



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

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

Agenda Date: Tuesday, September 26, 2017

Staff Report Date: Tuesday, September 19, 2017

Applicant: Weber County Planning Division

File Number: ZTA 2017-01

Staff Information

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Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
§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

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

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

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

In reviewing the proposal the Planning Commission should be aware that the recent U.S. Supreme Court case, *Reed v Gilbert*, places a strict prohibition on content-based sign regulations. The essential rule that if you have to look at the sign to read/interpret the message in order to determine what type of sign it is, the regulation is an unconstitutional restriction of free speech. This provision addresses several aspects of our sign code, including the first two requests by the OVBA.

Policy Analysis

Policy Considerations:

Flags. If flags are allowed the regulation of them cannot be content based. In the context of free speech an American Flag is of equal importance to a flag containing a school logo, a family coat of arms, or a flag with a

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

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

Portable Signs. The biggest modification in the proposal is the addition of portable signs as allowed sign devices. The proposal limits the form of a portable sign to only a-frame signs. The proposal offers an allowance for one a-frame sign per business. It also allows up to two a-frame signs per business to be placed somewhere offsite. The offsite a-frame signs have very specific and limiting regulations to help minimize the potential that the public realm might be cluttered with them. The Planning Commission needs to determine whether the regulation goes too far or not far enough. In a worst case scenario there may be as much as one a-frame sign every one hundred feet along a busy public right of way.

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

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

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

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

Conformance to the General Plan

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

Community Character Vision:

The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife, and small villages; by Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills

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

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

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

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

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

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

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

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

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

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

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

Some things for the Planning Commission to consider:

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

Past Action on this Item

No action has occurred on this item. The Planning Commission has discussed the Ogden Valley Sign ordinance in a work session.

Noticing Compliance

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

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

Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit B and Exhibit C and offer staff critical feedback for additional amendments, if needed. If the Planning Commission is comfortable with the proposal, it could be forwarded to the County Commission with the following findings:

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

Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.
- C. Application from Ogden Valley Business Association.

1 **Title 101 - GENERAL PROVISIONS**

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

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

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

Comment [c1]: This term is used a couple of times in our code already.

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

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

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

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

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

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

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

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46 **Title 110 – SIGNS**

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

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

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

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

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

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

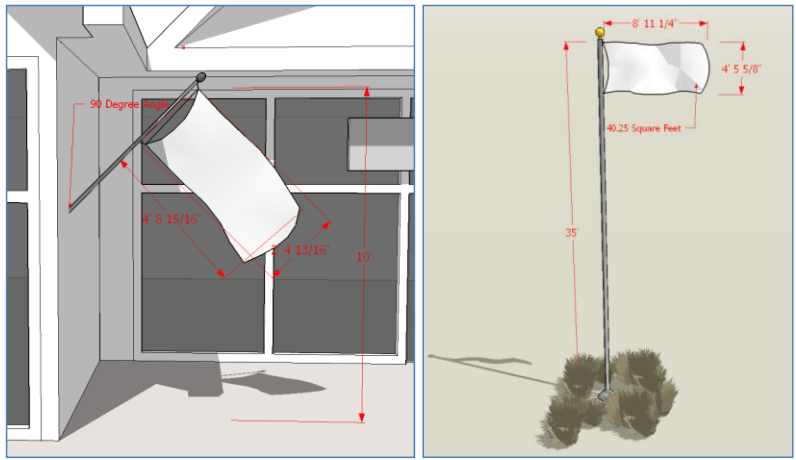
Comment [c2]: The court said in the Reed v. Gilbert case that if you have to look at the sign to determine the type of sign, then it is an unconstitutional infringement on free speech. The court emphasized this for non-commercial speech, like flag display and political signs. Thus, if it is allowed to be displayed in the zone, the content cannot be regulated.

The new standards proposed here are designed to allow any flag – regardless of content – to be displayed with minimal regulation. However, because flags can easily slip into commercial speech-related signage, it seems best to tightly describe when a flag becomes a sign, and regulate “flag signs” differently than the typical flag. A flag that folds over onto itself in low-wind situations is less likely to creep into becoming a sign – and therefore might be self regulating.

