



## Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** AMENDED: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: Definitions (§101-1-7), Ogden Valley Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan.

**Agenda Date:** Tuesday, December 06, 2016

**Staff Report Date:** Tuesday, November 29, 2016

**Applicant:** Weber County Planning Division

**File Number:** ZTA 2016-06

#### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@co.weber.ut.us  
(801) 399-8763

**Report Reviewer:** RG

### Applicable Ordinances

§101-1-7: Definitions  
§108-16: Ogden Valley [Outdoor] Lighting  
§110-2: Ogden Valley Signs

### Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. 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

One of the significant recommendations found in the new 2016 Ogden Valley General Plan is a recommendation to enhance and support the Ogden Valley's dark skies.

Weber County has one of the first ever dark sky ordinances in the state, adopted it in 2000. Since then the Ogden Valley Starry Nights, a grass roots community committee, has been successful in getting the North Fork Park accredited by the International Dark Sky Association. This accreditation was made possible in some part due to the dark sky ordinance from 2000.

Changed and changing technology and emerging trends render many parts of the 2000 ordinance irrelevant or difficult to administer. Upon the direction from the new general plan, and after discussions with the Ogden Valley Starry Nights committee it has been determined that revisions to this ordinance merits a high priority in order for the North Fork Park to maintain its accreditation. This proposal strengthens the weaknesses in the current ordinance, simplifies some of the complicated lighting technology, and offers clearer standards and simpler administration and enforcement mechanisms for staff. A desired outcome of these changes is that night sky compliance will be simple to identify for both County employees and for the general public.

### Policy Analysis

**Policy considerations.** As the Planning Commission reviews the attached proposed ordinance, staff recommends reviewing the track-change version for a more comprehensive understanding of the state of the current ordinance in comparison to the proposed changes. A clean copy is also attached for those who'd rather

review the final document.

The following is a policy analysis of the changes:

*Clear purpose statement.* The proposed ordinance adds a clearer purpose statement – the findings, if you will – for the reason for the ordinance. Those findings are to promote the health, safety, and general welfare of the 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.

*General and specific standards.* The proposed ordinance offers general standards that are applicable to all land uses in the valley. Those standards, to paraphrase, are that lighting shall be downward directional, no light trespass, appropriate shielding, and appropriate color temperature. The ordinance also offers more specific standards for all use types except agriculture, single and two family residential uses. These standards include lighting curfew, flashing or flickering lights, canopy lighting, parking lot lighting, recreation facilities lighting, and sign lighting. We consulted with engineers and operators working for various local businesses from convenient stores to ski resorts to verify that the standards are attainable. We also drew heavy influence from the International Dark Sky Association's model lighting ordinance for many of the measurable standards, as denoted in a comment balloon to the right of the proposed text. In the event any of these measurable standards prove to be too strict or not strict enough, the proposed ordinance is written in such a way that they can be easily adjusted in the future as may be needed.

*Exemptions.* The ordinance is fairly strict, and offers little flexibility for unique circumstances. For this reason, we created 16 exemptions for currently known unique situations. Each of them has been carefully considered for their impact to the intent of the proposal, and efforts have been made to minimize the counter-productivity of the exemption. Over time, as we monitor the effect of the ordinance, it may be necessary to add, remove, or modify some of them.

*Removal of complicated lighting jargon.* The existing ordinance is rife with lighting vernacular that would take advance education in lighting in order to administer and/or comply with. The proposal eliminates all unnecessary lighting jargon from the ordinance in favor of the much simpler standards of downward directional, no light trespass, appropriate shielding, and appropriate color temperature.

*Addition of clearer definitions.* The proposed ordinance is not completely devoid of technical jargon, however, wherever Merriam Webster's Dictionary could not offer the plain-meaning definition for a term used in the code, we try to offer a clearer definition for each technical term. In addition, we were able to consolidate and correct errors in some of the existing definitions related to the changes.

*The phase-out of existing nonconforming lighting.* One important feature of this proposed ordinance is that it phases out all nonconforming lighting fixtures within seven years. In other words, after seven years no lighting device in the Ogden Valley will be "grandfathered." If it doesn't comply it will need to be replaced. This will be a challenge for the County to enforce. The County intends to use the next seven years to provide appropriate educational outreach to valley residents to ensure optimal awareness of the seven year period. County employees are resolved to help members of the public become aware of the requirement when they interface with the Planning Division. The proposed ordinance requires that in certain circumstances, such as major remodels or site work, updated outdoor lighting will be necessary in order to obtain a land use permit from the Planning Office. We anticipate enforcement will not be heavy handed until it can be assured the folks have had the ability to become aware of the requirement and are afforded an appropriate amount of time to comply.

*Image examples.* This proposed ordinance adds into the code images to represent examples of compliant and

noncompliance lighting devices. This will hopefully make the application of the ordinance clearer to the average lay-person.

*Ongoing community support.* One concern that the Planning Commission discussed in work session is the burden that strict application of the law will have on agricultural operations. In response to the concern the Ogden Valley Starry Nights committee offered \$1,000 to assist agricultural operations retrofit their lights with appropriate shielding.

*Signs.* The proposal modifies the sign regulations specific to the illumination of signs. It also addresses a number of administrative corrections and simplifies complicated tables in an effort to bring clarity and simplification to the land use code.

