



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To hold a public hearing to discuss and take comment and possibly make final decision on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7) and Ogden Valley Signs (Title 110, Chapter 2) to amend provision related to flags, window signs, and portable signs.

Agenda Date: Tuesday, October 24, 2017

Staff Report Date: Tuesday, October 19, 2017

Applicant: Ogden Valley Business Association

File Number: ZTA 2017-01

Staff Information

Report Presenter: Charlie Ewert
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(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
§110-2: Ogden Valley Signs

Legislative Decisions

Decision on this item is a legislative action. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

The Ogden Valley Business Association (OVBA) has submitted a request to amend the sign code. They are requesting three changes:

1. that flags of any type are allowed, not just flags of the U.S., Utah, and Weber County.
2. that one window sign is allowed to be illuminated so they can utilize open/close signs.
3. that the county creates an allowance for a-frame signs to be used, both onsite and offsite.

Staff has assisted the OVBA in crafting an ordinance change that will support their desire while minimizing potential detrimental effects of uncontrolled signage. The crafting of the language attempts to strike a balance between the economic benefits of the requested changes and the potential for signage to become unsightly in the community.

In reviewing the proposal the Commission should be aware that the recent U.S. Supreme Court case, *Reed v Gilbert*, places strict limitations on content-based sign regulations. The essential rule that if you have to look at the sign to read/interpret the message in order to determine what type of sign it is, it might very well be an unconstitutional restriction of free speech. This determination affects several aspects of our current sign code, including the regulations of flags and window signs presented in this proposal.

Policy Analysis

Policy Considerations:

Flags. If flags are allowed the regulation of them cannot be content based. In the context of free speech an American Flag is of equal importance to a flag containing a school logo, a family coat of arms, or a flag with a corporate logo. If flags are allowed the County can regulate time, place, and manner, but should not regulate

content. Currently the County's code only allows the U.S. flag, the Utah flag, Weber County flags, and one corporate flag. The complete deregulation of the time, place, and manner of the display of a flag could lead to flags displayed as signs or advertising devices. To mitigate this, the proposal provides flag display standards for non-sign oriented flags. These standards are based on national standards for the flying of the U.S. flag, including shape, dimension ratios of flag edges, and area limitations based on flag height. It also requires the appropriate and respectful mounting of a flag, which is from one edge and upright. These regulations will ensure that during times of low-wind the flag will fold over onto itself, thereby limiting the effectiveness of its use as a "sign," but not inhibiting conventional flag-flying traditions.

Window Signs. The request to allow an illuminated window sign is for those common "open" signs. The allowance of an illuminated window sign cannot be limited in content to "open" or "closed" text though. Instead, the content of the sign does not matter, only the time, place, and manner. If the Planning Commission is comfortable with allowing one illuminated "open" sign, then the proposal offers language that would do so. It limits the number of the illuminated signs per business to no more than one, and limits the size to no more than four square feet. Many business owners will opt to use the illuminated sign allowance for an "open" sign, however, there may be business that use it for a "beer" sign or similar other message.

Portable Signs. The biggest modification in the proposal is the addition of portable signs as allowed sign devices. The proposal limits the form of a portable sign to only a-frame signs. The proposal offers an allowance for one a-frame sign per business. It also allows up to two a-frame signs per business to be placed somewhere offsite. The offsite a-frame signs have very specific and limiting regulations to help minimize the potential that the public realm might be cluttered with them. The Commission needs to determine whether the regulation goes too far or no far enough. In a worst case scenario there may be as much as one a-frame sign every ten feet for a stretch of a busy public right of way. Limiting the number of a-frame signs per business helps reduce the risk of clutter.

Some members of the planning division are concerned that allowing a-frame signs could cause a similar appearance as election-season signs, but on a perpetual basis.

However, others are supportive of the proposal, and suggest that the design requirements of the sign, combined with other market-fostered limitations, will in large part help protect from election-season-esque signage. In addition, when considering signage as a part of an economic system that supports the development of villages, including the expansion of services available to valley residents, the negative effect of the signage may be appropriately balanced by the business community's need to attract customers. As a recreation destination community located so close to the services of the Wasatch Front, most potential customers of a business in the Ogden Valley are not likely in the valley for that specific business service (unless it's a recreation service). As such, much of the potential customer base is transient in nature. If Ogden Valley businesses cannot attract the traveling public to their establishment then that patronage is easily lost to a business on the Wasatch Front, severely limiting the ability to retain and attract business services. This could pose longer term impacts to the future of villages.

Regardless, this addition in the code can be considered experimental in nature. Written into it is a regulation that specifies that an a-frame sign will expire annually with the business license. This means that if a-frame signs get out of control in the future and do become 'election-season-esque' then this section of ordinance can be repealed and the permits for all a-frame signage will expire by the end of the same year. The potential to lose the right if there are poor performers causing problems will likely cause the business community to be more proactive in self policing.

Administrative and clerical edits. The proposal also offers administrative and clerical edits necessary to make administration and interpretation of the code simpler. It adds definitions essential to the requested changes.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. The 2016 Ogden Valley General Plan offers us guidance on what the community desires:

Community Character Vision:

The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife, and small villages; by

Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills and mountain background. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. In the Ogden Valley planning area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character.

Because this sign code proposal primarily affects the vitality of small villages, the following are relevant goals, principles, and implementation strategies that will help support the vitality of villages:

Commercial Development Goal 1: A goal of Weber County is to ensure that the location of retail and commercial development is consistent with Ogden Valley's rural character.

Commercial Development Principle 1.2: Focus on creating vibrant village areas. Encourage public spaces and plazas within villages that can accommodate cultural and social events and that can function as community gathering areas. Promote and extend the walkable, interconnected pattern in the Valley and extend non-motorized trails and pathways to commercial village areas.

Commercial Development Goal 2: A goal of Weber County is to ensure that the design of retail and commercial development is consistent with Ogden Valley's rural character.

Commercial Development Principle 2.3: Ensure that all signage in Ogden Valley is compatible with the context of the sign's location and the rural character of Valley.

Commercial Development Implementation 2.3.2: Develop an Ogden Valley community signage plan with an identifiable theme for noncommercial signs in the Valley. Consider including a plan for wayfinding signage for the Valley.

Commercial Development Goal 2: A goal of Weber County is to ensure that the design of retail and commercial development is consistent with Ogden Valley's rural character.

Commercial Development Principle 2.1: Require new commercial development to conform to community design standards to ensure compatibility with the character of Ogden Valley and to provide for aesthetic and functional transition to surrounding residential and agricultural areas.

Commercial Development Implementation 2.1.1: As part of small area planning, revise County design standards to adopt more detailed and specific commercial design standards that specify building materials, style elements, colors, dark sky lighting, walkability landscaping, signage, open spaces, public features, and building height and orientation. Acceptable style elements may include agrarian architecture, Old West or mine-town architecture, or mountain rustic architecture elements that are prevalent in Ogden Valley (Fig. 3).

Despite our best efforts to define "rural character" during the general plan process, there are arguably alternative definitions when considering this sign code amendment and it depends on an individual's desire to allow portable signage in the valley.

Some things for the Commission to consider:

1. Will portable signs, one illuminated window sign, and non-sign flags cause a negative impact on the rural character of the valley?
2. Will portable signs, one illuminated window sign, and non-sign flags support villages in the valley?
3. Can portable signs, one illuminated window sign, and non-sign flags be displayed in such a manner so as to maintain village/commercial compatibility with rural character? If so, does the proposal offer that?

