

ORDINANCE NO. 22-16

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING SOUTH OGDEN CITY CODE 10-5.1A AND 10-5.1B, CHANGING WHAT THE CITY ALLOWS FOR EXISTING SIGNS AND CREATING A NEW SIGN CATEGORY CALLED NON-COMMERCIAL EXPRESSIVE SIGNS; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

SECTION I - RECITALS:

WHEREAS, South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, in conformance with the provisions of UCA §10-9a-501 the governing body of the city may enact a zoning ordinance establishing regulations for land use and development within the city; and,

WHEREAS, South Ogden City has previously adopted and promulgated a city zoning ordinance; and,

WHEREAS, the City Council finds that the Planning Commission has recommended certain changes to the city zoning ordinance as it pertains to Signs; and,

WHEREAS, the City Council finds that South Ogden City Code, Title 10, Chapter 5.1 and various of its subsections should be amended by adding new language governing these changes and related regulations for the city; and,

WHEREAS, the City Council finds that the requirements should be effective upon passage of this Ordinance; and,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code be changed and amended:

AMENDED SECTION:

Upon the adoption of this Ordinance, Title 10, Chapter 5.1 of the South Ogden

City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

SECTION II - REPEALER OF CONFLICTING ENACTMENTS:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION V - DATE OF EFFECT

This Ordinance shall be effective on the 20th day of September, 2022, and after publication or posting as required by law.

DATED this 20th day of September, 2022.



SOUTH OGDEN CITY

Russell L. Porter, Mayor

ATTEST:

Leesa Kapetanov, CMC City Recorder

ATTACHMENT "A"

ORDINANCE NO. 22-16

An Ordinance Of South Ogden City, Utah, Revising And Amending South Ogden City Code 10-5.1a And 10-5.1b, Changing What The City Allows For Existing Signs And Creating A New Sign Category Called Non-Commercial Expressive Signs; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

20 Sept 22

10-5.1A-10-4

D. Nonconforming Site Characteristics:

1. Intent: To establish regulations for the continuation of site characteristics, such as curb cut quantity, signage, parking, landscaping, or other nonstructural, physical characteristics of a site, that was legally constructed or installed prior to the approval or amendment of this article, but that cannot be created under the provisions of this article.
2. Restrictions To Continuation: A nonconforming site characteristic may continue based upon the following conditions:
 - a. Ten Percent Exception: A site characteristic is not considered nonconforming if the size of the nonconformance is ten percent (10%) or less of this article's requirement.
 - b. Change In Associated Use: The right to continue shall be terminated if the associated use changes or changes in intensity through such additions as an increase in the dwelling units, gross floor area, or capacity by fifteen percent (15%) or more.

Signs

- 1) Single or individual business signs within a multiple business center are exempt from this standard. A new tenant within a multiple business center is permitted to install an individual business sign even if the signage on the lot as a whole is nonconforming, provided that the new sign or signs does not ~~increase the~~ exceed forty (40) square feet and otherwise complies with all other sign requirements. ~~lot's nonconformance.~~
 - 2) Nonconforming signs may be continued through changes in associated use if the only changes to the sign are changes in sign copy, typography, symbols, and lettering, and the supporting structure of the sign remains unchanged. Nonconforming signs consisting of individual letters and symbols, with individual supporting structures or connections, may be continued through a change in associated use, and the letters and symbols and supporting structures may be changed or modified so long as the overall area and location occupied by the sign remains the same. To the extent possible, nonconforming signs and supporting structures that are changed shall comply with current sign and construction requirements.
 - 3) Signs with EMBs must be brought into conformance with section 10-5.1A-9-2 of this article by September 30, 2018, regardless of when the EMB sign was installed.
- c. Change In Associated Structure: The right to continue shall be terminated if the associated structure is altered to increase its gross floor area by fifteen percent (15%) or more.

- d. Abandonment: The right to continue shall be terminated if the associated use or structure, conforming or not, is abandoned for a period of twelve (12) consecutive months. [This also applies to signs.](#)

10-5.1B-10-4

D. Nonconforming Site Characteristics:

1. Intent: To establish regulations for the continuation of site characteristics, such as curb cut quantity, signage, parking, landscaping, or other nonstructural, physical characteristics of a site, that was legally constructed or installed prior to the approval or amendment of this article, but that cannot be created under the provisions of this article.
2. Restrictions To Continuation: A nonconforming site characteristic may continue based upon the following conditions:
 - a. Ten Percent Exception: A site characteristic is not considered nonconforming if the size of the nonconformance is ten percent (10%) or less of this article's requirement.
 - b. Change In Associated Use: The right to continue shall be terminated if the associated use changes or changes in intensity through such additions as an increase in the dwelling units, gross floor area, or capacity by fifteen percent (15%) or more.