## 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 new 2016 Ogden Valley General Plan offers us guidance on what the community desires:

The vision for the community character section of the general plan is as follows:

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 [italics added].<sup>1</sup>

The community's desire to maintain an identity and character of being a dark sky destination is specifically written into this vision. Further, the general plan provides the following:

Dark Sky Preservation: Ogden Valley residents have expressed a strong desire to preserve their legacy dark skies. In 2000, dark-sky lighting and sign ordinances were passed, and in spring 2015, North Fork Park became the world's 21st International Dark Sky Park, constituting a northern anchor for the national parks in Utah that have also been accredited. Astrotourism (a natural companion to agritourism) is an accelerating trend that not only can support the local economy but also can honor Ogden Valley's rural heritage and distinct natural beauty.<sup>2</sup>

This suggests that there is a desire to not only enhance the character of the valley by offering excellent visibility of the night sky, but to also take advantage of an emerging high value tourism trend for economic development purposes.

The plan recommends goals, principles, and implementation strategies to protect the nighttime sky:

Dark Sky Preservation Goal 1: A goal of Weber County is to protect the night sky in order to preserve the Valley's rural character and heritage.

Dark Sky Preservation Principle 1.1: Encourage programs for residential and agricultural dark-sky-lighting compliance.

Dark Sky Preservation Implementation 1.1.1: Review the current dark-sky lighting ordinance for consistency with dark-sky principle and current technology; identify possible updates. Consider amendments as necessary.

Dark Sky Preservation Principle 1.2: Promote the accreditation of North Fork Park as the world's 21st International Dark Sky Park, and encourage astro-, agri-, and ecotourism development.

Dark Sky Preservation Implementation 1.2.1: Evaluate current dark-sky sign ordinance for community character effectiveness and competitiveness with other Amenity West communities; identify possible updates.<sup>3</sup>

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.

<sup>1</sup> See 2016 Ogden Valley General Plan page 4.

<sup>2</sup> See 2016 Ogden Valley General Plan page 5.

<sup>3</sup> See 2016 Ogden Valley General Plan page 8.

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 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.<sup>4</sup>

The plan also references the need for better nighttime lighting ordinances in the Commercial Development Implementation strategy 2.1.1.

The Planning Commission can easily find support for the proposed ordinance in the 2016 Ogden Valley General Plan.

### Past Action on this Item

No action has occurred on this item. The Planning Commission has discussed the Ogden Valley Lighting ordinance in two work sessions to date.

### Noticing Compliance

**AMENDED:** This item was previously agendized as a public hearing item for this meeting. However, part of the requirements for noticing was not formally completed. A new notice will be posted for the January 3, 2017 meeting for a formal hearing. The item was appropriately noticed as a discussion item on the agenda for this meeting.

### Staff Recommendation

Staff recommends approval of the text included as Exhibit B and Exhibit C with the following findings:

1. The changes are supported by, and are part of the execution of, the 2016 Ogden Valley General Plan.
2. The changes are necessary to reduce conflicting provisions in the Land Use Code.
3. The changes are necessary to provide clarity in the Land Use Code.
4. The clarifications will provide for a more efficient administration of the Land Use Code.
5. The changes will enhance the general health and welfare of County residents.

The Planning Commission's decision should be made as a recommendation to the County Commission.

### Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Proposed Changes [Clean Copy] – Ogden Valley Outdoor Lighting Ordinance.
- C. Proposed Changes [Track-Change Copy] – Ogden Valley Outdoor Lighting Ordinance.
- D. Land Use Code Revision Process Flowchart.

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<sup>4</sup> See 2016 Ogden Valley General Plan page 26.

## Exhibit A: Summary, list, and key to proposed changes

This proposed ordinance is intended to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley in order to support dark sky-viewing, astrotourism, the Dark Sky accreditation of North Fork Park, and the Ogden Valley General Plan.

This change addresses the following code sections:

§ 101-1-7. Definitions

§ 108-16: Ogden Valley (Outdoor) Lighting

§ 110-2: Ogden Valley Signs

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

**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. Outdoor lighting also includes the illumination of an outdoor area or  
55 object by direct artificial light projected from an indoor artificial light source through a window, door, or  
56 similar opening.

57 *Lighting, recreation facility.* The term "recreation facility lighting" means outdoor lighting used to  
58 illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool,  
59 theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-  
60 16-15 for a graphic depiction.

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

65 ...

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

69 ...

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

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

78 ...

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

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

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

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

91 ...

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

95 ...

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

99 ...

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

102 ...

103 *Sign, pole.* See sign, freestanding.

104 ...

## 105 **CHAPTER 16. - OGDEN VALLEY OUTDOOR LIGHTING**

### 106 **Sec. 108-16-1. - Purpose and intent.**

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

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

### 120 **Sec. 108-16-2. - Applicability.**

- 121 (a) *New outdoor lighting.* All outdoor lighting installed after January 1, 2017, shall conform to the  
122 requirements established by this chapter. This chapter does not apply to indoor lighting except as  
123 defined by "outdoor lighting" in Section 101-1-7.
- 124 (b) *Existing outdoor lighting.* All existing outdoor lighting that does not meet the requirements of this  
125 chapter and is not exempted by this chapter shall be considered a nonconforming use and as such  
126 shall be phased out as outlined in Section 108-16-7 of this chapter.
- 127 (c) *Conflict.* Should this chapter be found to be in conflict with other sections of this code, the more  
128 restrictive shall apply.

