

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

May 4, 2011

6. CONSIDERATION AND/OR ACTION TO APPROVE AN AMENDMENT TO INCLUDE VERTICAL BANNERS IN SECTION 11-22-8 "TEMPORARY SIGNS" OF THE NORTH OGDEN CITY ZONING ORDINANCE.

Mr. Barker said this amendment addresses vertical banners. He said they have also been called tear drop signs or feather flag signs. He said he discovered that most cities do not allow them. He said he was very surprised because they are located all over. He said they drafted some standards that fit under the temporary sign ordinance. Mr. Barker suggested they address the location of the banners because of potential safety hazards. His biggest concern has to do with public safety. He said they have made the recommendation that they be installed according to the manufacturer's specifications. He said his concern is if someone were to install a "homemade" one.

Commissioner Brown said they can start looking very shabby and suggests adding language that addresses their condition. Mr. Barker agreed.

Mr. Barker said section "a" addresses the vertical banners. He said the Economic Development Committee suggested three for up to 100 linear feet. Commissioner Hulme said they need to think about businesses such as Great Clips, Best Realty, and Pizza Hut. Commissioner Brown asked where they would put them. Commissioner Hulme said that would be about 12 or 15 for that area. Mr. Barker said the Planning Commission can propose anything they want.

Commissioner Bingham said if they talk about how many they can have, they need to talk about the size allowed. Mr. Barker pointed out that they do; the maximum height is 15 feet.

Commissioner Quinney said he is not in favor of them at all. He said the businesses already have the signage to identify their building. He asked if it would be subtracted from the rest of their signage. Mr. Barker said they will enforce them as will the banners. He said they can only have one banner at a time and they can only have the banner out for 12 weeks at a time. He said they are temporary signs. They have been taken down for the same amount of time that they are up.

Commissioner Hulme said Mr. Maynard may think that it is ok if you switch your banner. Commissioner Hulme said he doesn't think that was the original intent of the ordinance. He said he thinks the original intent of the ordinance is that they can have nothing up for 40 weeks out of the year. He suggests they include language stating that no banners can be up for 40 weeks of the year. He said business owners have right to distinguish themselves without using banners. He said if banners are up 52 weeks out of the year, there is no way for them to make themselves different from anyone else. Commissioner Bingham agreed and added that it takes away from the purpose of banners. Commissioner Hulme said it is bad for business. He said property owners

have the right to not compete in an environment like that where everyone is trying to “one-up” each other in order to be noticed.

Commissioner Brown said it is hard to read the advertising on the feather flags. Commissioner Quinney restated that he does not like them. Mr. Barker said they can include a section stating that for up to 40 weeks out of the year there shall be no banners on any property. Commissioner Hulme said the banners are for promotional events. Commissioner Quinney said if they take a vote right now they won't even consider the feather flags. Mr. Barker said they can recommend that. Commissioner Hulme said if they are putting them out for a special even then it is appropriate. He said what he doesn't like are the banners out there constantly.

Commissioner Brown asked who will enforce this regulation. Commissioner Hulme said that is a good question. Commissioner Brown said it is impossible. Commissioner Hulme said it is true with what they have already approved. Mr. Barker said they would have to send a building inspector up and down Washington Boulevard every day looking for new banners. Commissioner Hulme said the whole section already has that problem. He said they will either have to remove the entire section or find a way to deal with it.

Commissioner Quinney said he is specifically addressing the vertical banners. Commissioner Hulme said the whole section should be by permit. He said they could notify all the businesses. Commissioner Brown said they could apply for it during a promotional event and specify when that is. She said if they don't do something like that then it is uncontrollable.

Commissioner Hulme said vertical banners wouldn't be a problem if they were regulated. Commissioner Quinney said there are so many businesses they would overlap. Commissioner Hulme said that might be true but it would prevent every business having a vertical banner ever day of the year. Commissioner Bingham said if there is one up then the City would inform them they have to have a permit for it. He said they would be required to specify the dates. When the date expires the Code Enforcement Officer could check on it. Commissioner Brown said a permit is the only way to control it. Mr. Barker said that is a good point. He said anything they send onto Council would have to state they feel it should be permitted. He pointed out that making them permitted would mean staff time and energy would be dedicated to the permitting process. He said otherwise they could state that they should not be allowed. The Planning Commission agreed. Commissioner Hulme said there is a cost. Commissioner Brown said if the City cannot do the cost then they would have to be eliminated. Commissioner Bingham said they could also say the permit would cost them \$5. Mr. Barker said there does need to be a cost because there are enforcement issues and the costs should come out of the permitting fees.

Commissioner Hulme said as far as the appearance of the banners, this would address those issues. He added that if they can only be up a total of 12 weeks of the year and a permit is required they would be careful with what they put up. Commissioner Brown said if it is permitted they would have to designate where they are going to put it up. Mr. Barker said they can always request the applicant bring in the banner so they can inspect it. Commissioner Quinney said if they put up the same banner then it is going to get ratty sitting in the storage facility. Commissioner Bingham said they can always require the banner be in good condition. Commissioner Hulme agreed. He said they need to state the reason they require the installation

according to manufacturer's regulation. He suggested saying "so that the sign is properly secure at all times". Mr. Barker suggests they set it back far enough away from the property lines so they will not swing on to the sidewalk.

The Planning Commission discussed the new State firework regulation.

Commissioner Brown said she is not thrilled with feather signs. Commissioner Hulme said he is fine with them under certain circumstances. He said one reason is because someone will come up with something else. His thinking is they create a framework for the total amount of sign space. He said that would encourage businesses to become create in distinguishing themselves. He said if they become outlawed then the sign people will just come up with something new.

