

# NORTH OGDEN PLANNING COMMISSION

## MEETING MINUTES

July 6, 2011

### **6. DISCUSS TEMPORARY SIGNS IN RESIDENTIAL ZONES.**

Mr. Barker explained this issue has come up and staff discovered the ordinance is not clear. He explained the Building Inspectors are always picking up illegal garage sale signs or other off-premise signs.

Mr. Barker referred the Planning Commission to Chapter 22 in the Zoning Ordinance. He said 11-22-8 discusses temporary signs. He said section 11-22-6 discusses signs for residential uses. Mr. Barker read section 11-22-6 (on file). Mr. Barker discussed ideological and political signs and stated those are allowed. He said those types of signs encroach on free speech issues. He explained that there is a lot of confusion with temporary signs. The ordinance discusses banners, pennants, and displays that are allowed for promotional events. Mr. Barker stated the section is not clear because it refers to the businesses' street frontage.

Mr. Barker explained that a home owners association requested permission to put up a banner for an event. The banner was put up in the common space. He said there was discussion on when and who could put a banner up in a residential zone. He said they do not allow off-premise signs in the City such as estate sale signs and garage sale signs. Commissioner Quinney asked if the home owners association is considered a business. Mr. Barker said he doesn't believe so, but he could be wrong.

Commissioner Brown said the HOA representative came before City Council because she was told her signs were not appropriate. Commissioner Brown said staff apologized to her and said the sign is appropriate. Mr. Barker said Mr. Carlson did an interpretation of the ordinance, but it is very confusing. Mr. Barker said the regulation on banners is directed more toward businesses.

Commissioner Brown asked if the ordinance should include a section "signs for residential uses" and with a section for PRUDs. Mr. Barker said they are headed in that direction. He asked how the Planning Commission wants to handle signs in residential zones. If they are not careful they will see a lot of unintended consequences.

Commissioner Kiser stated that the wording in the ordinance will be important. Mr. Barker said they need to determine what they want to happen in the residential zones.

Mr. Carlson stated there has been a lot of litigation around signs because of First Amendment issues. He said City regulations state there can be a real estate sign, but home occupation signs are prohibited. A person can have a real estate sign up for two years but political signs can only be up for two months. He said those issues are difficult to defend because the City is discriminating on signs based on the message.

Commissioner Kiser asked who generally wins those types of cases. Mr. Carlson replied the property owner generally wins. He said there is a way to regulate residential signs, but it has to be done in a way that is not based on the message. He suggested creating a “time, place, and manner regulation” that provides specifics on the size allowed, where it can be located, and how long it can be there.

Commissioner Quinney said it seems like they are being asked to change something that is already on sticky ground. Mr. Carlson said 11-22-8 does refer to business premises, but it tends to adopt residential areas by analogy. He said if there is ambiguity then the homeowner is in favor, which is why he interpreted the regulation as he did. He said if they do not want to allow the temporary signs in residential areas then they need to fix it.

Commissioner Kiser asked if there is a model they can use to accomplish this. Commissioner Quinney pointed out that 11-22-8 is confusing with its reference to businesses and suggested clarifying that section first. Mr. Carlson agreed that some sections refer to businesses and some do not.

Mr. Carlson said one way to approach this is by using common sense and determine what types of signs should be allowed in residential areas. Do they want to allow temporary banners?

Mr. Barker suggested being reasonable, but control sign clutter in the neighborhoods. Commissioner Brown stated a duration time is necessary. Commissioner Stoker said most signs you see are ones that advertise events such as relief society or when a family member is returning home. She said they are normally taken down right away.

Mr. Carlson said the one that raised a question recently was the one advertising an Easter egg hunt for the HOA. Commissioner Quinney said his HOA has about six events each year, but he has never seen them put up a sign. Mr. Barker said there are many ways for HOAs to advertise events. Commissioner Brown said the person with the HOA had a banner and stated it is a costly expenditure. Commissioner Quinney said he has belonged to the HOA for 23 years and doesn't understand why they are putting banners up now.

Mr. Carlson said the issue is most of the regulations under the temporary sign ordinance are intended for businesses. It doesn't really fit in residential areas. Mr. Carlson said they can go through this and come up with common sense ideas of what is appropriate in a residential area. Mr. Barker added that the Commission's intention is to clarify the ordinance, but is not sure how specific they want to be.

Commissioner Quinney suggested finding out what the neighborhoods think about the restrictions. He said he wouldn't want one of his neighbors to put up a banner advertising a home occupation across the street from him. Commissioner Brown asked about the “eggs for sale” signs. Mr. Barker said approved agricultural signs are sacred in the County and are left alone. He said the City has normally ignored those types of signs.

Commissioner Brown said they don't want to get too restrictive. Mr. Barker said he isn't talking about becoming more restrictive, but to add more clarity in the ordinance. Commissioner Kiser said he would like staff to come up with clearer language. Commissioner Stoker stated she would

like to see special events be advertised. Mr. Carlson suggested regulating it by size and duration. The Planning Commission agreed with regulating the size and duration on a residential sign.

## **NORTH OGDEN PLANNING COMMISSION**

### **MEETING MINUTES**

July 20, 2011

#### **4. CONSIDERATION AND/OR ACTION TO APPROVE AN AMENDMENT TO SECTION 11-22-8, "TEMPORARY SIGNS" IN RESIDENTIAL ZONES.**

Craig Barker, Community Development Director, reviewed this item for the Planning Commissioners. He said staff had reviewed the minutes of the Planning Commission discussion of temporary sign requirements or lack of requirements and had proposed an ordinance amendment that would allow the use of certain temporary signs in residential areas. This use would include banners. In non-residential zones freestanding banners, pennants and other displays shall be allowed for a maximum of three weeks at a time. They must then be removed for the same period of time before they can be put out again. Any use of banners, pennants or other displays in a non-residential area may only be for a total period of twelve weeks in any calendar year. The requirements for size and location remained the same.

Mr. Barker explained that the other change to the ordinance would allow freestanding banners, pennants and other displays in residential zones for a maximum of one week at a time or less; once displayed for the allowable amount of time they must be removed for the same amount of time. The use of banners, pennants and other displays may only take place for a total period of two weeks in any calendar year. These signs, banners, pennants and displays in a residential zone are limited to: one 2-foot by six-foot banner and one free-standing sign not to exceed four and a half square feet in total copy area or five-feet in height.

Mr. Barker said the City has received a few requests for permission to put up signs in residential areas to advertise events. Lake View Heights made one such request.

**Commissioner Kiser moved to approve an amendment to section 11-22-8, "Temporary Signs" in residential zones. Commissioner Quinney seconded the motion. Commissioner Stoker moved to amend the motion to require staff to bring the completed ordinance back to the Commission so they can read through it. Commissioner Kiser agreed to the amended motion and Commissioner Quinney seconded it.**

#### **Voting on the motion:**

<b>Commissioner Brown</b>	<b>Aye</b>
<b>Commissioner Kiser</b>	<b>Aye</b>
<b>Commissioner Quinney</b>	<b>Aye</b>
<b>Commissioner Stoker</b>	<b>Aye</b>
<b>Commissioner Dalpiaz</b>	<b>Aye</b>
<b>Chairman Hulme</b>	<b>Absent</b>
<b>Commissioner Knight</b>	<b>Absent</b>

**Motion passed.**