

0 0.5 1 2 Miles

Firework Restrictions - 2023
 Millcreek Municipal Boundary

Author: Brian Busch - Millcreek GIS
 Spatial Reference: WGS 1984 Web Mercator Auxiliary Sphere
 Path: C:\Users\bbusch\Documents\ArcGIS\Projects\CommunityMaps\CommunityMaps.aprx

Sources:
 Millcreek,
 Salt Lake County,
 UGRC, UFA

Published:
 12 April 2023

MILLCREEK, UT 2023 FIREWORK RESTRICTIONS

The information depicted on this map is not field verified and is for general reference only. The information is not intended to be used to determine property ownership, final building or site design, jurisdictional boundaries, or to replace a certified topographical or boundary survey, or any other legal document.

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MILLCREEK, UTAH
ORDINANCE NO. 24-14

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT
APPROXIMATELY 1632 EAST MAPLE AVENUE FROM THE R-1-6 ZONE TO THE
R-1-10 ZONE**

WHEREAS, the Millcreek Council (“Council”) met in regular session on April 8, 2024, to consider, among other things, an ordinance rezoning certain property located at approximately 1632 East Maple Avenue from the R-1-6 Zone to the R-1-10 Zone; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may make zoning map amendments; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council may not make any amendment to its land use ordinances unless the amendment was first submitted to the planning commission for its recommendation; and

WHEREAS, Utah Code Ann. § 10-9a-503 also provides that the Council shall comply with the procedure specified in Utah Code Ann. § 10-9a-502 in preparing and adopting an amendment to a land use regulation; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on September 28, 2023, the required public hearing notice was published; and

WHEREAS, on October 18, 2023, the planning commission held a public hearing to discuss the rezone proposal; and

WHEREAS, at the planning commission meeting, the Millcreek Planning Commission recommended approval of the proposed rezone; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such rezone, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

WHEREAS, on April 3, 2024, the Council caused the required notice to be given; and

WHEREAS, on April 8, 2024, the Council considered the rezone during a public meeting; and

WHEREAS, Section 19.06.020 of the Millcreek Code of Ordinances provides that each of the sections of the City which are amended or zoned be shown on the maps on file with Millcreek; and

WHEREAS, the Council finds that it is in the best interest of the residents of Millcreek to adopt the rezone/map change as recommended by the Planning Commission.

NOW THEREFORE, BE IT ORDAINED by the Council that the property described in File # ZM-23-005 filed by Katie Hafer, owner of the property located at 1632 East Maple Avenue is hereby rezoned/reclassified from the R-1-6 Zone to the R-1-10 Zone, such property being more particularly described as follows:

Parcel No. 16-331-28-010
Address: 1632 East Maple Avenue

Legal Description:
COM 536.8 FT W & S 1 30' E 22 RDS FR NE COR OF NW 1/4 SEC 33T 1S R 1E SL MER W 60 FT S 12.5 RDS E 60 FT N 12.5 RDS TO BEG. 0.29 AC.

BE IT FURTHER ORDAINED, that pursuant to Section 19.06.020 of the Millcreek Code of Ordinances that the official zoning map showing the change enacted hereby be filed as provided in Section 19.06.020.

This Ordinance assigned no. 24-14, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder.

PASSED AND APPROVED this 8th day of April 2024.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Alexander Wendt, Deputy Recorder

Roll Call Vote:

| | | |
|-------------|-----|----|
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 24-14: AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT APPROXIMATELY 1632 EAST MAPLE AVENUE FROM THE R-1-6 ZONE TO THE R-10 ZONE

was adopted the 8th day of April, 2024 and that a copy of the foregoing Ordinance 24-14 was posted in accordance with Utah Code 10-3-711 this ____ day of April, 2024.

Elyse Sullivan, City Recorder



ZM-23-005

CITY COUNCIL STAFF REPORT

(Second Reading)

Meeting Date: 4/8/2024

Applicant: Kate Hafer

Re: Rezone from R-1-6 to R-1-10

Property Address: 1632 E Maple Ave

Zone: R-1-6 / R-1-10

Prepared By: Sean Murray

Scope of Decision: **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council and the Millcreek Planning Commission.

REQUEST AND SYNOPSIS

The applicant, Kate Hafer, has filed an application to rezone property located at 1632 E. Maple Avenue (“Subject Property”). The applicant also owns an adjacent property located at 1609 E Millcreek Way (“Adjacent Property”) which shares a rear yard property line with the Subject Property. If approved, the applicant intends to combine the two properties into a single lot, increasing the size of the applicant’s backyard.

The Subject Property is currently zoned R-1-10 while the Adjacent Property is zoned R-1-6. Section 18.02.020(C) of the Millcreek Municipal Code states that, “Each lot must be contained entirely within a single zoning district.” in order to meet the above-mentioned requirement. The applicant is requesting that the city rezone the Subject Property, from the R-1-6 Zone to the R-1-10 Zone.

The applicant has subsequently filed a subdivision amendment application which is under review with City Staff and is pending the outcome of this rezone application.

GENERAL PLAN CONSIDERATIONS

GOAL N-1: Preserve and enhance the physical elements that define each neighborhood’s character.

Strategy 1.3. Identify neighborhood natural features such as trees, waterways, and open spaces, and incorporate them into project design. Include outdoor amenities in new development and redevelopment projects such as trails, outdoor dining areas, and plazas.

The area is known for its mature trees, large properties, and variety of housing styles. Many of the properties in the area have large yards that are enjoyed by children and adults alike. Rezoning this lot to help increase the useable yard area helps enhance the physical elements that make this neighborhood unique.

GOAL N-2: Strive for a variety of housing choices in types, styles, and costs of housing throughout Millcreek.

Strategy 1.5. Promote the maintenance and improvement of the existing housing stock and allow for remodeling, expansion, and additions as appropriate in the area to accommodate the changing sizes and varieties of household types.

By rezoning this property, it will help the applicant improve their property and allow for future expansion of their home if necessary. Combining the properties to create a larger yard area will increase the property value for the applicant as well as surrounding properties.

FUTURE LAND USE

The future land use map designates this area as ‘Neighborhood 1’ which is described in the general plan as primarily featuring single-family detached homes. The rezoning of the property addressed at 1632 E Maple Avenue from R-1-6 to R-1-10 will not be at odds with the future land use map found in the Millcreek General Plan.

NEIGHBORHOOD RESPONSE

The applicant held a neighborhood meeting, however planning staff has not received comments from the public on either of these applications.

COMMUNITY COUNCIL RECOMMENDATION

During their regularly scheduled meeting held on October 5th, the East Mill Creek Community Council heard from the applicant and was briefed on the application. Community Council members did not have many questions, most questions surrounded how the lot would be used when combined. The applicants stated that they planned on building a new garage and using the property for gardens and open space for their children. The Community Council made a motion recommending approval to the Planning Commission. The Community Council voted unanimously in favor of recommending approval of application number ZM-23-005 to the Millcreek Planning Commission.

PLANNING COMMISSION RECOMEDATION

During their regularly scheduled meeting on October 18th, the Millcreek Planning Commission reviewed the application to rezone of the Subject Property as well as a subdivision amendment application to combine both the Subject Property and the Adjacent Property if the rezone application were approved. There was a brief discussion about addressing and the addition of a sidewalk on Maple Avenue. The address for the

property would be 1609 E Millcreek Way and any sort of new sidewalk would be required with a significant redevelopment of the property. There was concern with adding a new garage on the portion of property facing Maple Avenue as the code would allow an accessory structure to be as close as 30 inches to the edge of right of way. To avoid this scenario, a development agreement was mentioned as a method of preventing an accessory structure from being built within 30 feet of the Maple Avenue right of way; 30 feet would coincide with the standard front yard setback for a primary structure in the R-1-10 Zone.

Based upon these conditions, **the Planning Commission made unanimous recommendation in favor of rezoning the Subject Property from R-1-6 to R-1-10, with the condition of a development agreement making the required setback 30 feet.**

The Planning Commission also voted unanimously to give preliminary approval of the subdivision amendment, subject to the approval of the rezone application by the City Council.

PLANNING STAFF FINDINGS AND CONCLUSIONS

Findings

1. The Adjacent Property located is zoned R-1-10 and is approximately .45 acres or about 19,600 square feet. (this is the applicant's primary residence).
2. The Subject Property is zoned R-1-6 and is approximately .29 acres or about 12,632 square feet.
3. The Adjacent Property is located within the Mill Creek Park Amended subdivision while the Subject Property is not a part of any recorded subdivision and is considered a metes and bounds parcel.
4. The Subject Property is for the most part vacant, besides an old garage that sits near the south end of the property.
5. The applicant has plans to use the Subject Property for private outdoor recreational space and for a new accessory building.
6. A neighborhood meeting was held on August 17th at 1609 E Millcreek Way to help inform neighbors of the proposal. The attendees and their comments can be found in the supporting documents section of this report.
7. Primary structures are required to be set back a minimum distance of 30 feet from a public right-of-way, according to the R-1-10 Zone.
8. Pending the height, an accessory building can be within a little as 30 inches from a rear or side yard property line.
9. As it relates to the Planning Commission's discussion and recommendation pertaining to accessory building setbacks, Millcreek's Code [19.14.070.C.3](#) states "On lots where the rear yard abuts a public right-of-way, the minimum setback requirement for an accessory building is 20 feet from the side and rear property lines,"

Conclusions

1. For the properties to be combined into a single lot they must be in the same zone and within the same recorded subdivision.
2. The Subject Property does not currently meet the minimum width requirement necessary for R-1-10 zones which is 80 feet wide, as measured 25 feet back from the property line. Due to this, a subdivision amendment must be run concurrently with the rezone application so that the property can be rezoned to R-1-10 without creating a nonconformity.
3. The proposed zone change is supported by the goals listed in the general plan.
4. The rezone will not increase the density within the neighborhood.
5. As part of the subdivision application, the applicant will be dedicating 25 feet or 1,500 square feet of real property along Maple Avenue as public right of way.

6. All development will be required to meet the minimum zoning and land use ordinances.
7. Millcreek's Zoning Code specifically prohibits an accessory building from being located any closer than 20 feet from a public right-of-way.
8. To further ensure that a structure does not get built too close to the right-of-way, an easement could be placed on the plat to prevent any unintended structure from being built within the typical setback distance from Maple Avenue.

PLANNING STAFF RECOMMENDATION

Based on the findings and conclusions listed within the report, staff recommends that the City Council take comments at the public meeting and approve the rezone of the Subject Property from the R-1-6 Zone to the R-1-10 Zone, application file number ZM-23-005, **subject to a 20 foot "No Build" easement, abutting the Maple Avenue right of way as part of the recorded plat,** unless during the meeting facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

MODEL MOTIONS

I recommend that the City Council approve application file number ZM-23-005, to rezone the Subject Property from R-1-6 Zone to the R-1-10 Zone, **subject to a 20 foot "No Build" easement, abutting the Maple Avenue right of way as part of the recorded plat.**

SUPPORTING DOCUMENTS

- **Zoning Map**
- **Future Land Use Map**
- **Concept Site Plans (concepts only)**
- **Existing and Proposed Subdivision Plats (not a part of this application)**
- **Rezone Questionnaire**



EVERGREEN LN

MAPLE AVE

1632 E Maple Avenue

R-1-6

R-1-6

1609 Millcreek Way

R-1-10

R-1-10

R-1-10

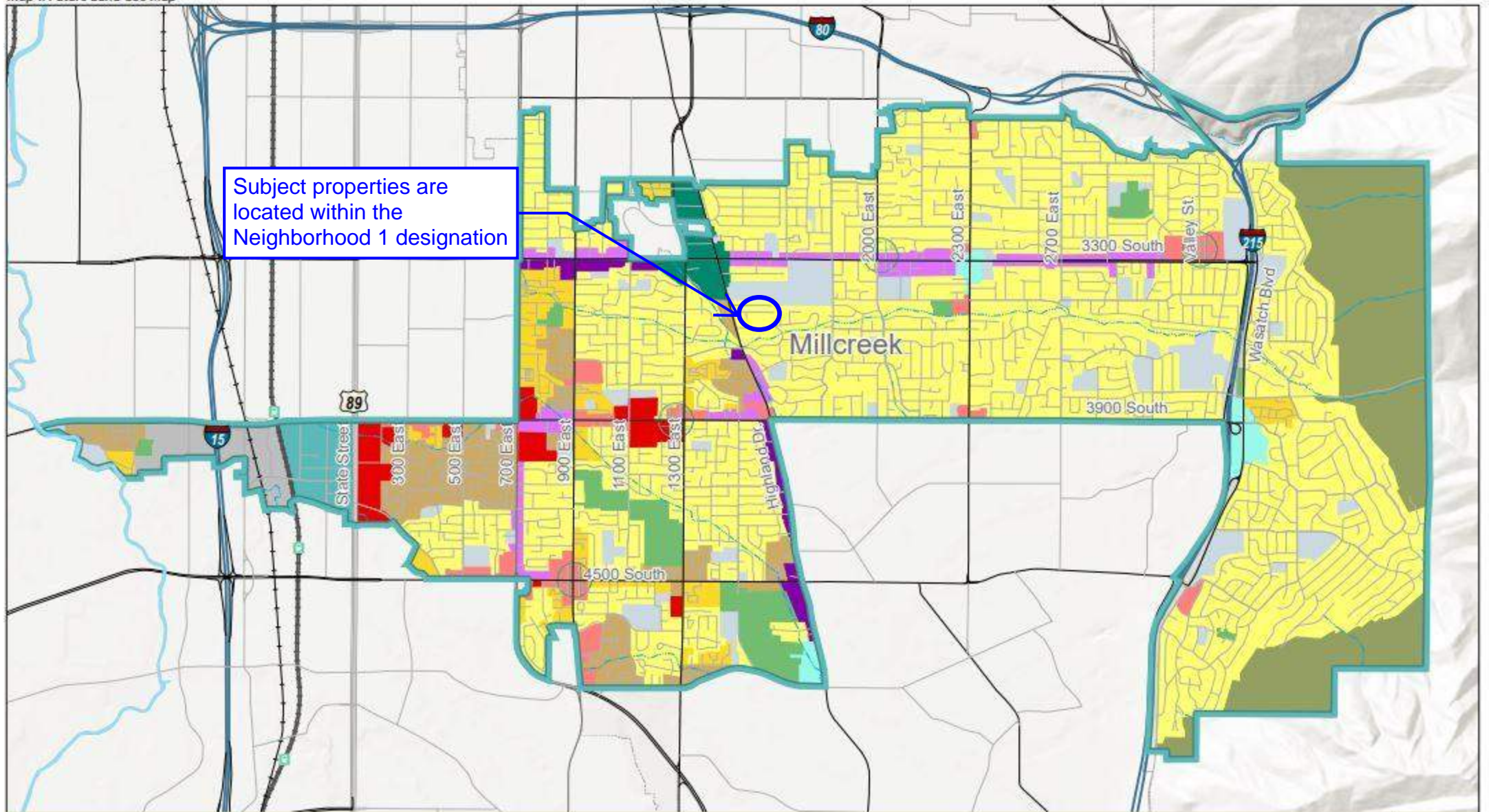
MILLCREEK WAY

MILLCREEK WAY

CANYON WAY

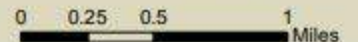
R-1-10

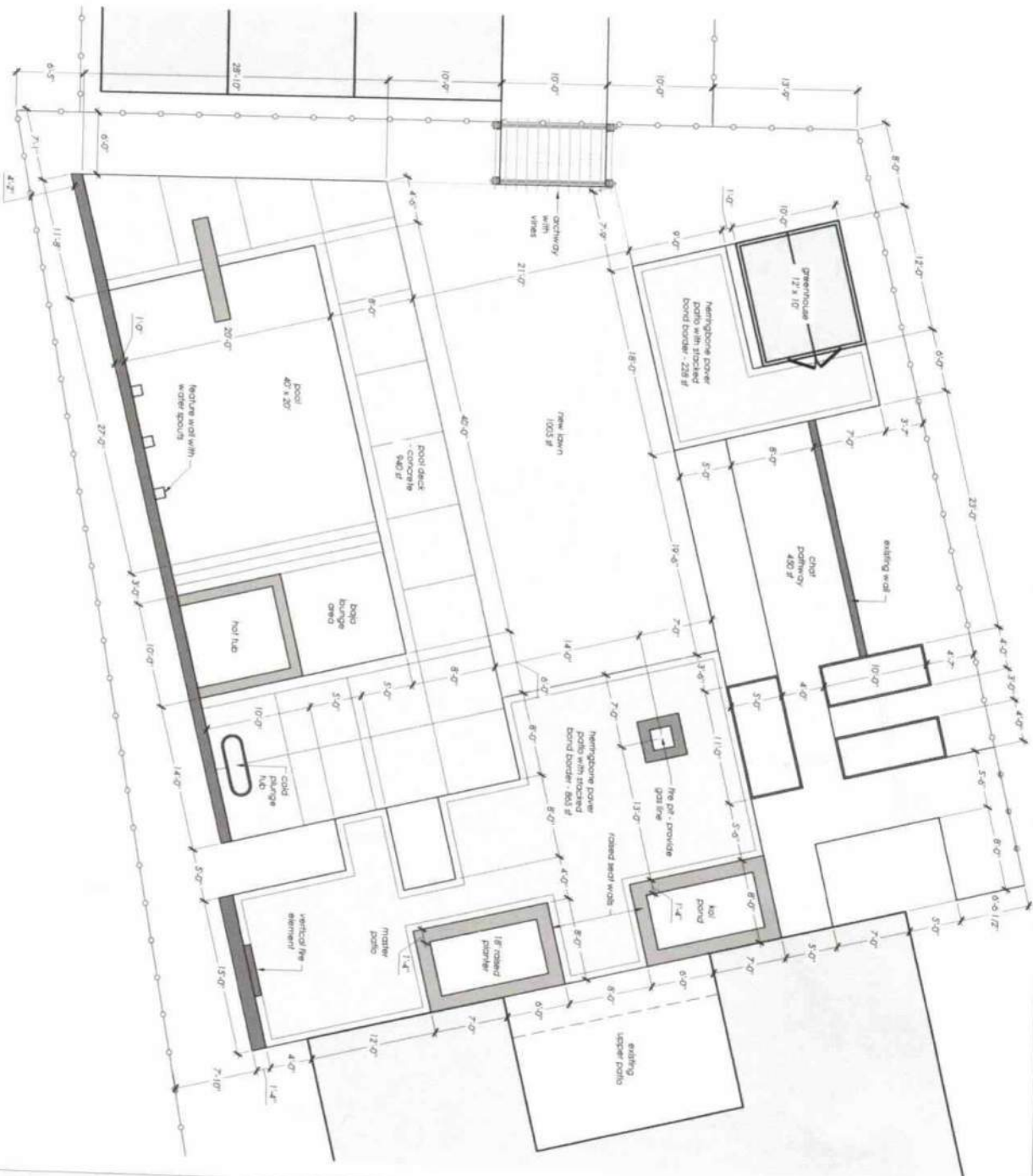
Map 1: Future Land Use Map



Future Land Use

- | | | | | |
|-------------------------|--------------------------|------------------------|-----------------------------|-------------------|
| Conservation Open Space | City Center | Retail/ Office | Freeway or Other Major Road | Frontrunner Route |
| Parks and Recreation | Meadowbrook | Employment/ Commercial | Major Road | TRAX Route |
| Public Quasi Public | Village Center | Mixed Use 1 | Other Major Road | TRAX Station |
| Neighborhood 1 | Future Center Study Area | Mixed Use 2 | Secondary Road | Jordan River |
| Neighborhood 2 | | Light Manufacturing | Local Connecting Road | Streams |
| Neighborhood 3 | | | Important Local Road | |