Past Action on this Item

The Ogden Valley Planning Commission offered a unanimous recommendation for approval for the proposal.

Noticing Compliance

A hearing for this item has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Planning Commission Recommendation

The Planning Commission recommends adoption of the proposal ordinance with the following findings:

1. The changes are generally supported by the 2016 Ogden Valley General Plan.
2. The changes will provide needed support for businesses in the Valley.
3. The commercial nature of the changes do not negatively affect the community character of the Valley.
4. If at any time the changes pose a threat to the community character of the Valley they can be easily repealed.
5. The changes are necessary to provide clarity in the Land Use Code.
6. The clarifications will provide for a more efficient administration of the Land Use Code.
7. The changes are not detrimental to the general health and welfare of County residents.

Attachments

- A. Proposed ordinance
- B. Application from Ogden Valley Business Association.

Attachment A

ORDINANCE NUMBER 2017-

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO UPDATE AND CLARIFY PROVISIONS RELATED TO SIGNAGE IN THE OGDEN VALLEY.

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

WHEREAS, these regulations offered inadequate, vague, or inconsistent provisions; and

WHEREAS, these regulations offered inadequate or overly restrictive provisions for offsite signage, window signage, and flags; and

WHEREAS, on September 26, 2017, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding proposed amendments to the Weber County Land Use Code with respect signage in the Ogden Valley, and offered a positive recommendation to the County Commission for the changes herein described; and

WHEREAS, on October 24, 2017, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments regarding said amendments; and

WHEREAS, the Weber County Board of Commissioners find that the ordinance amendments herein described do not run contrary to the goals and objectives of the Ogden Valley General Plan and provide flexibility and clarification necessary to facilitate efficient administration of the Weber County Land Use Code;

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.

Passed, adopted, and ordered published this _____ day of _____, 2017, by the Weber County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By _____,
James Ebert, Chair

Commissioner Ebert voted _____
Commissioner Gibson voted _____
Commissioner Harvey voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

1 **Title 101 - GENERAL PROVISIONS**

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4 **Sec. 101-1-7. - Definitions.**

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6 *Dwelling unit.* The term "dwelling unit" means any building or portion thereof that
7 contains living facilities, including provisions for sleeping, eating, cooking and
8 sanitation for not more than one family.

9 *Earth-toned.* The term "earth-toned" means any local naturally occurring color
10 originating from the earth, usually containing brown hues or tinted with gray.

11 *Easement* means that portion of a lot or lots reserved for present or future use by a
12 person or agency other than the legal owner or owners of said property or properties.
13 The easement may be for use under, on, or above said lot or lots.

14 ...

15 *Financial guarantee.* The term "financial guarantee" means in lieu of actual
16 installations of the improvements required by the Weber County Land Use Code, the
17 applicant shall guarantee the installation of improvements by depositing the financial
18 guarantee funds into the Weber County Engineer's Escrow in an amount equal to the
19 future cost (plus ten percent contingency) of the installation of the improvements, as
20 determined by the county engineer and/or planning director, and approved by the
21 county attorney, to assure the installation of such improvements within a period of
22 time.

23 *Flag.* The term "flag" means any fabric or other flexible material attached on one
24 edge to or designed to be flown from a flagpole or similar device.

25 *Flea market.* The term "flea market" means an occasional or periodic sales
26 activity held within a building, structure or open area where groups of individual sellers
27 offer new, used, handmade, homegrown, handcrafted, obsolete or antique items for
28 sale to the general public, not to include private garage sales.

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

34 *Sign, banner.* The term "banner sign" means any sign intended to be hung either
35 with or without frames, possessing characters, letters, illustrations or ornamentations
36 applied to paper, plastic or fabric of any kind.

37 *Sign, billboard.* The term "billboard sign" means a sign that identifies or
38 communicates a commercial or non-commercial message related to an activity
39 conducted, a service rendered, or a commodity sold at a location other than where the
40 sign is located. The term "billboard sign" means an off-premises sign larger than 20
41 square feet in area. Two or more separate advertising spaces structurally connected
42 will be considered one sign.

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44 **Title 110 – SIGNS**

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46 **CHAPTER 2. - OGDEN VALLEY SIGNS**

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48 **Sec. 110-2-2. - Applicability.**

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

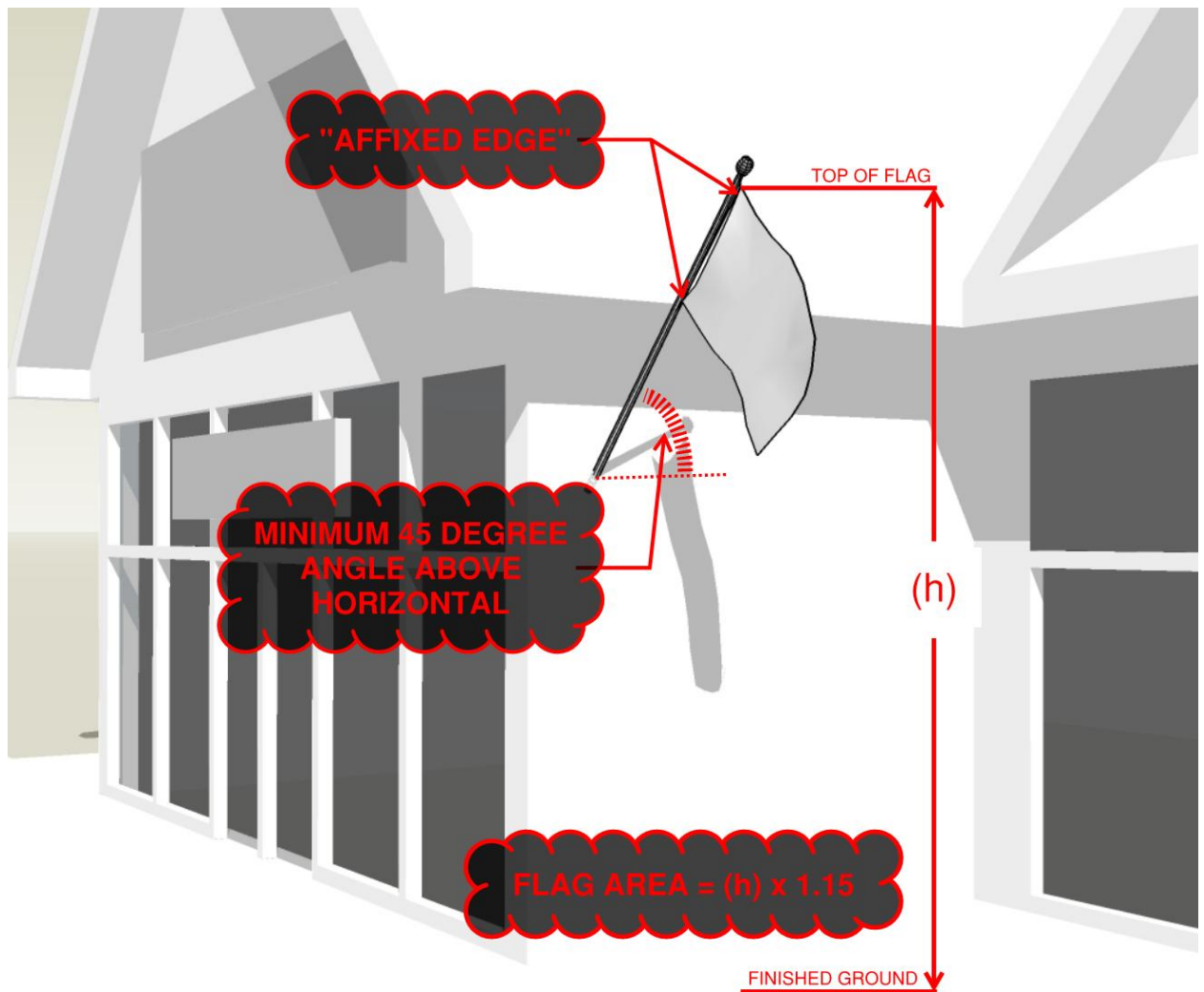
59 (b) *Exemptions.* The following are exemptions from the requirements of this chapter:

