



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to discuss and take action on a proposal to amend the following sections of Weber County Code: Ogden Valley Outdoor Lighting (§108-16), and Ogden Valley Signs (§110-2) to provide clearer standards for outdoor light and outdoor lighting devices in the Ogden Valley.
Agenda Date:	Tuesday, June 16, 2020
Applicant:	Weber County Planning Division
File Number:	ZTA 2020-01
Frontier Address:	https://frontier.co.weber.ut.us/p/Project/Index/9892

Staff Information

Report Presenter:	Scott Perkes sperkes@co.weber.ut.us (801) 399-8772
Report Reviewer:	CE

Applicable Ordinances

§108-16: Ogden Valley Outdoor Lighting
§110-2: Ogden Valley Signs

Summary and Background

Over the past several months the Planning Commission has been working with staff on revisions to the Ogden Valley Outdoor Lighting ordinance and Ogden Valley Signs ordinance to send to the County Commission for formal consideration. The proposed revisions are intended to clean up a few clerical errors, and to add clarifications and modifications to existing standards based on lessons learned, and loop holes found, through administration of the ordinance since 2017. The attached ordinance (**Attachment A**) is the result of that effort.

Summary of Proposed Amendments

Ogden Valley Outdoor Lighting Ordinance Amendments

Clerical Edits:

A few clerical edits have been made throughout the ordinance to fix a few minor items. No substantive changes are associated with these clerical edits.

Clarifying edits to the Applicability section (Sec 108-16-2(a)):

These edits have been made in an effort clarify how the ordinance requirements apply to single-family, two-family, and three-family residential uses that existed before and after August 1, 2017.

Clarification to the existing shielding requirements (Sec. 108-16-3):

Clarifying language has been added to indicate that the installation location and height of light sources must be considered in addition to the standard shielding requirements to prevent trespass.

Clarification to the applicability of artificial light sources for “multi-family” land uses (Sec 108-16-4(1)):

For the purposes of this chapter, multi-family dwellings have been clarified to follow the definition of a multi-family dwelling in Sec. 101-1-7. This clarification is needed to determine how this chapter will apply to multi-family units of more than four dwellings and less than four dwellings

Edits and additional provisions to specific uses of motion sensor controlled artificial light sources:

Due to the popularity of motion detection and illuminated security cameras, staff has proposed a number of

amendments to both the Light Curfew section under Specific Standards (Sec 108-16-4(1)) and the Motion Sensor Controlled Light Source section under the Exemptions (Sec. 108-16-5(8)). These edits are geared to allow additional lighting options and flexibility by taking advantage of the new motion sensor and camera technology.

Clarification to the use of low output light sources within new and existing light fixtures (Sec 108-16-5(6)):

To close an exploited loophole, staff has added language to this section to indicate that low output light sources may not be used within new or replacement fixtures unless the fixtures comply with the general standards.

Removal of the existing Enforcement section (Sec 108-16-8(b)):

This amendment is being proposed as the more recently adopted code enforcement section of the Land Use Code (Sec 102-4-4) was adopted with the intent of standardizing all code enforcement efforts.

Removal of county staff from the list of Dark Sky Committee members (Sec 108-16-8 (c)):

This modification to the list of committee members was made at the suggestion of the public as an effort to keep this committee run by public volunteers.

Clarifying edit to the shielding graphic (Sec 108-16-10):

This edit has been made to the graphic to keep “Fully Shielded” and “Full Cut Off” terminology consistent.

Following the consideration and forwarding of a positive recommendation on the above listed amendments by the Ogden Valley Planning Commission, staff has identified one additional amendment that we believe offers an additional measure of clarity. This proposed amendment is to change the ordinance name from “**Ogden Valley Outdoor Lighting**” to simply “**Outdoor Lighting**”.

This newly proposed amendment is being recommended in an effort to clarify the ordinance’s overall applicability. At present, several existing cluster subdivisions, and many proposed cluster subdivisions, in the Western Weber portion of the county are, or will be, subject to the current Ogden Valley Outdoor Lighting ordinance due to being awarded density bonus. Therefore, staff believe the renaming of the ordinance will help to clarify that the ordinance provisions are applicable to specific developments throughout the county, not just in the Ogden Valley.

Ogden Valley Signs Ordinance Amendments

Added language to Movie Poster Signs section (Sec. 110-2-10):

This language has been added to require illuminated movie poster signs to be compliant with the Ogden Valley Outdoor Lighting ordinance.

Additions to the Illumination Standards (Sec. 110-2-12(b)(3)a.1.):

Additional language has been added to the Illumination section to allow an exemption to illumination requirements for directional or circulation signage that are completely shielded from view from outside the property boundaries.

Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

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

Planning Commission Recommendation

Several work sessions have been held with the Ogden Valley Planning Commission between February and April to review and adjust the proposed amendments. Following a public hearing held on April 28th, 2020, the Ogden Valley Planning Commission forwarded a positive recommendation to the County Commission by a vote of six commissioners in favor and one opposed.

Commissioner Burton cast the dissenting vote. Commissioner Burton’s key concern is associated with the proposal to replace the existing enforcement section of the Ogden Valley Outdoor Lighting ordinance with a reference to the more recently adopted Code Enforcement section of the land use code (Sec. 102-4-4). Commissioner Burton would have preferred to keep

the existing enforcement section which provides multiple warnings for those found in nonconformance prior to a violation being issued.

Staff Recommendation

Staff's recommendation remains consistent with the recommendation given to the Ogden Valley Planning Commission in the April 28th staff report, and as forwarded below:

Staff recommends that the County Commission consider the text included as **Attachment A**. Should the County Commission be comfortable with the proposal, it could be approved based on 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 clarify provisions in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes will enhance the general health and welfare of County residents.

Attachments

- A. Proposed Ordinance (Red Line)
- B. Planning Commission Staff Report
- C. Ogden Valley Planning Commission Meeting Minutes (04/28/2020)

**WEBER COUNTY
ORDINANCE 2020-TEMP-1**

OUTDOOR LIGHTING ORDINANCE AMENDMENTS

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

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

WHEREAS, these regulations contained inconsistencies and loopholes for outdoor lighting that were difficult to understand and fully enforce; and

WHEREAS, The Ogden Valley Planning Commission, after appropriate notice, held a public hearing on April 28, 2020 to consider public comments regarding amendments to the outdoor lighting and sign regulations, and offered a positive recommendation to the County Commission for the changes; and

WHEREAS, on June 16, 2020, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments regarding amendments to the Ogden Valley outdoor lighting and sign regulations; and

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

NOW THEREFORE, the Weber County Board of Commissioners ordains an amendment to the Weber County Land Use Code as provided herein.

SECTION 1: **AMENDMENT** “Chapter 108-16 Ogden Valley Outdoor Lighting” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Chapter 108-16 ~~Ogden Valley~~ Outdoor Lighting

SECTION 2: **AMENDMENT** “Sec 108-16-2 Applicability” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

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Sec 108-16-2 Applicability

(a) In the Ogden Valley, and other areas of the County as may be provided in this Land Use Code, the following apply:

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

(Ord. No. 2017-24, Exh. B, 6-27-2017)

SECTION 3: AMENDMENT “Sec 108-16-3 General Standards” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

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 nighttime 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 subsections (a)(1) through (3) of this section.
 - (5) To ensure light does not trespass on neighboring property, light fixtures that

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comply with the shielding provisions of this section may also require additional or extended shielding elements to further mitigate its angle of light travel to ensure the direct artificial light source does not trespass on neighboring property. This concept is graphically depicted in section 108-16-11.

- (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.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

SECTION 4: AMENDMENT “Sec 108-16-4 Specific Standards” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

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, and multiple-family dwellings as defined in Section 101-1-7:

- (a) *Light curfew.* Unless exempt in section 108-16-5, ~~and except for residential uses~~, all outdoor lighting shall be turned off by 10:00 p.m., or, if applicable, within one hour after the close of business, whichever is later, except the following, so long as they are activated by a motion sensor controller that is set to extinguish the light source within two minutes after the last detection of motion:
 - ⋮
 - (1) Lighting to illuminate the ~~entrance of the~~ building's point of entry only;
 - (2) Safety lighting of parking lots and pedestrian areas;
 - (3) Limited lighting that is absolutely necessary for after-hours business.
- (b) *Flashing or flickering light.* No flickering or flashing lights shall be permitted.
- (c) *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 eight 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.
- (d) *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.

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- (e) *Recreation facility lighting.* Recreation facility lighting, as defined in section 101-1-7, shall comply with the following:
 - (1) 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.
 - a. 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.
 - b. The recreation activity area shall be lit only when it is in use.
 - c. The light color standard of 108-16-3 does not apply to lighting for the recreation activity area.
- (f) *Sign lighting.* Sign lighting shall comply with the requirements of 110-2-12.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

SECTION 5: **AMENDMENT** “Sec 108-16-5 Exemptions” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-16-5 Exemptions

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

- (a) *Agricultural lighting.* Lighting for agricultural uses;
- (b) *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:
 - (1) The light shall be downward directed from the top of the flag pole;
 - (2) 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
 - (3) 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;
- (c) *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 during the construction of their facilities to be in compliance with this chapter;
- (d) *Fossil fuel lighting.* Fossil fuel light, produced directly by the combustion of natural gas or other utility-type fossil fuels;
- (e) *Holiday or festive lighting.* Holiday or festive outdoor lighting for residential uses, provided it is in compliance with the following:

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- (1) That the lighting shall not create a hazard or glare nuisance; and
 - (2) 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;
- (f) *Low output light source.* An artificial light source having an output equal to or less than 105 lumens, provided that the cumulative lumen output of all low output light sources shall not exceed a ratio of one and one-half lumens per square foot of cumulative area intended to be illuminated. This ratio shall be calculated by combining the total lumen output of each low output light source divided by the square footage of the area intended to be illuminated. The low output light sources shall be distributed across the area intended to be illuminated and not organized in a focused location; Low output light sources are exempt from the requirements of this chapter so long as they comply with the definition and use outlined in this section, except that a low output light source may not be integrated into a new or replacement outdoor light fixture that is either:
- (1) rated to produce a lighting output that exceeds 105 lumens; or
 - (2) does not conform to the shielding requirements of section 108-16-3(a);
- (g) *Mobile lighting.* Lighting affixed to a vehicle, provided the lighting is not intended for the stationary illumination of an area;
- (h) *Motion sensor controlled light source* with an integrated camera system. ~~An artificial light source that has a light output equal to or less than 900 lumens and is controlled by a motion sensor~~ with an integrated camera system, provided it is in compliance with the following:
- (1) The light output is equal to or less than 1,800 lumens;
 - (2) The color temperature of the light source does not exceed 5,000 degrees kelvin;
 - ~~(3) That the motion sensor is set to turn the artificial light source off ten~~two minutes after the last detection of motion;~~and~~
 - (4) Lighting shall not be triggered by any activity outside the property boundary;
and
 - ~~(5) That the artificial light source is sufficiently shielded in a manner that prevents glare on adjacent properties or roadways~~ light trespass;
- (i) *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:
- (1) 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
 - (2) 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.