Hafer Residence
 1609 Millcreek Way
 Millcreek, UT



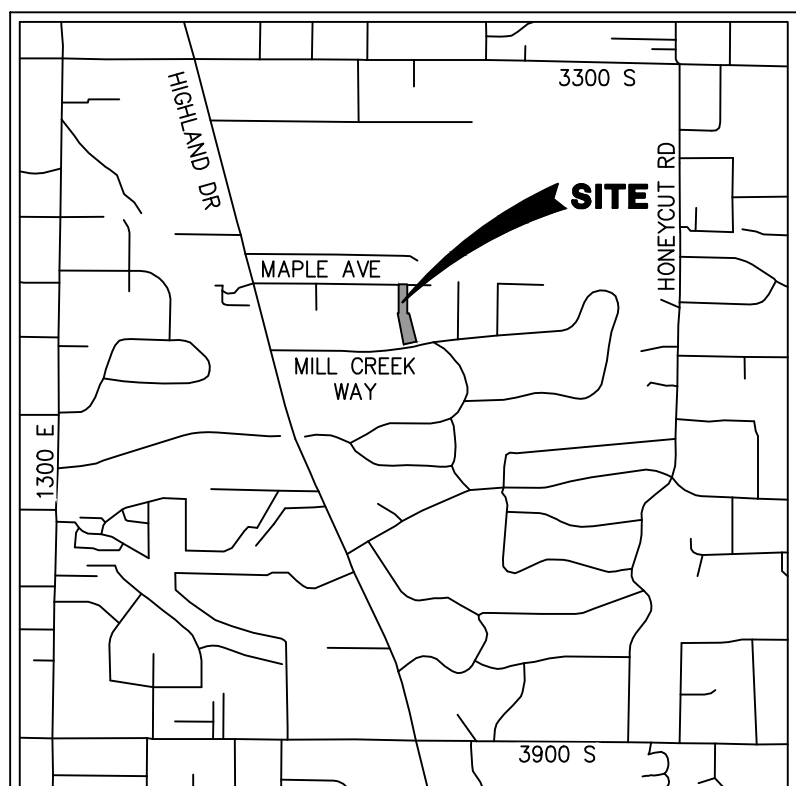
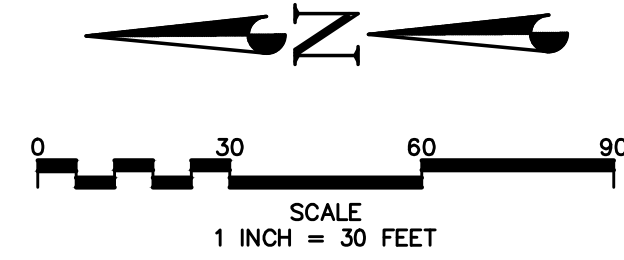
Project: Hafer Residence
 Date: 2023.04.28
 Scale: 1" = 10'

2.1
 Hafer Residence
 Back Yard
 Landscape Plan

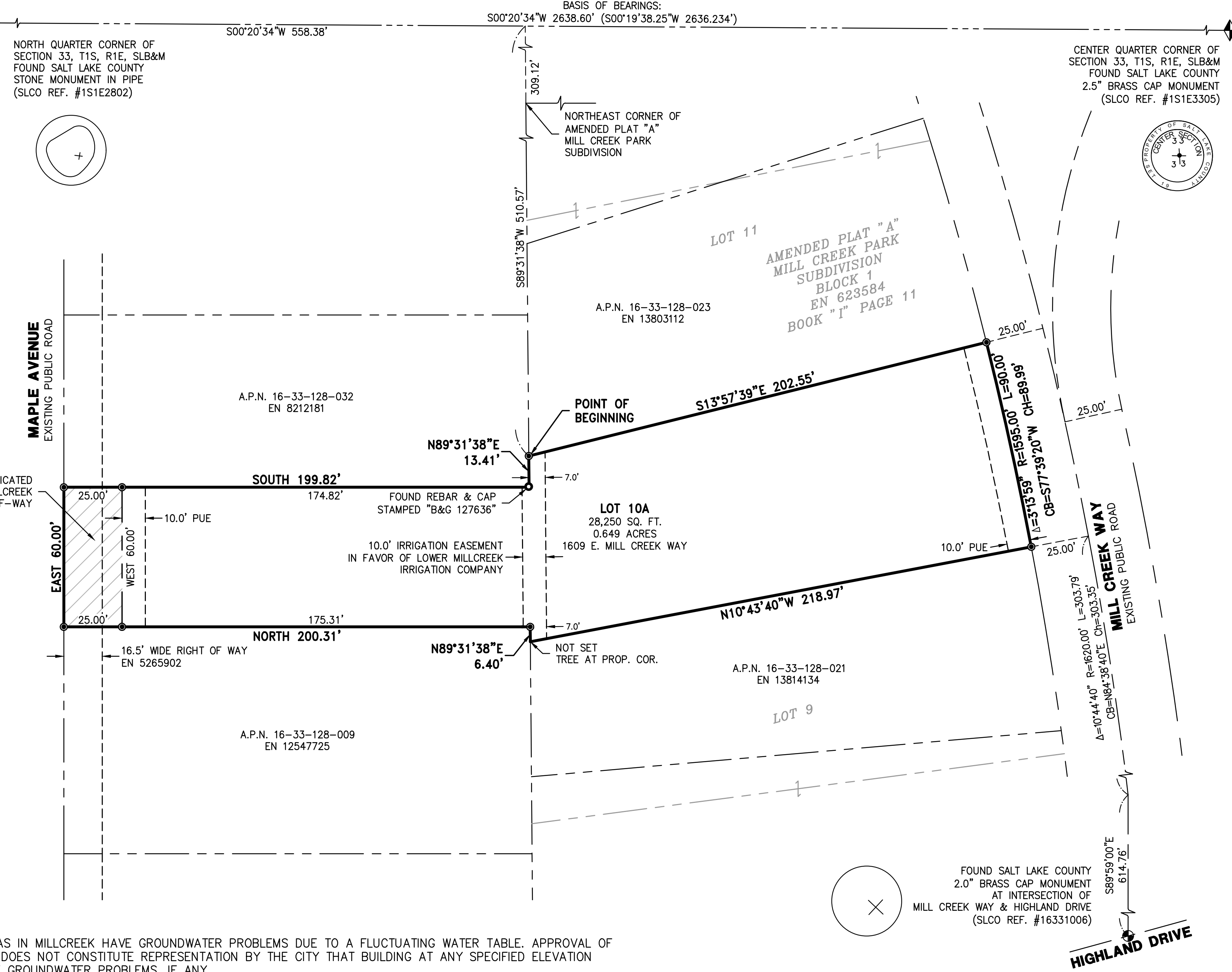


PLAT 'A' MILL CREEK PARK SUBDIVISION LOT 10, BLOCK 1 - SECOND AMENDED

(AMENDING AND EXTENDING LOT 10, BLOCK 1, AMENDED PLAT "A" MILL CREEK PARK SUBDIVISION)
LOCATED IN THE NORTHWEST QUARTER OF SECTION 33
TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN
MILLCREEK, SALT LAKE COUNTY, UTAH
DECEMBER 2023



VICINITY MAP
N.T.S.



LEGEND

| | |
|--|--|
| | BOUNDARY LINE |
| | ADJACENT PROPERTY LINES |
| | SECTION LINE |
| | CENTER LINE |
| | RIGHT-OF-WAY LINE |
| | EASEMENT LINE (LINE TYPE VARIES) |
| | SECTION MONUMENTS FOUND (AS NOTED) |
| | STREET MONUMENTS FOUND (AS NOTED) |
| | SET REBAR & CAP MARKED "DOMINION ENGINEERING" (UNLESS OTHERWISE NOTED) |
| | AREA HEREBY DEDICATED TO THE CITY OF MILLCREEK AS PUBLIC RIGHT-OF-WAY |

NOTES

- MANY AREAS IN MILLCREEK HAVE GROUNDWATER PROBLEMS DUE TO A FLUCTUATING WATER TABLE. APPROVAL OF THIS PLAT DOES NOT CONSTITUTE REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION WILL SOLVE GROUNDWATER PROBLEMS, IF ANY.
- OWNERS AND POTENTIAL PURCHASERS OF PROPERTY LEGALLY DESCRIBED BY THIS PLAT (THE "PROPERTY") SHOULD FAMILIARIZE THEMSELVES WITH ALL NOTES, LOT INFORMATION, EASEMENTS, AND OTHER PERTINENT INFORMATION CONTAINED ON THIS PLAT, IN ADDITION TO ANY AGREEMENTS, CONDITIONS, COVENANTS AND RESTRICTIONS (CC&R'S) DOCUMENTS CURRENTLY EXISTING AND AS MAY BE CHANGED OR AMENDED FROM TIME TO TIME. FAILURE TO COMPLY AND ADHERE TO THESE ITEMS COULD RESULT IN FINANCIAL LOSS OR CHANGES IN EXPECTED PROPERTY USE.
- THE SURVEYOR AND/OR ENGINEER LISTED, CERTIFIES THAT THE LEGAL DESCRIPTION OF THE PROPERTY REFERENCED WITHIN A CERTAIN TITLE REPORT DATED: _____, PREPARED BY: _____, MATCHES THE DESCRIPTION SHOWN ON THIS PLAT AND FURTHER CERTIFIES THAT ALL KNOWN OR RECORDED EASEMENTS, CLAIMS OF EASEMENTS OR ENCUMBRANCES, AS LISTED WITHIN THE SAME TITLE REPORT, ARE SHOWN ON NOTED THIS PLAT.

NOTE:
SALT LAKE COUNTY HEALTH DEPARTMENT REQUIRES WILL SERVE LETTERS FROM BOTH SEWER AND WATER AGENCIES

SALT LAKE COUNTY HEALTH DEPARTMENT
APPROVED THIS ____ DAY OF _____ A.D. 20 ____

DIRECTOR, HEALTH DEPARTMENT

LOWER MILLCREEK IRRIGATION COMPANY
APPROVED THIS ____ DAY OF _____ A.D. 20 ____

LOWER MILLCREEK IRRIGATION COMPANY

PUBLIC UTILITY APPROVAL
CENTURYLINK: _____ DATE: _____
COMCAST: _____ DATE: _____
DOMINION ENERGY: _____ DATE: _____
ROCKY MTN. POWER: _____ DATE: _____
OTHER: _____ DATE: _____

UNIFIED FIRE AUTHORITY
APPROVED THIS ____ DAY OF _____ A.D. 20 ____

UNIFIED FIRE AUTHORITY

MT. OLYMPUS IMPROVEMENT DISTRICT
APPROVED THIS ____ DAY OF _____ A.D. 20 ____

MT. OLYMPUS IMPROVEMENT DISTRICT

SALT LAKE COUNTY ADDRESSING APPROVAL

SIGNED _____ DATE _____

MILLCREEK PLANNING COMMISSION
APPROVED THIS ____ DAY OF _____ A.D. 20 ____

COMMISSION CHAIR

MILLCREEK ENGINEERING DEPARTMENT
APPROVED THIS ____ DAY OF _____ A.D. 20 ____

MILLCREEK ENGINEER

MILLCREEK PLANNING AND ZONING DEPARTMENT
APPROVED THIS ____ DAY OF _____ A.D. 20 ____

PLANNING AND ZONING DIRECTOR

MILLCREEK MAYOR
PRESENTED TO THE MAYOR AND MILLCREEK COUNCIL THIS ____ DAY OF _____ A.D. 20 ____ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR _____ ATTEST, CITY RECORDER _____ SEAL

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS ____ DAY OF _____ A.D. 20 ____

MILLCREEK ATTORNEY

RECORD OF SURVEY
RECORD OF SURVEY FILE NO. S2023-04-0416.

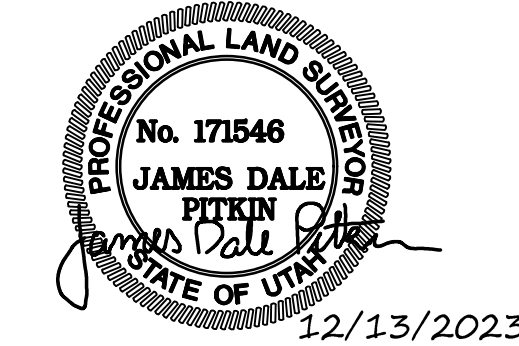
COUNTY SURVEYOR REVIEWER _____ DATE _____

SURVEYOR'S CERTIFICATE
I, James Dale Pitkin, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold license number 171546, in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act; I further certify that by the authority of the owners I have completed a survey of the property described on this plat in accordance with Section 17-23-17, Utah Code, and have verified all measurements shown, and have subdivided said property into a lot and a street, together with easements, hereafter to be known as

**PLAT "A" MILL CREEK PARK SUBDIVISION
LOT 10, BLOCK 1 - SECOND AMENDED**

and that the same has been surveyed and monuments have been placed on the ground as shown.

Date: December 13, 2023



James D. Pitkin, PLS.
License No. 171546

BOUNDARY DESCRIPTION
A tract of land being all of that parcel described in that certain Warranty Deed recorded December 16, 2021 as Entry No. 13848300 in Book 11283 at Page 359, and all of that parcel described in that certain Special Warranty Deed recorded February 28, 2023 as Entry No. 14076725 in Book 11403 at Page 4709 in the Office of the Salt Lake County Recorder, located in the Northwest Quarter of Section 33, Township 1 South, Range 1 East, Salt Lake Base and Meridian, more particularly described as follows:

BEGINNING at the northwesterly corner of Lot 11, Block 1, Amended Plat "A" Mill Creek Park Subdivision, according to the official plat thereof recorded December 19, 1928 as Entry No. 623584 in Book "I" of Plats at Page 11 in the Office of the Salt Lake County Recorder, located 558.38 feet South 00°20'34" West along the Quarter Section line and 510.57 feet South 89°31'38" West to and along the northerly line of said subdivision from the North Quarter corner of Section 33, Township 1 South, Range 1 East, Salt Lake Base & Meridian (Basis of bearing being South 00°20'34" West along the Quarter Section line between the North Quarter corner and the Center Quarter corner of said Section 33), and running thence along the westerly line of said Lot 11 South 13°57'39" East 202.55 feet to a point on the northerly right-of-way line of Mill Creek Way, being on a 1595.00 foot radius non-tangent curve to the right; thence along said northerly right-of-way line westerly 90.00 feet along the arc of said curve through a central angle of 03°13'59" (chord bears South 77°39'21" West 89.99 feet) to the southeasterly corner of Lot 9 of said subdivision; thence along the easterly line of said Lot North 10°43'40" West 218.97 feet to the northerly line of said subdivision; thence along said northerly line North 89°31'38" East 6.40 feet; thence North 200.31 feet; thence East 60.00 feet; thence South 199.82 feet to said northerly line of Block 1, Amended Plat "A" Mill Creek Park Subdivision; thence along said northerly line North 89°31'38" East 13.41 feet to the POINT OF BEGINNING.

Contains 29,750 square feet or 0.683 acres, more or less
1 LOT

OWNERS DEDICATION
Known all by these presents that we/ the undersigned owner(s) of the described tract of land above, having caused the same to be subdivided into a lot and a street to be hereafter be known as

**PLAT "A" MILL CREEK PARK SUBDIVISION
LOT 10, BLOCK 1 - SECOND AMENDED**

and do hereby dedicate for the perpetual use of the public all parcels of land shown on this plat as intended for public use, and warrant, defend, and save the city harmless against any easement of other encumbrances on the dedicated streets which will interfere with the city's use, operation, and maintenance of the streets, and do further dedicate the easement as shown for the use by all suppliers of utility or necessary services, and do further dedicate, grant and convey to Lower Millcreek Irrigation Company a 10 foot wide Irrigation Easement as shown hereon.

In witness whereof, we have hereto set aside our hands this _____ day of _____, 20____.

Yellow Truck Construction Company, LLC, a Utah limited liability company

Print Name: _____
Title: _____

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF _____ }
COUNTY OF _____ } :ss
On the _____ day of _____, 20____, personally appeared before me _____ the undersigned notary public, in and for the county _____, in the state of _____, who after being duly sworn, acknowledged to me that he/she is the _____ of _____, LLC, a Utah limited liability company and that he/she signed the owner's dedication freely and voluntarily for and in behalf of said company for the purposes therein mentioned.

Commission Expires: _____

Commission No. _____ Print Name: _____

A Notary Public Commissioned in _____

OWNER/DEVELOPER
YELLOW TRUCK CONSTRUCTION COMPANY, LLC,
10610 SOUTH JORDAN GATEWAY, SUITE 200
SOUTH JORDAN CITY, UT 84095

SALT LAKE COUNTY RECORDER
RECORDED AS ENTRY No. _____
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE\$ _____ DEPUTY SALT LAKE COUNTY RECORDER _____



SURVEYOR'S CERTIFICATE

I, James D. Pitkin, a Professional Land Surveyor as prescribed by the laws of the State of Utah and holding License Number 171546, do hereby certify a survey of the described property was made under my direction and the map hereon is a true and correct representation of said survey.

Date: March 24, 2023

James D. Pitkin, PLS
License No. 171546



RECORD DESCRIPTIONS

WARRANTY DEED ENTRY No. 13843800 (APN 16-33-128-022)
Lot 10, Block 1, AMENDED PLAT "A" MILL CREEK PARK, according to the official plat thereof as recorded in the office of the Salt Lake County Recorder.

SPECIAL WARRANTY DEED ENTRY No. 14076725 (APN 16-33-128-010)

Parcel 1:
Commencing at a point 536.8 feet West and South 1'30" East 22 rods from the Northeast Corner of the Northwest Quarter of Section 33, Township 1 South, Range 1 East, Salt Lake Base and Meridian; and running South 12.5 rods; thence West 60 feet; thence North 12.5 rods; thence East 60 feet to the place of beginning.

