



Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Public hearing for consideration and action on a legislative application regarding an amendment to 11-22-12 Political and Ideological Signs

Agenda Date: May 12, 2015

Applicant: North Ogden City

File Number: ZTA 2015-02

STAFF INFORMATION

Robert O. Scott, AICP
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(801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-22-12 Political and Ideological Signs)

LEGISLATIVE DECISION

When the City Council is acting in a legislative capacity the Council has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision related to a legislative matter requires compatibility with the General Plan and existing codes.

BACKGROUND

Staff has been requested to provide options on amending the political sign provisions of the zoning ordinance. The City Council held a work session on March 31, 2015 and identified the need for revisions to the temporary sign provisions dealing with political signs and campaign signs.

The Planning Commission reviewed the City Council direction and provided additional direction on April 15, 2015. The Planning Commission conducted a public hearing on May 6, 2015.

The North Ogden City zoning ordinance is found in 11-22-12 Political and Ideological Signs. The ordinance provides standards for all residential zones in one subsection and the RE-20 zone and commercial and manufacturing zones in another. Typical standards for height, area, aggregate square footage, not allowed to project into the right of way, and a removal standard are included.

In addition to signs already permitted, political signs may be located within the following parameters:

1. HP-3, HP-2, HP-1, R-1-12.5, R-1-10, R-1-8, R-1-8(A), R-1-8(AG), R-2, R-3 and R-4 zoning districts:
 1. Shall not be over four and one-half feet ($4\frac{1}{2}'$) in height.
 2. No sign shall exceed six (6) square feet.
 3. The aggregate square footage of such signs shall not exceed twenty four feet (24') on any lot or parcel.

4. Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into, a public right of way or an adjoining property.
 5. Political signs shall be removed within five (5) days after the election or referendum to which they refer. Signs for candidates successful in a primary election, and who must be elected in a general or runoff election are permitted to leave their political signs in place until five (5) days after the general election, or if necessary, runoff election.
2. RE-20, C-1, CP-1, CP-2, C-2 and MP-1 zoning districts:
1. Shall not be over four and one-half feet ($4\frac{1}{2}$ ') in height.
 2. Shall not exceed eight feet (8') in width.
 3. The aggregate square foot of such signs shall not exceed thirty two feet (32') on any lot or parcel.
 4. Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into, a public right of way or an adjoining property.
 5. Political signs, not otherwise permitted as commercial signs, shall be removed within five (5) days after said election or referendum to which they refer. Signs for candidates successful in a primary election, and who must be elected in a general or runoff election are permitted to leave their political signs in place until five (5) days after the general election, or if necessary, runoff election.

Adopted by Ord. 2002-05 on 4/9/2002

The attached amendment has the following changes:

- The ability to regulate political signs is bound by the free speech amendment. Add a provision in the purpose statement stating that free speech is a key component all sign regulations, "It is the city's policy to regulate signs in a manner that is consistent with the free speech protections and provisions of the United States Constitution and of the Constitution of the State of Utah by enacting regulations which do not restrict speech on the basis of its content, viewpoint or message; and do not favor one form of speech over another.
- Provide definitions for political signs, campaign signs, and a revised temporary sign definition that includes metal as an allowed material for real estate signs.
- Adds standards for temporary signs for setbacks and site triangles.
- Off premise temporary signs are not allowed.
- Temporary signs may not project into the public right of way or an adjoining property.
- Clarifies the display periods for putting up and removal.
- Provide for a maximum number of signs per property.
- Clarifies whether permits are required
- The RE-20 zone has the same standards as commercial and manufacturing zones.

CONFORMANCE TO THE GENERAL PLAN

The applicable General Plan provision is:

Community Aesthetics

- (3) Implementation Goal: Attractiveness, orderliness, and cleanliness are qualities that establish North Ogden as a place where people care about visual appearances. These qualities should be preserved and required throughout the city.

SUMMARY OF PLANNING COMMISSION CONSIDERATIONS

- Is the proposed amendment consistent with the North Ogden City General Plan?
- Are the proposed amendments appropriate?

RECOMMENDATION

The Planning Commission recommends that the City Council adopt the temporary sign amendment.

ORDINANCE 2015-

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TITLE 11 CHAPTER 22 SIGN REGULATIONS FOR ALL ZONES SECTION 1 PURPOSE, CHAPTER 22 SECTION 22 (8) TEMPORARY SIGNS AND SECTION 22 (12) POLITICAL AND IDEOLOGICAL SIGNS:

WHEREAS: The City has sign regulations, and

WHEREAS: The City is committed to free speech protections and provisions of the United States Constitution, and

WHEREAS: The City desires to establish sign regulations that clearly indicate how temporary signs including political and campaign signs are to be used, and

WHEREAS: The sign ordinance amendments are consistent with the goals of the North Ogden City General Plan.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City Code in 11-22 Sign Regulations subsection 1 Purpose Statement, subsection 2 Definitions, subsection 8 Temporary Signs, and subsection 12 Political and Ideological Signs be amended.

SECTION 1: Language to be added.

11-22-1: PURPOSE

These sign regulations are intended to encourage attractive, effective and adequate signs for businesses and services, while promoting the general welfare of the community by creating safer street frontages through the use of controlled signs.

It is the city's policy to regulate signs in a manner that is consistent with the free speech protections and provisions of the United States Constitution and of the Constitution of the State of Utah by enacting regulations which do not restrict speech on the basis of its content, viewpoint or message; and do not favor one form of speech over another.