### 129 **Sec. 108-16-3. - General standards.**

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

- 133 (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) *Covered deck and patio lighting.* The lighting of a covered deck or patio of a single-family or two-family dwelling, provided that the direct artificial light source shall be shielded and downward directed, and that reasonable efforts shall be made to reduce or eliminate light trespass.
- (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) *Historic antique lighting.* Outdoor lighting devices designed to preserve the historic nature of a site, based on historically accurate recreations of antique light devices, provided the light output of each artificial light source is equal to or less than nine hundred lumens;
- (6) *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;
- (7) *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 illuminated area. 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;
- (8) *Mobile lighting.* Lighting affixed to a vehicle, provided the lighting is not intended for the stationary illumination of an area;
- (9) *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;
- (10) *Outdoor lighting projected from indoors.* An artificial light source that is projected from indoors to outdoors through windows, doors, or similar openings, for:
  - a. Residential and agricultural uses; and
  - b. All other uses, provided that this exemption only applies to direct artificial light when it passes through a cumulative area of those windows, doors, or similar openings that is

- equal to or less than 50 percent of the face of the building, excluding roof area, on which those windows, doors, or similar openings are located;
- (11) *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;
- (12) *Special event lighting.* Outdoor lighting intended for a special 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. All special event lighting shall be turned off by 10:00pm; and
  - b. Special events shall not occur more than twice per month;
- (13) *Underwater lighting.* Underwater lighting in a swimming pool or other water feature provided it is not intended to illuminate features above water;
- (14) *Temporary public agency lighting.* Temporary outdoor lighting in use by law enforcement or a government agency or at their direction;
- (15) *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
- (16) *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 January 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.* Any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of this chapter within seven years after the effect of 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 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 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 January 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.

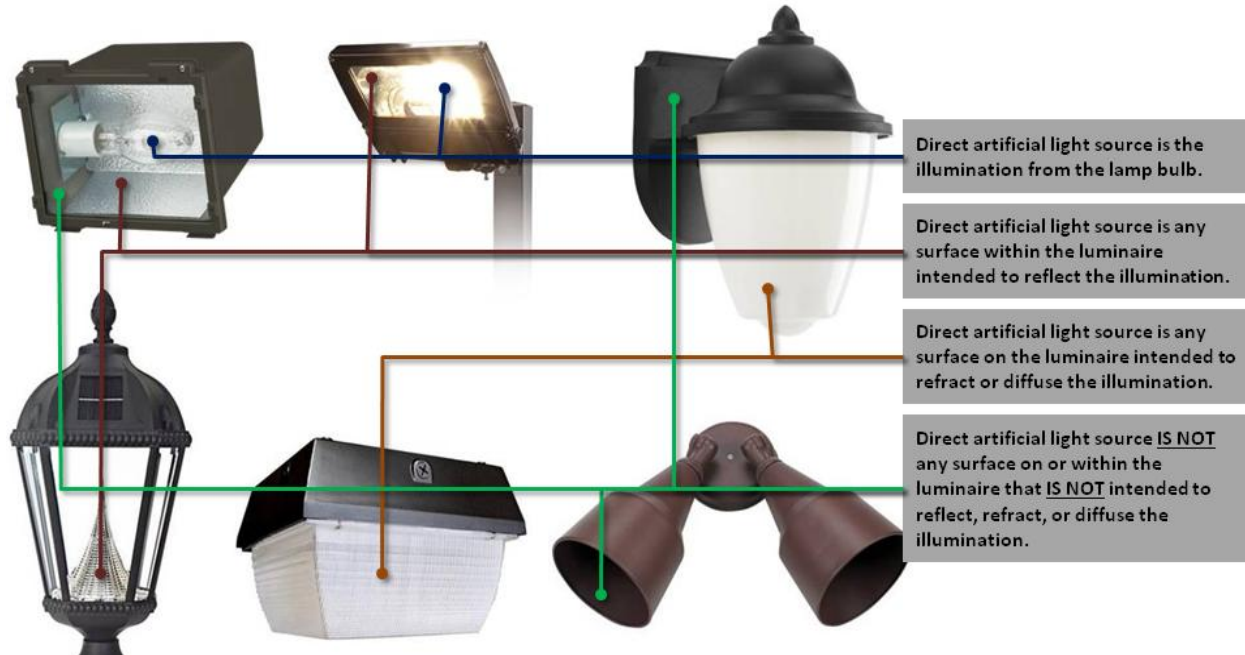
**Sec. 108-16-8. – Violations and enforcement.**

(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 as required by this chapter.

(b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in this Land Use Code. 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.

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



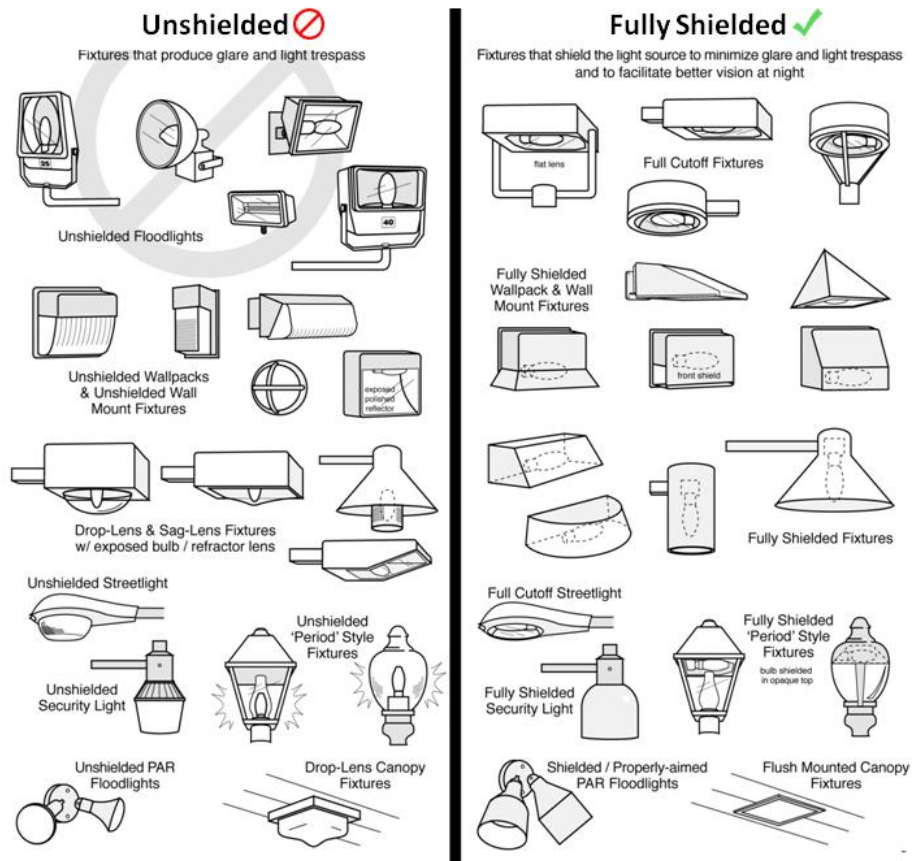
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317 **Sec. 108-16-10. – Examples of unshielded and shielded light sources.**