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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;

- (j) *Occasional event lighting.* Outdoor lighting intended for an occasional event, such as a wedding, party, social gathering, or other similar event that occurs on an occasional basis, provided it is in compliance with the following:
 - (1) Occasional event lighting shall be turned off by 10:30 p.m. and any remaining lighting shall comply with this chapter; and
 - (2) Occasional events shall not occur more than twice per month;
- (k) *Underwater lighting.* Underwater lighting in a swimming pool or other water feature provided it is not intended to illuminate features above water;
- (l) *Temporary public agency lighting.* Temporary outdoor lighting in use by law enforcement or a government agency or at their direction;
- (m) *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
- (n) *Traffic control devices.* Traffic control devices and signals.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

SECTION 6: AMENDMENT “Sec 108-16-7 Required Replacement Of Nonconforming Outdoor Lighting” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-16-7 Required Replacement Of Nonconforming Outdoor Lighting

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

- (a) *Lighting conversion.* Except for outdoor lighting for a single-family, two-family, or three-family dwelling in existence or approved on or before August 1, 2017, any nonconforming outdoor artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements of this chapter within ten years after the effect of this chapter. The county shall provide ~~frequent~~ periodic public notice of the effect, ~~but no less than one per year after the effect~~ of this chapter. The county shall employ educational methods and incentives to encourage voluntary compliance prior to this ~~five~~10-year period and to assist the public in understanding and complying with this

chapter;

- (b) *Lighting replacement.* The replacement of any nonconforming outdoor artificial light source shall comply with the requirements of this chapter;
- (c) *Building exterior modification.* When the replacement of a building's exterior materials exceeds 25 percent of the building's exterior area, excluding roof area, whether by a single modification project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. This shall not include repainting or re-roofing.
- (d) *Building expansion.* When a building's expansion exceeds the threshold established in this subsection, whether by a single expansion project or by an accumulation of separate expansion projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be brought into compliance with the requirements of this chapter. The established threshold of expansion shall be the smaller of the following:
 - (1) Twenty-five percent of the total area of the building as it exists on August 1, 2017; or
 - (2) Two thousand five hundred square feet; and
- (e) *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:
 - (1) Twenty-five percent of the site area; or
 - (2) Twenty thousand square feet.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

SECTION 7: AMENDMENT “Sec 108-16-8 Violations, Enforcement, And Implementation” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 108-16-8 Violations, Enforcement, And Implementation

- (a) *Violations.* The following constitute violations of this chapter:
 - (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance with the provisions of this chapter.
 - (2) The alteration of any outdoor artificial light source after ~~a certificate of occupaney has been issued~~ outdoor lighting plan approval 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,

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maintained or altered in a manner that does not comply with this chapter.

- (b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in section ~~102-4-4, 101-1-13~~. ~~If the violation constitutes a safety hazard, typical enforcement measures shall be employed. Unless the violation constitutes a safety hazard, enforcement of a violation of this chapter shall be addressed as follows: A courtesy letter shall be sent to the land owner that suggests that there may be noncompliant outdoor lighting on the premises. A second and third courtesy letter shall be sent at least 20 calendar days after the previous courtesy letter if a previous courtesy letter does not either cause the resolution of the violation or cause the landowner to initiate resolution with the county as provided in subsection (b)(3) of this section. Educational information about how to appropriately comply with this chapter shall also be sent and a method of contacting the county for discussion shall be provided in each courtesy letter. The third courtesy letter shall state that it is the last courtesy letter, and future contact will be in the form of a notice to comply. No sooner than 30 days after the third courtesy letter is sent, if it did not either cause the resolution of the violation or cause the landowner to initiate resolution with the county as provided in subsection (b)(3) of this section, a notice to comply shall be sent to the land owner. The notice shall include, with specificity, the violation, and shall give the landowner 30 days to comply with this chapter or initiate resolution with the county as provided in subsection (b)(3) of this section. The notice shall also include educational information about how to appropriately comply with this chapter. If a landowner initiates resolution of a violation of this chapter with the county, the county shall give the landowner no less than six months and no more than 12 months to comply with this chapter if the landowner clearly demonstrates that good faith efforts will resolve the violation within the six-month period given. If the landowner does not clearly demonstrate that good faith efforts will resolve the violation a notice to comply shall be sent to the landowner. The notice shall include, with specificity, the violation and shall give the landowner 30 days to comply with this chapter. If, after steps (1) through (3) of this subsection have been satisfied, a landowner fails to initiate resolution of a violation of this chapter, or fails to comply within the period specified in subsection (b)(3) of this section, typical enforcement measures shall be employed. Additionally, the final approval of current or future plans, the issuance of a certificate of occupancy, or the acceptance of new applications authorized by this Land Use Code may be withheld until compliance with this chapter is demonstrated.~~
- (c) *Creation of dark sky committee.* The county will create an Ogden Valley dark sky committee to include representatives as follows: ~~one planning division employee~~, two Ogden Valley residents at large, two Ogden Valley Business Association members, and one individual from the Ogden Weber Chamber of Commerce. The committee's purpose shall be to advise the county on dark sky best practices, implementation strategies, incentive programs, public/private partnerships, and anything else as the county commission deems necessary.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

SECTION 8: AMENDMENT “Sec 110-2-10 Special Purpose Signs” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 110-2-10 Special Purpose Signs

- (a) *Manual changeable copy signs.* One reader board or changeable copy sign per business is permitted to be displayed, at one square foot of sign area per linear foot of building frontage, and may be either ground or wall sign by the following types of businesses:
 - (1) Theaters. Motion picture theaters and playhouses.
 - (2) Auditoriums and performing arts facilities.
 - (3) Convention facilities. Businesses with convention facilities.
 - (4) Gasoline stations. Businesses which sell motor fuels at retail cost, dispensed from pumps on premises.
 - (5) Grocery stores.
 - (6) Public, private or charter schools.
- (b) *Destination and Recreation Resort Zone manual changeable copy sign.* One reader board or changeable copy sign, not exceeding 16 square feet, is permitted and may be displayed within a resort village area when the village area consists of six or more commercial buildings.
- (c) *Movie poster signs.* Motion picture theaters, facilities for performing arts, and retail stores whose primary business is the sale and/or rental of pre-recorded video tape and/or discs to the general public shall be permitted to display a maximum of two poster signs. Movie posters shall be displayed in a display case which shall be permanently affixed to the wall of the building or storefront. Movie posters shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be lighted as long as they comply with the sign illumination standards found in Section 110-2-12 of this chapter; ~~and~~ Movie poster display cases shall not exceed 12 square feet in area. The area of any movie poster sign conforming to this section shall not count toward the total signage allowed by section 110-2-5, Allowable signs by zoning district.

(Ord. of 1956, § 32B-11; Ord. No. 2009-30)

SECTION 9: AMENDMENT “Sec 110-2-12 Sign Materials And Display Standards” of the Weber County County Code is hereby *amended* as follows:

A M E N D M E N T

Sec 110-2-12 Sign Materials And Display Standards

- (a) *Sign materials.* All materials used to construct signs, supports or fasteners shall conform

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to the following standards:

- (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone, textured concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought iron, and other metals may remain untreated and allowed to develop a natural patina.
- (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick, stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought iron, and other metals may remain untreated and allowed to develop a natural patina. Support structures shall use natural, muted earth-tone colors including browns, black, grays, rusts, etc. White shall not be used as a predominant color, but may be used as an accent.

(b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the standards of this section.

- (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit.
- (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices shall be allowed to project or be located within a public right-of-way.
- (3) *Illumination.* An illuminated sign, as defined in section 101-1-7, shall comply with the requirements of chapter 108-16 and the following provisions, examples of which are graphically depicted in section 110-2-15.

- a. Unless otherwise specified in this subsection (b), 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.
- c. Exterior lighting of a sign shall not exceed a ratio of 75 lumens per square foot of sign area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the sign area. See section 110-2-15 for a graphic depiction.
- d. The land use authority may require the applicant to submit photometric

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schematics and attestation from a qualified professional that the submittal complies with this chapter.