11-22-2 DEFINITIONS

~~POLITICAL SIGN: A sign which expresses a position, conveys a message concerning, or advocates a position on the candidacy of a person, party or issue on an upcoming ballot.~~

The term "political sign" means a temporary sign making a statement either supporting, defending or objecting to an issue or proposal that is not being placed before the public.

CAMPAIGN SIGN: The term "campaign sign" means a temporary sign soliciting support for a person running for public office or a sign supporting, defending or objecting to an issue or proposal being placed before the public.

TEMPORARY SIGN: Any exterior sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials including metal real estate signs, with or without light frames, intended to be displayed for a

short period of time. Examples of temporary signs include: a grand opening banner, public event banner, political sign, real estate sign, and special event sign.

11-22-12 POLITICAL AND IDEOLOGICAL SIGNS

In addition to signs already permitted, political signs may be located within the following parameters:

1. ~~HP-3, HP-2, HP-1, R-1-12.5, R-1-10, R-1-8, R-1-8(A), R-1-8(AG), R-2, R-3 and R-4 zoning districts:~~
 1. ~~Shall not be over four and one-half feet (4¹/₂') in height.~~
 2. ~~No sign shall exceed six (6) square feet.~~
 3. ~~The aggregate square footage of such signs shall not exceed twenty four feet (24') on any lot or parcel.~~
 4. ~~Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into, a public right of way or an adjoining property.~~
 5. ~~Political signs shall be removed within five (5) days after the election or referendum to which they refer. Signs for candidates successful in a primary election, and who must be elected in a general or runoff election are permitted to leave their political signs in place until five (5) days after the general election, or if necessary, runoff election.~~
2. ~~RE-20, C-1, CP-1, CP-2, C-2 and MP-1 zoning districts:~~
 1. ~~Shall not be over four and one-half feet (4¹/₂') in height.~~
 2. ~~Shall not exceed eight feet (8') in width.~~
 3. ~~The aggregate square foot of such signs shall not exceed thirty two feet (32') on any lot or parcel.~~
 4. ~~Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into, a public right of way or an adjoining property.~~
 5. ~~Political signs, not otherwise permitted as commercial signs, shall be removed within five (5) days after said election or referendum to which they refer. Signs for candidates successful in a primary election, and who must be elected in a general or runoff election are permitted to leave their political signs in place until five (5) days after the general election, or if necessary, runoff election.~~

Adopted by Ord. 2002-05 on 4/9/2002

11-22-8 TEMPORARY SIGNS

Temporary signs. Temporary signs shall be permitted in accordance with standards set forth below, unless specified otherwise in this ordinance:

A. Setback standards for temporary signs.

1. Temporary signs must be located completely on private property, except as otherwise exempted in the community sign provisions.

2. Signs must be placed behind the sidewalk, including those with grass strips between the street and the sidewalk, except as provided elsewhere in this section.

3. On streets with no sidewalks and where it is not clear where the property line is located, signs must be placed ten feet behind the curb or pavement and not hang into the street; and

4. At intersections, they must be placed to not obstruct free and clear vision section 11-22-4 K and shall not constitute a traffic hazard within the site distance triangle and provide a clear view of intersecting streets section 11-22-4 L.

B. Temporary signs. Temporary signs in this section shall in no way regulate the content of speech, only the place and manner in which it is permitted.

C. Additional standards.

D.1. Off premise temporary signs are not allowed.

2. Temporary signs that are permitted that are placed on private property must have the permission of the property owner section 11-22-4-T.

3. Except as otherwise permitted in this title, no such sign or portion of the sign may be located in or project into a public right of way or an adjoining property section 11-22-4-V.

D. Political and Campaign Signs

Table 1

Sign Type	Display Period	Removal Required 5 Days After	Sign Permit Required
Campaign signs	60 days prior to the election	Completion of the election	N
Political signs	No limit	No limit	No

Table 2

Campaign and Political Signs Permitted in Residential Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Signs (includes support structure)	Number of Signs Permitted per Sign Type
Campaign sign	6 square feet	4 ½ feet	24 square feet maximum per lot or parcel No limit
Political sign	6 square feet	4 ½ feet	1 per street frontage

Table 3

Campaign and Political Signs Permitted in RE-20, Commercial and Manufacturing Zones	Maximum Area per Sign Face	Maximum Height of Freestanding Signs	Number of Signs Permitted per Sign Type

Campaign sign	32 square feet	4 ½ feet	32 square feet maximum per lot or parcel No limit
Political sign	32 square feet	4 ½ feet	1 per street frontage

These sections to be renumbered with no additional text amendments.

E. Sale, Lease or Rent Signs:

F. Future Development Signs:

G. Banners, Pennants and Displays for Promotional or Special Events:

H. Construction Site Signs:

I. Community Signs:

J. A-Frame Signs:

11-22-13: SIGN PERMITS, FEES

A. Permit Required, Exception: Sign permits, issued by the building department, are required for placement of all signs, except those signs authorized in subsection 11-22-6A1 and sections and 11-22-8 and ~~11-22-12~~ of this chapter,...

SECTION 2: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this th day of 2015.

North Ogden City:

Brent R. Taylor
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Bailey:	___	___
Council Member Satterthwaite:	___	___
Council Member Stoker:	___	___
Council Member Swanson:	___	___
Council Member Urry:	___	___

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Brent R. Taylor
North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Bailey:	_____	_____
Council Member Satterthwaite:	_____	_____
Council Member Stoker:	_____	_____
Council Member Swanson:	_____	_____

Council Member Urry: _____

(In event of a tie vote of the Council):

Mayor Taylor _____

ATTEST:

S. Annette Spendlove, MMC
City Recorder