Parcel 2:
Together with a right of way over the following:
Beginning at a point 20 rods West and 2 rods South from the Northeast Corner of the Northwest Quarter of Section 33, Township 1 South, Range 1 East, Salt Lake Base and Meridian; and running thence West 26.8 feet; thence South 16.5 feet; thence East 206.8 feet; thence 16.5 feet to the place of beginning.

Parcel 3:
Together with a right of way over the following:
Beginning at a point 956.8 feet West and 362.87 feet South from the Northeast Corner of the Northwest Quarter of Section 33, Township 1 South, Range 1 East, Salt Lake Base and Meridian; and running thence East 262.5 feet; thence South 16.5 feet; thence West 898.5 feet more or less to the center of the County Road; thence Northerly along the center of said road to a point due West of the place of beginning; thence East 636.27 feet to the point of beginning.

NARRATIVE

A boundary and topographic mapping survey of the subject property was requested by Kate Hafer to facilitate future design considerations. The readily available records in the offices of the Salt Lake County Recorder and Salt Lake County Surveyor were utilized in the preparation of this drawing. The on-site measurements were completed on March 16, 2023.

The basis of location for the subject property is the Amended Plat "A" Mill Creek Park Subdivision plat recorded December 19, 1928 as Entry No. 623584 in Book "I" of Plats at Page 11.

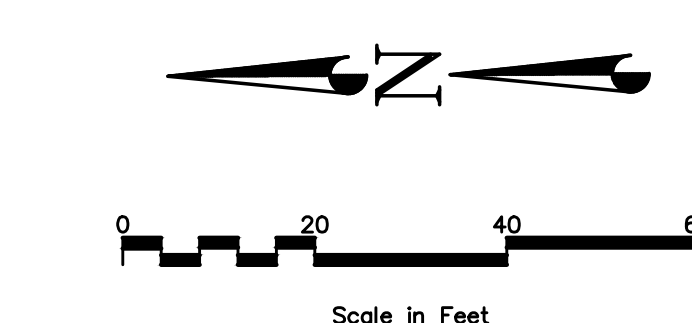
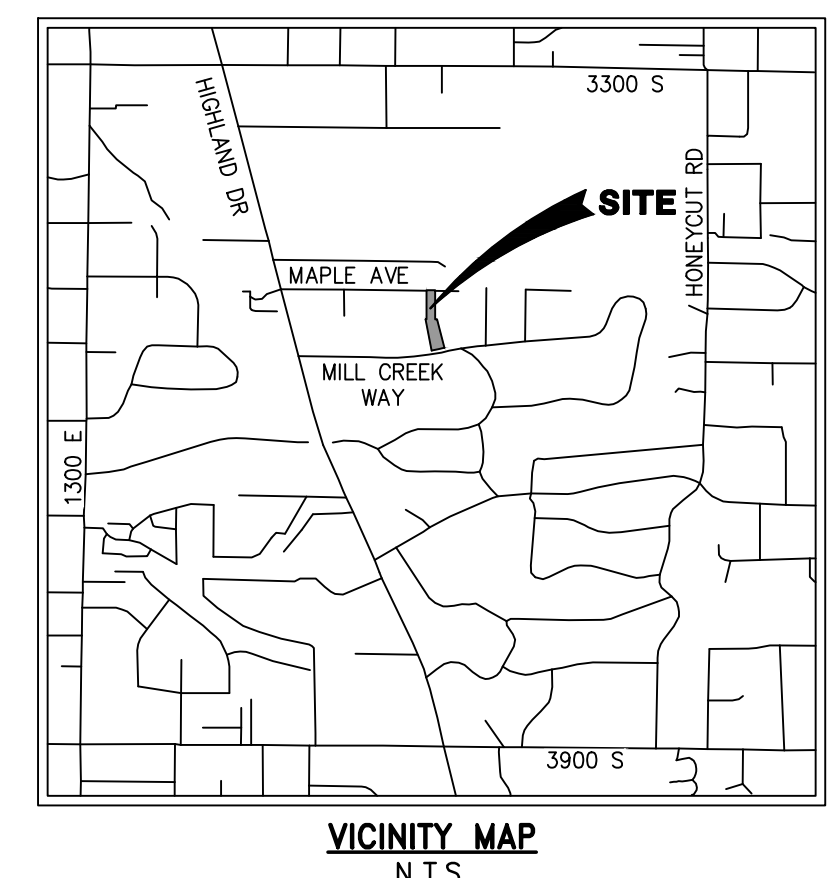
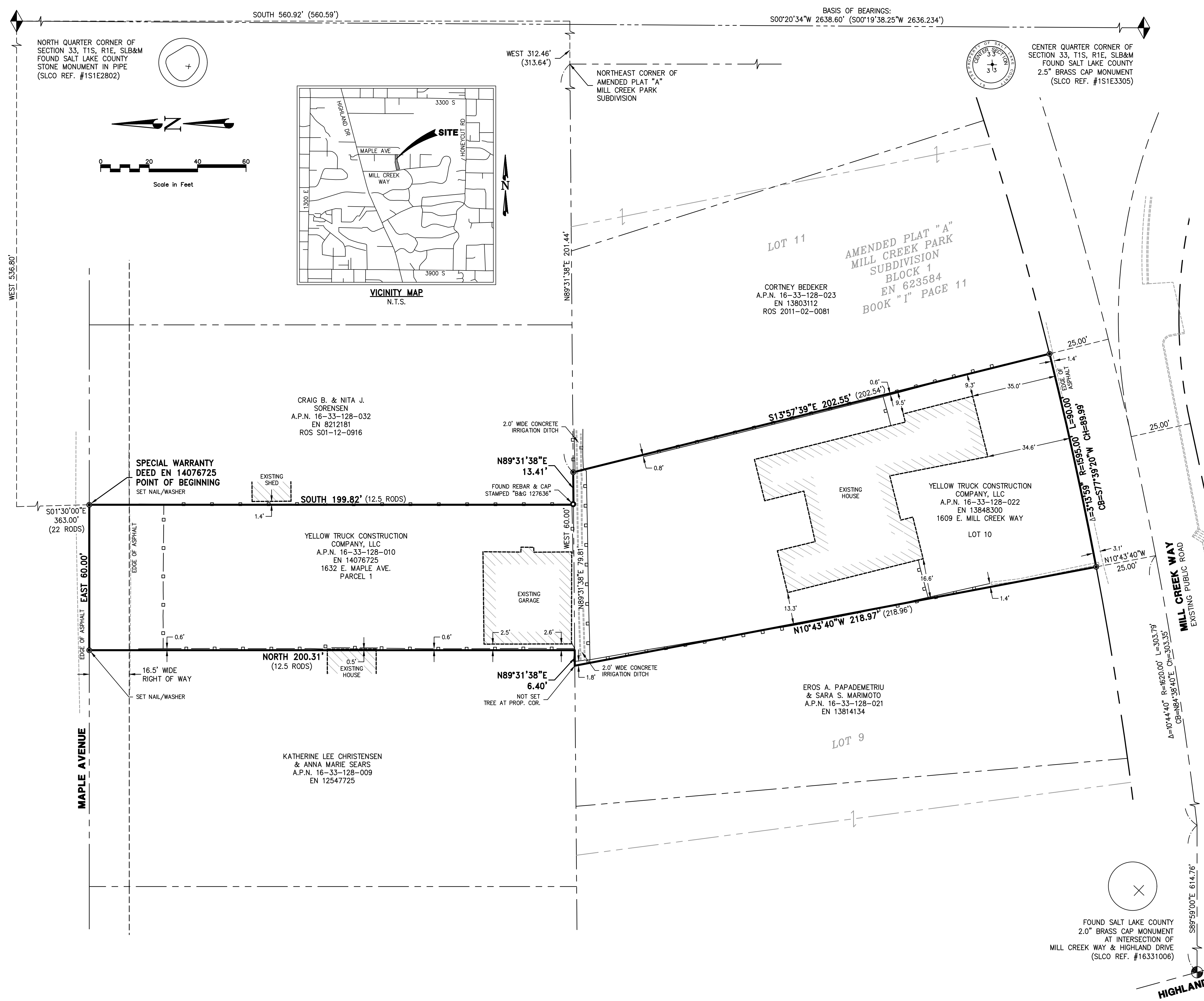
The basis of bearings for this survey is South 00°20'34" West 2638.60 feet measured along the Quarter Section line between the North Quarter Corner (SLCo Ref. #1S1E2802) and the Center Quarter Corner (SLCo Ref. #1S1E3305) of Section 33, Township 1 South, Range 1 East, Salt Lake Base & Meridian. The basis of bearings was based on coordinates shown on the Salt Lake County Surveyor's Monument Reference Sheets and rotating to match the alignment of the monument tie (SLCo Ref. #16331006) shown on the plat of Amended Plat "A" Mill Creek Park Subdivision.

REFERENCES

- Amended Plat "A" Mill Creek Park Subdivision plat recorded December 19, 1928 as Entry No. 623584 in Book "I" of Plats at Page 11.
- Egan Estates Subdivision plat recorded March 29, 1973 as Entry No. 2528385 in Book "NN" of Plats at Page 61.
- Area Reference Plat and Monument Reference Sheets on file in the office of the Salt Lake County Surveyor.
- Records of Survey Nos. S01-12-0916, S2011-02-0081 & S2014-11-0623.

LEGEND

- SUBJECT PROPERTY BOUNDARY LINE
- ADJACENT PROPERTY LINES
- SECTION LINE
- CENTER LINE
- RIGHT-OF-WAY LINE
- SECTION MONUMENTS FOUND (AS NOTED)
- STREET MONUMENTS FOUND (AS NOTED)
- SET REBAR & CAP MARKED "DOMINION ENGINEERING" (UNLESS OTHERWISE NOTED)
- EXISTING VINYL FENCE
- EXISTING WOOD FENCE
- EDGE OF EXISTING IMPROVEMENTS ± (AS NOTED)
- (S89°50'20"W 2658.20') RECORD BEARINGS AND/OR DISTANCES



Path: P:\KATE HAFER PROPERTY_3718\SURVEY\dwg\HAFER_PROP_ROS.dwg | plot date: April 17, 2023 | plotted by: brett

| | | | |
|-----------------|-------------|-------------------------|-------------|
| DRAWN | BCD 03.2023 | CHECKED | JDP 03.2023 |
| DESIGNED | | PROJECT ENGINEER | |
| APPROVED | | PROJECT MANAGER | |

KATE HAFER

MILLCREEK CITY, SALT LAKE COUNTY, UTAH

Dominion
Engineering Associates, L.C.
5684 South Green Street
Murray, Utah 84123 801-713-3000

RECORD OF SURVEY
1632 E. MAPLE AVE. & 1609 E. MILL CREEK WAY
LOCATED IN THE NORTHWEST QUARTER OF SECTION 33,
TOWNSHIP 1 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN

| | |
|-----------------------------------|------------------|
| PROJECT NO. | 3718 |
| SHEET NO. | 1 of 1 |
| FILED WITH COUNTY SURVEYOR | JDP 04.2023 |
| NO. | REVISIONS |
| BY | DATE |
| FILE NAME: | HAFER_PROP |
| SCALE: | 1"=20' |

Neighborhood meeting attendees and comments

Lori and Geoff Chillingworth

-Had concerns about us having chickens. We clarified that we would not/could not have roosters.

Matt and Allison Driggs

-Very supportive as they have just been through the same process themselves.

Richard Greene

-Just curious, supportive after the meeting.

Victor Fowler

-Lives across the street. Likes our plan.

Jim and Holly Stava - 1653 E Millbrook Rd.

-Discussed a neighbor who is upset about a similar lot consolidation where the additional lot was turned into a basketball court. Apparently the person next to the basketball court is very unhappy about said basketball court.

Bob Raybold - lives 3 houses down.

No objections, just curious.

-

To whom it may concern,

As the owners of 1609 E. Millcreek way and 1632 E. Maple Avenue, we are seeking a rezone to combine both of those lots into one single lot. Doing so would allow us to use the lot on Maple ave as an extension of our primary residence without the need to build another primary dwelling. We plan to improve the lot on Maple avenue in a way that serves the neighborhood far better than it would if someone were to build a house on it, so in that sense we feel w are helping to preserve the charm and appeal of the neighborhood.

sincerely,
Kate Hafer

AMENDED PLAT "A" MILL CREEK PARK

A SUBDIVISION OF
PART OF
N. 1/4 OF SEC. 33 - T. 15, R. 1 E., S. 1 B. & M.

Scale: 1 Inch = 80 FT.

JUNE - 1928

Caldwell & Richards
ENGINEERS
Salt Lake City, Utah

T. 15, R. 1 E., S. 1 B. & M.

SURVEYOR'S CERTIFICATE

I hereby certify that the tract of land shown on this map and owned by Frederick Brown, Raymond J. Ashton, Robert M. Clayton, Lawrence Clayton and G. A. Savage is described as follows:
Beginning at a point 562.59 ft. South, and 313.64 ft. West from the North 1/4 Corner Sec. 33, T. 15, R. 1 E., S. 1 B. & M., and running thence S. 0° 30' E. 586.10 ft. to the center line of Mill Creek; thence along the center line of Mill Creek S. 79° 00' W. 110.69 ft., N. 63° 36' 56" W. 77.75 ft., S. 48° 27' 10" W. 44.37 ft., N. 80° 53' 00" W. 73.28 ft., S. 83° 56' 50" W. 107.25 ft., N. 50° 20' W. 73.56 ft., S. 56° 55' W. 35.03 ft., S. 27° 13' 00" W. 44.32 ft.; thence leaving the center line of Mill Creek N. 1° 19' 25" W. 162.00 ft.; thence S. 88° 56' W. 572.56 ft.; thence N. 15° 18' W. 373.09 ft.; thence N. 89° 39' E. 524.76 ft.; thence North 84.34 ft.; thence N. 89° 31' 36" E. 642.18 ft. to the place of beginning; that I have by authority of said owners thereof, subdivided the same into blocks, lots and street to be known as Amended Plat "A", Mill Creek Park; that the same has been correctly surveyed and established on the ground, and that the steel tape used in making the survey was correct. All lots are as shown on this map.

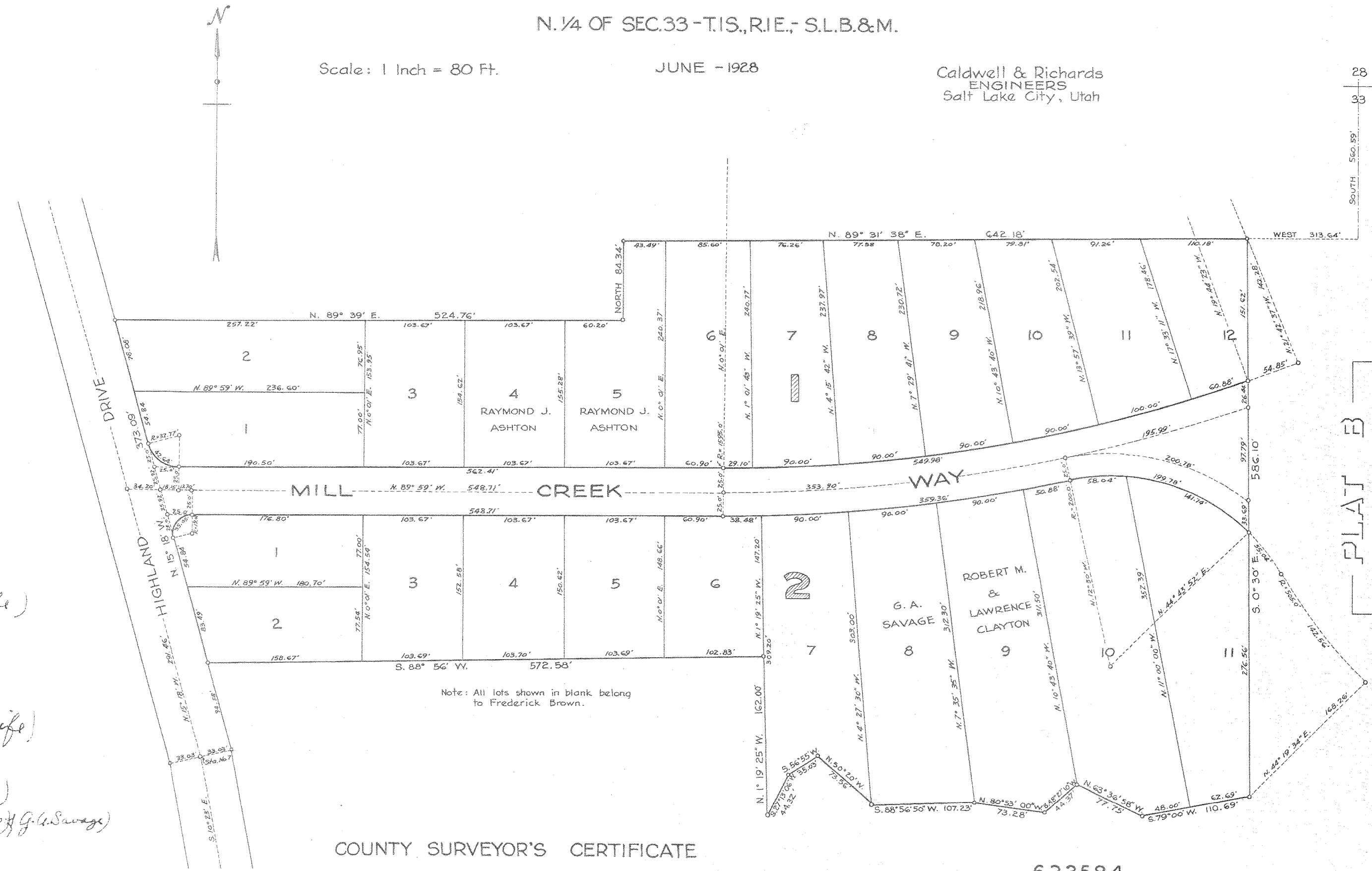
Hubert F. Hall
Surveyor

OWNERS' DEDICATION

Know all men by these presents that Frederick Brown, and Charlotte Brown, his wife; Raymond J. Ashton and Winifred R. Ashton, his wife; Robert M. Clayton and Annie E. Clayton, his wife; Lawrence Clayton and Ruth Clayton, his wife, and G. A. Savage and Mildred G. Savage, his wife, owners of the above described tract of land, having caused the same to be subdivided into blocks, lots and street, to be hereinafter known as Amended Plat "A", Mill Creek Park, do hereby dedicate for perpetual use of the public, all parcels of land shown on this map as intended for public use.

In witness whereof, we have hereunto set our hands this 14th day of June, 1928.

Frederick Brown
Charlotte Brown (wife)
Raymond Ashton
Annie R. Ashton (wife)
Robert M. Clayton
Annie E. Clayton (wife)
Lawrence Clayton
Ruth Clayton (wife)
Mildred Savage (Wife of G. A. Savage)
G. A. Savage



COUNTY SURVEYOR'S CERTIFICATE

I hereby certify that I have examined this map and the stakes on the ground and have found the same correct, Dec. 12, A.D. 1928.