60 (1) *Maintenance and repainting.* The repainting, changing of parts, and
61 general maintenance of signs located on the site shall not be deemed
62 alterations requiring a permit, except for nonconforming signs as set forth
63 in section 110-2-4, Nonconforming signs.

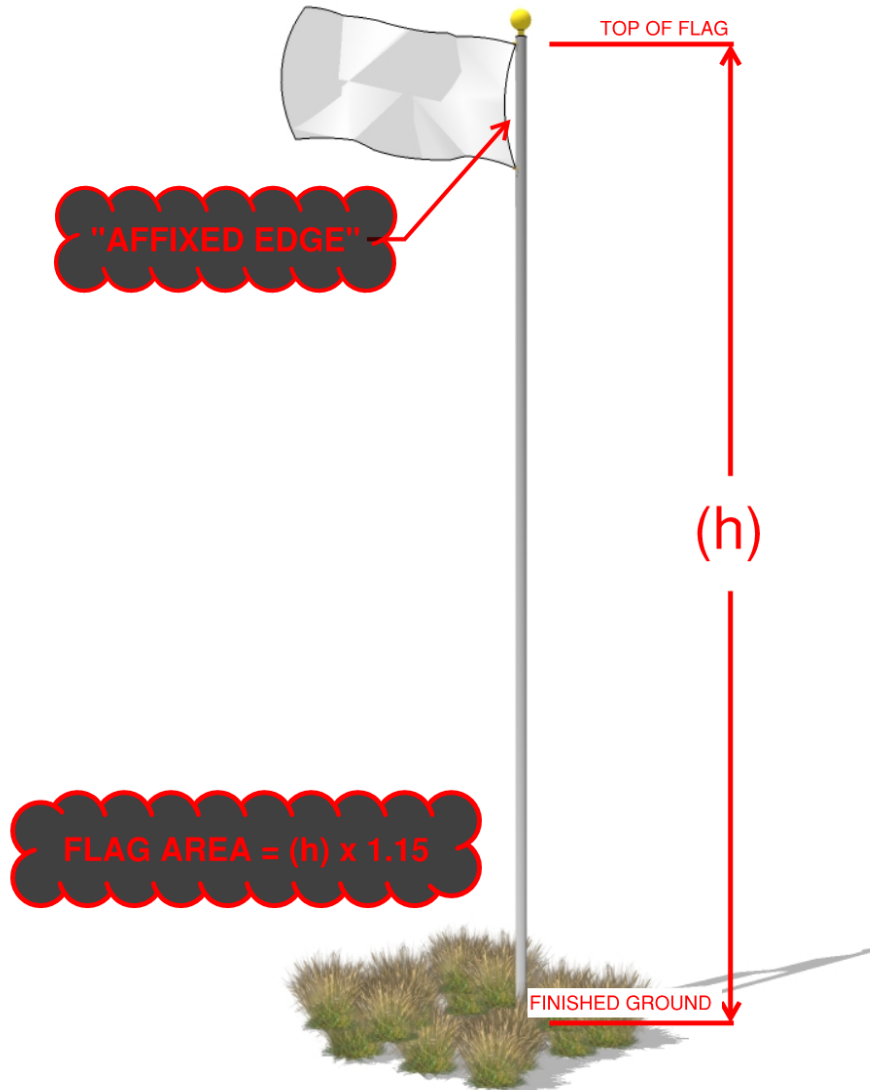
64 (2) *Flags.* A flag, as defined in Section 101-1-7, is not a sign provided it
65 complies with the following:

66 a. it shall not be mounted on a roof, atop any sign, or higher than the
67 maximum building height allowed in the zone as measured from the
68 top of the flag to the finished ground directly below;

- 69 b. it shall be a rectangle, mounted or affixed on only one edge to a
70 support that angles no less than 45 degrees above the horizontal,
71 except during a government-sponsored half-staff period at which
72 time it may be flown full horizontal;
- 73 c. the length of the edge of the flag that is mounted or affixed shall be
74 less than or equal to the length of an intersecting edge and shall be
75 mounted or affixed in a manner so that it hangs or drapes when no
76 wind is present; and
- 77 d. the area of the flag in square feet shall be no greater than 1.15 times
78 the linear feet of the flag height as measured from the top of the flag
79 to the finished ground directly below.
- 80 e. Examples of non-sign flags:



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Sec. 110-2-7. - Window signs.

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Signs displayed in windows of buildings or storefronts are allowed in all zoning districts. A land use permit for a sign is not required for their display, provided they comply with the following:

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- (1) *Size limit of window sign.* The cumulative sign area for window signage shall occupy no more than 25 percent of the area of the window in which the signage is displayed; Signage necessary to fulfill a governmental regulation or requirement is exempt.

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- (2) *Illumination of window sign.* Despite the provisions of Title 108, Chapter 16, one window sign, measuring no greater than four square feet in area,

94 may be illuminated in a manner visible from outside the building, provided
95 it shall only be illuminated during business hours and only to an
96 illumination level reasonably necessary to communicate the message to
97 the nearest street right-of-way.

98 (3) *Prohibited features of window sign.* No window sign or any other sign
99 within a building or structure shall move, flash, blink, rotate, or be animated
100 in any way that is visible from outside the property's boundaries.

101 (4) *Example of window signs:*



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103 **Sec. 110-2-8. - Prohibited signs and sign devices.**

104 All signs not specifically listed as allowed are prohibited, including:

105 (1) *Moving signs.* Animated, flashing, blinking, fluttering, undulating, swinging,
106 changing, rotating or otherwise moving signs, pennants, tethered "party or
107 weather-type" balloons, holograms, light beams, lasers or other like
108 decorations.