- (4) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six inches or more below the top of the parapet wall.
- (5) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size, form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or impair driver visibility upon roads.
- (6) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a way that prevents free ingress or egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.
- (7) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of displaying a sign.
- (8) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the lowest edge of the overhang eight feet to the driving or walking surface below.
- (9) *Sign setbacks.*
 - a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a minimum of ten feet from any property line. Signs fronting on state highways shall be set back ten feet from the right-of-way.
 - b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed, except for signs set by public agencies for safety purposes, such as the state department of transportation.
 - c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in title 108, chapter 7 of the Weber County Land Use Code.
- (10) *Landscaping.* The ground area around the base of all ground/monument signs shall be landscaped in accordance with the requirements of applicable chapters of the Weber County Land Use Code. The planning commission may exempt some monument/ground signs from this standard where it is demonstrated, by the owner/developer, that the landscaping would unduly interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be impractical.
- (11) *No street frontage.* When a freestanding building, complex or storefront does not face a public street or approved private road, and is accessed via a pedestrian area or common parking and driveway area, the linear footage of building or storefront facing the pedestrian area or common parking area shall substitute for purposes of determining allowable signage.
- (12) *Sign area.* The area of a sign shall be measured as provided in the definition of "sign area" as provided in section 101-1-7.
- (13) *Directional or circulation signs not visible offsite. Directional or circulation signs that are not visible from any point outside of the property boundary are*

Attachment A: Proposed Ordinance - Red Rine

not subject to the illumination requirements of this subsection (b) or the outdoor lighting requirements of chapter 108-16. An applicant wishing to install such an exempt illuminated directional or circulation sign shall have the burden of proof by communicating the proposed sign height, location, and visibility from any point outside of the property boundaries through the submission of an outdoor lighting plan to the land use authority. Directional or circulation signs claiming exemption from the illumination requirements of this chapter or chapter 108-16 shall not allow their illumination to extend past the horizontal plain of the upper sign boundary into the night sky.

(Ord. of 1956, § 32B-13; Ord. No. 2009-30; Ord. No. 2017-24, Exh. B, 6-27-2017)

SECTION 10: AMENDMENT “Sec 108-16-1 Purpose And Intent” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

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, and other areas of the County and may be applicable, 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 and other County residents and visitors by:

- (a) Reducing, eliminating, or preventing light trespass;
- (b) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;
- (c) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;
- (d) Preventing unsightly and unsafe glare;
- (e) Promoting energy conservation;
- (f) Maintaining nighttime safety, utility, and security;
- (g) Encouraging a minimal light footprint of land uses in order to reduce light pollution; and
- (h) Promoting and supporting astrotourism and recreation, including the pursuit or retention of accreditation of local parks by the International Dark-Sky Association.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

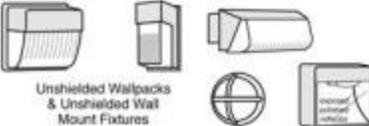
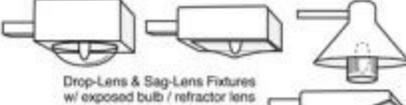
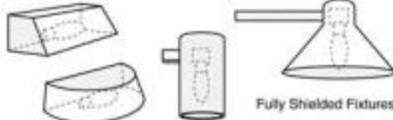
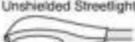
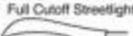
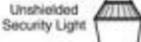
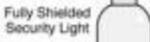
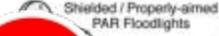
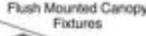
SECTION 11: AMENDMENT “Sec 108-16-10 Examples Of Unshielded And Shielded Light Sources*” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Attachment A: Proposed Ordinance - Red Rine

Sec 108-16-10 Examples Of Unshielded And Shielded Light Sources*



Unshielded 	Fully Shielded 
Fixtures that produce glare and light trespass	Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night
 Unshielded Floodlights	 Full Cutoff Fixtures
 Unshielded Wallpacks & Unshielded Wall Mount Fixtures	 Fully Shielded Wallpack & Wall Mount Fixtures
 Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens	 Fully Shielded Fixtures
 Unshielded Streetlight	 Full Cutoff Streetlight
 Unshielded Security Light	 Fully Shielded Security Light
 Unshielded 'Period' Style Fixtures	 Fully Shielded 'Period' Style Fixtures <small>bulb shielded to prevent top</small>
 Unshielded PAR Floodlights	 Shielded / Properly-aimed PAR Floodlights
 Drop-Lens Canopy Fixtures	 Flush Mounted Canopy Fixtures



Unshielded

Fixtures that produce glare and light trespass

Unshielded Floodlights

Unshielded Wallpacks & Unshielded Wall Mount Fixtures

Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

Unshielded Streetlight

Unshielded Security Light

Unshielded PAR Floodlights

Drop-Lens Canopy Fixtures

Fully Shielded

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

Fully Shielded Fixtures

Fully Shielded Wallpack & Wall Mount Fixtures

Fully Shielded Fixtures

Fully Shielded Streetlight

Fully Shielded Security Light

Fully Shielded 'Period' Style Fixtures
bulb shielded in opaque top

Shielded / Properly-aimed PAR Floodlights

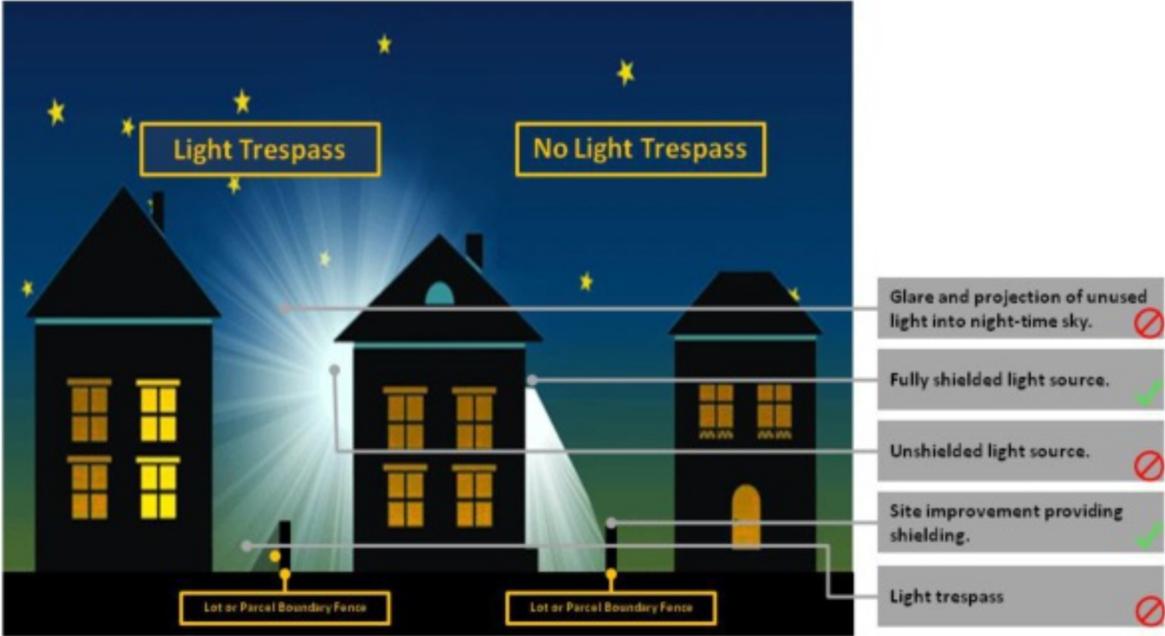
Fully Recessed Canopy Fixtures

(Ord. No. 2017-24, Exh. B, 6-27-2017)

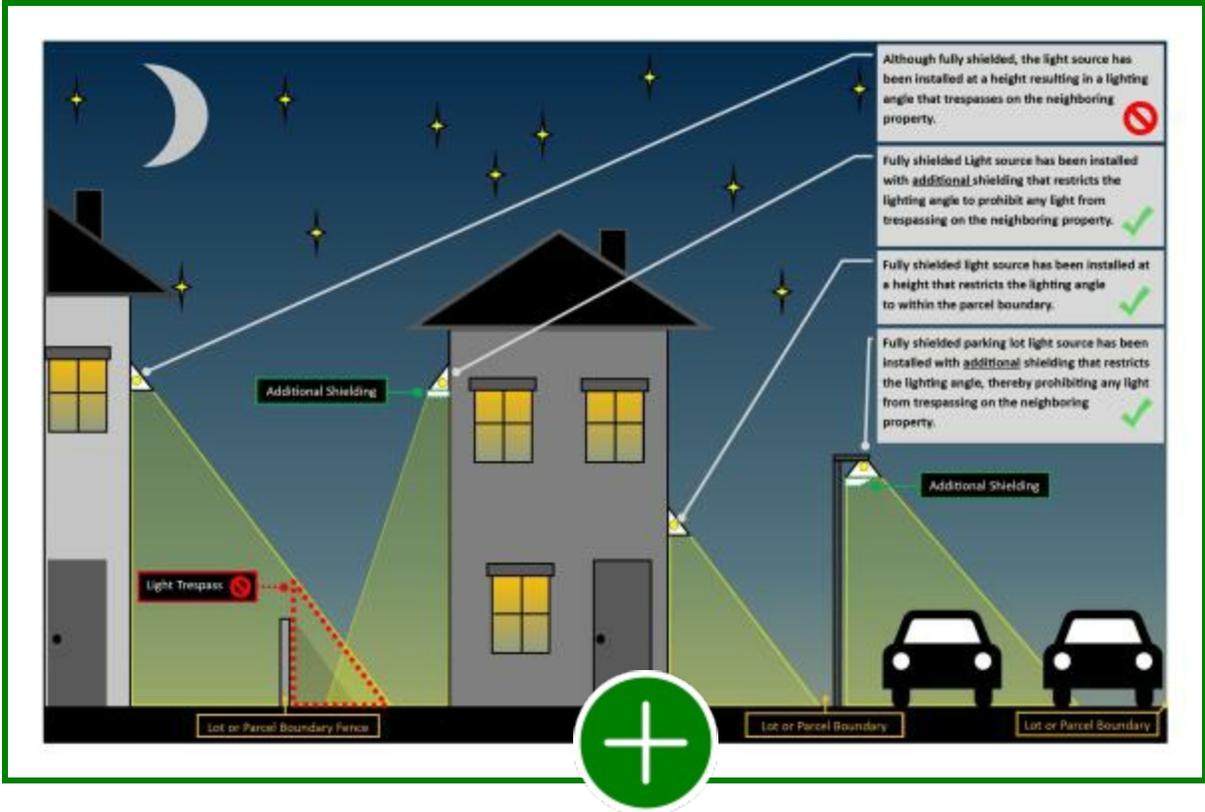
SECTION 12: AMENDMENT “Sec 108-16-11 Example Of Light Trespass”
of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-16-11 Example Of Light Trespass



Attachment A: Proposed Ordinance - Red Rine



(Ord. No. 2017-24, Exh. B, 6-27-2017)

SECTION 13: **EFFECTIVE DATE** This Ordinance shall be in full force and effect 15 days after the required approval and publication according to law.