Jo. Blackmeyer
County Surveyor

Approved by the Board of County Commissioners this 14th day of December, A.D. 1928.

Alvin Machay
County Clerk

623584

STATE OF UTAH } COUNTY OF SALT LAKE
FILED AND RECORDED AT REQUEST OF
CALDWELL & RICHARDS

DEC 19 1928 } AT 11:10 O'CLOCK A.M.
IN BOOK I OF PLATS } PAGE 11
ABSTRACTED IN D-22 PG 22 LINES 26 TO 28
" " S-20 " 233
FEE \$9.50

Anna Hiatt
COUNTY RECORDER

Oba Roberts
DEPUTY RECORDER

STATE OF UTAH } SS.
COUNTY OF SALT LAKE }

On this 14th day of June, A.D. 1928, personally appeared before me, a Notary Public in and for said County of Salt Lake, Frederick Brown, Charlotte Brown, Raymond J. Ashton, Winifred R. Ashton, Robert M. Clayton, Annie E. Clayton, Lawrence Clayton, Ruth Clayton, G. A. Savage and Mildred G. Savage, signers of the foregoing instrument, who duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

My commission expires:

Hubert F. Hall
NOTARY PUBLIC
Salt Lake City, Utah

752



Millcreek Community Development
3330 South 1300 East
Millcreek, Utah 84106
Phone: (801) 214-2750

ESSENTIAL QUESTIONS FOR ZONING MAP AMENDMENTS, DEVELOPMENT AGREEMENTS, AND CITY INITIATIVES

The Millcreek Together general plan identifies essential questions at the end of each chapter of the plan. These questions will help the community councils, planning commission, and city council make findings as they make a decision regarding a zoning map amendment, development agreement, or city initiative.

Realizing that not all these questions will be applicable to every decision, these questions should be considered as a tool to focus on and provide implementation of each theme identified in the general plan.

Unique Neighborhoods

Does the project or initiative...

1. Support adopted and relevant small area and neighborhood plans?

Yes

2. Encourage additional investment or reinvestment in neighborhoods?

Yes

3. Positively contribute to a diversity of affordable housing choices?

N/A

4. Stay within the existing mass, scale, and height of the immediate neighborhood?

yes

Enriched Culture

Does the project or initiative...

1. Support the overall focus on our Enriched Culture theme?

no

2. Add value or help establish a cultural identity within the City?

no

3. Preserve or incorporate the historic assets of the City or promote this legacy?

no

4. Provide cultural services, opportunities or access to underserved populations or neighborhoods?

no

5. Incorporate public art in association with this action or decision?

no

6. Support the enhancement of centers of lifelong learning and innovation in the City?

no

5. Create options for new gathering areas or centers where possible?

N/A

6. Support the redevelopment of blighted and/or underperforming properties?

yes

7. Enhance the connection of neighborhoods to trails, parks, recreation, and open spaces?

N/A

8. Enhance cultural, historical, educational, and/or human service opportunities to support neighborhoods?

N/A

Thriving Economy

Does the project or initiative...

1. Advance the Goals and Policies of the Economic Development Plan?

N/A

2. Support the retention of existing Millcreek businesses?

yes

3. Help attract new businesses in targeted business sectors?

N/A

4. Create or enhance a built environment with amenities that will help attract new, skilled talent to Millcreek?

n/a

5. Support the creation of new, high-paying and livable wage jobs?

n/a

6. Contribute to effective and efficient use of City resources?

n/a

7. Provide for balanced budgets and financial stability for the City over the long-term?

n/a

8. Promote renewable, sustainable, and environmentally healthy/friendly business practices and products?

n/a

9. Support or align with regional business attraction and retention efforts?

n/a

10. Have a positive impact on the educational competitiveness of Millcreek?

n/a

11. Result in construction and / or renovation that is compatible with the existing mass, scale, and height of the immediate neighborhood?

yes

Vibrant Gathering Places

Does the project or initiative...

1. Support the overall focus of the Vibrant Gathering Places vision?

yes?

2. Support the continued development/redevelopment of the City Center, Meadowbrook Center, or Village Centers?

n/a

3. Result in additional infill, development, or redevelopment of appropriate types in appropriate locations?

yes

4. Provide a range of opportunities for transportation access, interconnection of urban centers and enhanced demand and feasibility for multimodal transportation options?

n/a

5. Result in well designed, well integrated and compatible development?

yes

6. Include, result in or support the creation of new or enhanced places for community interaction?

n/a

7. Enhance connections to and integrate with the City's green infrastructure networks including trails, parks, open space, adjacent communities and public lands?

n/a

8. Support or incorporate cultural, historical, educational, and/or human service opportunities?

n/a

9. Result in places that are inclusive, adaptable, sustainable and resilient?

n/a

Great Connections

Does the project or initiative...

1. Support the overall focus of the Great Connections theme?

n/a

2. Contribute positively to increased mobility throughout the City, and particularly related to east/west transportation needs?

n/a

3. Specifically contribute in any way to enhanced transit?

no

4. Contribute to enhanced non-motorized transportation systems, connections with them or their use?

n/a

5. Result in fiscally sustainable additions or other changes to the transportation network?

n/a

6. Have a positive impact on walkability?

n/a

7. Support the quality of the environment, including air quality, water quality, and dark skies.

n/a

Health and Environment

Does the project or initiative...

1. Support the overall focus on the Health and Environment theme?

n/a

2. Incorporate green building principles?

n/a

3. Enhance pedestrian connectivity in Millcreek?

no

4. Protect or expand Millcreek's urban tree canopy?

n/a

Outdoor Lifestyle

Does the project or initiative...

1. Support the overall focus on the Outdoor Lifestyle theme?

yes?

2. Positively contribute to the safety, security and well-being of residents, and those who use park or open space facilities?

n/a

3. Encourage additional investment or reinvestment in surrounding areas?

would like to think so

4. Contribute to the connectivity within and between neighborhoods, particularly for walkability, access to multimodal transportation alternatives, and contribution to the feasibility of alternative modes?

n/q

5. Enhance the connection to the outdoors, trails, parks, natural areas and green infrastructure?

n/a

6. Increase parks in needed areas of the City?

n/a

7. Increase the number of trails along the foothills, Mill Creek Canyon and Neff's Canyon?

n/a

MILLCREEK, UTAH
ORDINANCE NO. 24-15

**AN ORDINANCE AMENDING TITLE 19 OF THE MILLCREEK CODE OF
ORDINANCES BY REPEALING CHAPTER 19.82 SIGNS AND ENACTING A
REVISED CHAPTER 19.82 SIGNS**

WHEREAS, the Millcreek Council (“Council”) met in a regular session on April 8, 2024, to consider among other things, approving an ordinance amending Title 19 of the Millcreek Code of Ordinances by repealing Chapter 19.82 Signs and enacting a revised Chapter 19.82 Signs; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may amend any provision of a land use regulation; and

WHEREAS, Millcreek (“City”) has adopted a comprehensive zoning ordinance (“Zoning Ordinance”); and

WHEREAS, City staff, City consultants, and other persons have recommended that the Council amend various provisions of the Millcreek Code of Ordinances, and repeal and reenact Chapter 19.82 of the Millcreek Code of Ordinances, with respect to Signs; and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on January 24, 2024, the required notice was published; and

WHEREAS, on February 28, 2024, the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on February 28, 2024, the planning commission held the required public hearing with respect to amending various sections of Title 19 of the Millcreek Code of Ordinances; and

WHEREAS, at the March 20, 2024, planning commission meeting the Millcreek Planning Commission recommended repealing and reenacting Chapter 18,82 of the Millcreek Code of Ordinances, with respect to Signs, attached herein as Exhibit “A”; and

WHEREAS, after the Planning Commission’s recommendation, staff prepared additional recommendations regarding repealing and reenacting Chapter 19.82 of the Millcreek Code of Ordinances, with respect to Signs, attached herein as Exhibit “B”; and

WHEREAS, the Millcreek Code of Ordinances, provides among other things, that before finally adopting any such amendment, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter

4, of the Open and Public Meetings Act; and

WHEREAS, on April 3, 2024, the Council caused the required notice to be given; and

WHEREAS, on April 8, 2024, the Council considered amending Title 19 of the Millcreek Code of Ordinances by repealing Chapter 19.82 Signs and enacting a revised Chapter 19.82 Signs.

NOW, THEREFORE, BE IT ORDAINED by the Council that Chapter Title 19 of the Millcreek Code of Ordinances is hereby amended in the form attached as Exhibit “___”.

This Ordinance, assigned Ordinance No. 24-15, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 8th day of April, 2024.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Alexander Wendt, Deputy Recorder

| | | |
|-----------------|-----|----|
| Roll Call Vote: | | |
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 24-15: AN ORDINANCE AMENDING TITLE 19 OF THE MILLCREEK CODE OF ORDINANCES BY REPEALING CHAPTER 19.82 SIGNS AND ENACTING A REVISED CHAPTER 19.82 SIGNS was adopted the 8th day of April, 2024 and that a copy of the foregoing Ordinance 24-15 was posted in accordance with Utah Code 10-3-711 this ____ day of April, 2024.

Elyse Sullivan, City Recorder

EXHIBIT "A"

19.82 SIGNS

19.82.010 Purpose

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, to improve appearance and views within the major transportation corridors by setting requirements for the location, design, number of, size, height and lighting of signs and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Millcreek.

19.82.020 Applicability

- A. Except as provided in this Title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with the regulations specified in this chapter.
- B. Except for signs not regulated by this chapter, sign alterations that increase sign face square footage shall require conformance to this title.
- C. Sign copy may be changed at any time without any additional approvals or permitting, providing the sign is not prohibited, no structural or electrical alterations are made to the sign, and the sign complies with applicable requirements of this chapter.
- D. Any sign allowed under this chapter may contain lawful sign copy that occupies the entire sign area or any portion hereof, and may be suitable for, or be combined with a logo.
- E. Other chapters of the zoning ordinance may have a reduced list of applicable signs. Notwithstanding signs located on public property, other chapter sign types shall be utilized over the listed types found in this chapter.

19.82.030 Prohibited Signs

- A. Signs not specifically allowed by this chapter are prohibited. Prohibited shall include, but not be limited to the following: Snipe, feather, blower machines, streamers/pennants, mobile signs, signs on vehicles parked within 20 feet (20') of the public ROW, searchlights, pennants/streamers, inflatable, pedestal signs, and objects used to convey services or products sold on the premises that are located on a lot or parcel within 20 feet (20') of the public right-of-way.
- B. Signs in Public Right-of-Way. No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. Prohibited Signs located on publicly owned lands or inside street rights-of-way include, but are not limited to, handbills, posters, advertisements or notices that

are fastened, placed, posted, painted or attached in any way upon any object or structure located on publicly owned land or inside street rights-of-way.

19.82.040 Interpretation

- A. For the purposes of this chapter, properties that are separated by streets are not adjacent.
- B. The sign requirements contained in this chapter are declared to be the maximum allowable.
- C. Notwithstanding ordinances for signs located on public property, where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.
- D. In matters of interpretation, the provisions of this ordinance shall be interpreted by the Planning Director.

19.82.050 Conformity Required

- A. No person shall erect, alter, relocate, or modify any sign regulated by this chapter without first obtaining a sign permit and a building permit, if required. Signs that do not require a permit and are not regulated by this chapter are as follows:
 - 1. Yard signs.
 - 2. Interior signs, not including window signs. Interior signs placed within three feet (3') of window are considered window signs.
 - 3. A sign that is set back a minimum of twenty feet (20') from the public right of way and not exceeding the maximum height allowed in the zone.
- B. Signs for churches, schools, and private educational institutions having an academic curriculum similar to that ordinarily given in public schools shall be subject to the requirements for signs located in the commercial zone, and shall be regulated pursuant to state and federal law.

19.82.060 Approval of Sign Plans

- A. When a land use application on a property is submitted to the City for a conditional use permit, a rezone where a development agreement is considered, or a site plan review for a new permitted use, it shall be accompanied by a complete comprehensive sign plan showing the following:
 - 1. The location of all existing or proposed signs on the parcel of ground.

2. The sign type, height, area, and setback of each existing and proposed signs.
 3. A conceptual rendering of each proposed sign.
 4. Renderings or photos of existing signs.
- B. When a separate sign application is submitted at a later date than the original land use application, the sign application shall include:
1. The sign type, height, area, and setback of each existing and proposed sign.
 2. A conceptual rendering of each proposed sign.
 3. A site plan showing the location of existing and proposed signs.
 4. Building elevations showing any wall signs.

19.82.070 Size and Height Computation

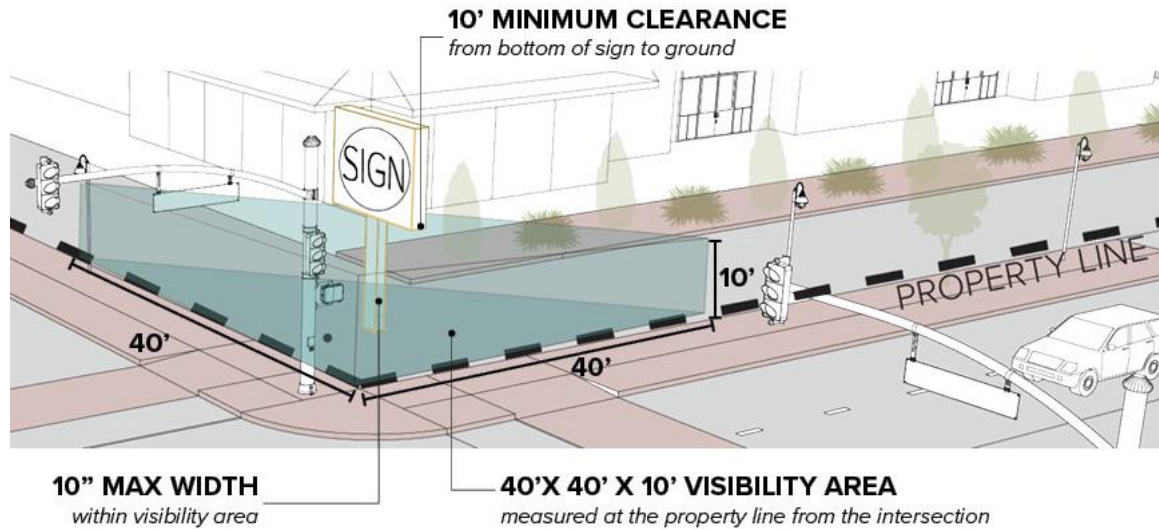
- A. The following shall be used when calculating sign sizes:
1. When more than one use occupies a property, the frontage may be used to calculate the sign size for one total pole or projecting sign, not for each use. The total may then be divided between the uses.
 2. There may be any number of flat or wall signs, provided the total of all flat or wall signs does not exceed the percentage of wall area coverage allowed.
 3. A property line which abuts an interstate highway may not be used in computing sign area.
- B. The height of pole and monument signs shall be measured from the grade at the property line of the yard in which the sign is located.

19.82.080 Imprint of Ownership Required

The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

19.82.090 Sign Location Standards

Figure 19.82.1 Visibility Diagram



A. Visibility at intersections:

1. For the purposes of this chapter, visibility at intersections is measured from the grade of the intersecting streets and located within the clear view of an intersection, which is a triangular area formed by the property lines and a line connecting them at points forty feet from the intersection or a driveway at a point formed by an extension of the two curb faces until they meet.
2. There shall be a minimum sign clearance of ten feet (10') between the ground and any part of a projecting sign or pole sign, except as provided below:
 - a. Any portion of a sign structure within the clear view of an intersection and nearer the ground than ten feet may not exceed ten inches in width, thickness, or diameter.
 - b. A service sign located within the clear view of an intersection shall not exceed 30 inches in height measured from grade.

B. Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.

19.82.100 Design Standards

- A. All signs shall use materials that emulate the adjacent building.
- B. All single pole signs shall include pole covers and a sign base. Pole covers and sign bases shall be constructed of brick, stone, or architectural metal panels that extend at least 3 inches beyond the pole, and that fully conceals the entirety of the sign pole structure.
- C. All double pole signs over 10 feet (10’) in height shall use pole covers and base.
- D. Monument signs shall include a base of 25 percent (25%) or more of the sign’s height with materials and colors reflecting the adjacent building.
- E. Pan channel lettering for flat/wall signs is encouraged and shall be permitted to exceed the maximum allotted area for the zone an additional five percent (5%).