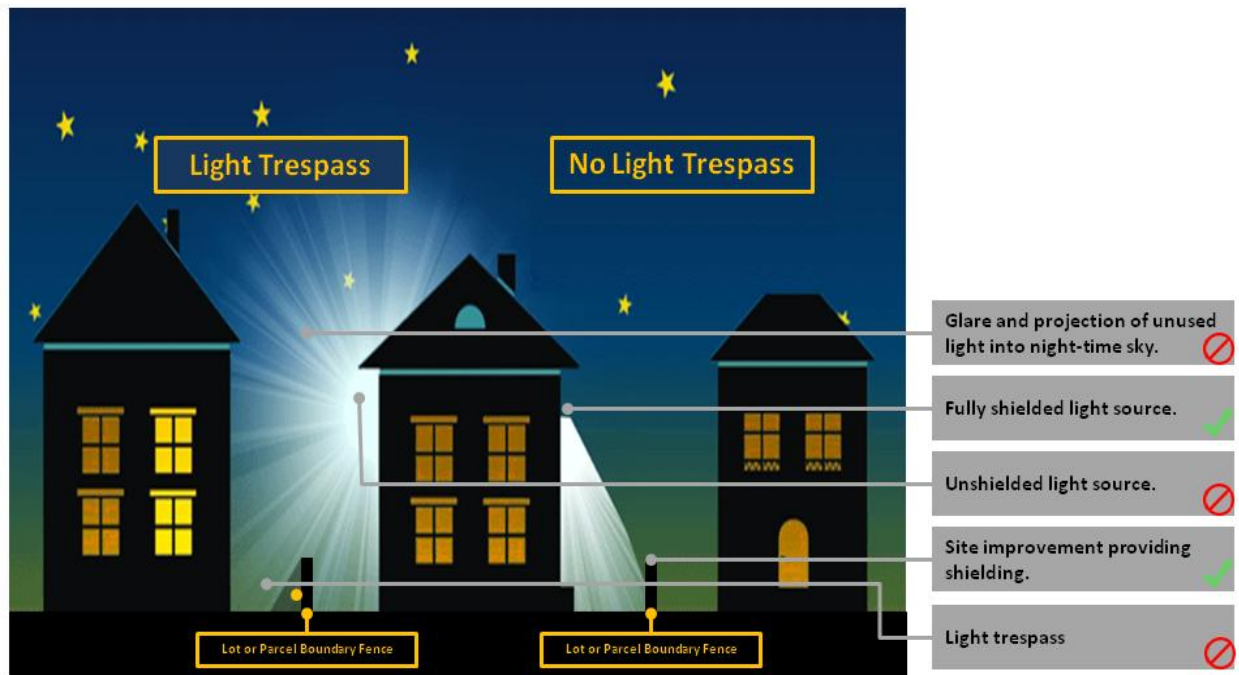


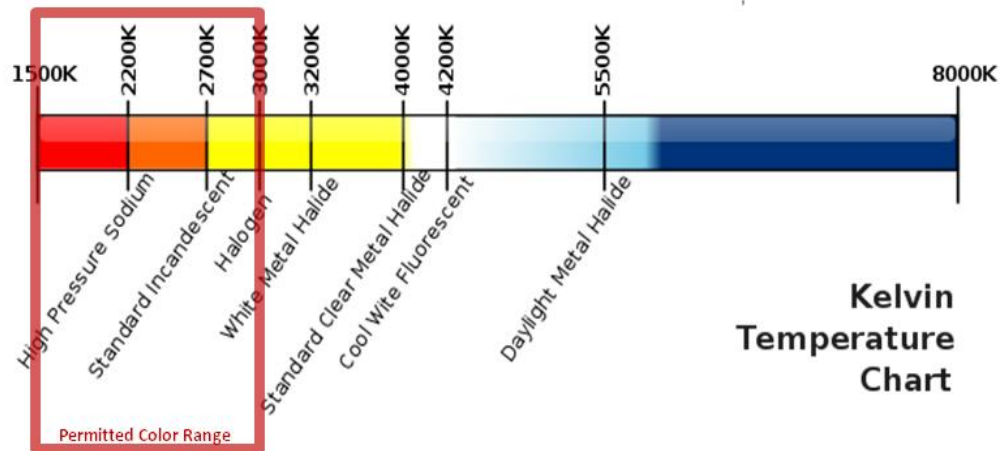
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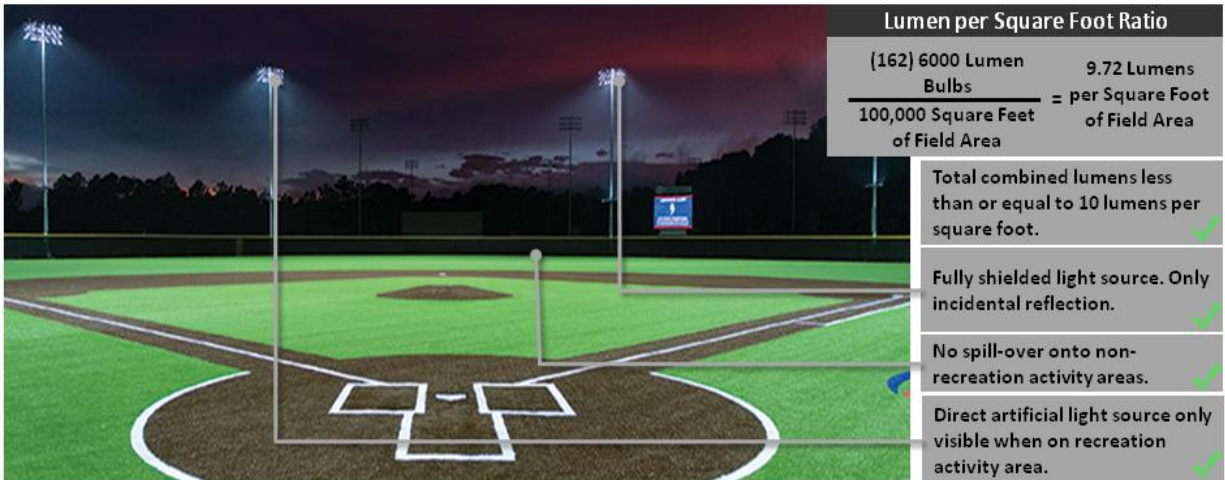


Sec. 108-16-11. – Example of light trespass.



322 **Sec. 108-16-12. – Standard Kelvin temperature chart.**323 **Sec. 108-16-13. – Example of canopy lighting.**  
324325 **Sec. 108-16-14. – Example of parking lot lighting.**  
326327 **Sec. 108-16-15. – Example of recreation facility lighting.**  
328





329

330

331 ...

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

333 ...

334 **Sec. 110-2-2. - Applicability.**

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

343 ...

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

345 A sign may be reinstalled which duplicates the original nonconforming sign in dimensions and  
 346 location. Any changes in size or location shall require conformance to this chapter and Chapter 108-16 of  
 347 this Land Use Code.

348 ...

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

350 ...

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

	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
<b>Occasional Signs:</b>									
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

<i>Continued...</i>	General Standards in all Zones			Specific Standards for the Agricultural, Forest and Residential Zones			Specific Standards for the Commercial, Manufacturing and Resort Zones		
<b>Seasonal Signs:</b>									
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
<b>Event Signs:</b>									
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.**

...

(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 50 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.*

- 399 a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a  
400 minimum of ten feet from any property line. Signs fronting on state highways shall be set  
401 back ten feet from the right-of-way.
- 402 b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed,  
403 except for signs set by public agencies for safety purposes, such as the state department  
404 of transportation.
- 405 c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in  
406 title 108, chapter 7 of the Weber County Land Use Code.
- 407 (10) *Landscaping.* The ground area around the base of all ground/monument signs shall be  
408 landscaped in accordance with the requirements of applicable chapters of the Weber County  
409 Land Use Code. The planning commission may exempt some monument/ground signs from this  
410 standard where it is demonstrated, by the owner/developer, that the landscaping would unduly  
411 interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be  
412 impractical.