- 109 (2) *Moving appurtenances.* Moving mechanical or electrical appurtenances
110 attached to a sign or otherwise intended to attract attention to a sign.
- 111 (3) *Rotating beacon lights.*
- 112 (4) *Inflatable advertising devices or signs.* (Does not refer to passenger-type
113 hot air balloons being used for passenger flight.)
- 114 (5) *Flags.* Flags not exempted in Section 110-2-2.
- 115 (6) *Banners.* Banners, unless specifically provided otherwise in this chapter.
- 116 (6) *Changeable copy signs.* Electronic changeable copy signs, except as
117 permitted in section 110-2-9(b)(13). Manual changeable copy signs except
118 as permitted in section 110-2-10.
- 119 (8) *Off-site signs.* All off-site, off-premises and directional signs which
120 advertise businesses, establishments, activities, facilities, goods, products,
121 or services not made, produced, sold or present on the premises or site
122 where the sign is installed and maintained are prohibited, except as
123 exempted in section 110-2-9, Other signs. Notwithstanding the foregoing,
124 where access to a parcel is via an adjacent parcel, signs may be located
125 on such adjacent parcel.
- 126 (9) *Signs on motor vehicles, except for student driver signs.* Vehicle signs may
127 be allowed on vehicles, but they may not be illuminated or parked on a
128 long-term basis to be used as a sign for the purpose of advertising a
129 product or directing people to a business activity as listed in section 110-2-
130 9, Other signs.
- 131 (10) *Luminous tube signs.* External gas filled luminous tubes, such as neon,
132 argon or fluorescent, signs or valances, unless inside a building or in a
133 window and not to exceed four square feet in area, except as listed
134 in section 110-2-12, Sign materials and display standards, and may not
135 flash or blink.
- 136 (11) *Other temporary signs.* Any other device in the form of a sign, which is of a
137 temporary nature, or mobile, and not permanently affixed to a building or
138 an upright support affixed firmly to the ground, except as permitted
139 in section 110-2-11, Temporary sign usage.
- 140 (12) *Roof signs.* Signs mounted on a roof or atop a parapet wall.
- 141 (13) *Billboards.*
- 142 (14) *Pole signs.* Except one pole sign per public, private, and charter school,
143 consisting of not more than a six-foot tall by ten-foot wide changeable

144 reader board sign, located not less than ten feet and not more than 15 feet
145 above the sidewalk, may be permitted.

146 (15) *Public property signs.* It shall be unlawful for any person to fasten or
147 attach, paint or place any sign, handbill, poster, advertisement or notice of
148 any kind or sort, whether political or otherwise or to cause the same to be
149 done in or upon the curbstone, lamp post, telephone pole, electric light or
150 power pole, hydrant, bridge or tree, or in or upon any portion of any
151 sidewalk or street. It shall be unlawful to paste, place, paint or attach any
152 sign defined in this chapter on any building, street or property of the
153 county. No sign shall be erected on or project over public property, except
154 as permitted in Section 110-2-9, other signs, and section 110-2-11,
155 temporary sign usage.

156 **Sec. 110-2-9. - Other allowed signs.**

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

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

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

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

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



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

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

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

199 (1) *Addressing numbers.* Addressing numbers shall be no more than 12
 200 inches in height. An addressing number sign is also exempt section 110-2-
 201 12(b)(8).

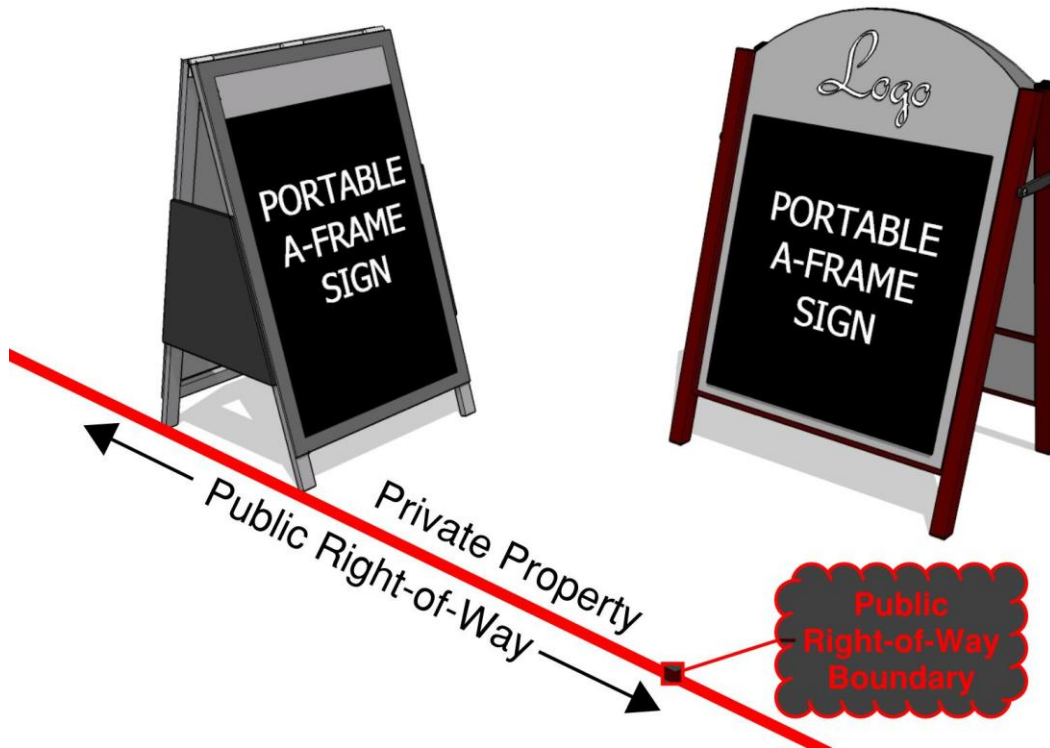
202 (2) *Athletic field scoreboard signs.* An athletic field scoreboard sign shall not
 203 exceed 120 square feet in any zone. An athletic field scoreboard sign is
 204 also exempt from section 110-2-12(b)(3).

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

- 209 (4) *Grand opening signs.* On a one-time basis, a business establishment shall
 210 be permitted one banner not to exceed 12 square feet, to be displayed for
 211 a period of not more than 30 days.
- 212 (5) *Guidance signs.* Guidance and other informational signs authorized by the
 213 Utah Department of Transportation or other governmental agency. A
 214 guidance sign is exempt from all of the standards of section 110-2-12.
- 215 (6) *Historical signs.* Historical name signs for sites and/or structures
 216 designated by the board of county commissioners as having historical
 217 significance to the county (and as identified in the Ogden Valley master
 218 plan).
- 219 (7) *Murals.* Murals, when depicted on the sides or rear of a building or
 220 storefront, provided that the mural has no connection or advertising
 221 context to any business conducted or any product or service offered
 222 therein.
- 223 (8) *Nameplate signs.* Nameplate signs not to exceed four square feet that
 224 identify the occupants/owners and/or home occupation of a residential
 225 property.
- 226 (9) *Portable sign.* The only portable signage allowed, excluding temporary signs
 227 regulated by 110-2-11, is an a-frame sign, also known as a sandwich board
 228 sign, in compliance with the following:
- 229 a. *Number, location, and timing for a portable sign.* One portable sign per
 230 commercial business is permitted on site. Up to two portable signs are
 231 permitted per commercial business offsite, provided the offsite portable
 232 signs comply with the following:
- 233 1. The commercial business shall have a physical location within the
 234 Ogden Valley planning area, or Huntsville Town, and a valid business
 235 license;
 - 236 2. The portable sign shall be located outside any public street right-of-
 237 way;
 - 238 3. The portable sign shall be located no closer than ten feet from any
 239 other portable sign;
 - 240 4. If located outside a commercial, manufacturing, or resort zone, the
 241 portable sign shall only be located adjacent to a collector or arterial
 242 street right-of-way;
 - 243 5. The business shall receive landowner permission for the specific
 244 location of the portable sign;
 - 245 6. The portable sign shall be properly placed and anchored to the
 246 ground in a manner that keeps it in place, upright, and level; and

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7. The portable sign shall only be on display outside during the hours of operation of the business.
- b. *Standards for a portable sign.* The maximum sign area shall be nine square feet with a width and height when folded of no greater than three feet each. Both sides of the sign shall have a four-sided frame of natural, stained, rustic, or antiqued-painted wood or similarly appearing faux wood, or natural antiqued metal; and the same applies to the sign supports. The sign background shall be at least 50 percent darker than the sign message, as discerned using industry best practices, and shall only use earth-toned colors that are clearly visible, without instruments, from the sign location.
 - c. *Permit and expiration.* A land use permit is required for a portable sign pursuant to Section 110-2-2. A land use permit for an offsite portable sign shall expire annually at the time the business license for the commercial business to which it belongs expires or on December 31. An offsite portable sign shall not be included as a part of a master signage plan.
 - d. *Examples.* The following are examples of allowed portable signs:



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

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

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

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

1 **Title 101 - GENERAL PROVISIONS**

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4 **Sec. 101-1-7. - Definitions.**

5 ...