19.82.110 Signs Allowed in Zoning Districts

- A. The following tables describe which types of signs are permitted in each zoning district and provide size, location, height, and other relevant limitations which shall be applied in addition to the other standards of this Code.

| Table 19.82.1 Signs Allowed in All Zones | | | | | |
|--|--|----------------|---|-------------------------------------|--|
| Type | Maximum Size | Maximum Height | Location Requirement | Maximum Quantity | Other |
| General Construction/development sign | 32 square feet plus 1 square foot for each 10 feet of frontage over 30 feet not to exceed 64 square feet per development | 12 feet | <ul style="list-style-type: none"> • Minimum 5 feet from a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed |

Table 19.82.1 Signs Allowed in All Zones

| Type | Maximum Size | Maximum Height | Location Requirement | Maximum Quantity | Other |
|---|---|--------------------------|--|--------------------------------------|---|
| Construction/development Sign for Subdivisions of 5 lots or more | 32 square feet plus 1 square foot for each lot over 5 not to exceed 64 square feet. | 12 feet | <ul style="list-style-type: none"> • Must be on the development site. • Located on private property. • Minimum of 5 feet from a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed |
| Construction/development Sign for Multifamily developments of more than 20 units | 10 foot vertical and 20 foot horizontal | 12 feet | prohibited in a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> • All signs must be approved by the planning commission for a period not to exceed one year. • Approval may be renewed by the Planning Director. |
| Nameplate sign | 3 square feet per use | | Attached to main structure. | One per residential unit or business | Backlit only |
| Property sign | 6 square feet | 4 feet | <ul style="list-style-type: none"> • On private property and • a minimum of 5 feet from a public or private right-of-way. | Two per development, per frontage. | |
| Directional / Circulation sign | 6 square feet | 3 feet when freestanding | <ul style="list-style-type: none"> • On private property and • a minimum of 5 feet from a public or private right-of-way. | Two per development, per frontage. | <ul style="list-style-type: none"> • Only permitted for non-residential uses • No illumination permitted. |

Table 19.82.2 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

| Type | Maximum Size | Maximum Height | Location | Maximum Quantity | Other |
|-----------------------|---|----------------|--|-------------------------|--|
| Monument sign | 32 square feet plus 1 square foot for every 10 feet of frontage over 30 feet | 6 feet | <ul style="list-style-type: none"> • Prohibited in a right-of-way • Minimum of 5 feet from any property line | One per street frontage | <ul style="list-style-type: none"> • Only permitted for any of the following uses: <ul style="list-style-type: none"> ○ Nonresidential uses allowed in the zone. ○ Residential structures with 5 or more dwelling units ○ Subdivisions with more than 5 lots • May be illuminated if: <ul style="list-style-type: none"> ○ Located on major arterial street and ○ Not directly shining onto a property occupied by a residential use. |
| Flat/Wall sign | <ul style="list-style-type: none"> • Five percent (5%) of a wall area in FRE and R-1 zones and fifteen percent (15%) • of a wall area in all other residential zones, up to a maximum of 200 square feet. | | Must be attached to a building | One per street frontage | <ul style="list-style-type: none"> • Only permitted for: <ul style="list-style-type: none"> ○ Nonresidential uses allowed in the zone ○ Residential uses with 5 or more dwelling units • Downlit illumination permitted if the sign is not exposed to adjacent properties occupied by a residential use. |

Table 19.82.3 Signs in Nonresidential Zones: (C-1, C-2, C-3, M, MD, MD-3, IF and CCOZ)

| Type | Maximum Size | Maximum Height | Location Requirements | Maximum Quantity | Other |
|----------------------|---|--|--|--|--|
| District sign | 288 square feet | 26.5 feet | <ul style="list-style-type: none"> • Must be located on City Property | One in the City Center Overlay Zone. | <ul style="list-style-type: none"> • Only allowed in CCOZ. |
| Pole sign | 48 square feet plus 1 square foot for each 4 feet of street frontage over 30 feet, not to exceed 150 square feet. | 15 feet in C-1 zone, 20 feet in C-2, C-3, M, MD, IF, and CCOZ zones. | <ul style="list-style-type: none"> • 15 feet from any property line • At least 100 feet from any other pole or monument sign. | One per street frontage. | <ul style="list-style-type: none"> • Illumination may be built into or attached to signs. • No upward illumination is permitted. • If a pole sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 18.68.120(C). • Prohibited in CCOZ. |
| Monument sign | 32 square feet plus 1 square foot for every 4 feet of frontage over 30 feet, not to exceed 64 square feet. | 6 feet in C-2, C-3, M, MD and IF 4 feet in in C-1 and CCOZ | <ul style="list-style-type: none"> • On private property • Minimum of 5 feet from any property line. • At least 50 feet from any other pole or monument sign. | One per every 150 feet of street frontage or part thereof. | <ul style="list-style-type: none"> • If a monument sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 19.82.120(C). |

Table 19.82.3 Signs in Nonresidential Zones: (C-1, C-2, C-3, M, MD, MD-3, IF and CCOZ)

| Type | Maximum Size | Maximum Height | Location Requirements | Maximum Quantity | Other |
|--------------------------------|--|---|--|--------------------------------------|--|
| Flat/Wall sign | Twenty percent (20%) of a wall area, up to a maximum of 300 square feet in the C-1 zone, or up to a maximum 600 square feet in the C, M, and MD zones. | | <ul style="list-style-type: none"> Must be attached to a building. | | <ul style="list-style-type: none"> Only permitted if an awning sign is not used. Illumination permitted if the downlit or built into the letters. No upward illumination permitted. |
| Awning sign | <ul style="list-style-type: none"> Twenty five percent (25%) coverage of a first floor wall area Fifty percent (50%) of an awning may be covered with graphics | May not extend above the top of the wall it is attached to. | <ul style="list-style-type: none"> Must be attached to a building. 6 foot maximum projection from building. 8 foot minimum clearance from the ground to the bottom of the awning. | Up to 3 walls per building | <ul style="list-style-type: none"> An awning sign may only be used if a flat or wall sign is not used. Primary graphics must be on street side or primary face of structure No internal illumination permitted. |
| Projecting / Blade sign | <ul style="list-style-type: none"> 12 square feet Maximum 42-inch width | May not extend above the top of the wall it is attached to. | <ul style="list-style-type: none"> Must be attached to a building. 6 foot maximum projection from building. 8 foot minimum clearance from ground to bottom of sign | One per entrance along frontage | <ul style="list-style-type: none"> Primary graphics must be on street side or primary face of structure No illumination permitted |
| Window sign | 12 square feet per use. | | | One per business per street frontage | |

19.82.120 Illuminated Signs

- A. An illuminated sign shall not be installed which permits the light source to be seen by adjacent residential properties. All illuminated signs shall direct their light downward to prevent dark sky illumination.
- B. If an illuminated sign is alleged to violate the requirements of this Code, the Planning Director may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified lighting professional to the Planning Director. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.
- C. Lighting for signs shall meet the following standards:
 - 1. All illuminated signs:
 - a. A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties.
 - b. All lighted signs shall have stationary and constant lighting. Flashing, blinking, chasing or similarly changing lights are prohibited.
 - c. The use of uplighting on signs is prohibited. All lighted signs shall direct their light downward.
 - d. Except for internally illuminated logos and text, all light sources used to illuminate signage shall have color temperature equal to or less than 4,000 degrees Kelvin (4,000°K).
 - e. No sign shall have an illuminance level greater than 100 nits (100 candelas per square meter).
 - f. Sign illumination curfew:
 - (1) Where required by this code, sign illumination shall be turned off or dimmed to fifty percent (50%) of the original illumination at midnight, or the close of the business, whichever is later.
 - (2) Sign illumination shall remain off or dimmed until one hour prior to sunrise or opening of business, whichever is earlier.
 - 2. Externally illuminated signs:

- a. Lighting for externally illuminated signs shall be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
 - b. Lighting for externally illuminated signs shall be mounted at the top of the sign or within two feet of the top of a building mounted sign.
3. Internally illuminated signs:
- a. Lighting shall be limited to areas with text and logos areas.
 - b. Internally illuminated signs shall use semiopaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear, materials are not allowed for sign copy. Pure white materials are permitted for copy and logo portions of the sign, but are prohibited for any other portion of the sign. Sign backgrounds shall be made of completely opaque material.
4. Backlit signs:
- a. Backlit signs shall be designed such that the light source is not visible.
 - b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy and logos are allowed.
 - c. Backlit signs shall use low lumen light sources.

19.82.130 Electronic Message Center (EMC) Requirements

- A. An electronic message center is limited to the sign types and zones as set forth in Table 19.82.4.
- B. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images. Upward illumination in such displays is not allowed. Light source shall not be seen from adjacent residential properties.
- C. The minimum image display duration shall be eight seconds.
- D. The maximum image transition duration shall be three seconds. Transitions from one static image shall fade out and fade or dissolve into the next static image without the use

of flashing, animation, or movement.

- E. All electronic message centers shall be equipped with a sensor or other programmable device that automatically determines the ambient illumination and must be programmed to automatically adjust the illuminance according to ambient light conditions.
- F. Electronic Message Centers greater than one hundred square feet (100 sf) in area shall include physical light-blocking louvers to provide for vertical and horizontal light protected areas beyond 38 degrees of site broadcast.
- G. The nighttime illuminance of an electronic message center shall not increase ambient lighting by more than 0.2 foot candles when measured as follows:
 - 1. The measurement distance is determined by the following formula:
 - a. $(\sqrt{\text{Area of display} \times 10}) = \text{Measurement distance in feet.}$
 - b. For example, a display of 25 square feet would be measured at a distance of 50' since $(\sqrt{25 \times 10}) = 50.$
 - 2. Measurements shall be taken at the required distance perpendicular to the electronic message center face.
 - 3. An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign turned off to a black screen.
 - 4. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken from the same required distance with the sign turned on to a full white screen.
 - 5. Measurement shall take place at night, after the end of astronomical twilight as defined by the US National Weather Service.
- H. Upon receipt of an ambient light measurement and certification that the EMC meets all applicable requirements, the city shall record a Notice of Compliance and Acknowledgement of Sign Requirements with the Salt Lake County Recorder, on the property on which the EMC is located.

| Table 19.82.4 Electronic Message Center Allowances | | | |
|--|-----------|---|---|
| Zone | Sign Type | Allowable EMC size as a percentage of total allowable sign size per 18.68.100 | Other |
| MD | Monument | 50% | May not be located within 150' of a residential use or zone |
| C | Monument | 50% | May not be located within 150' of a residential use or zone |
| M | Monument | 70% | May not be located within 150' of a residential use or zone |
| | Pole | 50% | May not be located within 150' of a residential use or zone |
| CCOZ | District | 100% | |
| All other zones | None | NA | EMC Not Permitted |

19.82.140 Temporary Signs

- A. All temporary signs shall be located a minimum of five feet (5') from a property line or right-of-way line, or as noted for a particular temporary sign type, from the public right-of-way. Area, size, location, and quantity limits for temporary signs are set forth in Table 19.82.5.

- B. Each business may have a temporary banner sign(s) located on the building with a total maximum square footage of fifty (50) square feet unless the business encompasses a building face with over one hundred fifty (150) linear feet. Such businesses may use up to ten percent (10%) of the first-floor building face square footage, but at no time shall the combination of temporary signs equal more than thirty percent (30%) of the first-floor building face. Other banners located in the landscaping, at least five feet (5') from the property line, with temporary independent supports shall not exceed twenty (20) square feet and shall conform to the time period specified in MKZ 19.82.140 (C).

- C. Temporary and banner signs are subject to the following time limits:
 - 1. Temporary banner signs may be installed on a building face for up to six (6) months.
 - 2. Temporary grand opening signs may be installed on a building face for up to three (3) months. Grand-opening signs shall be allowed for any new business that obtains a

new business license for the opening of a new establishment. A facility renovation requiring a building permit qualifies for a grand-opening sign.

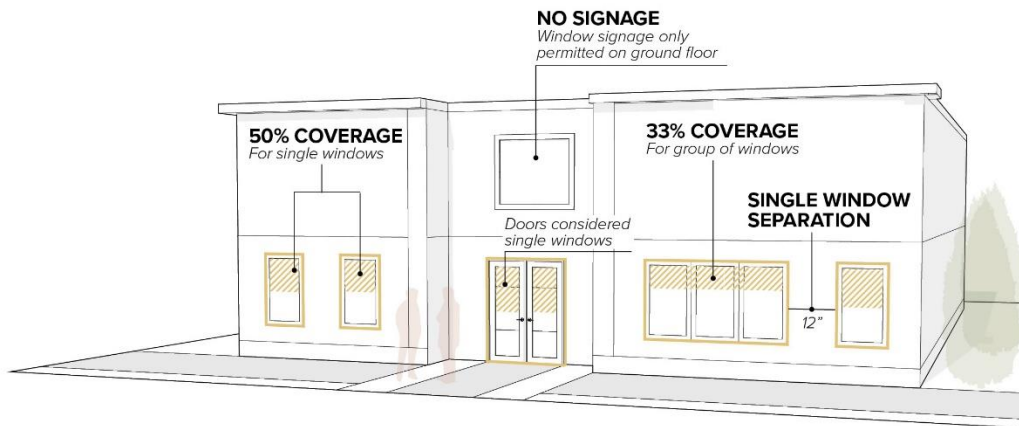
3. All other temporary signs, except A-frames, may be displayed for a total time period of 6 weeks during any calendar year.
- D. All A-frame signs shall be taken indoors at night or at the close of business. All A-frame signs shall be located at a minimum of at least one foot back from the public right of way. Only one A-frame sign is allowed per business, it shall include weights on the bottom, and be no larger than 6 square feet on one side.
 - E. All temporary signs shall be maintained in good condition, without any frayed, ripped, tattered, or faded appearance issues. Such signs are meant to be temporary with a permanent sign installed as soon as possible.
 - F. Construction/development Project signs shall not exceed thirty two (32) square feet. Shall not be internally lit but may include external down lighting. Such signs shall not exceed ten feet (10') in height. Such signs may be constructed of wood (including simulated wood products) or metal with painted advertising or other professional applications, excluding paper. Such signs shall be removed within thirty (30) days of the final inspection or completion of the project.
 - G. Temporary window signs shall be limited to a maximum of fifty percent (50%) coverage of window area. The fifty percent (50%) shall be calculated per façade or elevation. Where paint of marker is used on the window, the area shall be measured by creating the smallest rectilinear shape that completely contains the entire message. Where one window is completely covered in signage, another window of equal or greater size shall be left free of any window signs.
 - H. Temporary signs for temporary uses, shall be attached to a food truck, food cart, ice cream truck, or any temporary structure approved for the temporary use. In addition, one A-frame sign is allowed subject to the standards in subsection D above.
 - I. Yard signs are allowed on a temporary basis and may be displayed outdoors for up to five (5) months.

Table 18.68.141 Temporary Signs

| Type | Maximum Size | Location | Maximum Quantity | Other |
|-------------------------------|--|----------------------------|--|----------------------------|
| Temporary attached | <ul style="list-style-type: none"> 50 square feet not to exceed thirty percent (30%) of the first-floor building façade or, Ten percent (10%) of the first-floor building face square footage for facades longer than 150 feet | Attached to main structure | Cumulative area of all temporary attached signs not to exceed the square footage listed in the maximum size permitted. | |
| Temporary freestanding | 20 square feet | 5 feet from property line | The cumulative total of all temporary freestanding signs may not exceed 20 sq ft per business. | |
| A-frame | 12 square feet | One foot from right-of-way | One per business. | |
| Temporary Window | Up to 50 percent of window may be covered | | | No illumination permitted. |

19.82.150 Window Signs

Figure 19.82.2 Window Sign Allowances



- A. Permanent window signs shall be made from adhesive film and be used for privacy purposes or additional design for building facades.
- B. Window signs shall not cover more than fifty percent (50%) of any single window, nor more than thirty three percent (33%) of the entire surface area of a group of windows on each building face. A single window is any window, or section of windows, that is separated from another window by twelve inches (12") or more. Any door with windows is always considered a separate window.
- C. Any interior sign placed within three feet of a window is considered a window sign.
- D. Window signs are limited to the first story of a building.

19.82.160 Off-Premises Sign Requirements

Off-premises signs erected along the interstate as defined by the State of Utah shall conform with the provisions of the Utah Outdoor Advertising Act.

19.82.170 Off-Premises Signs; Billboards

- A. Purpose. In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.
- B. Cap on Area of Billboards. The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.
- C. Billboards are only allowed in the C and M zones as a permitted use, subject the additional restrictions established in this chapter.
- D. Location. Billboards shall not be allowed in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone.
- E. Size. Billboards shall not exceed three hundred (300) square feet, except as provided below:

1. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed six hundred seventy two (672) square feet.
2. Signs oriented for viewing along State Street and located within twenty feet (20') feet of the State Street right-of-way shall not exceed six hundred seventy two (672') square feet.

F. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within one hundred feet (100') of the Main Street right-of-way, east of Interstate 215, or within five hundred feet (500') of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:

1. 2000 East and 3300 South
2. 1100 East and 3900 South
3. 1300 East and 3900 South
4. 2300 East and 3900 South
5. 2300 East and Claybourne Avenue
6. Murray-Holladay Road and Highland Drive

G. Height. The maximum height of a billboard shall be thirty two feet (32') above the grade level of the road, except as provided below:

1. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of fifty feet (50') but in no event shall be greater than twenty five feet (25') above freeway grade level.
2. In the event that a billboard cannot be viewed from any residential zone, it may exceed thirty two feet (32') in height, up to a maximum height of forty feet (40'). In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:
 - a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within one hundred fifty feet (150') of the residential zone boundary, and
 - b. The billboard must be situated on the same side of the street and within fifty feet (50') of an existing building or buildings and have no greater height than the immediately adjacent building(s).

- H. Separation. The minimum distance between all billboards on the same side of the street shall be five hundred (500) lineal feet as measured along the same side of the street including intersections. All billboards must be at least two hundred fifty (250) radial feet from any other billboard located on the opposite side of the street from where a new sign is to be located.
- I. Setbacks.
1. Setbacks from Rights-of-Way. The minimum setback shall be five feet (5') to the leading edge of a billboard, including all structural and service support elements. The billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Transportation Master Plan. The closest edge of a billboard shall not project into any required setback area.
 2. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
 3. Setbacks from on-premise pole signs. The minimum setback between a billboard and any on-premise pole sign shall be one hundred feet (100').
 4. Setbacks from A, R-1, R-2, R-4, and RM Zones. The minimum setback between a billboard and any residential zone boundary shall be one hundred fifty feet (150'). The minimum setback of a billboard may be reduced to one hundred feet (100') if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A, R-1, R-2, R-4, or RM zone that is within one hundred fifty feet (150') of the proposed sign, as measured from the zone boundary line.
- J. Lighting. The use of uplighting is prohibited. All lights shall direct their light downward and shall be shielded so that the lighting is confined to the sign face and the lighting source is not directly visible from any ground-level vantage point.
- K. Design. Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the sign face. The back of any single-faced billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Internally illuminated billboards, electronic display, digital display, LED display, video display billboards and electronic message centers are only allowed immediately adjacent to the Interstate 15 and shall be limited to no more than one change to the copy face in a twenty-four-hour period. Two-decked billboards are prohibited in all zones.

L. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.

M. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:

1. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections and may be reduced to one hundred fifty (150) radial feet from any other billboard.
2. The maximum height of a billboard may be increased to forty feet (40') in height, subject to the standards established above.

N. Credits for Removal.

1. Prior to the removal of any billboard, the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application to the City. After any billboard is removed, the City shall create a "billboard bank account" for the sign owner.
2. The account shall solely reflect credits for the billboard advertising space square footage as well as the date of removal, and the street address from which the billboard was removed. Any billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use.
3. A billboard owner may sell or otherwise transfer billboards and/or billboard bank account credits.
4. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Removal of a billboard that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face.
5. Credits may not be used to enlarge any non-conforming billboard or conforming billboard, other than those billboard located immediately adjacent to the Interstate 15 freeway, along State Street, or within twenty feet (20') of the State Street right-of-way.

O. Relocation.

1. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter.
2. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease. Additionally, prior to approval of a permit for relocation, the City shall by letter inform the affected community council chair and planning commission chair that application for a billboard permit has been received.
3. If a sign is to be relocated within six hundred feet (600') of a community district boundary, the city shall inform the affected community council chairs of each community district.
4. Billboards moved to approved locations shall conform to all billboard requirements of the new location.
5. Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC).
6. A new billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed.
7. When the permit for construction of a new billboard is issued, the City shall deduct from the sign owner's billboard bank account the advertising face square footage used for the new billboard.
8. If the new billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

P. Notice Required for Billboards Relocated Subject to State Statute.

1. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within five hundred feet (500') of the property

to which the sign is to be relocated or erected.

2. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.

Q. Business Licenses Required for Billboards. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.

R. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail and govern.

19.82.180 Maintenance; Removal of Sign

A. All signs and advertising structures shall be maintained in good condition.

B. After a verbal notification, non-maintained signs or advertising copy, that are not removed or repaired within the required thirty days, the owner(s) shall be given written notice sent by certified mail. If not removed by the owner within ten (10) days, the sign or copy may be removed by the City at the expense of the owner.