Attachment A: Proposed Ordinance - Red Rine

PASSED AND ADOPTED BY THE WEBER COUNTY COMMISSION

_____.

	AYE	NAY	ABSENT	ABSTAIN
Gage Froerer	_____	_____	_____	_____
Jim "H" Harvey	_____	_____	_____	_____
Scott Jenkins	_____	_____	_____	_____

Presiding Officer

Attest

Gage Froerer, Board of
Commissioners Chair, Weber County

Ricky Hatch, CPA, Clerk/Auditor
Weber County



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To discuss and take public comment on a proposal to amend the following sections of Weber County Code: 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, April 28, 2020

Applicant: Weber County Planning Division

File Number: ZTA 2020-01

Frontier Project Address: <https://frontier.co.weber.ut.us/p/Project/Index/9892>

Staff Information

Report Presenter: Scott Perkes
sperkes@co.weber.ut.us
(801) 399-8772

Report Reviewer: CE

Applicable Ordinances

§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

Over the past several months the Planning Commission has been working with staff on revisions to the Ogden Valley Outdoor Lighting ordinance and Ogden Valley Signs ordinance to send to the County Commission for formal consideration. The proposed revisions are intended to clean up a few clerical errors in addition to clarifications and modifications to a few of the existing standards based on lessons learned and potential loop holes found through administration of the ordinance since 2017. The ordinance drafts attached (Exhibits A & B) are a result of that effort.

This staff report will offer an analysis of the differences between the proposed drafts and the existing ordinances.

Policy Analysis

Policy Considerations:

Ogden Valley Outdoor Lighting Ordinance Amendments (See Exhibit A):

Clerical Edits:

A few clerical edits have been made through the ordinance to fix a few minor items.

Clarifying edits to the Applicability section (Sec 108-16-2(a)):

These edits have been made in an effort clarify how the ordinance requirements apply to single-family, two-family, and three-family residential uses that existed on or before August 1, 2017. In the existing ordinance, there are a few uses of exemption language that could lead a reader to believe that these residential uses are required to bring their outdoor lighting into conformance on or before the ten year deadline outlined in Sec. 108-16-7(1). This is not the intention. All new residential uses (except for multi-family units of four or

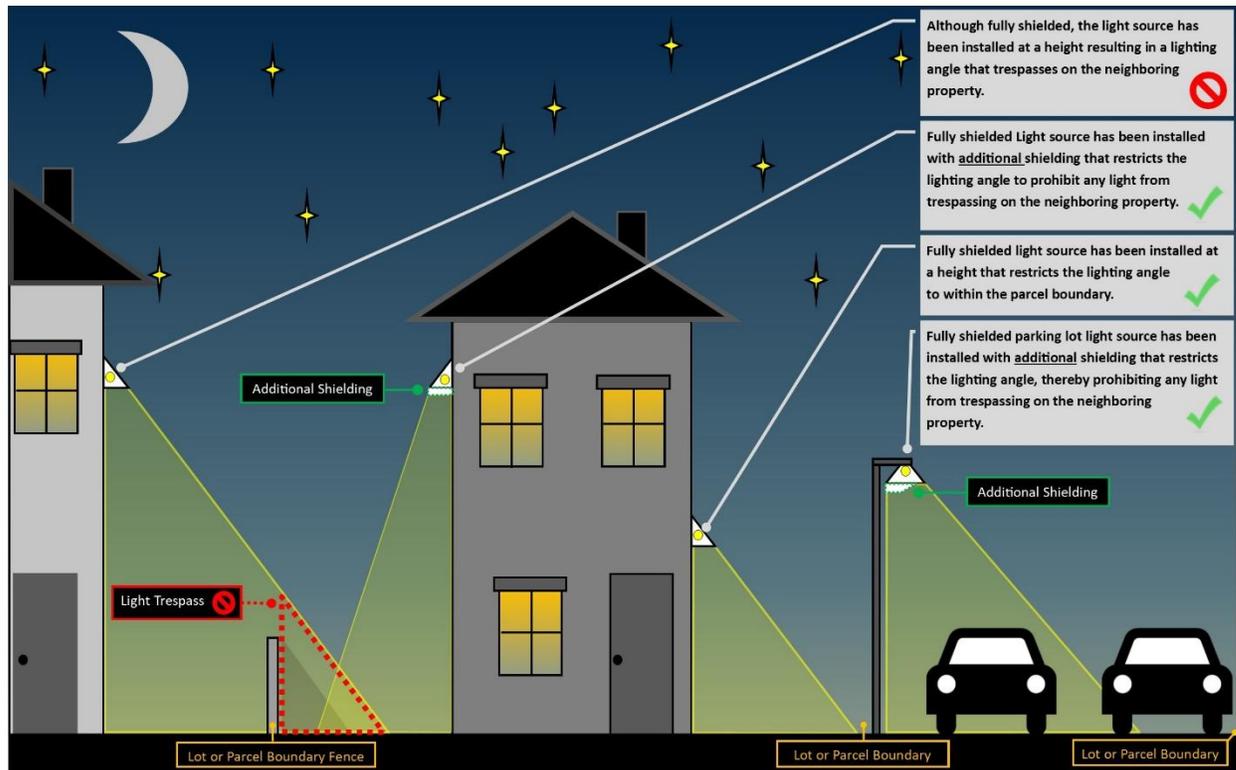
Attachment B: OVPC April 28th Staff Report

more families) must have night sky compliant lighting. However existing residential uses (except for multi-family units of four or more families) do not have to bring their outdoor lighting into compliance with the ordinance requirements within 10 years. They DO however need to comply with the conversion requirements outlined in Sec 108-16-7 (2) – (5).

Clarification to shielding requirements (Sec. 108-16-3):

We have found that a few lights have been installed, or proposed to be installed in which the selected light fixture is compliant with the lighting standards in the existing ordinance. However due to the installation location or height, the fixture's angle of light travel would extend beyond the property's boundary and create light trespass. For this reason we have inserted some clarifying language to indicate that installation location and height must be considered in addition to the standard shielding requirements to prevent trespass.

Additionally, we have created a new graphic to add to Sec. 108-16-11 to graphically depict this requirement. See below:



Clarification to the applicability of artificial light sources for “multi-family” land uses (Sec 108-16-4(1)):

For the purposes of this chapter, multi-family dwellings have been clarified to follow the definition of a multi-family dwelling in Sec. 101-1-7. This clarification is needed to determine how this chapter will apply to multi-family units of more than four dwellings and less than four dwellings. As amended, multi-family dwellings that house four or more families shall be subject to the specific standards (Sec. 108-16-4) of the ordinance as well as the required replacement of nonconforming outdoor lighting (Sec. 108-16-7).

Edits and additional provisions to specific uses of motion sensor controlled artificial light sources:

Due to the popularity of motion detection and illuminated security cameras, staff has proposed a number of amendments to both the Light Curfew section under Specific Standards (Sec 108-16-4(1)) and the Motion Sensor Controlled Light Source section under the Exemptions (Sec. 108-16-5(8)). These edits are geared to take advantage of the motion sensor technology to allow additional lighting options and flexibility. Some of these amendments allow lighting to exceed the general standards, so long as the amount of time these lights are on is shortened from 10 minutes to 2 minutes after the last detection of motion. Staff believes that these edits will allow more flexibility in the use of motion-controlled lights while also further mitigating the overall outdoor lighting impacts.

Clarification to the use of low output light sources within existing light fixtures (Sec 108-16-5(6)):

Attachment B: OVPC April 28th Staff Report

We have learned through the enforcement of the existing Ogden Valley Outdoor Lighting Ordinance, that many individuals have proposed using low output lighting sources within existing fixtures as a loophole to the requirements to replace old fixtures with those that are Night Sky compliant. To address this, staff has added language to this section to indicate that low output light sources may not be used within existing fixtures unless they are 1) rated to produce a lighting output of 105 lumens or less or 2) conforms to the shielding standards found in the General Standards section.

Removal of the existing Enforcement section (Sec 108-16-8(b)):

This edit has been proposed as the more recently adopted code enforcement section of the Land Use Code (Sec 102-4-4) was adopted with the intent of standardizing all code enforcement efforts.

Removal of county staff from the list of Dark Sky Committee members (Sec 108-16-8 (c)):

This modification to the list of committee members was made at the suggestion of the public as an effort to keep this committee run by public volunteers.

Clarifying edit to the shielding graphic (Sec 108-16-10):

This edit has been made to the graphic to keep “Fully Shielded” and “Full Cut Off” terminology consistent.

Ogden Valley Signs Ordinance Amendments (See Exhibit B)

Added language to Movie Poster Signs section (Sec. 110-2-10):

This language has been added to require movie poster signs to be compliant with the Ogden Valley Outdoor Lighting ordinance.

Additions to the Illumination Standards (Sec. 110-2-12(b)(3)a.1.):

Additional language has been added to the Illumination section to allow an exemption to illumination requirements for directional or circulation signage that are completely shielded from outside the property boundaries.

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.¹

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.²

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.

¹ See 2016 Ogden Valley General Plan page 4.

² See 2016 Ogden Valley General Plan page 5.