6 *Dwelling unit.* The term "dwelling unit" means any building or portion thereof that
7 contains living facilities, including provisions for sleeping, eating, cooking and
8 sanitation for not more than one family.

9 *Earth-toned.* The term "earth-toned" means any local naturally occurring color
10 originating from the earth, usually containing brown hues or tinted with gray.

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12 person or agency other than the legal owner or owners of said property or properties.
13 The easement may be for use under, on, or above said lot or lots.

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15 *Financial guarantee.* The term "financial guarantee" means in lieu of actual
16 installations of the improvements required by the Weber County Land Use Code, the
17 applicant shall guarantee the installation of improvements by depositing the financial
18 guarantee funds into the Weber County Engineer's Escrow in an amount equal to the
19 future cost (plus ten percent contingency) of the installation of the improvements, as
20 determined by the county engineer and/or planning director, and approved by the
21 county attorney, to assure the installation of such improvements within a period of
22 time.

23 *Flag.* The term "flag" means any fabric or other flexible material attached on one
24 edge to or designed to be flown from a flagpole or similar device.

25 *Flea market.* The term "flea market" means an occasional or periodic sales
26 activity held within a building, structure or open area where groups of individual sellers
27 offer new, used, handmade, homegrown, handcrafted, obsolete or antique items for
28 sale to the general public, not to include private garage sales.

29 ...

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

34 *Sign, banner.* The term "banner sign" means any sign intended to be hung either
35 with or without frames, possessing characters, letters, illustrations or ornamentations
36 applied to paper, plastic or fabric of any kind. ~~National flags, flags of political~~
37 ~~subdivisions and symbolic flags of any institution or business shall not be considered~~
38 ~~banners for the purpose of this Code.~~

39 *Sign, billboard.* The term "billboard sign" means a sign that identifies or
40 communicates a commercial or non-commercial message related to an activity
41 conducted, a service rendered, or a commodity sold at a location other than where the
42 sign is located. The term "billboard sign" means an off-premises sign larger than 20
43 square feet in area. Two or more separate advertising spaces structurally connected
44 will be considered one sign.

45 ...

46 **Title 110 – SIGNS**

47 ...

48 **CHAPTER 2. - OGDEN VALLEY SIGNS**

49 ...

50 **Sec. 110-2-2. - Applicability.**

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

61 (b) ~~Maintenance and repainting exempt~~ Exemptions. The following are exemptions
62 from the requirements of this chapter:

63 (1) Maintenance and repainting. The repainting, changing of parts, and
64 general maintenance of signs located on the site shall not be deemed
65 alterations requiring a permit, except for nonconforming signs as set forth
66 in section 110-2-4, Nonconforming signs.

67 (2) Flags. A flag, as defined in Section 101-1-7, is not a sign provided it
68 complies with the following:

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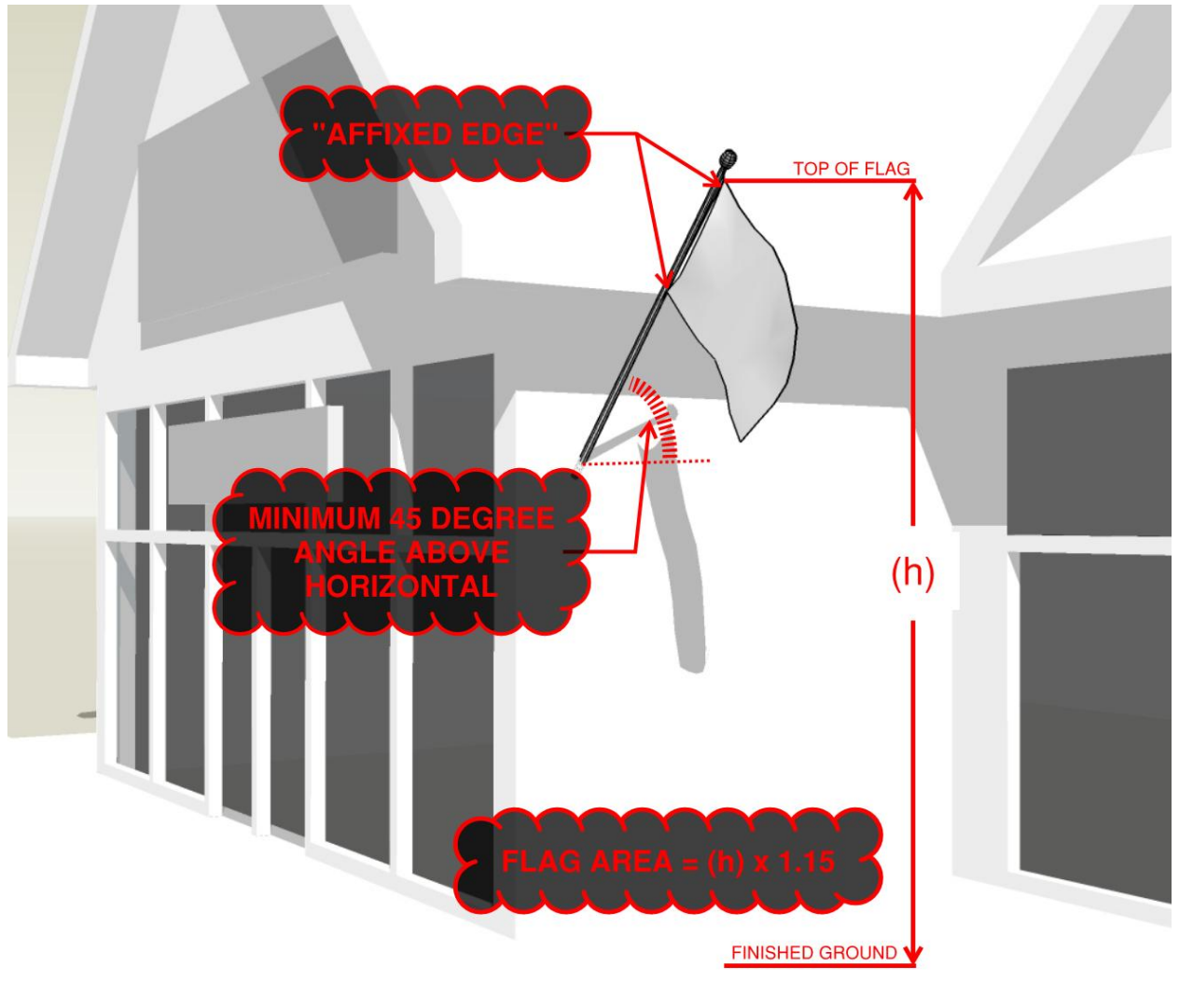
a. it shall not be mounted on a roof, atop any sign, or higher than the maximum building height allowed in the zone as measured from the top of the flag to the finished ground directly below;