C. Vacant signs.

1. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty days of such unavailability.
2. Empty signs frames shall either be replaced with new signs for an active business or removed within 6 months from the time the sign area becomes vacant.
3. If removal does not occur voluntarily, after appropriate notice is given, the entire sign and support structure shall be taken down by the owner or may be removed by the City and all costs incurred shall be the responsibility of the property owner.

19.82.190 Non-Conforming Signs

A. Alterations.

1. A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions

of this Code. All alterations shall require conformance to the provisions of this Code including any physical changes to the sign panel or the sign cabinet itself. Exclusions from this requirement are as follows:

- a. Face changes.
 - b. Normal maintenance and repair of existing sign structures, or of existing electronic message centers.
 - c. Copy changes in signs with a changeable copy feature.
 - d. Architectural enhancements to existing multi-tenant pole signs in conjunction with a building façade remodel. The building façade remodel must be at least twenty five percent (25%) of the front façade of the building. Overall height, size, and shape of the sign shall not be increased.
 - e. Any sign serving a property but that is located within or projects into the existing public right-of-way shall be made conforming when the sign is altered or when a conditional use permit, subdivision approval, rezone, or site plan approval for a new building is issued.
- B. Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of nature, or act of a public enemy, or damaged by any other cause, to the extent of more than fifty percent (50%) of their assessed value shall, if repaired or rebuilt be repaired or rebuilt in conformity with the regulations of this Code.

19.82.200 Iconic Signs

- A. The City has recognized the following iconic signs:
1. Tres Hombres non-rectilinear sign at 3298 S Highland Drive
 2. Bowling Sign at 1376 E 3300 S
 3. Artesian Springs sign 4197 Main Street
 4. Villa Theatre Sign 3092 S Highland Drive
 5. Dr. England Plumbing 1009 E 3300 S
- B. An iconic sign may not be removed unless updated or rebuilt with the exact specifications of the original sign.

- C. Iconic sign shapes may not be altered.
- D. Electronic message centers may not be incorporated into an iconic sign.
- E. A property with an iconic sign may also be allowed a monument sign or a pole sign, subject to the standards of this chapter. Iconic signs shall not be included in the minimum distance requirements established by this chapter for pole signs and monument signs.

19.82.210 Action to Remove or Abate Violation

- A. The City Attorney shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any City ordinance, to accomplish the following purposes:
 - 1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
 - 2. To restrain, to correct or abate such violation;
 - 3. To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within ten working days after giving notice as provided in subsection B of this section, the building inspector or Zoning Administrator may at once abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the City costs incurred in such removal within thirty calendar days after written notice of the costs is mailed to such person.
 - 4. Fines may also be imposed as per section MKZ 19.94.040.
- B. Notice by the City shall mean written notice sent by certified mail to persons having charge or control or benefit of any sign found by the Building Inspector or Zoning Administrator to be unsafe.

19.82.220 Definitions And Interpretation of Language

For the purpose of this chapter, certain words and terms are defined as set out in this section. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; and words included herein but defined in the building code shall be construed as defined therein.

"A-frame sign" means a sign constructed of wood, plastic, or metal, have a solid surface for written advertising with two sides not exceeding 6 square feet on a side attached at the top to allow the sign to stand in an upright position weighted or anchored sufficiently at the bottom to prevent blow overs and to be movable at will.

"Alterations" means a change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

"Animated sign" means a sign which induces motion or rotation of any part by mechanical, or artificial means, or subdued color changes. An animated sign is not an EMC sign.

"Animation" means simulated movement created by the display of a series of pictures or images, creating the illusion of movement.

"Awning sign" means a sign designed in awning form that is an illuminated or nonilluminated space frame structure attached to a building or other permanent structure.

"Billboard bank" means an accounting system established by the City to keep track of the number of billboard signs and the square footage of each billboard sign removed pursuant to MKZ Section 19.82.185 of this chapter.

"Billboard credit" means an entry into a billboard owner's billboard bank account that indicates the number of billboard sign locations and the square footage of each billboard sign.

"Billboard owner" means the owner of a billboard in Millcreek.

"Billboard" means a free-standing ground sign with a sign face of at least 128 square feet in area and with a height of at least 30 feet, or a ground sign regulated under the Utah Outdoor Advertising Act or the Municipal Land Use, Development, and Management Act. Billboards are supported by a substantial permanent monopole or bipole support structure. Billboards are typically owned by nongovernmental entities or leased separately from the principal buildings or uses on the property upon which they are located and are larger and/or taller than any sign expressly permitted by this title.

"Blower machine" machine means a mechanical device for creating a current of air used to inflate an inflatable sign.

"Construction/development sign" means a sign located on a lot where construction or proposed development activities are being actively conducted and which is not permanently attached to a structure of the ground. A construction/development sign does not include a snipe sign, a feather sign, blower machines, streamers/pennants, mobile sign, a sign on a vehicle, or objects used to convey services or products.

"Dissolve" means an image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent image.

"Directional / Circulation Sign" means a means any sign which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign.

"District sign" means a ground sign located on City-owned property that is owned and operated by the City, or by a third party entity under an agreement with the City.

"Electronic message center" or "EMC" means a mechanism or device which uses a combination of lights, or lighted or unlighted panels which are controlled electrically with software and electronically to produce words, symbols, pictures or messages which may change within a given panel area.

"Embellishment, cut-out or extension" means an extension of the billboard resulting in increased square footage as part of an artistic design to convey a specific message or advertisement.

"Existing billboard" means a billboard that is either constructed, or for which an application for a land use permit was received and approved by the planning department and state authorities where necessary, prior to May 18, 2004.

"Fade" means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increases intensity to the point of legibility.

"Flag" means an item made of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution.

"Feather" sign means a temporary sign independently standing or attached to a structure with a vertical banner.

"Flashing sign" means a sign which has or appears to have motion or rotation of the lighting elements or displays flashing or intermittent light for less than two seconds.

"Flat/wall sign" means a sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches from such wall with messages or copy on the face side only.

"Footcandle" means the English unit of measurement for illuminance, which is equal to one lumen, incident upon an area of one foot.

"Handbill" means any written or printed notice distributed by hand for the purpose of communication, including but not limited to any pamphlet, booklet or leaflet.

"Iconic sign" means a sign having significant historical character and that has acted as a landmark in the City and specifically included in the iconic sign section of this chapter.

"Illuminance" means the photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.

"Illuminated sign" means a sign which has characters, letters, figures, designs or outlines illuminated by internal electric lights or luminous tubes.

"Image" means the display of text, numbers or the likeness of an object or living thing of any type on an EMC.

"Image display duration" means the period of time that an image remains static.

"Image transition duration" means the period of time in which one image changes to another on an electronic message center.

"Inflatable" is an object or sign that is filled with air before use.

"Interior sign" means a sign located within a building so as to be primarily visible only from within the building in which the sign is located.

"Mobile sign" means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground, or a sign that is greater than sixteen square feet in area and that is mounted on a vehicle.

"Monument sign" means a low-profile sign which is incorporated into the landscape or architectural design scheme where the sign is located.

"Nameplate sign" means a sign indicating the name and/or occupation of a person legally occupying the premises or indicating a legal home occupation thereon.

"Nonconforming billboard" means an existing billboard that is located in a zoning district or otherwise situated in a way that is not permitted by the provisions of this chapter.

"Nonconforming sign or sign structure" means a sign or sign structure or portion thereof lawfully existing at the effective date of this chapter or any amendment hereto has been maintained continuously, and because of one or more subsequent changes to this chapter does not conform to regulations that now govern the sign.

"Pan Channel letters" are custom-made metal or plastic letters commonly used in exterior, and often internally illuminated.

"Pedestal sign" means a temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

"Pole sign" means a sign supported by a fixed permanent frame/pole support in the ground.

"Poster" means any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed.

"Projecting/blade sign" means a sign attached to a building or canopy and extending in whole or part more than twenty-four inches beyond any wall of the building or canopy.

"Roof sign" means an on premises sign which is erected and attached partly or wholly on the roof of the building.

"Scintillate" or "scintillating" means light flashes, light sparkling, light starbursts, light twinkling, light pulsating or any other image transition effect or animation in which an image instantly and repeatedly changes for the purpose of attracting attention.

"Searchlight" a powerful outdoor electric light with a concentrated beam that can be turned in the required direction.

"Service sign" means a sign that is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc.

"Sign" means and includes every advertising message, announcement, declaration, demonstration, display, illustration, light display, insignia surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. "Sign" also includes the sign structure supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

"Sign area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectilinear line with a maximum of eight sides, triangle or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shapes shall be computed as one-half of the total surface area.

"Sign clearance" means the vertical distance from finished grade directly below the sign to the bottom of the lowest attached component of the sign, exclusive of any supporting structure.

"Sign maintenance" means that signs shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, repainting, rust removal, replacement or removal of empty frames, cleaning and other acts required for the maintenance of the sign. Good condition means signs shall not display rust, peeling paint, broken parts, discoloration, bent metal including frames, and empty or broken panels.

"Sign setback" means the minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line.

"Sign structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having location on or below the ground.

"Snipe sign" means a sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

"Static" means no motion of any type or form.

"Streamers/Pennants" Decorations made from paper, cloth, canvas, light fabric, plastic, or other light materials used for decoration on a property or building.

"Temporary sign," means a sign constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames and is restricted to section 19.82.140 of this title.

"Temporary window sign" means a temporary sign located on or within the window of a building and is restricted to MKZ section 19.82.140 of this title.

"Time and temperature device" means any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.

"Video" means simulated movement created by the display of a series of images creating the illusion of continuous movement.

"Window sign" means a sign attached and located on a window so as to be visible from outside the building through a window or door. Any interior signs placed within three feet (3') of window is considered a window sign.

"Yard sign" means a temporary sign located in a residential area placed upon or supported by the ground independently of any other sign on the property.

EXHIBIT “B”

19.82 SIGNS

19.82.010 Purpose

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, to improve appearance and views within the major transportation corridors by setting requirements for the location, design, number of, size, height and lighting of signs and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Millcreek.

19.82.020 Applicability

- A. Except as provided in this Title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with the regulations specified in this chapter.
- B. Except for signs not regulated by this chapter, sign alterations that increase sign face square footage shall require conformance to this title.
- C. Sign copy may be changed at any time without any additional approvals or permitting, providing the sign is not prohibited, no structural or electrical alterations are made to the sign, and the sign complies with applicable requirements of this chapter.
- D. Any sign allowed under this chapter may contain sign copy that occupies the entire sign area or any portion hereof, and may be suitable for, or be combined with a logo.

19.82.030 Prohibited Signs

- A. Signs not specifically allowed by this chapter are prohibited. Prohibited shall include, but not be limited to the following:
 - 1. Snipe, feather, blower machines, streamers/pennants, inflatable signs, and mobile signs located anywhere on a property that is visible from a public right-of-way.
 - 2. Signs on vehicles parked within 20 feet (20') of a public right-of-way.
 - 3. Pedestal signs and objects used to convey services or products sold on the premises that are located on a lot or parcel within 20 feet (20') of a public right-of-way.
 - 4. Searchlights located anywhere on private property.
- B. No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. Prohibited Signs located on publicly owned lands or inside street rights-of-way include, but are not

limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any object or structure located on publicly owned land or inside street rights-of-way.

19.82.040 Interpretation

- A. For the purposes of this chapter, properties that are separated by streets are not adjacent.
- B. The sign requirements contained in this chapter are declared to be the maximum allowable.
- C. Notwithstanding ordinances for signs located on public property, where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.
- D. In matters of interpretation, the provisions of this ordinance shall be interpreted by the Planning Director.

19.82.050 Conformity Required

- A. No person shall erect, alter, relocate, or modify any sign regulated by this chapter without first obtaining a sign permit and a building permit, if required. Signs that do not require a permit and are not regulated by this chapter are as follows:
 - 1. Yard signs that do not exceed six feet (6') in height or thirty two (32) square feet in area.
 - 2. Interior signs, not including window signs. Interior signs placed within three feet (3') of window are considered window signs.
 - 3. A sign, excluding the prohibited signs listed in MKZ 19.82.030, that is not visible from the public right of way and not exceeding the maximum height of the tallest pole or monument sign allowed in the zone.
- B. Signs for churches, schools, and private educational institutions having an academic curriculum similar to that ordinarily given in public schools shall be subject to the requirements for signs located in the C-1 zone, and shall be regulated pursuant to state and federal law.

19.82.060 Approval of Sign Plans

- A. When a land use application on a property is submitted to the City for a conditional use permit, a rezone where a development agreement is considered, or a site plan review for a new permitted use, it shall be accompanied by a complete comprehensive sign plan

showing the following on the subject property:

1. The location of all existing or proposed signs on the property.
 2. The sign type, height, area, and setback of each existing and proposed signs on the property.
 3. A conceptual rendering of each proposed sign on the property.
 4. Renderings or photos of existing signs on the property.
- B. When a separate sign application is submitted at a later date than the original land use application, the sign application shall include:
1. The sign type, height, area, and setback of each existing and proposed sign on the property.
 2. A conceptual rendering of each proposed sign on the property.
 3. A site plan showing the location of existing and proposed signs on the property.
 4. Building elevations showing any wall signs.

19.82.070 Size and Height Computation

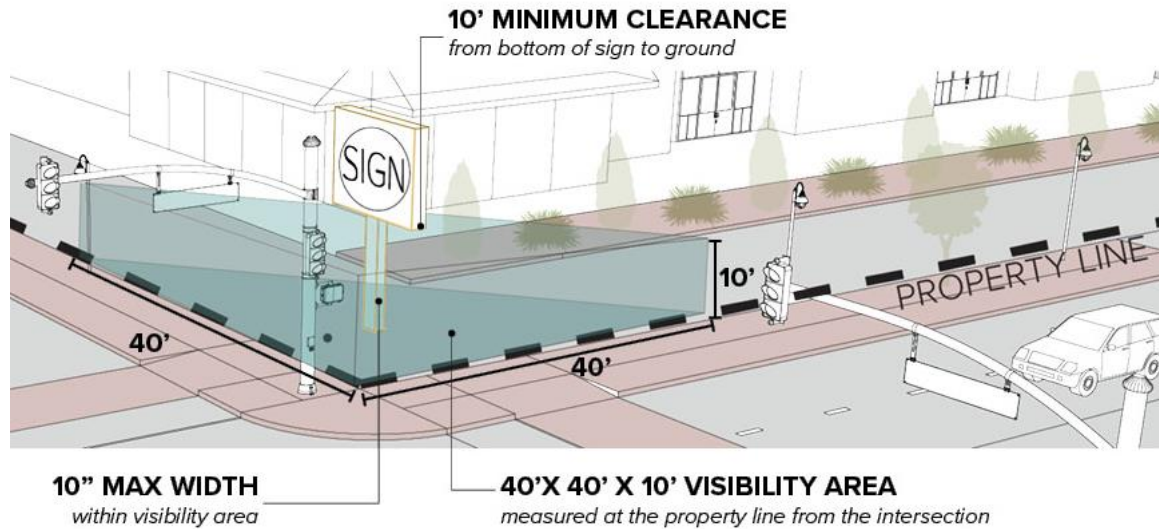
- A. The following shall be used when calculating sign sizes:
1. When more than one use occupies a property, the frontage may be used to calculate the sign size for one total pole or projecting sign, not for each use. The total may then be divided between the uses.
 2. There may be any number of flat or wall signs, provided the total of all flat or wall signs does not exceed the percentage of wall area coverage allowed.
 3. A property line which abuts an interstate highway may not be used in computing sign area.
- B. The height of pole and monument signs shall be measured from the grade at the property line of the yard in which the sign is located.

19.82.080 Imprint of Ownership Required

The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

19.82.090 Sign Location Standards

Figure 19.82.1 Visibility Diagram



- A. Visibility at intersections shall be as depicted in Figure 19.82.1 and more particularly as described herein:
1. For the purposes of this chapter, visibility at intersections is measured from the grade of the intersecting streets and located within the clear view of an intersection, which is a triangular area formed by the property lines and a line connecting them at points forty feet from the intersection or a driveway at a point formed by an extension of the two curb faces until they meet. In instances where property lines are not readily visible or established, the triangular area shall be formed by following the edge of pavement and a line connecting them at points fifty (50) feet from the point of intersection.
 2. There shall be a minimum sign clearance of ten feet (10') between the ground and any part of a projecting sign or pole sign, except as provided below:
 - a. Any portion of a sign structure within the clear view of an intersection and nearer the ground than ten feet may not exceed ten inches in width, thickness, or diameter.
 - b. A service sign located within the clear view of an intersection shall not exceed three feet (3') in height measured from grade.
- B. Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision, or at any location where

by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.

19.82.100 Design Standards

- A. All signs shall use materials that emulate the adjacent building.
- B. All single pole signs shall include pole covers and a sign base. Pole covers and sign bases shall be constructed of brick, stone, or architectural metal panels that extend at least 3 inches beyond the pole, and that fully conceals the entirety of the sign pole structure.
- C. All double pole signs over 10 feet (10’) in height shall use pole covers and base.
- D. Monument signs shall include a base of 25 percent (25%) or more of the sign’s height with materials and colors reflecting the adjacent building.
- E. Pan channel lettering for flat/wall signs is encouraged and shall be permitted to exceed the maximum allotted area for the zone an additional five percent (5%).