- 413 (11) *No street frontage.* When a freestanding building, complex or storefront does not face a public  
414 street or approved private road, and is accessed via a pedestrian area or common parking and  
415 driveway area, the linear footage of building or storefront facing the pedestrian area or common  
416 parking area shall substitute for purposes of determining allowable signage.
- 417 (12) *Sign area.* The area of a sign shall be measured as provided in the definition of "sign area" as  
418 provided in Section 101-1-7.
- 419 ...
- 420 **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. ☒

421



- | Lumen per Square Foot Ratio  |                          |
|--|--------------------------|
| 1650 Lumen Bulb  | 50 Lumens per            |
| 33 Square Feet of Sign Area  | Square Foot of Sign Area |
| $\frac{1650 \text{ Lumen Bulb}}{33 \text{ Square Feet of Sign Area}} = 50 \text{ Lumens per Square Foot of Sign Area}$ |                          |
- 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

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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.

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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.

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Lighting, outdoor. The term "outdoor lighting" means the illumination of an outdoor area or object by any outdoor artificial light source. Outdoor lighting also includes the illumination of an outdoor area or object by direct artificial light projected from an indoor artificial light source through a window, door, or similar opening.

Comment [c5]: See standards/exemptions in 108-16-5

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.

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Comment [c7]: Check reference

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.~~

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*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, 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.

Comment [c8]: New definition in 101-1-7.

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(a) New outdoor lighting. All outdoor lighting installed after January 1, 2017, shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting except as defined by "outdoor lighting" in Section 101-1-7.

(b) Existing outdoor lighting. 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) 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.~~

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~~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.

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**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.

Comment [c12]: Measurable

Comment [c13]: Measurable.