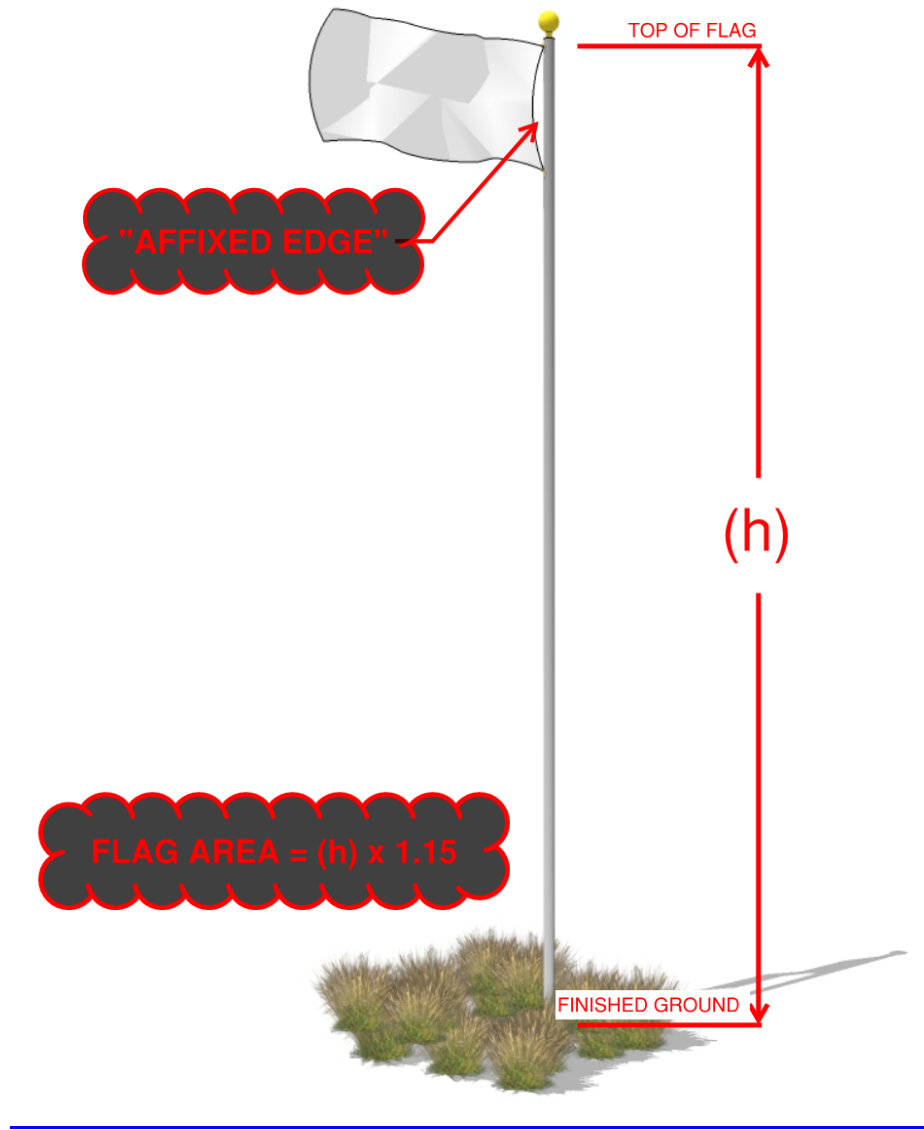
b. it shall be a rectangle, mounted or affixed on only one edge to a support that angles no less than 45 degrees above the horizontal, except during a government-sponsored half-staff period at which time it may be flown full horizontal;

c. the length of the edge of the flag that is mounted or affixed shall be less than or equal to the length of an intersecting edge and shall be mounted or affixed in a manner so that it hangs or drapes when no wind is present; and

d. the area of the flag in square feet shall be no greater than 1.15 times the linear feet of the flag height as measured from the top of the flag to the finished ground directly below.

e. Examples of non-sign flags:





85

86 ...

87 **Sec. 110-2-7. - Window signs.**

88 Signs displayed in windows of buildings or storefronts ~~are permitted~~ are allowed in
 89 all zoning districts. A ~~sign~~ land use permit for a sign is not required for their display,
 90 provided they comply with the following ~~standards are met~~:

- 91 (1) Size limit of window sign. The cumulative sign area for Wwindow signage
 92 shall occupy no more than 25 percent of the area of the window in which
 93 the signage is ~~are~~ displayed; Signage necessary to fulfill a governmental
 94 regulation or requirement is exempt. In no event shall window signage
 95 exceed 16 square feet in any one window that would reduce air and/or
 96 light.

97 (2) Illumination of window sign. Despite the provisions of Title 108, Chapter
98 16, one window sign, measuring no greater than four square feet in area,
99 may be illuminated in a manner visible from outside the building, provided
100 it shall only be illuminated during business hours and only to an
101 illumination level reasonably necessary to communicate the message to
102 the nearest street right-of-way.

103 ~~(32) Prohibited features of window signs.~~ No window sign, ~~not~~ or any other
104 sign within a building or structure shall move, flash, blink, rotate, or be
105 ~~mechanically or electronically~~ animated in any way so as that is visible from
106 outside the property's boundaries ~~to be visible from outside of the building~~
107 ~~or structure for purposes of public safety.~~

108 (4) Example of window signs:



109
110 **Sec. 110-2-8. - Prohibited signs and sign devices.**

111 All signs not specifically listed as allowed are prohibited, including: ~~The following~~
112 ~~signs and types of signs are prohibited in all zoning districts in the Ogden Valley of~~
113 ~~Weber County:~~

- 114 (1) *Moving signs.* Animated, flashing, blinking, fluttering, undulating, swinging,
115 changing, rotating or otherwise moving signs, pennants, tethered "party or
116 weather-type" balloons, holograms, light beams, lasers or other like
117 decorations.
- 118 (2) *Moving appurtenances.* Moving mechanical or electrical appurtenances
119 attached to a sign or otherwise intended to attract attention to a sign.
- 120 (3) *Rotating beacon lights.*
- 121 (4) *Inflatable advertising devices or signs.* (Does not refer to passenger-type
122 hot air balloons being used for passenger flight.)
- 123 ~~(5) *Portable signs.* Changeable copy trailer, a-frame, sandwich, or portable~~
124 ~~signs, except as permitted in section 110-2-10, Special purpose signs~~
125 ~~and section 110-2-5(c), Destination and recreation resort zone.~~
- 126 (5) *Flags.* Flags not exempted in Section 110-2-2.
- 127 (6) *Banners.* Banners, ~~except as permitted in Section 110-2-11, temporary~~
128 ~~sign usage, section 110-2-9(19), other signs, and section 110-2-5(c),~~
129 ~~destination and recreation resort zone.~~ unless specifically provided
130 otherwise in this chapter.
- 131 (6) *Changeable copy signs.* Electronic changeable copy signs, except as
132 permitted in section 110-2-9(b)(13). Manual changeable copy signs except
133 as permitted in section 110-2-10.
- 134 (8) *Off-site signs.* All off-site, off-premises and directional signs which
135 advertise businesses, establishments, activities, facilities, goods, products,
136 or services not made, produced, sold or present on the premises or site
137 where the sign is installed and maintained are prohibited, except as
138 exempted in section 110-2-9, Other signs. Notwithstanding the foregoing,
139 where access to a parcel is via an adjacent parcel, signs may be located
140 on such adjacent parcel.
- 141 (9) *Signs on motor vehicles, except for student driver signs.* Vehicle signs may
142 be allowed on vehicles, but they may not be illuminated or parked on a
143 long-term basis to be used as a sign for the purpose of advertising a
144 product or directing people to a business activity as listed in section 110-2-
145 9, Other signs.
- 146 (10) *Luminous tube signs.* External gas filled luminous tubes, such as neon,
147 argon or fluorescent, signs or valances, unless inside a building or in a
148 window and not to exceed four square feet in area, except as listed
149 in section 110-2-12, Sign materials and display standards, and may not
150 flash or blink.