19.82.110 Signs Allowed in Zoning Districts

- A. The following tables describe which types of signs are permitted in each zoning district and provide size, location, height, and other relevant limitations which shall be applied in addition to the other standards of this Code.

| Table 19.82.1 Signs Allowed in All Zones | | | | | |
|---|--|----------------|---|-------------------------------------|--|
| Type | Maximum Size | Maximum Height | Location Requirement | Maximum Quantity | Other |
| Construction/development sign in general | 32 square feet plus 1 square foot for each 10 feet of frontage over 30 feet not to exceed 64 square feet per development | 12 feet | <ul style="list-style-type: none"> • Minimum 5 feet from a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed |

Table 19.82.1 Signs Allowed in All Zones

| Type | Maximum Size | Maximum Height | Location Requirement | Maximum Quantity | Other |
|---|---|--------------------------|--|---|---|
| Construction/development Sign for Subdivisions of 5 lots or more | 32 square feet plus 1 square foot for each lot over 5 not to exceed 64 square feet. | 12 feet | <ul style="list-style-type: none"> • Must be on the development site. • Located on private property. • Minimum of 5 feet from a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed |
| Construction/development Sign for Multifamily developments of more than 20 units | 10 foot vertical and 20 foot horizontal | 12 feet | prohibited in a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> • All signs must be approved by the Planning Director for a period not to exceed one year. • Approval may be renewed by the Planning Director. |
| Nameplate sign | 3 square feet per use | | Attached to main structure. | One per residential unit or business | Backlit only |
| Property sign | 6 square feet | 3 feet when freestanding | <ul style="list-style-type: none"> • On private property | One sign for each access, and one sign for every 50 feet of frontage. | |
| Directional / Circulation sign | 6 square feet | 3 feet when freestanding | <ul style="list-style-type: none"> • On private property and a minimum of 5 feet from a public or private right-of-way. | Two per development, per frontage. | <ul style="list-style-type: none"> • Only permitted for non-residential uses • No illumination permitted. |

Table 19.82.2 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

| Type | Maximum Size | Maximum Height | Location | Maximum Quantity | Other |
|-----------------------|---|----------------|--|-------------------------|--|
| Monument sign | 32 square feet plus 1 square foot for every 10 feet of frontage over 30 feet | 6 feet | <ul style="list-style-type: none"> • Prohibited in a right-of-way • Minimum of 5 feet from any property line | One per street frontage | <ul style="list-style-type: none"> • Only permitted for any of the following uses: <ul style="list-style-type: none"> ○ Nonresidential uses allowed in the zone. ○ Residential structures with 5 or more dwelling units ○ Subdivisions with more than 5 lots • May be illuminated if: <ul style="list-style-type: none"> ○ Located on major arterial street and ○ Not directly shining onto a property occupied by a residential use. |
| Flat/Wall sign | <ul style="list-style-type: none"> • Five percent (5%) of a wall area in FRE and R-1 zones and fifteen percent (15%) • of a wall area in all other residential zones, up to a maximum of 200 square feet. | | Must be attached to a building | One per street frontage | <ul style="list-style-type: none"> • Only permitted for: <ul style="list-style-type: none"> ○ Nonresidential uses allowed in the zone ○ Residential uses with 5 or more dwelling units • Downlit illumination permitted if the sign is not exposed to adjacent properties occupied by a residential use. |

Table 19.82.3 Signs in Nonresidential Zones: (C-1, C-2, C-3, M, MD, MD-3, IF and CCOZ)

| Type | Maximum Size | Maximum Height | Location Requirements | Maximum Quantity | Other |
|----------------------|---|--|--|--|--|
| District sign | 288 square feet | <ul style="list-style-type: none"> • 26.5 feet for signs located on 3300 South or Highland Drive. • 30 feet for a sign located on 1300 East. | <ul style="list-style-type: none"> • Must be located on City Property | Three in the City Center Overlay Zone. | <ul style="list-style-type: none"> • Only allowed in CCOZ. |
| Pole sign | 48 square feet plus 1 square foot for each 4 feet of street frontage over 30 feet, not to exceed 150 square feet. | 15 feet in C-1 zone, 20 feet in C-2, C-3, M, MD, IF, and CCOZ zones. | <ul style="list-style-type: none"> • 15 feet from any property line • At least 100 feet from any other pole or monument sign. | One per street frontage. | <ul style="list-style-type: none"> • Illumination may be built into or attached to signs. • No upward illumination is permitted. • If a pole sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 19.82.120(C). • Prohibited in CCOZ. |
| Monument sign | 32 square feet plus 1 square foot for every 4 feet of frontage over 30 feet, not to exceed 64 square feet. | 6 feet in C-2, C-3, M, MD and IF 4 feet in in C-1 and CCOZ | <ul style="list-style-type: none"> • On private property • Minimum of 5 feet from any property line. • At least 50 feet from any other pole or monument sign. | One per every 150 feet of street frontage or part thereof. | <ul style="list-style-type: none"> • If a monument sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 19.82.120(C). |

Table 19.82.3 Signs in Nonresidential Zones: (C-1, C-2, C-3, M, MD, MD-3, IF and CCOZ)

| Type | Maximum Size | Maximum Height | Location Requirements | Maximum Quantity | Other |
|--------------------------------|--|---|--|--------------------------------------|--|
| Flat/Wall sign | Twenty percent (20%) of a wall area, up to a maximum of 300 square feet in the C-1 zone, or up to a maximum 600 square feet in the C, M, and MD zones. | | <ul style="list-style-type: none"> Must be attached to a building. | | <ul style="list-style-type: none"> Only permitted if an awning sign is not used. Illumination permitted if the downlit or built into the letters. No upward illumination permitted. |
| Awning sign | <ul style="list-style-type: none"> Twenty five percent (25%) coverage of a first floor wall area Fifty percent (50%) of an awning may be covered with graphics | May not extend above the top of the wall it is attached to. | <ul style="list-style-type: none"> Must be attached to a building. 6 foot maximum projection from building. 8 foot minimum clearance from the ground to the bottom of the awning. | Up to 3 walls per building | <ul style="list-style-type: none"> An awning sign may only be used if a flat or wall sign is not used. Primary graphics must be on street side or primary face of structure No internal illumination permitted. |
| Projecting / Blade sign | <ul style="list-style-type: none"> 12 square feet Maximum 42-inch width | May not extend above the top of the wall it is attached to. | <ul style="list-style-type: none"> Must be attached to a building. 6 foot maximum projection from building. 8 foot minimum clearance from ground to bottom of sign | One per entrance along frontage | <ul style="list-style-type: none"> Primary graphics must be on street side or primary face of structure No illumination permitted |
| Window sign | 12 square feet per use. | | | One per business per street frontage | |

19.82.120 Illuminated Signs

- A. Any sign that is illuminated shall not permit the light source to be directly visible from any ground-level vantage point on a residential property. All illuminated signs shall direct their light downward to prevent dark sky illumination.

- B. If an illuminated sign is alleged to violate the requirements of this Code, the Planning Director may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified lighting professional to the Planning Director. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

- C. Lighting for signs shall meet the following standards:
 - 1. All illuminated signs:
 - a. Any sign that is illuminated shall not permit the light source to be directly visible from any ground-level vantage point on a residential property.
 - b. All lighted signs shall have stationary and constant lighting. Flashing, blinking, chasing or similarly changing lights are prohibited.
 - c. The use of uplighting on signs is prohibited. All lighted signs shall direct their light downward.
 - d. Except for internally illuminated logos and text, all light sources used to illuminate signage shall have color temperature equal to or less than 4,000 degrees Kelvin (4,000°K).
 - e. The nighttime illuminance of an electronic message center shall not increase ambient lighting by more than 0.2 footcandles when measured as follows:
 - (1) The measurement distance is determined by the following formula:
 - (A) $(\sqrt{\text{Area of display} \times 10}) = \text{Measurement distance in feet.}$
 - (B) For example, a display of 25 square feet would be measured at a distance of 50' since $(\sqrt{25 \times 10}) = 50.$
 - (2) Measurements shall be taken at the required distance perpendicular to the sign face.

- (3) An ambient light measurement shall be taken using a footcandle meter at the required distance with the sign turned off.
- (4) Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken from the same required distance with the sign turned on.
- (5) Measurement shall take place at night, after the end of astronomical twilight as defined by the US National Weather Service.

f. Sign illumination curfew:

- (1) Where required by this code, sign illumination shall be turned off or dimmed to fifty percent (50%) of the original illumination at midnight, or the close of the business, whichever is later.
- (2) Sign illumination shall remain off or dimmed until one hour prior to sunrise or opening of business, whichever is earlier.

2. Externally illuminated signs:

- a. Lighting for externally illuminated signs shall be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
- b. Lighting for externally illuminated signs shall be mounted at the top of the sign or within two feet of the top of a building mounted sign.

3. Internally illuminated signs:

- a. Lighting shall be limited to areas with text and logos areas.
- b. Internally illuminated signs shall use semiopaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear, materials are not allowed for sign copy. Pure white materials are permitted for copy and logo portions of the sign, but are prohibited for any other portion of the sign. Sign backgrounds shall be made of completely opaque material.

4. Backlit signs:

- a. Backlit signs shall be designed such that the light source is not visible.

- b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy and logos are allowed.
- c. Backlit signs shall use low lumen light sources.

19.82.130 Electronic Message Center (EMC) Requirements

- A. An electronic message center is limited to the sign types and zones as set forth in Table 19.82.4.
- B. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images. Upward illumination in such displays is not allowed. Light source shall not be seen from adjacent residential properties.
- C. The minimum image display duration shall be eight seconds.
- D. The maximum image transition duration shall be three seconds. Transitions from one static image shall fade out and fade or dissolve into the next static image without the use of flashing, animation, or movement.
- E. All electronic message centers shall be equipped with a sensor or other programmable device that automatically determines the ambient illumination and must be programmed to automatically adjust the illuminance according to ambient light conditions.
- F. Electronic Message Centers greater than one hundred square feet (100 sf) in area shall include physical light-blocking louvers to provide for vertical and horizontal light protected areas beyond 38 degrees of site broadcast.
- G. The nighttime illuminance of an electronic message center shall not increase ambient lighting by more than 0.2 footcandles when measured as follows:
 - 1. The measurement distance is determined by the following formula:
 - a. $(\sqrt{\text{Area of display} \times 10}) = \text{Measurement distance in feet.}$
 - b. For example, a display of 25 square feet would be measured at a distance of 50' since $(\sqrt{25 \times 10}) = 50$.
 - 2. Measurements shall be taken at the required distance perpendicular to the electronic message center face.

3. An ambient light measurement shall be taken using a footcandle meter at the required distance with the sign turned off to a black screen.
 4. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken from the same required distance with the sign turned on to a full white screen.
 5. Measurement shall take place at night, after the end of astronomical twilight as defined by the US National Weather Service.
- H. Upon receipt of an ambient light measurement and certification that the EMC meets all applicable requirements, the city shall record a Notice of Compliance and Acknowledgement of Sign Requirements with the Salt Lake County Recorder, on the property on which the EMC is located.

| Table 19.82.4 Electronic Message Center Allowances | | | |
|--|-----------|---|---|
| Zone | Sign Type | Allowable EMC size as a percentage of total allowable sign size per 18.68.100 | Other |
| MD | Monument | 50% | May not be located within 150' of a residential use or zone |
| C | Monument | 50% | May not be located within 150' of a residential use or zone |
| M | Monument | 70% | May not be located within 150' of a residential use or zone |
| | Pole | 50% | May not be located within 150' of a residential use or zone |
| CCOZ | District | 100% | |
| All other zones | None | NA | EMC Not Permitted |

19.82.140 Temporary Signs

- A. All temporary signs shall be located a minimum of five feet (5') from a property line or right-of-way line, or as noted for a particular temporary sign type, from the public right-of-way. Area, size, location, and quantity limits for temporary signs are set forth in Table 19.82.5.

- B. Each business may have a temporary banner sign(s) located on the building with a total maximum square footage of fifty (50) square feet unless the business encompasses a building face with over one hundred fifty (150) linear feet. Such businesses may use up to ten percent (10%) of the first-floor building face square footage, but at no time shall the combination of temporary signs equal more than thirty percent (30%) of the first-floor building face. Other banners located in the landscaping, at least five feet (5') from the property line, with temporary independent supports shall not exceed twenty (20) square feet and shall conform to the time limits specified in MKZ 19.82.140 (C).

- C. Temporary and banner signs are subject to the following time limits:
 - 1. Temporary banner signs may be installed on a building face for up to six (6) months during any calendar year.

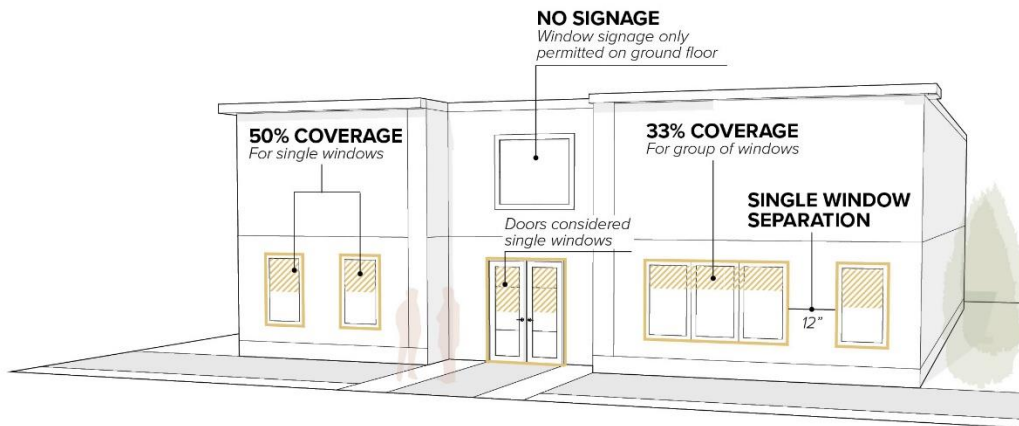
2. Temporary grand opening signs may be installed on a building face for up to three (3) months during any calendar year. Grand-opening signs shall be allowed for any new business that obtains a new business license for the opening of a new establishment. A facility renovation requiring a building permit qualifies for a grand-opening sign.
 3. All other temporary signs, except A-frames, may be displayed for a total time period of 6 weeks during any calendar year.
- D. All A-frame signs shall be taken indoors at night or at the close of business. All A-frame signs shall be located at a minimum of at least one foot back from the public right of way. Only one A-frame sign is allowed per business, it shall include weights on the bottom, and be no larger than 6 square feet on one side.
- E. All temporary signs shall be maintained in good condition, without any frayed, ripped, tattered, or faded appearance issues. Such signs are meant to be temporary with a permanent sign installed as soon as possible.
- F. Construction/development Project signs shall not exceed thirty two (32) square feet. Shall not be internally lit but may include external down lighting. Such signs shall not exceed ten feet (10') in height. Such signs may be constructed of wood (including simulated wood products) or metal with painted advertising or other professional applications, excluding paper. Such signs shall be removed within thirty (30) days of the final inspection or completion of the project.
- G. Temporary window signs shall be limited to a maximum of fifty percent (50%) coverage of window area. The fifty percent (50%) shall be calculated per façade or elevation. Where paint of marker is used on the window, the area shall be measured by creating the smallest rectilinear shape that completely contains the entire message. Where one window is completely covered in signage, another window of equal or greater size shall be left free of any window signs.
- H. Temporary signs for temporary uses, shall be attached to a food truck, food cart, ice cream truck, or any temporary structure approved for the temporary use. In addition, one A-frame sign is allowed subject to the standards in subsection D above.

Table 19.82.5 Temporary Signs

| Type | Maximum Size | Location | Maximum Quantity | Other |
|-------------------------------|--|----------------------------|--|----------------------------|
| Temporary attached | <ul style="list-style-type: none"> 50 square feet not to exceed thirty percent (30%) of the first-floor building façade or, Ten percent (10%) of the first-floor building face square footage for facades longer than 150 feet | Attached to main structure | Cumulative area of all temporary attached signs not to exceed the square footage listed in the maximum size permitted. | |
| Temporary freestanding | 20 square feet | 5 feet from property line | The cumulative total of all temporary freestanding signs may not exceed 20 sq ft per business. | |
| A-frame | 12 square feet | One foot from right-of-way | One per business. | |
| Temporary Window | Up to 50 percent of window may be covered | | | No illumination permitted. |

19.82.150 Window Signs

Figure 19.82.2 Window Sign Allowances



- A. Permanent window signs shall be made from adhesive film and be used for privacy purposes or additional design for building facades.
- B. Window signs shall not cover more than fifty percent (50%) of any single window, nor more than thirty three percent (33%) of the entire surface area of a group of windows on each building face. A single window is any window, or section of windows, that is separated from another window by twelve inches (12") or more. Any door with windows is always considered a separate window.
- C. Any interior sign placed within three feet of a window is considered a window sign.
- D. Window signs are limited to the first story of a building.

19.82.160 Off-Premises Sign Requirements

Off-premises signs erected along the interstate as defined by the State of Utah shall conform with the provisions of the Utah Outdoor Advertising Act.

19.82.170 Off-Premises Signs; Billboards

- A. Purpose. In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.
- B. Cap on Area of Billboards. The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.
- C. Billboards are only allowed in the C and M zones as a permitted use, subject the additional restrictions established in this chapter.
- D. Location. Billboards shall not be allowed in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone.
- E. Size. Billboards shall not exceed three hundred (300) square feet, except as provided below:

1. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed six hundred seventy two (672) square feet.
 2. Signs oriented for viewing along State Street and located within twenty feet (20') feet of the State Street right-of-way shall not exceed six hundred seventy two (672') square feet.
- F. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within one hundred feet (100') of the Main Street right-of-way, east of Interstate 215, or within five hundred feet (500') of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:
1. 2000 East and 3300 South
 2. 1100 East and 3900 South
 3. 1300 East and 3900 South
 4. 2300 East and 3900 South
 5. 2300 East and Claybourne Avenue
 6. Murray-Holladay Road and Highland Drive
- G. Height. The maximum height of a billboard shall be thirty two feet (32') above the grade level of the road, except as provided below:
1. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of fifty feet (50') but in no event shall be greater than twenty five feet (25') above freeway grade level.
 2. In the event that a billboard cannot be viewed from any residential zone, it may exceed thirty two feet (32') in height, up to a maximum height of forty feet (40'). In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:
 - a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within one hundred fifty feet (150') of the residential zone boundary, and
 - b. The billboard must be situated on the same side of the street and within fifty feet (50') of an existing building or buildings and have no greater height than the immediately adjacent building(s).

- H. Separation. The minimum distance between all billboards on the same side of the street shall be five hundred (500) lineal feet as measured along the same side of the street including intersections. All billboards must be at least two hundred fifty (250) radial feet from any other billboard located on the opposite side of the street from where a new sign is to be located.
- I. Setbacks.
1. Setbacks from Rights-of-Way. The minimum setback shall be five feet (5') to the leading edge of a billboard, including all structural and service support elements. The billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Transportation Master Plan. The closest edge of a billboard shall not project into any required setback area.
 2. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
 3. Setbacks from on-premise pole signs. The minimum setback between a billboard and any on-premise pole sign shall be one hundred feet (100').
 4. Setbacks from A, R-1, R-2, R-4, and RM Zones. The minimum setback between a billboard and any residential zone boundary shall be one hundred fifty feet (150'). The minimum setback of a billboard may be reduced to one hundred feet (100') if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A, R-1, R-2, R-4, or RM zone that is within one hundred fifty feet (150') of the proposed sign, as measured from the zone boundary line.
- J. Lighting. The use of uplighting is prohibited. All lights shall direct their light downward and shall be shielded so that the lighting is confined to the sign face and the lighting source is not directly visible from any ground-level vantage point.
- K. Design. Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the sign face. The back of any single-faced billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Internally illuminated billboards, electronic display, digital display, LED display, video display billboards and electronic message centers are only allowed immediately adjacent to the Interstate 15 and shall be limited to no more than one change to the copy face in a twenty-four-hour period. Two-decked billboards are prohibited in all zones.

L. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.

M. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:

1. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections and may be reduced to one hundred fifty (150) radial feet from any other billboard.
2. The maximum height of a billboard may be increased to forty feet (40') in height, subject to the standards established above.