Attachment B: OVPC April 28th Staff Report

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.³

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 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.⁴

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 proposed amendments to the Ogden Valley Lighting ordinance and Ogden Valley Signs ordinance in two past work sessions.

Noticing Compliance

A hearing for this item will held on April 28, 2020 with the Planning Commission in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website (10 days prior to the public hearing)

Posted on the Utah Public Notice Website (10 days prior to the public hearing)

Published in a local newspaper (10 days prior to the public hearing)

Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit A and Exhibit B and offer staff critical feedback for additional amendments. At a time that the Planning Commission is comfortable with the proposal, it could be passed to the County Commission 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 clarify provisions in the Land Use Code.
3. The clarifications will provide for a more efficient administration of the Land Use Code.
4. The changes will enhance the general health and welfare of County residents.

Exhibits

- A. Proposed Amendments to the Ogden Valley Outdoor Lighting Ordinance (track changes)
- B. Proposed Amendments to the Ogden Valley Signs Ordinance (track changes)

³ See 2016 Ogden Valley General Plan page 8.

⁴ See 2016 Ogden Valley General Plan page 26.

1 CHAPTER 16. - OGDEN VALLEY OUTDOOR LIGHTING^[7]

2

3 Footnotes:

4 --- (7) ---

5 Editor's note— [Ord. No. 2017-24](#), Exh. B, adopted June 27, 2017, effectively repealed the former tit.
6 108, ch. 16, §§ 108-16-1—108-16-10, and enacted a new ch. 16 as set out herein. The former ch. 16
7 pertained to Ogden Valley lighting and derived from §§ 39-1—39-10 of an ordinance adopted in 1956;
8 Ord. No. 2000-3; Ord. No. 2003-18.

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

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

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

23 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

24 Sec. 108-16-2. - Applicability.

- 25 (a) ~~New outdoor lighting. Except as provided in subsection (c) below, a~~All outdoor lighting installed after
26 August 1, 2017, shall conform to the requirements established by this chapter.
- 27 (b) *Existing outdoor lighting.* Except as provided in subsection (c) below, all existing outdoor lighting
28 that does not meet the requirements of this chapter and is not exempted by this chapter shall be
29 considered a nonconforming use and as such shall be phased out as outlined in section 108-16-7 of
30 this chapter.
- 31 (c) *Lighting for residential use.* Except as may be provided in section 108-16-7, the lighting standards of
32 this chapter are not mandatory for a single-family, two-family, or three-family dwelling in existence or
33 approved on or before August 1, 2017. The county shall employ educational methods and incentives
34 to encourage voluntary compliance for these residential uses.
- 35 (d) *Conflict.* Should this chapter be found to be in conflict with other sections of this code, the more
36 restrictive shall apply.

37 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

Commented [SP1]: All outdoor lighting installed after August 1, 2017 are required to be in compliance with this ordinance. This includes subsection (c) for residential uses.

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

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

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

51 (5) To ensure light does not trespass on neighboring property, light fixtures that comply with the
52 shielding provisions of this section may also require additional or extended shielding elements
53 to further mitigate its angle of light travel to ensure the direct artificial light source does not
54 trespass on neighboring property. This concept is graphically depicted in section 108-16-11;

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

58 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

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

60 In addition to the general standards of section 108-16-3. The following are specific standards that
61 apply to all commercial, industrial, manufacturing, public and quasi-public, institutional, ~~multifamily~~,
62 recreation, ~~and~~ resort uses, and multiple-family dwellings as defined in section 101-1-7:

63 (1) *Light curfew.* Unless exempt in section 108-16-5, ~~and except for residential uses,~~ all outdoor
64 lighting shall be turned off by 10:00 p.m., or, if applicable, within one hour after the close of
65 business, whichever is later, except the following, so long as they are activated by a motion
66 sensor controller that is set to extinguish the light source within two minutes after the last
67 detection of motion:

- 68 a. Lighting to illuminate the building's point of entry ~~ance only of the building;~~
- 69 b. Safety lighting of parking lots and pedestrian areas;
- 70 c. Limited lighting that is absolutely necessary for after-hours business.

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

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

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

Commented [SP2]: Adds additional clarity as conforming fixtures may be installed in a manner or location that causes them to be NON-compliant. See new graphic depicted in 108-1-11.

Commented [SP3]: Multifamily has been clarified as 4 or more units that require specific standards. As indicated in the Applicability section above, three-family multi-family dwellings are treated similar to single and two-family dwellings.

Commented [SP4]: *Dwelling, multiple-family.* The term "dwelling, multiple-family" means a building or portion thereof used and/or arranged or designed to be occupied by more than four families, including apartment houses and apartment hotels, but not including tourist courts.

Commented [SP5]: The paragraph above lists the uses to which the specific standards apply. Since this paragraph does not mention residential uses, this should be removed to prevent confusion.

Commented [SP6]: With motion detection, we don't need these lights to be on all night. They can turn on when needed and turn off shortly thereafter. These changes have been considered in concert with the proposed modifications to the exemption item for motion detected light sources with integrated camera systems.

Commented [SP7]: We don't want applicants to argue that they are lighting up their entry but defining "entry" as their full front façade. The intent is just to illuminate their point of entry.

- 81 (5) *Recreation facility lighting.* Recreation facility lighting, as defined in section 101-1-7, shall
82 comply with the following:
- 83 a. The lighting for the recreation activity area shall only be directed onto the area where the
84 recreation activities are occurring. It shall not be allowed to illuminate surfaces that are not
85 essential to the function of the recreation activity.
 - 86 b. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity
87 area. This ratio shall be calculated by combining the total lumen output of each artificial
88 light source divided by the square footage of the recreation activity area. See section 108-
89 16-15 for a graphic depiction.
 - 90 c. The recreation activity area shall be lit only when it is in use.
 - 91 d. The light color standard of 108-16-3 does not apply to lighting for the recreation activity
92 area.
- 93 (6) *Sign lighting.* Sign lighting shall comply with the requirements of 110-2-12.

94 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

95 Sec. 108-16-5. - Exemptions.

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

- 97 (1) *Agricultural lighting.* Lighting for agricultural uses;
- 98 (2) *Federal and state flag lighting.* The outdoor lighting of a United States or State of Utah official
99 flag, provided it is in compliance with the following:
 - 100 a. The light shall be downward directed from the top of the flag pole;
 - 101 b. The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to
102 the best effort practicable, only the area which the flag occupies in all wind conditions; and
 - 103 c. The light level shall be minimized to create the least amount of impact on the dark sky,
104 while still offering noticeable illumination of the flag;
- 105 (3) *Federal and state facilities lighting.* Federal and state facilities are exempt from the
106 requirements of this chapter. However, they are encouraged to cooperate and to coordinate
107 with the county [during](#) the construction of their facilities [to be](#) in compliance with this chapter;
- 108 (4) *Fossil fuel lighting.* Fossil fuel light, produced directly by the combustion of natural gas or other
109 utility-type fossil fuels;
- 110 (5) *Holiday or festive lighting.* Holiday or festive outdoor lighting for residential uses, provided it is
111 in compliance with the following:
 - 112 a. That the lighting shall not create a hazard or glare nuisance; and
 - 113 b. That the lighting shall be temporary in nature and not permanently installed. It shall be
114 removed within a reasonable time after the end of the holiday or festive event, but at least
115 once per year;
- 116 (6) *Low output light source.* An artificial light source having an output equal to or less than 105
117 lumens, provided that the cumulative lumen output of all low output light sources shall not
118 exceed a ratio of one and one-half lumens per square foot of cumulative area intended to be
119 illuminated. This ratio shall be calculated by combining the total lumen output of each low output
120 light source divided by the square footage of the area intended to be illuminated. The low output
121 light sources shall be distributed across the area intended to be illuminated and not organized in
122 a focused location. [Low output light sources are exempt from the requirements of this chapter
123 so long as they comply with the definition and use outlined in this section, except:](#)

- 124 a. A low output light source may not be integrated into a new or replacement outdoor light
 125 fixture that is either 1) rated to produce a lighting output that exceeds 105 lumens, or 2)
 126 does not conform to the shielding requirements of section 108-16-3(a);
- 127 (7) *Mobile lighting.* Lighting affixed to a vehicle, provided the lighting is not intended for the
 128 stationary illumination of an area;
- 129 (8) *Motion sensor controlled light source* with an integrated camera system. A motion sensor
 130 controlled artificial light source with an integrated camera system, that has a light output equal
 131 to or less than 900 lumens and is controlled by a motion sensor, provided it is in compliance
 132 with the following:
- 133 a. The light output is equal to or less than 1,800 lumens
- 134 b. The color temperature of the light source does not exceed 5,000 degrees kelvin
- 135 c. That the motion sensor is set to turn the artificial light source off ten minutes
 136 after the last detection of motion; and
- 137 d. Lighting shall not be triggered by any activity outside the property boundary; and
- 138 e. That the artificial light source is sufficiently shielded in a manner that prevents glare and
 139 trespass on adjacent properties or roadways;
- 140 (9) *Safety or security lighting.* For the sole purpose of mitigating legitimate and verifiable safety or
 141 security hazards, the land use authority may exempt an artificial light source if it is shown to be
 142 necessary. The land use authority may apply reasonable conditions to ensure optimal
 143 compliance with the purpose and intent of this chapter. Evidence demonstrating that it is
 144 necessary shall be one or both of the following:
- 145 a. Submitted proof of lighting requirements from a property insurance company that
 146 demonstrates that compliance with this chapter will render the property uninsurable. The
 147 minimum amount of lighting required by the property insurance company shall be
 148 considered the maximum for the purposes of this chapter; or
- 149 b. Submitted reasonable research findings, from a qualified professional, as defined by
 150 section 101-1-7, that offer a compelling argument for the need for the exemption. However,
 151 if the land use authority is aware of other research findings that refute what is submitted,
 152 then the land use authority must determine which research findings are more persuasive
 153 under the circumstances. If the land use authority grants the exemption, then the minimum
 154 amount of lighting necessary to ensure appropriate safety or security, as recommended by
 155 the qualified professional, shall be considered the maximum for the purposes of this
 156 chapter;
- 157 (10) *Occasional event lighting.* Outdoor lighting intended for an occasional event, such as a
 158 wedding, party, social gathering, or other similar event that occurs on an occasional basis,
 159 provided it is in compliance with the following:
- 160 a. Occasional event lighting shall be turned off by 10:30 p.m. and any remaining lighting shall
 161 comply with this chapter; and
- 162 b. Occasional events shall not occur more than twice per month;
- 163 (11) *Underwater lighting.* Underwater lighting in a swimming pool or other water feature provided it
 164 is not intended to illuminate features above water;
- 165 (12) *Temporary public agency lighting.* Temporary outdoor lighting in use by law enforcement or a
 166 government agency or at their direction;
- 167 (13) *Tower lighting.* Tower lighting required by the FAA or the FCC, provided that it shall not
 168 exceed the minimum requirements of those agencies. Collision markers shall have a dual mode
 169 for day and night to minimize impact to the night sky and migrating birds; and
- 170 (14) *Traffic control devices.* Traffic control devices and signals.