The rough equivalent of "rural light" from the IDA model code.

Comment [c14]: Check reference

Comment [c15]: Check reference

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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 <del>(4)</del>
Low-pressure sodium <del>(1)</del>	Partially	None
High-pressure sodium	Fully	None
Metal halide <del>(6)</del>	Fully	Yes
Fluorescent	Fully	Yes <del>(2)</del>

**Comment [c16]:** This is typical of non-professional/non-semi-professional courts/fields/etc.

**Comment [c17]:** Discussed standard with ski areas. It is more than enough for their purposes.

**Comment [c18]:** Check reference

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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	

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#### Footnotes—

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

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

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

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

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

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

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

#### **Sec. 108-16-6. — Side yard requirements.**

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

#### **Sec. 108-16-7. — Prohibitions.**

The following uses are prohibited by this chapter:

(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.

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~~(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 Exemptions.**

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

(1) Covered deck and patio lighting. The lighting of a covered deck or patio of a single-family or two-family dwelling, provided that the direct artificial light source shall be shielded and downward directed, and that reasonable efforts shall be made to reduce or eliminate light trespass.

(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) Historic antique lighting. Outdoor lighting devices designed to preserve the historic nature of a site, based on historically accurate recreations of antique light devices, provided the light output of each artificial light source is equal to or less than nine hundred lumens;~~

~~(6) 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;~~

~~(7) 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 illuminated area. 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;~~

~~(8) Mobile lighting. Lighting affixed to a vehicle, provided the lighting is not intended for the stationary illumination of an area;~~

**Comment [c19]:** See 4 U.S.C. § 6 regarding federal flag lighting regulations.

**Comment [c20]:** Measurable

**Comment [c21]:** 60 watt incandescent or 15 w fluorescent.

**Comment [c22]:** Measurable

**Comment [c23]:** Measurable

**Comment [c24]:** 7 watts incandescent bulbs

This will allow some flexibility for pathway lights and string lighting.

**Comment [c25]:** Measurable

**Comment [c26]:** Measurable



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(9) 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;

(10) Outdoor lighting projected from indoors. An artificial light source that is projected from indoors to outdoors through windows, doors, or similar openings, for:

a. Residential and agricultural uses; and

b. All other uses, provided that this exemption only applies to direct artificial light when it passes through a cumulative area of those windows, doors, or similar openings that is equal to or less than 50 percent of the face of the building, excluding roof area, on which those windows, doors, or similar openings are located;

(11) 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;

(12) Special event lighting. Outdoor lighting intended for a special 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. All special event lighting shall be turned off by 10:00pm; and

b. Special events shall not occur more than twice per month;

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

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

(15) 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

(16) 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.~~

Comment [c27]: 60 watt incandescent

Comment [c28]: Measurable

Comment [c29]: Measurable

Comment [c30]: Measurable

Comment [c31]: Discussed standard with several local insurance agents for various insurance companies. They applaud the idea.

Comment [c32]: Modified from model

Comment [c33]: Measurable

Comment [c34]: Measurable

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~~(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, 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.**

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After the effect of this chapter, which is January 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. Any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of this chapter within seven years after the effect of this chapter;

Comment [c35]: Measurable

(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 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.

Comment [c36]: Measurable

Comment [c37]: Measurable

(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 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:

Comment [c38]: Measurable

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

Comment [c39]: Measurable

b. 2,500 square feet; and

Comment [c40]: Measurable

(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

Comment [c41]: Measurable

b. 20,000 square feet.

Comment [c42]: Measurable

#### **Sec. 108-16-8. – Violations and enforcement.**

(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.

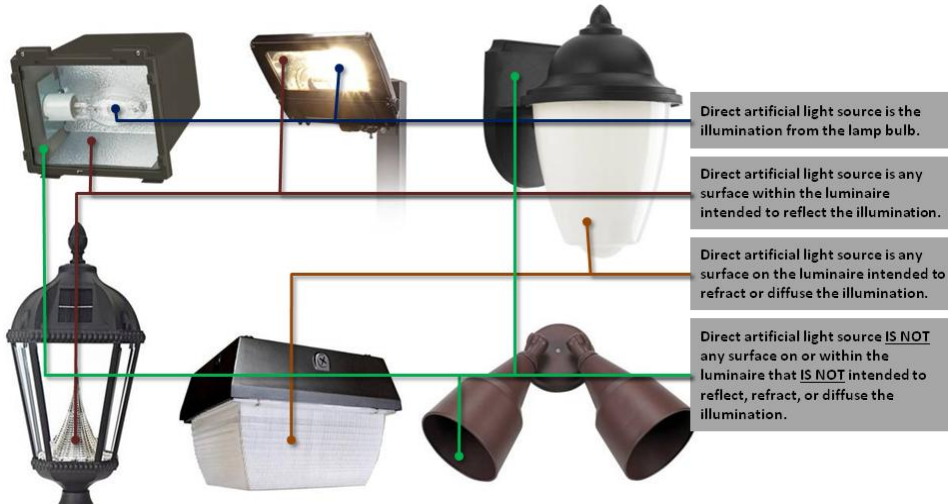
(2) The alteration of any outdoor artificial light source after a certificate of occupancy has been issued without the review and approval of the Land Use Authority when such alteration does not conform to the provisions of this chapter.

(3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered as required by this chapter.

(b) Enforcement. Violations of this chapter are subject to enforcement and penalties as outlined in this Land Use Code. 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.