Signs

- 1) Single or individual business signs within a multiple business center are exempt from this standard. A new tenant [within a multiple business center](#) is permitted to install an individual business sign even if the signage on the lot as a whole is nonconforming, provided that the new sign [or signs](#) does not ~~increase the~~ [exceed forty \(40\) square feet and otherwise complies with all other sign requirements.](#) ~~lot's nonconformance.~~
- 2) Nonconforming signs may be continued through changes in associated use if the only changes to the sign are changes in sign copy, typography, symbols, and lettering, and the supporting structure of the sign remains unchanged. Nonconforming signs consisting of individual letters and symbols, with individual supporting structures or connections, may be continued through a change in associated use, and the letters and symbols and supporting structures may be changed or modified so long as the overall area and location occupied by the sign remains the same. To

the extent possible, nonconforming signs and supporting structures that are changed shall comply with current sign and construction requirements.

2)3) Signs with EMBs must be brought into conformance with section 10-5.1A-9-2 of this article by September 30, 2018, regardless of when the EMB sign was installed.

- c. Change In Associated Structure: The right to continue shall be terminated if the associated structure is altered to increase its gross floor area by fifteen percent (15%) or more.
- d. Abandonment: The right to continue shall be terminated if the associated use or structure, conforming or not, is abandoned for a period of twelve (12) consecutive months. This also applies to signs.

10-21A-3: Applicability; Exemptions

This chapter shall apply to all signs erected in the City, except for the following signs, which shall be exempt from permit requirements:

- A. Traffic and other Municipal signs, house numbers, legal notices, railroad crossing signs, and danger and warning signs.
- B. Memorial tablets or tablets containing the name, date, erection and use of the buildings, when built into the walls of the buildings and constructed of bronze, brass, marble, stone or other incombustible materials.
- C. Non-Commercial Expressive Signs. This may include for political, campaign, civic, philanthropic or service club, religious, charitable, educational, and any other non-commercial, expressive sign purposes or promotions not otherwise defined herein.
- D. Non-illuminated and non-floodlighted signs having an area not in excess of six (6) square feet on private property.
- E. Nonilluminated and nonfloodlighted commercial signs having an area not over thirty six (36) square feet announcing the destruction or construction or remodeling of a building or announcing the enterprise to be located in a building under construction or announcing the name and address of the architect or contractor of the building, or the owner thereof; provided, that not more than one such sign shall be erected on each street frontage; and also provided, that signs are erected not more than thirty (30) days prior to construction and are removed not more than thirty (30) days after completion.

~~Nonilluminated and nonfloodlighted religious, charitable and educational ground signs having an area not over twelve (12) square feet.~~

- F. Residential Real estate for sale signs with a maximum of six (6) square feet or for sale or lease signs for commercial properties no larger than thirty-six (36) square feet.

10-21C-20: Non-Commercial, Expressive Political Or Campaign Signs

Non-Commercial, expressive signs may include Ppolitical, -or campaign civic, philanthropic, service club, religious, charitable, educational, and other non-commercial expressive signs not otherwise defined herein. Non-Commercial, expressive signs are permitted under the following provisions; ~~provided that no such sign will be erected earlier than forty five (45) days prior to the election where the candidates or measure will be voted upon and shall be removed within five (5) days after such election, campaign or event, unless the election is a primary election, in which case candidates who stand through the primary election may leave their signs in place until five (5) days after the general election. The candidate or, in the case of a measure or proposition, the sponsoring entity or group, is responsible for removal of all signage and related materials.~~

A. In any zone where signs are permitted, non-commercial, expressive signs are permitted to the same extent and under the same conditions, including size, location, materials, and maximum signage area calculations, as any commercial sign allowed in that zone, with the following exceptions/requirements:

1. Non-commercial expressive signs are exempt from the requirement to obtain a sign permit.
2. Non-commercial, expressive signs may not exceed six feet (6') in height, twelve feet (12') in width, and the total signage allowed shall not exceed thirty six (36) square feet.

B. In any zone where signs are not otherwise permitted, stationary, unlighted, non-commercial, expressive signs are permitted, provided, that any such sign or signs shall not exceed six feet (6') in height, twelve (12) feet in width, and shall not exceed thirty six (36) square feet in area. The following rules will also apply:

1. Non-commercial, expressive political or campaign sign may not be placed in any clear view area or in such a manner as to create a safety hazard, block or obstruct any sidewalk, trail, road, or other right of way, or constitute a public nuisance.
2. Non-commercial, expressive signs shall not be placed on private property, or in the park strip area between the sidewalk and curb fronting on the private property, without the permission of the owner or full-time resident of the property.
3. No non-commercial, expressive sign may be placed in any clear view area or in such a manner as to create a safety hazard, block or obstruct any sidewalk, trail, road, or other right of way, or constitute a public nuisance.
4. No political or campaign sign shall be placed within one hundred fifty feet (150') from a polling place.

~~1. In any zone, no more than one stationary, unlighted, temporary sign per candidate is permitted on any lot or contiguous parcels of land under one ownership on behalf of candidates for public office or measures on the ballot; provided, that any such sign shall not exceed ten feet (10') in height and shall not exceed sixteen (16) square feet in area.~~

~~2.1. No political or campaign sign shall be placed within one hundred fifty feet (150') from a polling place.~~

~~3. No political or campaign sign may be placed in any clear view area or in such a manner as to create a safety hazard or constitute a public nuisance.~~

~~4. Political signs shall not be placed on private property without the property owner's permission. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)~~