

---

---

**NORTH OGDEN CITY  
MEMORANDUM**

---

---

**TO:** CITY COUNCIL  
**FROM:** CRAIG BARKER, COMMUNITY DEVELOPMENT  
DIRECTOR  
**SUBJECT:** SIGN HEIGHT ORDINANCE AMENDMENTS  
**DATE:** 11/8/2012

---

Council Members:

The proposed amendments to the Zoning Ordinance Chapter 11-22-3B Sign Height was considered after a Public Hearing was held on October 17, 2012 to receive public comment about changing the way the sign height is measured. I have attached a draft of the proposed ordinance and the minutes of the Public Hearing and the recommendation from the Planning Commission.

**NORTH OGDEN PLANNING COMMISSION**

**MEETING MINUTES**

October 17, 2012

**5. PUBLIC HEARING TO RECEIVE COMMENTS REGARDING  
AMENDMENTS TO THE NORTH OGDEN CITY ZONING SECTION 11-  
22-3B, SIGN HEIGHT.**

Craig Barker gave a brief summary of the staff report and draft of the regulation on how sign height is measured. He explained in the past that the City Council was the one to make the amendments to the Zoning Ordinance, and now it is the Planning Commission's responsibility to hold a public hearing.

Craig Barker went through the ordinance and explained that the law states the administrative level interprets the ordinance. He explained that someone can protest his

interpretation. He stated a person may appeal his decision to the Administrative Court Judge.

Craig Barker then stated that when an ordinance is amended, he and the legal counsel will send a draft to the Planning Commission. The draft will show the amendments.

Craig Barker said he struggled with the last part of the ordinance and recommended the language be changed. He read ordinance 11-22-3 Sign Area and Height. He explained that sign height is defined as a free standing sign in commercial zoned property and that it is measured by the distance from the top of the sign structure to the top of the curb nearest to the sign or to the crown of the roadway if no curb exists. There was some question by what is meant by curb. He said he interpreted to mean the public street curb. The person who disagreed with Craig Barker interpreted that the ordinance to only state any curb, and that he had a parking lot that has a curb on it that goes above by the sign and he thought it meant that. The City Council requested the Planning Commission to look at this issue.

Craig Barker asked what if the sign was quite a distance from the curb or the public street. He researched other cities' ordinances and many were similar to North Ogden's. He explained that sign height is the distance from the highest elevation from the ground surface directly below the sign to the tallest point of the sign measured vertically to the top of the sign including all elements of the sign. He said there was also question about what exactly sign structure meant. Craig Barker explained sign structure includes the entire sign, all of its parts; whether there was a pole, or a part that projects out. The amendments try to clarify this in the same instance.

Craig Barker stated sign height is the distance from the highest elevation of the ground surface directly below the sign to the tallest point of the sign measured vertically from the top of the sign including all the elements of the sign. The sign in question was located on a hill that was slanted. He stated it can include different grades as long as it is directly beneath the sign.

Craig Barker said the point was brought up about signs that are below the grade of the street and that needed to be addressed. In cases where the elevation of the sign is below the public street level, the crown of the nearest public street shall become the lowest point of the sign. He said that was a little confusing when he read it. He changed it to state in the case where the lowest elevation of the sign is below the public street level the crown of the public street shall become the lowest point of the sign from which the sign height is measured.

Chairman Kiser asked if there would be a point where it would be appropriate to put a diagram in the book. Craig Barker pointed out there is currently a diagram in the book on sign height and there could be another one included. Craig Barker explained the procedure to close the open discussion and go into a public hearing.

**Commissioner Residori made a motion to open the public hearing regarding the amendment change to North Ogden City zoning 11-22-3B and Commissioner Thomas seconded the motion.**

**Voting on the motion:**

<b>Chairman Kiser</b>	<b>yes</b>
<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Residori</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>

**The motion passed unanimously.**

Chris Cave asked if they build a mound, like a berm. Craig Barker informed him that it was only measured from natural grade. Chris Cave asked what if someone created a 4 foot berm thinking they could put a sign on it. Craig Barker explained that requirement already exists in the commercial zones. He stated if there is parking abutting the street a three foot high berm is required to screen the parking from the public street view. Commissioner Kiser thought that was a good point and wanted to make sure the phrase natural is included and asked for other comments.

Jack Barrett liked the idea of the example, but thought that sometimes people would try to pull one over on the City. He suggested they put an example in the ordinance of what won't work.

Commissioner Brown asked, for her own clarification of "natural grade". She said a natural grade could have been built by the contractor. She questioned if the wording would throw things off. Craig Barker informed her that was the language they normally use. Commissioner Brown stated that if it's a flat piece of ground and they develop it, it is no longer natural; it just becomes a part of it. She said people may look for a way around it.

Commissioner Kiser agreed with Commissioner Brown and asked if there needed to be more thought put into that. He asked how much grading is done.

Commissioner Thomas didn't think there were any areas that would cause an issue. This ordinance is meant to address Washington Boulevard. Commissioner Kiser agreed.

Commissioner Brown asked if Country Boy was planning on developing any commercial, if so that will be on Washington Boulevard. She stated when they came in with the original concept, it was a mixed use. Craig Barker stated that property is fairly flat.

Commissioner Thomas pointed out that they'd still be required to put in a three feet berm. Commissioner Brown commented she wonders if that is a natural thing or a requirement

of construction. Commissioner Thomas said he thinks the wording should be “established grade”. Commissioner Brown agreed.

Chairman Kiser said that the three foot berm probably isn’t natural but that it would be required.

Chairman Kiser asked for any other comments. There were no other comments

**Commissioner Brown made a motion to close the public hearing regarding the amendment change to North Ogden City zoning 11-22-3B. Commissioner Residori seconded the motion.**

**Voting on the motion:**

<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Residori</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Chairman Kiser</b>	<b>yes</b>

**The motions passed unanimously.**

Chairman Kiser asked if the recommendation really won’t change anything based on the way it’s worded other than Craig Barker’s changes in the language. Craig Barker said we’d establish and work with the City Engineer to see how to establish the definition of the grade. He explained the intent was to measure the sign height at the street level or the natural slope of the ground right below the sign level and not a manmade level which boosts the height of the sign. Craig Barker said he will work on the language of the ordinance and send the Planning Commission a final copy. Chairman Kiser stated that at that point they’ll make a motion. Commissioner Brown suggested they make a motion now with those corrections. Craig Barker explained they are making a recommendation to the City Council.

**Commissioner Thomas made a motion to recommend the amendment to the North Ogden City Zoning 11-22-3B Sign Height to the City Council as written with a few wording adjustments by staff and to include a diagram. Commissioner Brown seconded the motion.**

**Voting on the motion:**

<b>Commissioner Brown</b>	<b>yes</b>
<b>Commissioner Residori</b>	<b>yes</b>
<b>Commissioner Thomas</b>	<b>yes</b>
<b>Chairman Kiser</b>	<b>yes</b>

**The motion passed unanimously.**