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

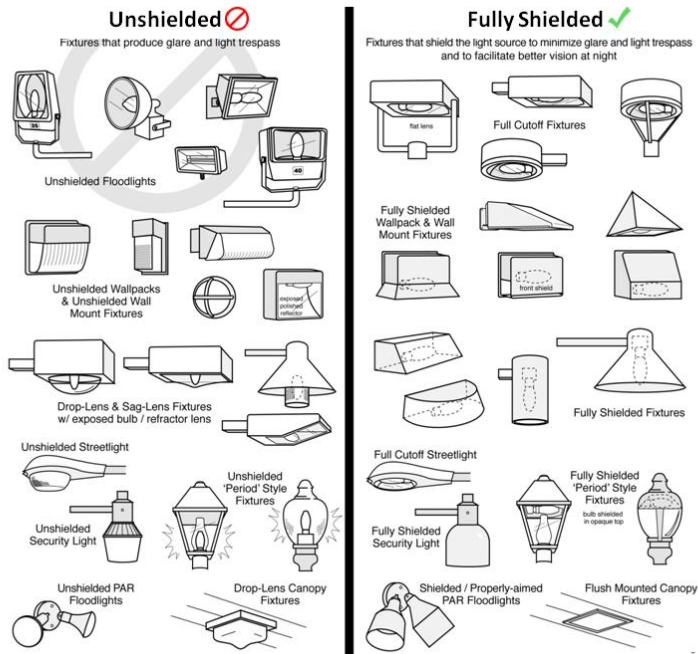
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Sec. 108-16-10. – Examples of unshielded and shielded light sources.

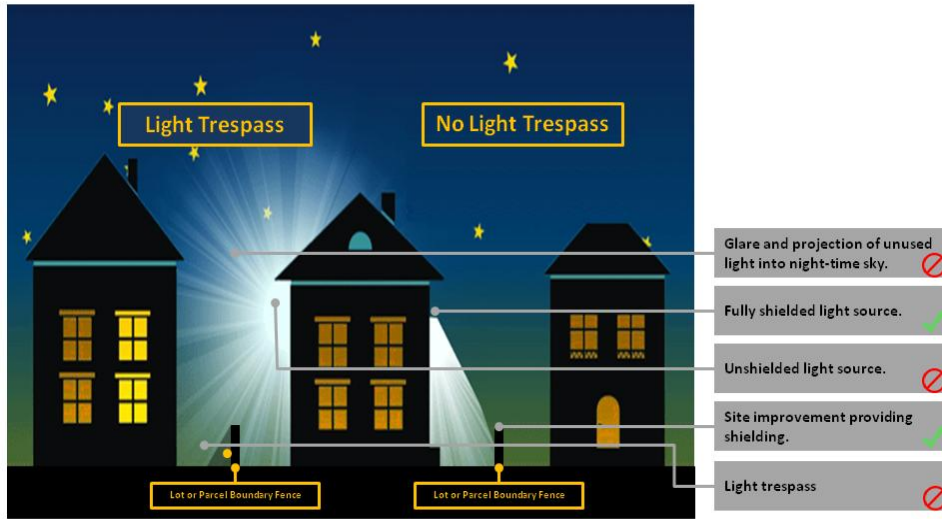


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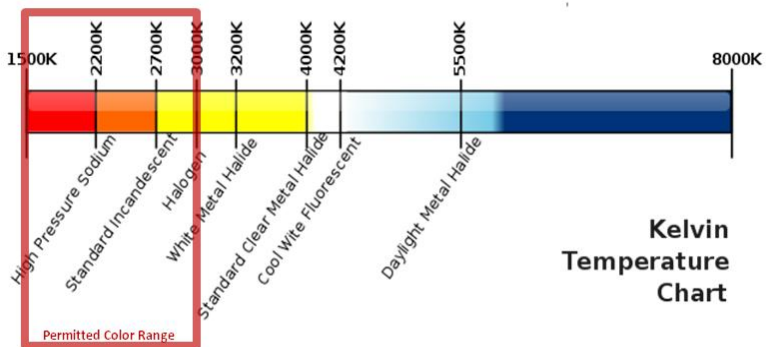


[Sec. 108-16-11. – Example of light trespass.](#)

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



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



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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.**



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. ✓



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~~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~~ [Chapter 108-16 of this Land Use Code.](#)

...

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

...

- (3) *Additional standards.* [The following table applies to temporary sign usage:](#)

**Comment [c43]:** There are not sufficient objective standards in this section. Under what circumstances would we deny an exception? How do we keep from being arbitrary and capricious.

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	<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>