Commented [SP8]: We want to make sure that people aren't using their non-conforming fixture with a low-output bulb that could allow a non-conforming bulb to be swapped back into the non-compliant fixture.

Commented [SP9]: Motion sensor controlled flood lights are allowed so long as they meet the shielding and color temperature requirements listed in the general standards section.

This section has been updated to specify that motion sensor controlled light sources that exceed the color temperature standard of 3000 kelvin may be exempt to the requirements of this chapter IF it is used with an integrated camera system and so long as it meets the 5 listed criteria.

This section was modified in concert with the proposed modifications to the light curfew section of the specific requirements for more intensive land uses.

171 ([Ord. No. 2017-24](#) , Exh. B, 6-27-2017)

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

173 (a) *Applications.* Any application for a permit or approval required by this Land Use Code shall contain
174 evidence that the proposed work complies with this chapter.

175 (b) *Contents of application or submittal.*

176 (1) In addition to the specific application requirements elsewhere in this Land Use Code, the
177 application submittal shall contain the following:

178 a. Plans indicating the location of all artificial light sources on the premises, including their
179 height above the ground.

180 b. Description of each artificial light source device, and supporting structure. This description
181 may include, but is not limited to, device specifications from the manufacturer, drawings,
182 details, and cross sections, when available.

183 (2) The required plans and descriptions set forth in subsection (b)(1) of this section shall be
184 complete and shall be presented in a manner that clearly demonstrates compliance with this
185 chapter. The land use authority may require the applicant to submit photometric schematics and
186 attestation from a qualified professional that the submittal complies with this chapter.

187 ([Ord. No. 2017-24](#) , Exh. B, 6-27-2017)

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

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

192 (1) *Lighting conversion.* Except for outdoor lighting for a single-family, two-family, or three-family
193 dwelling in existence or approved on or before August 1, 2017, any nonconforming outdoor
194 artificial light source shall be terminated, replaced, or retrofitted to conform to the requirements
195 of this chapter within ten years after the effect of this chapter. The county shall provide [periodic](#)
196 ~~frequent~~ public notice of the ~~effect, but no less than one per year after the effect of~~ [effect of](#) this
197 chapter. The county shall employ educational methods and incentives to encourage voluntary
198 compliance prior to this ~~10~~ [five](#)-year period and to assist the public in understanding and
199 complying with this chapter;

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

202 (3) *Building exterior modification.* When the replacement of a building's exterior materials exceeds
203 25 percent of the building's exterior area, excluding roof area, whether by a single modification
204 project or by an accumulation of separate modification projects, all nonconforming outdoor
205 lighting on the premises on or within 25 feet of the building shall be brought into compliance with
206 the requirements of this chapter. This shall not include repainting or re-roofing.

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

212 a. Twenty-five percent of the total area of the building as it exists on August 1, 2017; or

213 b. Two thousand five hundred square feet; and

Commented [PS10]: Although no amendments are proposed for this section of the code, new submittal checklists have been developed for various types of building permits to ensure each permit type is requesting the appropriate amount of information within their plans to ensure compliance with the requirements of the Ogden Valley Outdoor Lighting Code.

Created with a trial version of Syncfusion Essential DocIO.

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

- 220 a. Twenty-five percent of the site area; or
- 221 b. Twenty thousand square feet.

222 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

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

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

- 225 (1) The installation, maintenance, or operation of any outdoor artificial light source not in
 226 compliance with the provisions of this chapter.
- 227 (2) The alteration of any outdoor artificial light source after [outdoor lighting plan approval](#)
 228 ~~certificate of occupancy has been issued~~ without the review and approval of the land use
 229 authority when such alteration does not conform to the provisions of this chapter.
- 230 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in
 231 a manner that does not comply with this chapter.

232 (b) *Enforcement.* Violations of this chapter are subject to enforcement and penalties as outlined in
 233 section ~~1024-41-413~~. ~~If the violation constitutes a safety hazard, typical enforcement measures shall~~
 234 ~~be employed. Unless the violation constitutes a safety hazard, enforcement of a violation of this~~
 235 ~~chapter shall be addressed as follows:~~

- 236 ~~(1) A courtesy letter shall be sent to the land owner that suggests that there may be noncompliant~~
 237 ~~outdoor lighting on the premises. A second and third courtesy letter shall be sent at least 20 calendar~~
 238 ~~days after the previous courtesy letter if a previous courtesy letter does not either cause the~~
 239 ~~resolution of the violation or cause the landowner to initiate resolution with the county as provided in~~
 240 ~~subsection (b)(3) of this section. Educational information about how to appropriately comply with this~~
 241 ~~chapter shall also be sent and a method of contacting the county for discussion shall be provided in~~
 242 ~~each courtesy letter. The third courtesy letter shall state that it is the last courtesy letter, and future~~
 243 ~~contact will be in the form of a notice to comply.~~
- 244 ~~(2) No sooner than 30 days after the third courtesy letter is sent, if it did not either cause the resolution~~
 245 ~~of the violation or cause the landowner to initiate resolution with the county as provided in subsection~~
 246 ~~(b)(3) of this section, a notice to comply shall be sent to the land owner. The notice shall include, with~~
 247 ~~specificity, the violation, and shall give the landowner 30 days to comply with this chapter or initiate~~
 248 ~~resolution with the county as provided in subsection (b)(3) of this section. The notice shall also~~
 249 ~~include educational information about how to appropriately comply with this chapter.~~
- 250 ~~(3) If a landowner initiates resolution of a violation of this chapter with the county, the county shall give~~
 251 ~~the landowner no less than six months and no more than 12 months to comply with this chapter if is~~
 252 ~~the landowner clearly demonstrates that good faith efforts will resolve the violation within the six-~~
 253 ~~month period given. If the landowner does not clearly demonstrate that good faith efforts will resolve~~
 254 ~~the violation a notice to comply shall be sent to the landowner. The notice shall include, with~~
 255 ~~specificity, the violation and shall give the landowner 30 days to comply with this chapter.~~
- 256 ~~(4) If, after steps (1) through (3) of this subsection have been satisfied, a landowner fails to initiate~~
 257 ~~resolution of a violation of this chapter, or fails to comply within the period specified in subsection~~
 258 ~~(b)(3) of this section, typical enforcement measures shall be employed. Additionally, the final~~
 259 ~~approval of current or future plans, the issuance of a certificate of occupancy, or the acceptance of~~

Commented [PS11]: This land use code enforcement section was finalized after this ordinance was adopted. As this section is meant to be used for all land use violations, we propose striking the language below and utilizing the standardized enforcement section moving forward.

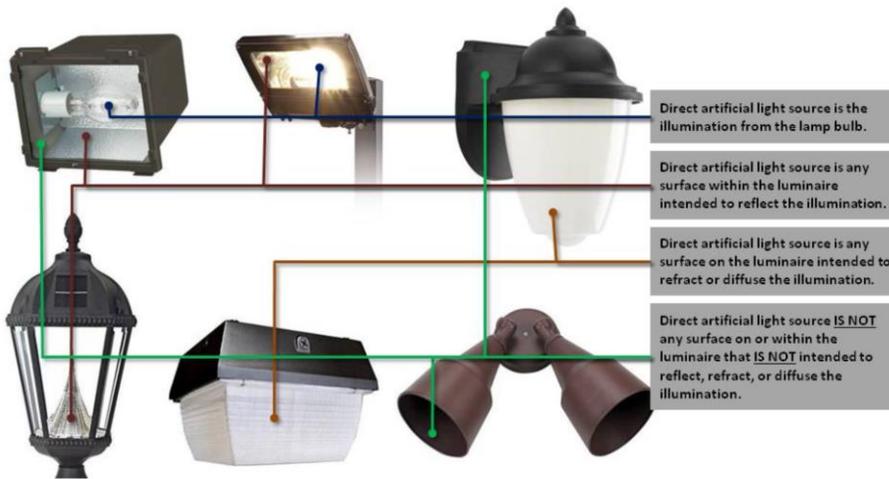
260 new applications authorized by this Land Use Code may be withheld until compliance with this
261 chapter is demonstrated.

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

Commented [PS12]: Public comment during a Planning Commission work session indicated that it may be best to have this committee comprised entirely of members of the public.