Commissioner Quinney said signs only attract a certain percentage of people to the business. He said customer service determines where the people will go. The sign doesn't mean a thing. Commissioner Hulme said that premise is not accepted by many members of the Economic Development Committee. Commissioner Brown said Curves is packed now that they have moved. She said they only have the sign on their building. She said they are in a bigger location and have all kinds of classes now.

Commissioner Brown made a motion to table the consideration of an amendment to section 11-22-8. Commissioner Bingham seconded.

Voting on the motion:

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| Allan Dalpiaz | yes |
| Joan Brown | yes |
| Steve Quinney | yes |
| Dave Hulme | yes |
| Jon Bingham | yes |

Motion passed.

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

May 18, 2011

6. CONSIDERATION AND/OR ACTION TO APPROVE AN AMENDMENT TO INCLUDE VERTICAL BANNERS IN SECTION 11-22-8 "TEMPORARY SIGNS" OF THE NORTH OGDEN CITY ZONING ORDINANCE.

Mr. Barker said they have a staff report and they also have the language that is proposed to go into the temporary sign section. He said they include a statement the property must be free of any banner for 40 weeks. The vertical banner addition says three banners feet per 100 linear feet. They need to determine the maximum number of banners. He asked how many they can put up. He said the last part talks about the height, parking spaces, the sight triangle, and the fact that the banner must be installed in accordance with the manufacturer's specifications.

Commissioner Hulme said they discussed it last time. Mr. Barker suggested having permits for banners and asked what would be required from the applicant. The applicant will need to read and sign that they understand the guidelines. They will end up providing the details of the signs. The cost of the permit would need to cover time spent by staff on the administration and enforcement of the permits. He said he and Jennifer talked about this issue and they can see it being a real headache trying to police this. If a banner goes up they need to notify them. He said he could see it being difficult, especially when you don't have a full time Code Enforcement officer. He suggests Gary Kerr talk about it. Gary Kerr said he agrees with him.

Mr. Barker said the biggest problem is the tattered and torn banners. He said they are not kept in proper condition and that is the biggest issue. They are not temporary because they tend to get left up. Mr. Carlson asked if they had seen the vertical banners. He said the City has a lot of regulations that we don't enforce. It's good to have them and legally they don't have to enforce all the regulations all the time; they have to prioritize. It is not a bad thing to add the regulations that they don't have the resource to enforce because typically code enforcement is done on a complaint basis.

Commissioner Hulme said his concerns are the potential for abuse or the possible appearance of favoritism. He said it will show up in some newspaper. Mr. Carlson agreed and said usually they get a complaint and the complainant will give another complaint.

Commissioner Hulme said he would like the ordinance to be as clear and enforceable as possible. He said they have never enforced it and they are trying to come up with common sense things. If they are doing their business normally there isn't an issue but if they start getting crazy there will be an ordinance.

Commissioner Quinney asked how many businesses are there and how many belong to the North Ogden Business Association. Commissioner Hulme said he doesn't know. He said they have

four businesses on the EDC; the theater, the t-shirt company, the spa company and the funeral home. Commissioner Quinney said it is pretty simple. Having been a realtor he knows that they police their own people. To be a realtor you can't have these kinds of violations because they will kick you out. The businessmen need to take on some of these responsibilities. He said banners that are torn are a nuisance.

Commissioner Hulme said the President of that Association is who they are trying to help be a better member of the community. Commissioner Quinney said the real estate guy is probably in some violation in the State. He said he would like to see this go back to the committee. He suggested mentioning this problem and asking what they are going to do about it. Commissioner Hulme said that is why they asked for them to change the name to Code Liaison Officer. He said they could point out the ordinance in a kind way and help the people. If they refuse then we go on to the next step. The first step would be to inform them. Mr. Carlson suggested enforcing it by permit. In order to do the outdoor display they have to take out a permit which lets the City know how long they will keep it up. They will charge a fee for the permit. Commissioner Hulme asked if they can print some sort of permit sticker and require it to be visible on the display. He said that would make enforcement easier. They could check the display easier. Mr. Carlson said if you are concerned with enforcing it then you mark the first day you see it on the calendar.

Commissioner Brown said she does not want feather signs in the community. Commissioner Quinney said he agrees with Commissioner Brown because it is just another clutter. She said she would like to have it be specifically stated they are not acceptable. Commissioner Hulme said they could strike that language and add language that vertical banners are prohibited. Mr. Barker said they use the term vertical banners e.g. feather signs, tear drop signs, etc. Commissioner Quinney said he doesn't like them because they tend to put them everywhere. Commissioner Hulme said they could remove the language of vertical signs and add language that they are not permitted. Mr. Barker said 11-22-8 refers to signs, banners, pennants and displays. He said the motion could leave temporary signs as it presently exists with the clarification of the total number of weeks available for display and eliminate the changes in 2a and f. Commissioner Hulme said they could specifically include that they are prohibited under a new section.

Commissioner Quinney made a motion to leave 11-22-8 temporary signs as it is currently with the addition that no vertical banners e.g. feather signs are permitted and reference the language in the prohibited sign ordinance. Commissioner Bingham seconded.

Voting on the motion:

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| Steve Quinney | yes |
| Joan Brown | yes |
| Ken Kiser | yes |
| Dave Hulme | no |
| Allan Dalpiaz | yes |
| Jon Bingham | yes |

Motion passed. 5-1

Commissioner Hulme said he doesn't have a problem with vertical banners nor does he have a problem eliminating them. It is not a big deal to him either way and that is why he voted no.