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<a href="#">Temporary real estate sales office wall sign</a>	<a href="#">Duration of construction</a>	<a href="#">Completion of construction</a>	<a href="#">Y/LUP</a>	<a href="#">20 square feet</a>	<a href="#">N/A</a>	<a href="#">1 sign attached to the office</a>	<a href="#">Not Applicable</a>	<a href="#">Not Applicable</a>	<a href="#">Not Applicable</a>
<b>Continued...</b>	<b>General Standards in all Zones</b>			<b>Specific Standards for the Agricultural, Forest and Residential Zones</b>			<b>Specific Standards for the Commercial, Manufacturing and Resort Zones</b>		
<b><a href="#">Seasonal Signs:</a></b>	-	-	-	-	-	-	-	-	-
<a href="#">Farmer's markets § 108-13-5</a>	<a href="#">June through October</a>	<a href="#">End of event</a>	<a href="#">Y/LUP</a>	<a href="#">32 square feet</a>	<a href="#">10 feet</a>	<a href="#">1 per street frontage</a>	<a href="#">32 square feet</a>	<a href="#">10 feet</a>	<a href="#">1 per street frontage</a>
<a href="#">Fruit and vegetable stand § 104-5-3 (8)</a>	<a href="#">June through October</a>	<a href="#">End of event</a>	<a href="#">Y/LUP</a>	<a href="#">16 square feet</a>	<a href="#">10 feet</a>	<a href="#">1 per street frontage</a>	<a href="#">32 square feet</a>	<a href="#">10 feet</a>	<a href="#">1 per street frontage</a>
<a href="#">Political sign</a>	<a href="#">No limit</a>	<a href="#">No limit</a>	<a href="#">N</a>	<a href="#">16 square feet</a>	<a href="#">10 feet</a>	<a href="#">1 per street frontage</a>	<a href="#">32 square feet</a>	<a href="#">10 feet</a>	<a href="#">1 per street frontage</a>
<b><a href="#">Event Signs:</a></b>	-	-	-	-	-	-	-	-	-
<a href="#">Public event sign</a>	<a href="#">30 days prior to the event</a>	<a href="#">End of event</a>	<a href="#">Y/SEP</a>	<a href="#">4 square feet</a>	<a href="#">3 feet</a>	<a href="#">1 per street frontage</a>	<a href="#">4 square feet</a>	<a href="#">3 feet</a>	<a href="#">1 per street frontage</a>
<a href="#">Public event banner (on public property, over public streets or sidewalks)</a>	<a href="#">30 days prior to the event</a>	<a href="#">End of event</a>	<a href="#">Y/SEP</a>	<a href="#">12 square feet</a>	<a href="#">N/A</a>	<a href="#">1 per street frontage</a>	<a href="#">12 feet</a>	<a href="#">N/A</a>	<a href="#">1 per street frontage</a>
<a href="#">Public event directional sign</a>	<a href="#">30 days prior to the event</a>	<a href="#">End of event</a>	<a href="#">Y/SEP</a>	<a href="#">8 square feet</a>	<a href="#">4 feet</a>	<a href="#">No limit off-premises directional signs</a>	<a href="#">8 square feet</a>	<a href="#">4 feet</a>	<a href="#">No limit off-premises directional signs</a>
<a href="#">Special event sign</a>	<a href="#">60 days prior to the event</a>	<a href="#">End of event</a>	<a href="#">Y/SEP</a>	<a href="#">16 square feet on-site</a>	<a href="#">6 feet</a>	<a href="#">No limit onsite signs, either ground or banner signs</a>	<a href="#">16 square feet onsite</a>	<a href="#">6 feet</a>	<a href="#">No limit onsite signs, either ground or banner signs</a>
<a href="#">Special event banner (on public property)</a>	<a href="#">30 days prior to the event</a>	<a href="#">End of event</a>	<a href="#">Y/SEP</a>	<a href="#">12 square feet</a>	<a href="#">N/A</a>	<a href="#">1 per street frontage</a>	<a href="#">12 square feet</a>	<a href="#">N/A</a>	<a href="#">1 per street frontage</a>
<a href="#">Special event directional sign</a>	<a href="#">1 day prior to the event</a>	<a href="#">End of event</a>	<a href="#">Y/SEP</a>	<a href="#">8 square feet offsite</a>	<a href="#">4 feet</a>	<a href="#">No limit off-premises directional signs</a>	<a href="#">8 square feet offsite</a>	<a href="#">4 feet</a>	<a href="#">No limit off-premises directional signs</a>
<a href="#">Special event off-site sign</a>	<a href="#">30 days prior to the event</a>	<a href="#">End of event</a>	<a href="#">Y/SEP</a>	<a href="#">32 square feet</a>	<a href="#">10 feet</a>	<a href="#">2 offsite per event either a ground sign or</a>	<a href="#">32 square feet</a>	<a href="#">10 feet</a>	<a href="#">2 offsite per event either a ground sign or</a>

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						<a href="#">banner</a>			<a href="#">banner</a>
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**Table 1**

Sign Type	Display Period	Removal Required 3 Days After	Land Use Permit or Special Event Permit Required
<b>Occasion Signs</b>			
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
<b>Seasonal Signs</b>			
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

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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

-

**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 feet	6 feet	1 per street frontage

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Temporary real-estate sales office	32 square feet	6 feet	1 per street frontage
Temporary real-estate sales office wall sign	20 square feet	N/A	1 sign attached to the office
<b>Seasonal Signs</b>			
Farmer's markets	32 square feet	10 feet	1 per street frontage
Fruit and vegetable stand	16 square feet	10 feet	1 per street frontage
Political sign	16 square feet	10 feet	1 per street frontage
<b>Event Signs</b>			
Public event sign	4 square feet	3 feet	1 per street frontage
Public event banner (on public property, over public streets or sidewalks)	12 square 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 on-site	6 feet	No limit onsite 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

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**Table 3**



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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
<b>Occasion Signs</b>			
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
<b>Seasonal Signs</b>			
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
<b>Event Signs</b>			
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

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			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.**

...

(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 50 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.

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Comment [c46]: Measurable.

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~~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.~~

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.~~

~~(104) 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.~~

~~(112) 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.~~

~~(123) Sign area. The area of a sign shall be the measurement of the face of the sign that is designed to present a message or attract attention, plus the structural supports. The combined area of the sign face and structural supports shall not exceed the maximum height and width specified for signs in this chapter. be measured as provided in the definition of "sign area" as provided in Section 101-1-7.~~

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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            |
| 33 Square Feet of Sign Area | Square Foot of Sign Area |
| $\frac{1650}{33} = 50$      |                          |
- 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.

## Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