One important question: How many flags? OVBA is not asking for a limit. Other jurisdictions regulate the number and/or cumulative area of flags. For example, Summit County has decided to limit it to three flags.

Comment [c3]: New definition.

- 69 a. it shall not be mounted on a roof, atop any sign, or higher than the
- 70 maximum building height allowed in the zone as measured from the
- 71 top of the flag to the finished ground directly below;
- 72 b. it shall be a rectangle, mounted or affixed on only one edge to a
- 73 support that angles no less than 45 degrees above the horizontal,
- 74 except during a government-sponsored half-staff period at which
- 75 time it may be flown full horizontal;
- 76 c. the length of the edge that is mounted or affixed shall be less than or
- 77 equal to the length of an intersecting edge and shall be mounted or
- 78 affixed in a manner so that it hangs or drapes when no wind is
- 79 present; and
- 80 d. the area of the flag in square feet shall be no greater than 1.15 times
- 81 the linear feet of the flag height.
- 82 e. Examples of non-sign flags:



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

86 Signs displayed in windows of buildings or storefronts ~~are permitted~~are allowed in

87 all zoning districts. A ~~sign~~ land use permit for a sign is not required for their display,

88 provided they comply with the following ~~standards are met~~:

- 89 (1) Size limit of window sign. Sign area for a Window ~~signage-sign~~ shall
- 90 occupy no more than 25 percent of the area of the window in which the

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sign ~~is~~ are displayed. ~~In no event shall window signage exceed 16 square feet in any one window that would reduce air and/or light.~~

Comment [c4]: We aren't sure what this is supposed to be regulating, but it is clear that it conflicts with itself. In what scenario would a window sign not reduce light?

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

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

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(4) Example of window signs:



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

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

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

114 (2) *Moving appurtenances.* Moving mechanical or electrical appurtenances
115 attached to a sign or otherwise intended to attract attention to a sign.

116 (3) *Rotating beacon lights.*

117 (4) *Inflatable advertising devices or signs.* (Does not refer to passenger-type
118 hot air balloons being used for passenger flight.)

119 ~~(5) *Portable signs.* Changeable copy trailer, a frame, sandwich, or portable~~
120 ~~signs, except as permitted in section 110-2-10, Special purpose signs~~
121 ~~and section 110-2-5(c), Destination and recreation resort zone.~~

122 (5) Flags. Flags not exempted in Section 110-2-2.

Comment [c5]: Prohibits flags-signs.

123 (6) *Banners.* Banners, ~~except as permitted in Section 110-2-11, temporary~~
124 ~~sign usage, section 110-2-9(10), other signs, and section 110-2-5(c),~~
125 ~~destination and recreation resort zone.~~ unless specifically provided
126 otherwise in this chapter.

Comment [c6]: Archaic reference.

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

130 (8) *Off-site signs.* All off-site, off-premises and directional signs which
131 advertise businesses, establishments, activities, facilities, goods, products,
132 or services not made, produced, sold or present on the premises or site
133 where the sign is installed and maintained are prohibited, except as
134 exempted in section 110-2-9, Other signs. Notwithstanding the foregoing,
135 where access to a parcel is via an adjacent parcel, signs may be located
136 on such adjacent parcel.

137 (9) *Signs on motor vehicles, except for student driver signs.* Vehicle signs may
138 be allowed on vehicles, but they may not be illuminated or parked on a
139 long-term basis to be used as a sign for the purpose of advertising a
140 product or directing people to a business activity as listed in section 110-2-
141 9, Other signs.

142 (10) *Luminous tube signs.* External gas filled luminous tubes, such as neon,
143 argon or fluorescent, signs or valances, unless inside a building or in a

144 window and not to exceed four square feet in area, except as listed
145 in section 110-2-12, Sign materials and display standards, and may not
146 flash or blink.