151 (11) *Other temporary signs.* Any other device in the form of a sign, which is of a
152 temporary nature, or mobile, and not permanently affixed to a building or
153 an upright support affixed firmly to the ground, except as permitted
154 in section 110-2-11, Temporary sign usage.

155 (12) *Roof signs.* Signs mounted on a roof or atop a parapet wall.

156 (13) *Billboards.*

157 (14) *Pole signs.* Except one pole sign per public, private, and charter school,
158 consisting of not more than a six-foot tall by ten-foot wide changeable
159 reader board sign, located not less than ten feet and not more than 15 feet
160 above the sidewalk, may be permitted.

161 (15) *Public property signs.* It shall be unlawful for any person to fasten or
162 attach, paint or place any sign, handbill, poster, advertisement or notice of
163 any kind or sort, whether political or otherwise or to cause the same to be
164 done in or upon the curbstone, lamp post, telephone pole, electric light or
165 power pole, hydrant, bridge or tree, or in or upon any portion of any
166 sidewalk or street. It shall be unlawful to paste, place, paint or attach any
167 sign defined in this chapter on any building, street or property of the
168 county. No sign shall be erected on or project over public property, except
169 as permitted in Section 110-2-9, other signs, and section 110-2-11,
170 temporary sign usage.

171 | **Sec. 110-2-9. - Other allowed signs.**

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

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

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

181 b. *Freestanding sign (pole sign).* For a freestanding sign (pole sign), the
182 width shall be no greater than eight feet and the height shall be no
183 greater than ten feet with a sign face no greater than 24 square feet.
184 The sign face shall be mounted between the sign poles, which shall
185 be constructed of timbers that measure at least eight inches by eight
186 inches and extend from the ground to the top of the sign face. The
187 top of the sign face and the bottom of the sign face shall be
188 completely bounded by timbers that have a minimum vertical height
189 of eight inches. When placed adjacent to a street with shoulders that

190 slope downward toward the sign base, a freestanding sign may be
191 installed atop a rock or earthen-berm base that is no greater than
192 three feet in height.

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



194
195 (2) *Gate or arch sign.* A gate or arch sign situated over the primary entry of a
196 lot or parcel of land, provided that the sign face does not exceed 30 square
197 feet and that the sign provides a vertical clearance of at least 14.5 feet
198 from the driving surface, not to exceed 18 feet in height and a minimum
199 passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the
200 arch shall not exceed two feet. A land use permit, to verify compliance with
201 applicable standards, and a building permit to verify proper installation of
202 footings and to ensure wind tolerance, is required.

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

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

214 (1) *Addressing numbers.* Addressing numbers shall be no more than 12
215 inches in height. An addressing number sign is also exempt section 110-2-
216 12(b)(8).

217 (2) *Athletic field scoreboard signs.* An athletic field scoreboard sign shall not
218 exceed 120 square feet in any zone. An athletic field scoreboard sign is
219 also exempt from section 110-2-12(b)(3).

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

224 ~~(4) *Flags.* Official governmental flags of the United States, the State of Utah or~~
225 ~~Weber County, and which are properly displayed, and provided they are~~
226 ~~not mounted on a roof or atop other signs. One corporate flag may be~~
227 ~~displayed along with a proper display of any or all of the official flags listed~~
228 ~~in this subsection. Flagpole height may not exceed the maximum height~~
229 ~~allowed in the zone for which it is being placed. If over the height allowed~~
230 ~~in the zone, the flagpole shall have a conditional use permit approved by~~
231 ~~the planning commission. Governmental uses, such as libraries and~~
232 ~~schools, shall be exempt from height requirements of this sub-section.~~

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

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

239 (67) *Historical signs.* Historical name signs for sites and/or structures
240 designated by the board of county commissioners as having historical
241 significance to the county (and as identified in the Ogden Valley master
242 plan).

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

247 (89) *Nameplate signs.* Nameplate signs not to exceed four square feet that
248 identify the occupants/owners and/or home occupation of a residential
249 property.

250 (109) *Portable sign.* The only portable signage allowed, excluding temporary signs
251 regulated by 110-2-11, is an a-frame sign, also known as a sandwich board
252 sign, in compliance with the following:

253 a. *Number, location, and timing for a portable sign.* One portable sign per
254 commercial business is permitted on site. Up to two portable signs are
255 permitted per commercial business offsite, provided the offsite portable
256 signs comply with the following:

257 1. The commercial business shall have a physical location within the
258 Ogden Valley planning area, or Huntsville Town, and a valid business
259 license;

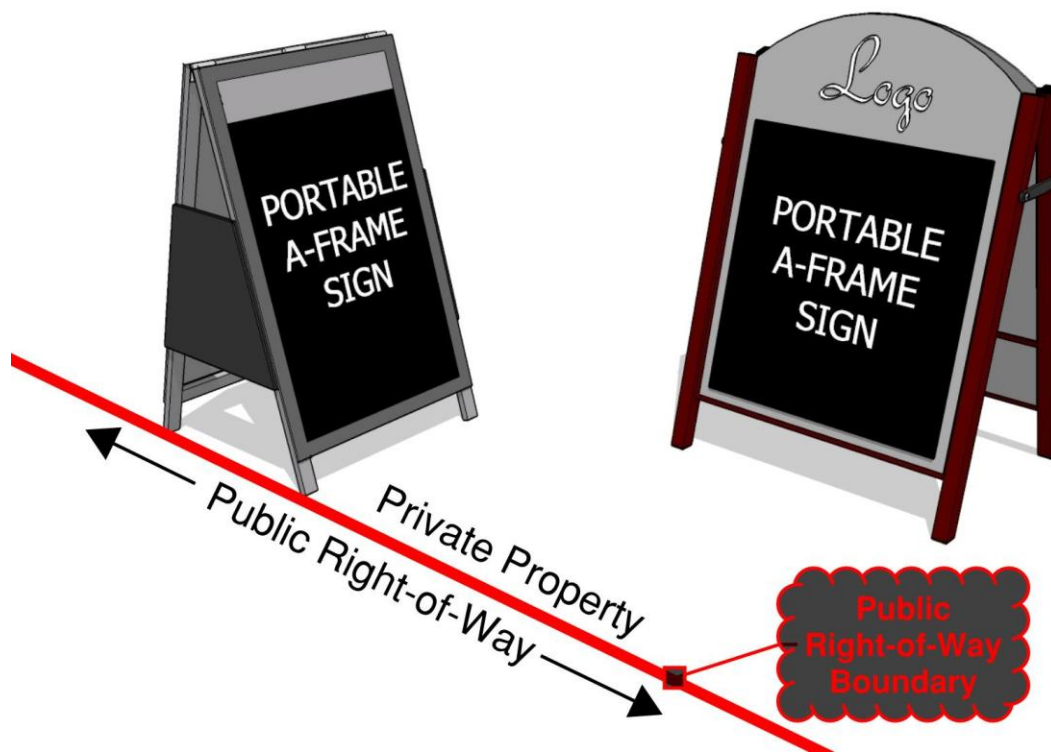
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2. The portable sign shall be located outside any public street right-of-way;
3. The portable sign shall be located no closer than ten feet from any other portable sign;
4. If located outside a commercial, manufacturing, or resort zone, the portable sign shall only be located adjacent to a collector or arterial street right-of-way;
5. The business shall receive landowner permission for the specific location of the portable sign;
6. The portable sign shall be properly placed and anchored to the ground in a manner that keeps it in place, upright, and level; and
7. The portable sign shall only be on display outside during the hours of operation of the business.