268 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

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



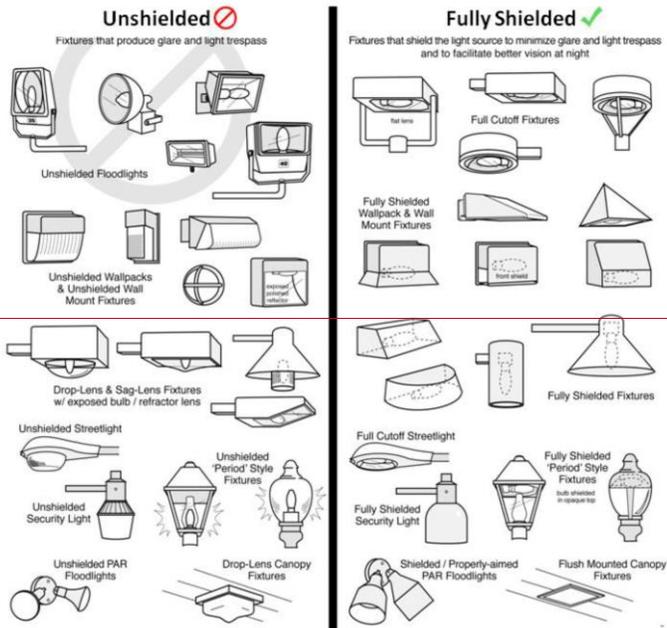
270

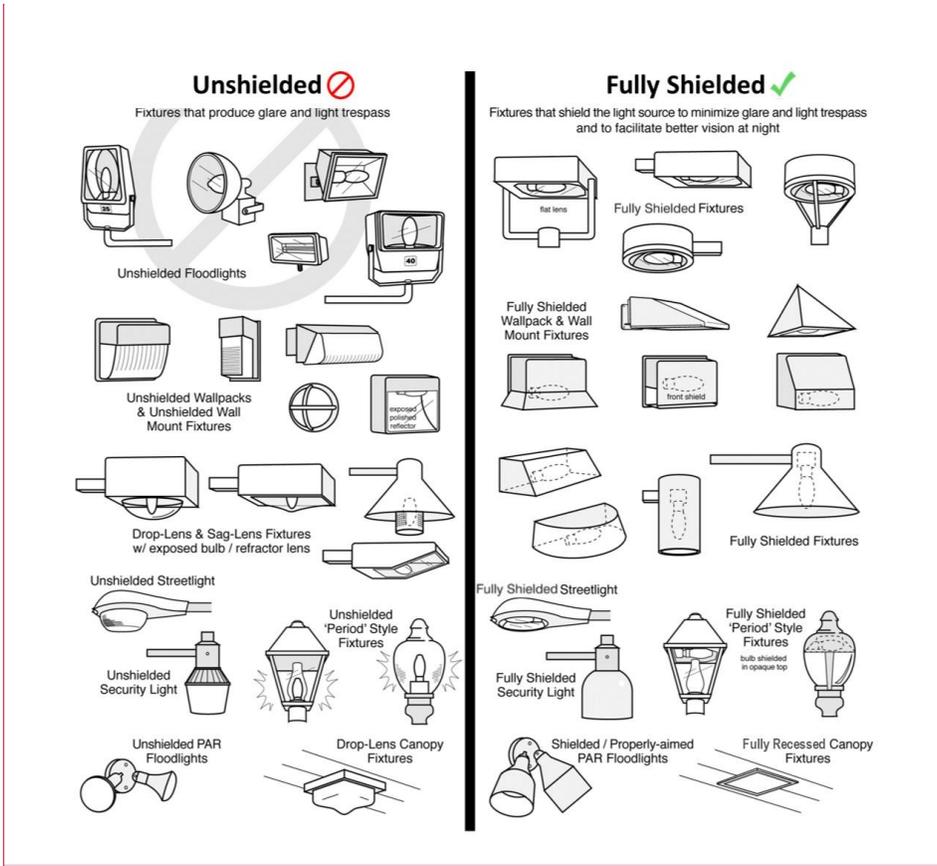
271 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

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



273





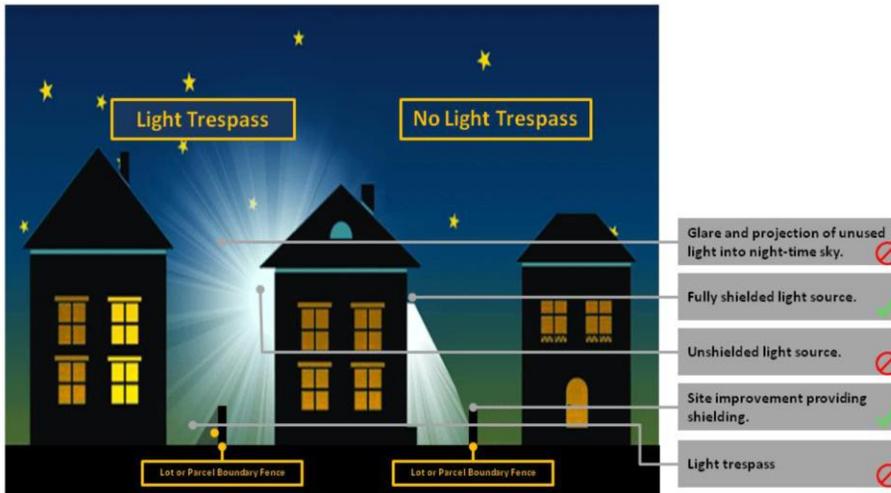
Commented [PS13]: Updated to remove all instances of "Full Cutoff" and replace them with "Fully Shielded"

275

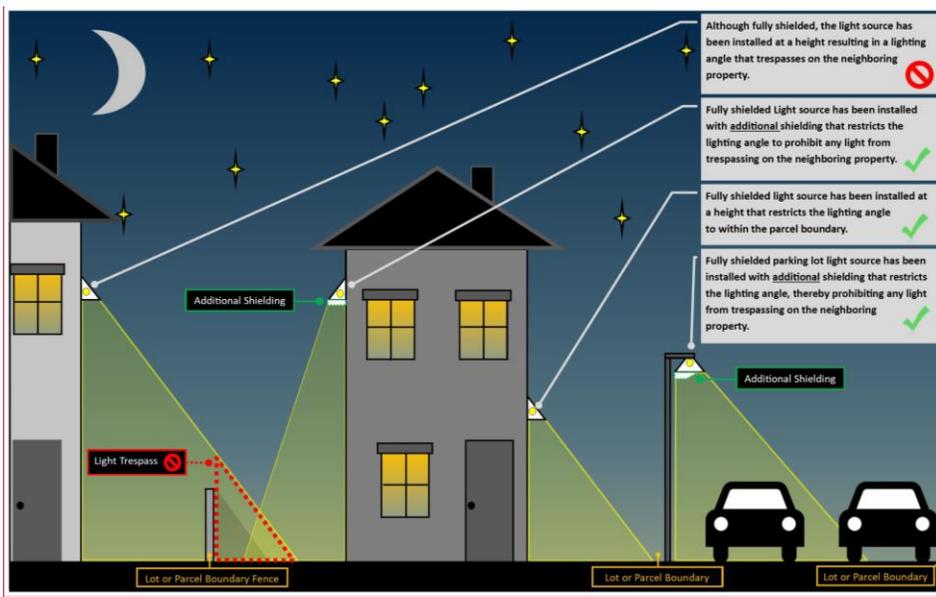
276 ([Ord. No. 2017-24](#) , Exh. B, 6-27-2017)

277 Sec. 108-16-11. - Examples of light trespass.

278



279

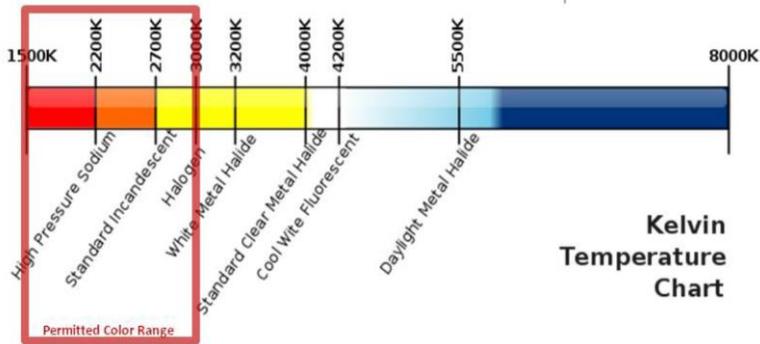


Commented [PS14]: New graphic added to show how a fully-shielded fixture may create light trespass based on its installed height or location. Even through the fixture may meet the shielding requirements, it's install location may need to be adjusted to ensure it's angle of lighting doesn't trespass on neighboring property.

280 ([Ord. No. 2017-24](#) , Exh. B, 6-27-2017)

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

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282

283 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

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

Lumen per Square Foot Ratio	
(14) 2800 Lumen Bulbs	7.78 Lumens per Square Foot of Canopy Area
$\frac{5040 \text{ Square Feet of Canopy Area}}{5040 \text{ Square Feet of Canopy Area}} =$	

- 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. ✓

285

286 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

287 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
$\frac{250,000 \text{ Square Feet of Parking Lot Area}}{250,000 \text{ Square Feet of Parking Lot Area}} =$	

- 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. ✓

288

289 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

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



291

292 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

1 CHAPTER 2. - OGDEN VALLEY SIGNS

2 Sec. 110-2-1. - Purpose and intent.

3 ...

4 Sec. 110-2-2. - Applicability.

5 ...

6 Sec. 110-2-3. - Master signage plan.

7 ...

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

9 ...

10 Sec. 110-2-5. - Allowable signs by zoning district.

11 ...

12 Sec. 110-2-6. - Optional and alternative signs.

13 ...

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

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

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

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

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

28 (4) *Example of window signs:*

Commented [PS1]: Remains unchanged.