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

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

152 (13) *Billboards.*

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

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

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

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

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

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

177 b. *Freestanding sign (pole sign).* For a freestanding sign (pole sign), the
178 width shall be no greater than eight feet and the height shall be no
179 greater than ten feet with a sign face no greater than 24 square feet.
180 The sign face shall be mounted between the sign poles, which shall
181 be constructed of timbers that measure at least eight inches by eight

182 inches and extend from the ground to the top of the sign face. The
183 top of the sign face and the bottom of the sign face shall be
184 completely bounded by timbers that have a minimum vertical height
185 of eight inches. When placed adjacent to a street with shoulders that
186 slope downward toward the sign base, a freestanding sign may be
187 installed atop a rock or earthen-berm base that is no greater than
188 three feet in height.

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



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

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

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

210 (1) *Addressing numbers.* Addressing numbers shall be no more than 12
211 inches in height. An addressing number sign is also exempt section 110-2-
212 12(b)(8).

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

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

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

Comment [c7]: Provided for differently.

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

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

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

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

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

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

249 a. *Number, location, and timing for a portable sign.* One portable sign per
250 commercial business is permitted on site. Up to two portable signs are

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permitted per commercial business offsite, provided the offsite portable signs comply with the following:

1. The commercial business shall have a physical location within the Ogden Valley planning area and a valid business license;
2. The portable sign shall be located outside any public street right-of-way;
3. The portable sign shall be located no closer than 100 feet from any other portable sign unless the other sign is on the opposite side of a street right-of-way;
4. If located outside a commercial, manufacturing, or resort zone, the portable sign shall only be located adjacent to a collector or arterial street right-of-way;
5. The business shall receive landowner permission for the specific location of the portable sign;
6. The portable sign shall be properly placed and anchored to the ground in a manner that keeps it in place, upright, and level; and
7. The portable sign shall only be on display outside during the hours of operation of the business.

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

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

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

Comment [c8]: During the Olympics the valley was cluttered with portable signage from business not located in the valley.

Comment [c9]: Is this enough space? In the worst case scenario when there is a long stretch of road with an a-frame every 100 feet, will the compromise to visual aesthetics be compensated by the economic boost of the signs? Will the market limit the number of a-frame signs so that there isn't one every 100 feet?

Comment [c10]: This will limit offsite portable signs from creeping into residential areas.

Comment [c11]: An industry standard is the Munsell color chart.

Comment [c12]: See new definition.

Comment [c13]: This is important. OVBA has accepted that this code is really just a placeholder until a wayfinding signage program has been executed valley-wide. There needs to be a provision to allow a-frame sign permits to expire in the event wayfinding becomes a reality or the county determines that this code is not working as planned. So long as this section is in the code a business owner can renew their offsite a-frame sign permit annually with their business license.



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

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

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

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

1 **Title 101 - GENERAL PROVISIONS**

2 ...

3

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

5 ...

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

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

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

14 ...

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

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

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

29 ...

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

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

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

43 ...

44 **Title 110 – SIGNS**

45 ...

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

47 ...