b. Standards for a portable sign. The maximum sign area shall be nine square feet with a width and height when folded of no greater than three feet each. Both sides of the sign shall have a four-sided frame of natural, stained, rustic, or antiqued-painted wood or similarly appearing faux wood, or natural antiqued metal; and the same applies to the sign supports. The sign background shall be at least 50 percent darker than the sign message, as discerned using industry best practices, and shall only use earth-toned colors that are clearly visible, without instruments, from the sign location.

c. Permit and expiration. A land use permit is required for a portable sign pursuant to Section 110-2-2. A land use permit for an offsite portable sign shall expire annually at the time the business license for the commercial business to which it belongs expires or on December 31. An offsite portable sign shall not be included as a part of a master signage plan.

d. Examples. The following are examples of allowed portable signs:



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

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

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

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

Attachment B

Ewert, Charles

From: Ashley Cross [ashley@newworlddistillery.com]
Sent: Tuesday, August 15, 2017 1:30 PM
To: Ewert, Charles
Subject: OVBA Sign Ordinance

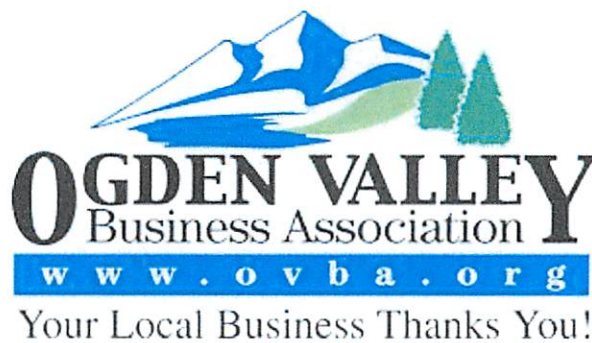
Hi, Charlie!

The board met today and we have made the following decisions in regard to our Sign Ordinance Submittal:

1. Drop any and all references to the American Sign Council Formulas.
2. Drop the electronic sign verbiage with exception of the electronic window signs which we would still like to include.
3. KEEP permission to place sandwich boards on properties with permission of the owners. Perhaps work some discussion to limit the number and or duration of placement as well as to create a uniform look to all signs.
4. KEEP the part about allowing country flags, other than just the United States.

The Board of the Ogden Valley Business Association has carefully considered the input from county representatives and other committees such as the GEM committee and the Dark Skies folks in regard to the Valley Plan and the support of the rural character of the Ogden Valley. In doing so, we have determined to scale our submittal in such a way as to focus on those requests that will enable businesses to comply with the expectations of the Valley Plan and still promote the vibrant business community that continues to grow in Ogden Valley.

With the ongoing discussions of Way Signage, we are framing our requests in anticipation of some sort of directional signage at some point in the valley. We believe that this is a long way off and in the interim we are a growing and community of businesses in support of one another and in service to our community. We are perfectly amenable to revising the ordinances in regard to any changes that may be approved once Way Signage is a reality. In the meantime, we need directional and event-related signage to remain viable.



Note: This application request has been modified by the previous page.

Ashley Cross
Ogden Valley Business Association
P.O. Box 252
Eden, UT 84310

9 February 2017

Weber County Planning Commission
2380 Washington Blvd. Suite 240
Ogden, UT 84401

Dear Commission Members:

Please accept the following submission on behalf of the Board of Directors of the Ogden Valley Business Association. We would like to submit, for consideration and adoption, a redlined version of the current sign ordinances that reflects the input of the Ogden Valley Business Association and its members.

We would ask that the sign ordinances and the lighting ordinances be examined in concert as the concern of many business members is that should they be considered separately, there will be little consideration for public safety and might also result in contradictory ordinances.

Attached to this application you will find the OVBA-approved, redlined copy of the current ordinances and the United States Sign Council Guidelines which supports the OVBA's recommendations. The non-refundable fee of \$300 is also attached to this submission.

Sincerely,

Ashley Cross
Chair, Ogden Valley Business Association

The Ogden Valley Business Association Board of Directors:

Athena Steadman, Simply Eden
Jori Torman, Colonial Life
Mark Schroetel, Powder Mountain
Blair Lierd, Wolf Creek
Lori Mortensen, Diamond Peak Mountain Sports
Mike Seguin, Mad Moose Cafe
Terry Hancock, Valley Market
TJ Parmley, Sterling Automotive
Travis Paulson, Grass Plus

D.) The applicant shall provide a narrative addressing the following information:

1. **How is the change in compliance with the General Plan:** It addresses signage from a safety perspective and improves / updates the existing sign ordinance to better support consumer needs.
2. **Why should the present zoning be changed to allow this proposal:** Because it addresses public safety in line with United States Sign Council guidelines, it improves customer visibility of businesses in a tasteful, intelligent manner, and best supports local business and community needs for an upgraded and enhanced ordinance that addresses and upgrades existing ordinance shortfalls.
3. **How is the change in the public interest:** Public Safety is a critical factor in any sign ordinance. Speed at which signage is passed, visibility from various angles, and simple tasteful public awareness of products and services are all in the best public interest.
4. **What conditions and circumstances have taken place in the general area since the General Plan was adopted to warrant such a change?** Ogden Valley continues to grow its tourist appeal. With approximately 16,000 dwellings approved and only approximately 3500 established, Ogden Valley continues to grow. The growth needs to be in sync with USSC established sign safety standards, including intelligent sign visibility for efficient public access and the public good.
5. **How does this proposal promote the health, safety, and welfare of the inhabitants of Weber County?** Signage has a direct impact on public safety and is in the public interests in terms of esthetics and accessibility. Safety should be addressed within the context of the guidelines and research established in the USSC guidelines, which is overlooked in the current ordinance. Visitors and residents in the Ogden Valley must be able to reasonably see businesses in order to safely, and conveniently, be able to navigate their way to destinations.
6. **A narrative describing the project vision:** Simply put, enhancing the existing sign ordinance is in the interest of public safety and includes improvements to efficient and tasteful Ogden Valley commerce. Proposed enhancements to the current ordinance are in sync with USSC guidelines, addresses immediate and needed public safety concerns, and results in a upgraded, more efficient ordinance that address public access needs.