29



30

31 (Ord. of 1956, § 32B-8; Ord. No. 2009-30; Ord. No. [2017-31](#), Exh. A, 10-31-2017)

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

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

- 34 (1) *Moving signs.* Animated, flashing, blinking, fluttering, undulating, swinging, changing, rotating
35 or otherwise moving signs, pennants, tethered "party or weather-type" balloons, holograms,
36 light beams, lasers or other like decorations.
- 37 (2) *Moving appurtenances.* Moving mechanical or electrical appurtenances attached to a sign or
38 otherwise intended to attract attention to a sign.
- 39 (3) *Rotating beacon lights* .
- 40 (4) *Inflatable advertising devices or signs.* (Does not refer to passenger-type hot air balloons being
41 used for passenger flight.)
- 42 (5) *Flags.* Flags not exempted in section 110-2-2.
- 43 (6) *Banners.* Banners, unless specifically provided otherwise in this chapter.
- 44 (7) *Changeable copy signs.* Electronic changeable copy signs, except as permitted in section 110-
45 2-9(b)(13). Manual changeable copy signs except as permitted in section 110-2-10.
- 46 (8) *Off-site signs.* All off-site, off-premises and directional signs which advertise businesses,
47 establishments, activities, facilities, goods, products, or services not made, produced, sold or
48 present on the premises or site where the sign is installed and maintained are prohibited, except

49 as exempted in section 110-2-9, Other signs. Notwithstanding the foregoing, where access to a
50 parcel is via an adjacent parcel, signs may be located on such adjacent parcel.

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

55 (10) *Luminous tube signs.* External gas filled luminous tubes, such as neon, argon or fluorescent,
56 signs or valances, unless inside a building or in a window and not to exceed four square feet in
57 area, except as listed in section 110-2-12, Sign materials and display standards, and may not
58 flash or blink.

Commented [PS2]: Remains unchanged.

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

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

63 (13) *Billboards.*

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

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

75 (Ord. of 1956, § 32B-9; Ord. No. 2009-30; Ord. No. 2013-17, 6-18-2013; [Ord. No. 2016-4](#), Exh.
76 G2, 5-24-2016; [Ord. No. 2017-24](#), Exh. B, 6-27-2017; Ord. No. [2017-31](#), Exh. A, 10-31-2017)

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

78 ...

79 Sec. 110-2-10. - Special purpose signs.

80 (a) *Manual changeable copy signs.* One reader board or changeable copy sign per business is
81 permitted to be displayed, at one square foot of sign area per linear foot of building frontage, and
82 may be either ground or wall sign by the following types of businesses:

83 (1) Theaters. Motion picture theaters and playhouses.

84 (2) Auditoriums and performing arts facilities.

85 (3) Convention facilities. Businesses with convention facilities.

86 (4) Gasoline stations. Businesses which sell motor fuels at retail cost, dispensed from pumps on
87 premises.

88 (5) Grocery stores.

89 (6) Public, private or charter schools.

- 90 (b) *Destination and Recreation Resort Zone manual changeable copy sign.* One reader board or
- 91 changeable copy sign, not exceeding 16 square feet, is permitted and may be displayed within a
- 92 resort village area when the village area consists of six or more commercial buildings.
- 93 (c) *Movie poster signs.* Motion picture theaters, facilities for performing arts, and retail stores whose
- 94 primary business is the sale and/or rental of pre-recorded video tape and/or discs to the general
- 95 public shall be permitted to display a maximum of two poster signs. Movie posters shall be displayed
- 96 in a display case which shall be permanently affixed to the wall of the building or storefront. Movie
- 97 posters shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be
- 98 lighted as long as they comply with the sign illumination standards found in Section 110-2-12 of this
- 99 chapter, and Movie poster display cases shall not exceed 12 square feet in area. The area of any
- 100 movie poster sign conforming to this section shall not count toward the total signage allowed by
- 101 section 110-2-5, Allowable signs by zoning district.

102 (Ord. of 1956, § 32B-11; Ord. No. 2009-30)

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

104 ...

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

106 (a) *Sign materials.* All materials used to construct signs, supports or fasteners shall conform to the

107 following standards:

108 (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone,

109 textured concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which

110 is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass,

111 wrought iron, and other metals may remain untreated and allowed to develop a natural patina.

112 (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick,

113 stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted,

114 anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass,

115 wrought iron, and other metals may remain untreated and allowed to develop a natural patina.

116 Support structures shall use natural, muted earth-tone colors including browns, black, grays,

117 rusts, etc. White shall not be used as a predominant color, but may be used as an accent.

118 (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the

119 standards of this section.

120 (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street

121 right-of-way, entrance or exit.

122 (2) *No projection within right-of-way.* No signs, except traffic signs and similar regulatory notices

123 shall be allowed to project or be located within a public right-of-way.

124 (3) *Illumination.* An illuminated sign, as defined in section 101-1-7. shall comply with the

125 requirements of chapter 108-16 and the following provisions, examples of which are graphically

126 depicted in section 110-2-15.

127 a. Unless otherwise specified in this subsection, all exterior lighting of a sign shall be

128 downward directed from the top of the sign, and oriented so as to illuminate only the sign

129 area, as defined in section 101-1-7, excluding the supports, and except the following:

130 1. Directional or circulation signs that are not visible from any point outside of the property

131 boundary are not subject to the illumination requirements of this subsection or the

132 outdoor lighting requirements of chapter 108-16. An applicant wishing to install such an

133 exempt illuminated directional or circulation sign shall have the burden of proof to

134

135 [communicate the proposed sign height, location, and visibility from any point outside of](#)
136 [the property boundaries through the submission of an outdoor lighting plan to the land](#)
137 [use authority. Directional or circulation signs claiming exemption from the illumination](#)
138 [requirements of this chapter or chapter 108-16 shall not allow their illumination to](#)
139 [extend past the horizontal plain of the upper sign boundary into the night sky;](#)

- 140 b. No direct artificial light, as defined in section 101-1-7, shall be projected from the sign area
141 or beyond the sign area, including by means of diffusion or refraction through a translucent
142 or transparent surface. However, direct artificial light, excluding diffused or refracted light,
143 for a sign area that does not have a frame or separate background, as in the case of a logo
144 or individual lettering mounted to a wall without a defined sign perimeter, may illuminate or
145 reflect onto a background surface, such as a wall, beyond the exterior perimeter of the sign
146 area, provided that:
- 147 1. It shall not exceed six inches beyond the sign area;
- 148 2. It shall be shielded so as not to project light onto any other surface.
- 149 c. Exterior lighting of a sign shall not exceed a ratio of 75 lumens per square foot of sign area.
150 This ratio shall be calculated by combining the total lumen output of each artificial light
151 source divided by the square footage of the sign area. See section 110-2-15 for a graphic
152 depiction.
- 153 d. The land use authority may require the applicant to submit photometric schematics and
154 attestation from a qualified professional that the submittal complies with this chapter.
- 155 (4) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six
156 inches or more below the top of the parapet wall.
- 157 (5) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size,
158 form or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the
159 effectiveness of traffic signs, signals or devices, not be lighted in a way that can cause glare or
160 impair driver visibility upon roads.
- 161 (6) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a
162 way that prevents free ingress or egress from any door, window or fire escape, and no sign
163 shall be attached to a standpipe or fire escape.
- 164 (7) *No mounting on natural features.* No signs shall be painted or mounted on trees. No land-form
165 or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for purposes of
166 displaying a sign.
- 167 (8) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the
168 lowest edge of the overhang eight feet to the driving or walking surface below.
- 169 (9) *Sign setbacks.*
- 170 a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a
171 minimum of ten feet from any property line. Signs fronting on state highways shall be set
172 back ten feet from the right-of-way.
- 173 b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed,
174 except for signs set by public agencies for safety purposes, such as the state department
175 of transportation.
- 176 c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in
177 title 108, chapter 7 of the Weber County Land Use Code.
- 178 (10) *Landscaping.* The ground area around the base of all ground/monument signs shall be
179 landscaped in accordance with the requirements of applicable chapters of the Weber County
180 Land Use Code. The planning commission may exempt some monument/ground signs from this
181 standard where it is demonstrated, by the owner/developer, that the landscaping would unduly

182 interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be
183 impractical.

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

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

190 (Ord. of 1956, § 32B-13; Ord. No. 2009-30; [Ord. No. 2017-24](#), Exh. B, 6-27-2017)

191 Sec. 110-2-13. - Dangerous or defective signs.

192 ...

193 Sec. 110-2-14. - Construction standards.

194 ...

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

Commented [PS3]: Remains unchanged.



- 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 |
| = | |
- 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. ✔

196

197 ([Ord. No. 2017-24](#), Exh. B, 6-27-2017)

Attachment C: Certified Minutes - OVPC April 28th

Attachment C: Ogden Valley Planning Commission Minutes (04/28/2020)

- 5. ZTA 2020-01: Public hearing to consider and take action on a proposal to amend the Weber County Code, Sections 108-16 and 110-2 to clarify Ogden Valley outdoor lighting an illuminated sign allowances. Presenter Scott Perkes**

Scott Perkes presented to the Commissioners the final draft on the amended Ogden Valley Lighting and Ogden Valley Signs Ordinance.

Commissioner Burton had concerns with the proposed modifications to the enforcement section. Commissioner Burton doesn't think there should be a fine for this Ordinance and would like to have seen language that provided warnings for those found in noncompliance.

There was a discussion on what year the ordinance would require homeowners to replace their outdoor lighting. Scott Perkes clarified that residential uses less than four family multifamily units would not be required to replace their outdoor lighting unless they voluntarily modify their lighting or perform a remodel affecting 25% or more of their exterior.

Motion: Commissioner Howell recommended approval to the County Commission to approve ZTA 2020-01: Public hearing to consider and take action on a proposal to amend the Weber County Code, Sections 108-16 and 110-2 to clarify Ogden Valley outdoor lighting an illuminated sign allowances. Subject to edits in the staff report and sign allowance, also subject to the requirements of all Agency Approval and Findings from Staff. Commissioner Howell Francis seconded the motion. Chair Lewis, Hogge, Howell, Francis, Wood and Waldrip all in favor voted aye. (motion carried)
Commissioner Burton voted Nay