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

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

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

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

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

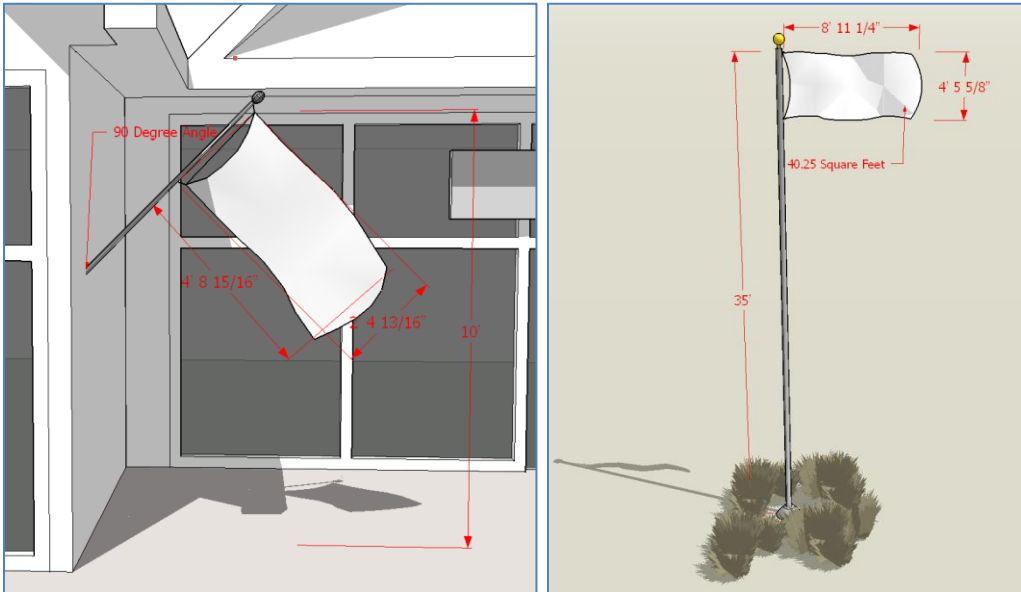
66 a. it shall not be mounted on a roof, atop any sign, or higher than the
67 maximum building height allowed in the zone as measured from the
68 top of the flag to the finished ground directly below;

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

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

- 77 d. the area of the flag in square feet shall be no greater than 1.15 times
- 78 the linear feet of the flag height.

- 79 e. Examples of non-sign flags:



80
81 ...

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

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

- 86 (1) *Size limit of window sign.* Sign area for a window sign shall occupy no
- 87 more than 25 percent of the area of the window in which the sign is
- 88 displayed.

- 89 (2) *Illumination of window sign.* Despite the provisions of Title 108, Chapter
- 90 16, one window sign, measuring no greater than four square feet in area,
- 91 may be illuminated in a manner visible from outside the building, provided

92 it shall only be illuminated during business hours and only to an
93 illumination level reasonably necessary to communicate the message to
94 the nearest street right-of-way.

95 (3) *Prohibited features of window sign.* No window sign or any other sign
96 within a building or structure shall move, flash, blink, rotate, or be animated
97 in any way that is visible from outside of the building.

98 (4) *Example of window signs:*



99

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

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

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

106 (2) *Moving appurtenances.* Moving mechanical or electrical appurtenances
107 attached to a sign or otherwise intended to attract attention to a sign.

- 108 (3) *Rotating beacon lights.*
- 109 (4) *Inflatable advertising devices or signs.* (Does not refer to passenger-type
110 hot air balloons being used for passenger flight.)
- 111 (5) *Flags.* Flags not exempted in Section 110-2-2.
- 112 (6) *Banners.* Banners, unless specifically provided otherwise in this chapter.
- 113 (6) *Changeable copy signs.* Electronic changeable copy signs, except as
114 permitted in section 110-2-9(b)(13). Manual changeable copy signs except
115 as permitted in section 110-2-10.
- 116 (8) *Off-site signs.* All off-site, off-premises and directional signs which
117 advertise businesses, establishments, activities, facilities, goods, products,
118 or services not made, produced, sold or present on the premises or site
119 where the sign is installed and maintained are prohibited, except as
120 exempted in section 110-2-9, Other signs. Notwithstanding the foregoing,
121 where access to a parcel is via an adjacent parcel, signs may be located
122 on such adjacent parcel.
- 123 (9) *Signs on motor vehicles, except for student driver signs.* Vehicle signs may
124 be allowed on vehicles, but they may not be illuminated or parked on a
125 long-term basis to be used as a sign for the purpose of advertising a
126 product or directing people to a business activity as listed in section 110-2-
127 9, Other signs.
- 128 (10) *Luminous tube signs.* External gas filled luminous tubes, such as neon,
129 argon or fluorescent, signs or valances, unless inside a building or in a
130 window and not to exceed four square feet in area, except as listed
131 in section 110-2-12, Sign materials and display standards, and may not
132 flash or blink.
- 133 (11) *Other temporary signs.* Any other device in the form of a sign, which is of a
134 temporary nature, or mobile, and not permanently affixed to a building or
135 an upright support affixed firmly to the ground, except as permitted
136 in section 110-2-11, Temporary sign usage.
- 137 (12) *Roof signs.* Signs mounted on a roof or atop a parapet wall.
- 138 (13) *Billboards.*
- 139 (14) *Pole signs.* Except one pole sign per public, private, and charter school,
140 consisting of not more than a six-foot tall by ten-foot wide changeable
141 reader board sign, located not less than ten feet and not more than 15 feet
142 above the sidewalk, may be permitted.

