage, either a ground sign or on vendor trailer, mobile store, tent, or kiosk
Temporary outdoor sales	16 feet	6 feet if set in the ground or anywhere on the building	2 per street frontage
Seasonal Signs			
Farmer's markets	32 square feet	10 feet	1 per street frontage
Fruit and vegetable stand	32 square feet	10 feet	1 per street frontage
Political sign	32 square feet	10 feet	1 per street frontage
Event Signs			
Public event sign	4 square feet	3 feet	1 per street frontage

Public event banner (on public property, over public streets or sidewalks)	12 feet	N/A	1 per street frontage
Public event directional sign	8 square feet	4 feet	No limit off-premises directional signs
Special event sign	16 square feet onsite	6 feet	No limit on-site signs, either ground or banner signs
Special event banner (on public property)	12 square feet	N/A	1 per street frontage
Special event directional sign	8 square feet offsite	4 feet	No limit off-premises directional signs
Special event offsite sign	32 square feet	10 feet	2 offsite per event either a ground sign or banner

Sec. 110-2-12. - Sign materials and display standards.

- (a) Sign materials. All materials used to construct signs, supports or fasteners shall conform to the following standards:
- (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone, textured concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought iron, and other metals may remain untreated and allowed to develop a natural patina.
 - (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick, stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought iron, and other metals may remain untreated and allowed to develop a natural patina. Support structures shall use natural, muted earth-tone colors including browns, black, grays, rusts, etc. White shall not be used as a predominant color, but may be used as an accent.
- (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the standards of this section.
- (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.
 - (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices shall be allowed to project or be located within a public right-of-way.
 - (3) *Illumination.* An illuminated sign, as defined in Section 101-1-7, shall comply with the requirements of Chapter 108-16 and the following provisions, examples of which are graphically depicted in Section 110-2-15.

a. Unless otherwise specified in this subsection, all exterior lighting of a sign shall be downward directed from the top of the sign, and oriented so as to illuminate only the sign area, as defined in Section 101-1-7, excluding the supports.

b. No direct artificial light, as defined in Section 101-1-7, shall be projected from the sign area or beyond the sign area, including by means of diffusion or refraction through a translucent or transparent surface. However, direct artificial light, excluding diffused or refracted light, for a sign area that does not have a frame or separate background, as in the case of a logo or individual lettering mounted to a wall without a defined sign perimeter, may illuminate or reflect onto a background surface, such as a wall, beyond the exterior perimeter of the sign area, provided that:

1. It shall not exceed six inches beyond the sign area.

2. It shall be shielded so as not to project light onto any other surface.

d. Exterior lighting of a sign shall not exceed a ratio of 75 lumens per square foot of sign area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the sign area. See Section 110-2-15 for a graphic depiction.

e. The Land Use Authority may require the applicant to submit photometric schematics and attestation from a qualified professional that the submittal complies with this chapter.

~~External illumination. Signs may be unlighted or lighted externally, provided that the light is shielded such that the light source causes no glare, and does not encroach upon neighboring properties or on-coming traffic. No exposed light sources are permitted. Colored and flashing lights are prohibited. All lighting shall be shielded and directed only at the sign surface. Illumination source shall be included with the master sign plan.~~

~~(4) Internal illumination. Individual pan-channel letters with a plastic face or individual cut-out letters (i.e., letters routed out of the face of an opaque cabinet sign) are permitted. The plastic face or backing of the letters shall be ivory colored. Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting. The light source for internally illuminated signs shall be white.~~

~~(45) Wall signs mounted on parapets. A wall sign mounted on a parapet wall shall be mounted six inches or more below the top of the parapet wall.~~

~~(56) No imitation of traffic signs. Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or impair driver visibility upon roads.~~

~~(67) No prevention of ingress/egress. Signs shall not be erected, relocated or maintained in such a way that prevents free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.~~

~~(78) No mounting on natural features. No signs shall be painted or mounted on trees. No land-form or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of displaying a sign.~~

~~(89) Clearance. The clearance of a projecting, canopy or wall sign shall be measured from the lowest edge of the overhang eight feet to the driving or walking surface below.~~

~~(940) Sign setbacks.~~

a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a minimum of ten feet from any property line. Signs fronting on state highways shall be set back ten feet from the right-of-way.

- 741 b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed,
742 except for signs set by public agencies for safety purposes, such as the state department
743 of transportation.
- 744 c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in
745 title 108, chapter 7 of the Weber County Land Use Code.
- 746 | (104) *Landscaping.* The ground area around the base of all ground/monument signs shall be
747 landscaped in accordance with the requirements of applicable chapters of the Weber County
748 Land Use Code. The planning commission may exempt some monument/ground signs from this
749 standard where it is demonstrated, by the owner/developer, that the landscaping would unduly
750 interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be
751 impractical.
- 752 | (112) *No street frontage.* When a freestanding building, complex or storefront does not face a
753 public street or approved private road, and is accessed via a pedestrian area or common
754 parking and driveway area, the linear footage of building or storefront facing the pedestrian area
755 or common parking area shall substitute for purposes of determining allowable signage.
- 756 | (123) *Sign area.* The area of a sign shall ~~be the measurement of the face of the sign that is~~
757 ~~designed to present a message or attract attention, plus the structural supports. The combined~~
758 ~~area of the sign face and structural supports shall not exceed the maximum height and width~~
759 ~~specified for signs in this chapter.~~ be measured as provided in the definition of "sign area" as
760 provided in Section 101-1-7.
- 761 | ...
- 762 | Sec. 110-2-15. – Examples of sign illumination.



- Unacceptable color temperature. ✗
- Fully shielded artificial light source. No visible direct artificial light. ✓
- Light buffers no more than six inches around perimeter of sign area. ✓



- Acceptable color temperature. ✓
- Direct artificial light source projected by means of diffusion through translucent surface. ✗
- Light buffers no more than six inches around perimeter of sign area. ✓



- | Lumen per Square Foot Ratio | |
|-----------------------------|--|
| 1650 Lumen Bulb | 50 Lumens per Square Foot of Sign Area |
| 33 Square Feet of Sign Area | = |
- Total combined lumens less than or equal to 50 lumens per square foot. ✓
 - Acceptable color temperature. ✓
 - Light only illuminates sign area. ✓
 - No visible direct artificial light. ✓