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

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

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

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

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

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

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



176

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

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

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

196 (1) *Addressing numbers.* Addressing numbers shall be no more than 12
 197 inches in height. An addressing number sign is also exempt section 110-2-
 198 12(b)(8).

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

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

- 206 (4) *Grand opening signs.* On a one-time basis, a business establishment shall
 207 be permitted one banner not to exceed 12 square feet, to be displayed for
 208 a period of not more than 30 days.
- 209 (5) *Guidance signs.* Guidance and other informational signs authorized by the
 210 Utah Department of Transportation or other governmental agency. A
 211 guidance sign is exempt from all of the standards of section 110-2-12.
- 212 (6) *Historical signs.* Historical name signs for sites and/or structures
 213 designated by the board of county commissioners as having historical
 214 significance to the county (and as identified in the Ogden Valley master
 215 plan).
- 216 (7) *Murals.* Murals, when depicted on the sides or rear of a building or
 217 storefront, provided that the mural has no connection or advertising
 218 context to any business conducted or any product or service offered
 219 therein.
- 220 (8) *Nameplate signs.* Nameplate signs not to exceed four square feet that
 221 identify the occupants/owners and/or home occupation of a residential
 222 property.
- 223 (9) *Portable sign.* The only portable signage allowed, excluding temporary signs
 224 regulated by 110-2-11, is an a-frame sign, also known as a sandwich board
 225 sign, in compliance with the following:
- 226 a. *Number, location, and timing for a portable sign.* One portable sign per
 227 commercial business is permitted on site. Up to two portable signs are
 228 permitted per commercial business offsite, provided the offsite portable
 229 signs comply with the following:
- 230 1. The commercial business shall have a physical location within the
 231 Ogden Valley planning area and a valid business license;
 - 232 2. The portable sign shall be located outside any public street right-of-
 233 way;
 - 234 3. The portable sign shall be located no closer than 100 feet from any
 235 other portable sign unless the other sign is on the opposite side of a
 236 street right-of-way;
 - 237 4. If located outside a commercial, manufacturing, or resort zone, the
 238 portable sign shall only be located adjacent to a collector or arterial
 239 street right-of-way;
 - 240 5. The business shall receive landowner permission for the specific
 241 location of the portable sign;
 - 242 6. The portable sign shall be properly placed and anchored to the
 243 ground in a manner that keeps it in place, upright, and level; and

244 7. The portable sign shall only be on display outside during the hours of
245 operation of the business.

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

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

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

261



262

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

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

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

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

Ewert, Charles

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

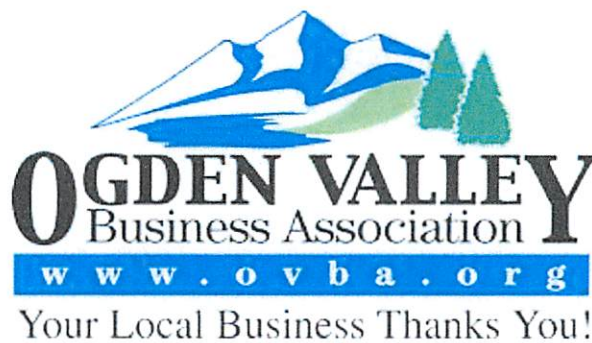
Hi, Charlie!

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

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

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

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



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

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

9 February 2017

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

Dear Commission Members:

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

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

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

Sincerely,

Ashley Cross
Chair, Ogden Valley Business Association

The Ogden Valley Business Association Board of Directors:

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

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

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