N. Credits for Removal.

1. Prior to the removal of any billboard, the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application to the City. After any billboard is removed, the City shall create a "billboard bank account" for the sign owner.
2. The account shall solely reflect credits for the billboard advertising space square footage as well as the date of removal, and the street address from which the billboard was removed. Any billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use.
3. A billboard owner may sell or otherwise transfer billboards and/or billboard bank account credits.
4. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Removal of a billboard that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face.
5. Credits may not be used to enlarge any non-conforming billboard or conforming billboard, other than those billboard located immediately adjacent to the Interstate 15 freeway, along State Street, or within twenty feet (20') of the State Street right-of-way.

O. Relocation.

1. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter.
2. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease. Additionally, prior to approval of a permit for relocation, the City shall by letter inform the affected community council chair and planning commission chair that application for a billboard permit has been received.
3. If a sign is to be relocated within six hundred feet (600') of a community district boundary, the city shall inform the affected community council chairs of each community district.
4. Billboards moved to approved locations shall conform to all billboard requirements of the new location.
5. Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC).
6. A new billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed.
7. When the permit for construction of a new billboard is issued, the City shall deduct from the sign owner's billboard bank account the advertising face square footage used for the new billboard.
8. If the new billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

P. Notice Required for Billboards Relocated Subject to State Statute.

1. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within five hundred feet (500') of the property

to which the sign is to be relocated or erected.

2. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.

Q. Business Licenses Required for Billboards. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.

R. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail and govern.

19.82.180 Maintenance; Removal of Sign

A. All signs and advertising structures shall be maintained in good condition.

B. Upon receipt of a courtesy notice pursuant to MKC 1.18.165 that a sign or advertising copy is not maintained in good condition, the sign owner(s) shall remove or repair the sign within thirty days.-If the sign is not removed or repaired within thirty days, the owner(s) shall be given a notice of violation pursuant to MKC 1.18.170. In addition to the civil penalties listed in the notice of violation, the city may state that the sign or copy may be removed by the City at the expense of the owner(s), unless the owner removes the sign or copy within ten (10) days.

C. Vacant signs.

1. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty days of such unavailability.
2. Empty signs frames shall either be replaced with new signs for an active business or removed within 6 months from the time the sign area becomes vacant.
3. If removal does not occur voluntarily, after appropriate notice is given, the entire sign and support structure shall be taken down by the owner or may be removed by the City and all costs incurred shall be the responsibility of the property owner.

19.82.190 Non-Conforming Signs

A. Alterations.

1. A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions of this Code. All alterations shall require conformance to the provisions of this Code including any physical changes to the sign panel or the sign cabinet itself. Exclusions from this requirement are as follows:
 - a. Face changes.
 - b. Normal maintenance and repair of existing sign structures, or of existing electronic message centers.
 - c. Copy changes in signs with a changeable copy feature.
 - d. Architectural enhancements to existing multi-tenant pole signs in conjunction with a building façade remodel. The building façade remodel must be at least twenty five percent (25%) of the front façade of the building. Overall height, size, and shape of the sign shall not be increased.
 - e. Any sign serving a property but that is located within or projects into the existing public right-of-way shall be made conforming when the sign is altered or when a conditional use permit, subdivision approval, rezone, or site plan approval for a new building is issued.

- B. Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of nature, or act of a public enemy, or damaged by any other cause, to the extent of more than fifty percent (50%) of their assessed value shall, if repaired or rebuilt be repaired or rebuilt in conformity with the regulations of this Code.

19.82.200 Iconic Signs

A. The City has recognized the following iconic signs:

1. Tres Hombres non-rectilinear sign at 3298 S Highland Drive
2. Bowling sign at 1376 E 3300 S
3. Artesian Springs sign 4197 Main Street
4. Villa Theatre sign 3092 S Highland Drive

5. Dr. England Plumbing sign 1009 E 3300 S
- B. An iconic sign may not be removed unless updated or rebuilt with the exact specifications of the original sign.
- C. Iconic sign shapes may not be altered.
- D. Electronic message centers may not be incorporated into an iconic sign.
- E. A property with an iconic sign may also be allowed a monument sign or a pole sign, subject to the standards of this chapter. Iconic signs shall not be included in the minimum distance requirements established by this chapter for pole signs and monument signs.

19.82.210 Action to Remove or Abate Violation

- A. The City Attorney shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any City ordinance, to accomplish the following purposes:
 1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
 2. To restrain, to correct or abate such violation;
 3. To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within ten working days after giving notice as provided in subsection B of this section, the building inspector or Zoning Administrator may at once abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the City costs incurred in such removal within thirty calendar days after written notice of the costs is mailed to such person.
 4. Fines may also be imposed as per section MKZ 19.94.040.
- B. Notice by the City shall mean written notice sent by certified mail to persons having charge or control or benefit of any sign found by the Building Inspector or Zoning Administrator to be unsafe.

19.82.220 Definitions And Interpretation of Language

For the purpose of this chapter, certain words and terms are defined as set out in this section. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; and words included herein but defined in the building code shall be construed as defined therein.

"A-frame sign" means a sign constructed of wood, plastic, or metal, have a solid surface for written advertising with two sides not exceeding 6 square feet on a side attached at the top to allow the sign to stand in an upright position weighted or anchored sufficiently at the bottom to prevent blow overs and to be movable at will.

"Alterations" means a change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

"Animated sign" means a sign which induces motion or rotation of any part by mechanical, or artificial means, or subdued color changes. An animated sign is not an EMC sign.

"Animation" means simulated movement created by the display of a series of pictures or images, creating the illusion of movement.

"Awning sign" means a sign designed in awning form that is an illuminated or nonilluminated space frame structure attached to a building or other permanent structure.

"Billboard bank" means an accounting system established by the City to keep track of the number of billboard signs and the square footage of each billboard sign removed pursuant to MKZ Section 19.82.185 of this chapter.

"Billboard credit" means an entry into a billboard owner's billboard bank account that indicates the number of billboard sign locations and the square footage of each billboard sign.

"Billboard owner" means the owner of a billboard in Millcreek.

"Billboard" means a free-standing ground sign with a sign face of at least 128 square feet in area and with a height of at least 30 feet, or a billboard as defined by and regulated under the Utah Outdoor Advertising Act or the Municipal Land Use, Development, and Management Act. Billboards are supported by a substantial permanent monopole or bipole support structure. Billboards are typically owned by nongovernmental entities or leased separately from the principal buildings or uses on the property upon which they are located and are larger and/or taller than any sign expressly permitted by this title.

"Blower machine" machine means a mechanical device for creating a current of air used to inflate an inflatable sign.

"Construction/development sign" means a sign located on a property where construction or proposed development activities are being actively conducted and which is not permanently attached to a structure of the ground. A construction/development sign does not include a snipe sign, a feather sign, blower machines, streamers/pennants, mobile sign, a sign on a vehicle, or objects used to convey services or products.

"Dissolve" means an image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent image.

“Directional / Circulation Sign” means a means any sign which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign.

“District sign” means a ground sign located on City-owned property that is owned and operated by the City, or by a third party entity under an agreement with the City.

"Electronic message center" or "EMC" means a mechanism or device which uses a combination of lights, or lighted or unlighted panels which are controlled electrically with software and electronically to produce words, symbols, pictures or messages which may change within a given panel area.

"Embellishment, cut-out or extension" means an extension of the billboard resulting in increased square footage as part of an artistic design to convey a specific message or advertisement.

"Existing billboard" means a billboard that is either constructed, or for which an application for a land use permit was received and approved by the planning department and state authorities where necessary, prior to May 18, 2004.

"Fade" means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increases intensity to the point of legibility.

“Feather” sign means a temporary sign independently standing or attached to a structure with a vertical banner.

"Flashing" means movement-or rotation of a sign’s lighting elements or displays that produce flashing or intermittent light for less than two seconds.

"Flat/wall sign" means a sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches from such wall with messages or copy on the face side only.

"Footcandle" means the English unit of measurement for illuminance, which is equal to one lumen, incident upon an area of one foot.

“Handbill” means any written or printed notice distributed by hand for the purpose of communication, including but not limited to any pamphlet, booklet or leaflet.

“Iconic sign” means a sign having significant historical character and that has acted as a landmark in the City and specifically included in the iconic sign section of this chapter.

"Illuminance" means the photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.

"Illuminated sign" means a sign which has characters, letters, figures, designs or outlines illuminated by internal electric lights or luminous tubes.

"Image" means the display of text, numbers or the likeness of an object or living thing of any type on an EMC.

"Image display duration" means the period of time that an image remains static.

"Image transition duration" means the period of time in which one image changes to another on an electronic message center.

"Inflatable" is an object or sign that is filled with air before use.

"Interior sign" means a sign located within a building so as to be primarily visible only from within the building in which the sign is located.

"Mobile sign" means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground, or a sign that is greater than sixteen square feet in area and that is mounted on a vehicle.

"Monument sign" means a low-profile sign which is incorporated into the landscape or architectural design scheme where the sign is located.

"Nameplate sign" means a sign indicating the name and/or occupation of a person legally occupying the premises or indicating a legal home occupation thereon.

"Nonconforming billboard" means an existing billboard that is located in a zoning district or otherwise situated in a way that is not permitted by the provisions of this chapter.

"Nonconforming sign or sign structure" means a sign or sign structure or portion thereof lawfully existing at the effective date of this chapter or any amendment hereto has been maintained continuously, and because of one or more subsequent changes to this chapter does not conform to regulations that now govern the sign.

"Pan Channel letters" are custom-made metal or plastic letters commonly used in exterior, and often internally illuminated.

"Pedestal sign" means a temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

"Pole sign" means a sign supported by a fixed permanent frame/pole support in the ground.

"Poster" means any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed.

"Projecting/blade sign" means a sign attached to a building or canopy and extending in whole or part more than twenty-four inches beyond any wall of the building or canopy.

"Property sign" means a sign that is affixed to a fence or building wall or located in a yard that typically communicates the rights the owner of a property wishes to enforce regarding parking, use, or access.

"Roof sign" means an on premises sign which is erected and attached partly or wholly on the roof of the building.

"Scintillate" or "scintillating" means light flashes, light sparkling, light starbursts, light twinkling, light pulsating or any other image transition effect or animation in which an image instantly and repeatedly changes for the purpose of attracting attention.

“Searchlight” a powerful outdoor electric light with a concentrated beam that can be turned in the required direction.

"Service sign" means a sign that is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc.

"Sign" means and includes every advertising message, announcement, declaration, demonstration, display, illustration, light display, insignia surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. "Sign" also includes the sign structure supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

"Sign area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectilinear line with a maximum of eight sides, triangle or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shapes shall be computed as one-half of the total surface area.

“Sign clearance” means the vertical distance from finished grade directly below the sign to the bottom of the lowest attached component of the sign, exclusive of any supporting structure.

"Sign maintenance" means that signs shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, repainting, rust removal, replacement or removal of empty frames, cleaning and other acts required for the maintenance of the sign. Good condition means signs shall not display rust, peeling paint, broken parts, discoloration, bent metal including frames, and empty or broken panels.

"Sign setback" means the minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line.

"Sign structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having location on or below the ground.

"Snipe sign" means a sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

"Static" means no motion of any type or form.

“Streamers/Pennants” Decorations made from paper, cloth, canvas, light fabric, plastic, or other light materials used for decoration on a property or building.

"Temporary sign," means a sign constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames and is restricted to section 19.82.140 of this title.

"Temporary window sign" means a temporary sign located on or within the window of a building and is restricted to MKZ section 19.82.140 of this title.

"Video" means simulated movement created by the display of a series of images creating the illusion of continuous movement.

"Window sign" means a sign attached and located on a window so as to be visible from outside the building through a window or door. Any interior signs placed within three feet (3') of window is considered a window sign.

"Yard sign" means a sign located in a residential area placed upon or supported by the ground independently of any other sign on the property.



ZT-23-016

City Council Staff Report – Second Reading

Meeting Date: 3/25/2024

Applicant: City

Re: Adoption of a Revised Sign Ordinance

Prepared By: Francis Xavier Lilly, AICP, Planning Director

Scope of Decision: **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission.

REQUEST AND SYNOPSIS

As part of Millcreek’s comprehensive zoning code update, Staff is seeking your input and recommendation regarding the adoption of a new Signs Ordinance. The existing signs ordinance is found [here](#).

Millcreek’s sign ordinance was updated in recent years. While much of the content in the existing regulations is still relevant, some tables and organizational structure left some requirements unclear. The new draft makes minor updates to standards, updates language for consistency, and improves clarity with new tables.

The Planning Commission’s recommendation includes the following changes, which can be reviewed as Exhibit “A”:

1. New internal illumination standards that controls light temperature as well as brightness.
2. Revised standards for all electronic message centers, including a lower maximum illuminance requirement than currently required, and the installation of light protecting louvers for larger electronic message centers, such as the digital district sign on Millcreek Common.
3. Reduced height for monument signs.
4. A maximum area for wall signs, depending on the zone.
5. Limits on window signs to the first story of buildings.
6. A prohibition on electronic message centers for pole signs in commercial zones, to incentivize conversion to monument signs.
7. No additional digital district signs in the City Center.
8. Updated tables for readability.

After the Planning Commission meeting, planning staff undertook an additional review of the proposed ordinance, in consultation with the Code Compliance staff and the City Attorney, which can be reviewed as Exhibit “B”. Exhibit “B” shows redline changes to the Planning Commission recommendation, and they are summarized as follows:

1. **19.82.030 – Prohibited Signs.** For clarity, staff recommends creating a list of prohibited signs, rather than presenting the prohibitions in paragraph form. Additionally, staff recommends stating that certain prohibited signs are prohibited if they are visible from a public right-of-way, while other signs (such as searchlights) are prohibited regardless of their visibility from a public right-of-way.
2. **Property Signs.** Staff added a definition of “property sign” and clarified requirements. Property signs typically are no-trespassing or no-parking signs, but could be used as real estate signs on commercial properties as well.
3. **Table 19.82.3.** Staff inserted a provision for three district signs, with specific height allowances for signs on Highland Drive and 1300 East. Exhibit “B” provides the City Council with an option to consider additional district signs.
4. **19.82.120 – Illuminated Signs.** Exhibit “B” replaces the initial recommendation of a maximum illumination for static signs of 100 nits with language that states that static signs can have an illumination of 0.2 footcandles above ambient light, and includes a method of measurement. The footcandle standard is the same standard used for electronic message centers, and staff recommends a consistent approach for static signs and EMCs.
5. **19.82.140 – Temporary Signs.** Staff recommends clarifying time limits for temporary signage to reflect a period of time within a calendar year. Staff also recommends that yard signs be considered permanent signage as well as temporary.
6. **19.82.180 – Maintenance; Removal of Sign.** Upon the recommendation of the Code Compliance team, staff revised language regarding noticing owners of a non-maintained sign about our requirement to bring the sign into compliance, and made reference to existing code regarding courtesy notices and notices of violation.
7. **Technical Corrections.** Staff is recommending numerous technical corrections to Exhibit “A” to clarify which signs are prohibited and under what circumstances, to clarify other requirements, and to ensure content neutrality.

Additional information, and links to the Planning Commission staff report, can be found in the previous City Council staff report, which was presented at the March 25, 2024 City Council Meeting.

SUPPORTING DOCUMENTS

- **Exhibit “A” – Planning Commission Recommendation**
- **Exhibit “B” – Staff Alternative (Redline changes to the Planning Commission Recommendation**
- **[City Council Staff Report – March 25, 2024 \(URL\)](#)**

EXHIBIT “A” (PLANNING COMMISSION RECOMMENDATION)

19.82 SIGNS

19.82.010 Purpose

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, to improve appearance and views within the major transportation corridors by setting requirements for the location, design, number of, size, height and lighting of signs and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Millcreek.

19.82.020 Applicability

- A. Except as provided in this Title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with the regulations specified in this chapter.
- B. Except for signs not regulated by this chapter, sign alterations that increase sign face square footage shall require conformance to this title.
- C. Sign copy may be changed at any time without any additional approvals or permitting, providing the sign is not prohibited, no structural or electrical alterations are made to the sign, and the sign complies with applicable requirements of this chapter.
- D. Any sign allowed under this chapter may contain lawful sign copy that occupies the entire sign area or any portion hereof, and may be suitable for, or be combined with a logo.
- E. Other chapters of the zoning ordinance may have a reduced list of applicable signs. Notwithstanding signs located on public property, other chapter sign types shall be utilized over the listed types found in this chapter.

19.82.030 Prohibited Signs

- A. Signs not specifically allowed by this chapter are prohibited. Prohibited shall include, but not be limited to the following: Snipe, feather, blower machines, streamers/pennants, mobile signs, signs on vehicles parked within 20 feet (20') of the public ROW, searchlights, pennants/streamers, inflatable, pedestal signs, and objects used to convey services or products sold on the premises that are located on a lot or parcel within 20 feet (20') of the public right-of-way.
- B. Signs in Public Right-of-Way. No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. Prohibited Signs located on publicly owned lands or inside street rights-of-way include, but are not limited to, handbills, posters, advertisements or notices that

are fastened, placed, posted, painted or attached in any way upon any object or structure located on publicly owned land or inside street rights-of-way.

19.82.040 Interpretation

- A. For the purposes of this chapter, properties that are separated by streets are not adjacent.
- B. The sign requirements contained in this chapter are declared to be the maximum allowable.
- C. Notwithstanding ordinances for signs located on public property, where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.
- D. In matters of interpretation, the provisions of this ordinance shall be interpreted by the Planning Director.

19.82.050 Conformity Required

- A. No person shall erect, alter, relocate, or modify any sign regulated by this chapter without first obtaining a sign permit and a building permit, if required. Signs that do not require a permit and are not regulated by this chapter are as follows:
 - 1. Yard signs.
 - 2. Interior signs, not including window signs. Interior signs placed within three feet (3') of window are considered window signs.
 - 3. A sign that is set back a minimum of twenty feet (20') from the public right of way and not exceeding the maximum height allowed in the zone.
- B. Signs for churches, schools, and private educational institutions having an academic curriculum similar to that ordinarily given in public schools shall be subject to the requirements for signs located in the commercial zone, and shall be regulated pursuant to state and federal law.

19.82.060 Approval of Sign Plans

- A. When a land use application on a property is submitted to the City for a conditional use permit, a rezone where a development agreement is considered, or a site plan review for a new permitted use, it shall be accompanied by a complete comprehensive sign plan showing the following:
 - 1. The location of all existing or proposed signs on the parcel of ground.

2. The sign type, height, area, and setback of each existing and proposed signs.
 3. A conceptual rendering of each proposed sign.
 4. Renderings or photos of existing signs.
- B. When a separate sign application is submitted at a later date than the original land use application, the sign application shall include:
1. The sign type, height, area, and setback of each existing and proposed sign.
 2. A conceptual rendering of each proposed sign.
 3. A site plan showing the location of existing and proposed signs.
 4. Building elevations showing any wall signs.

19.82.070 Size and Height Computation

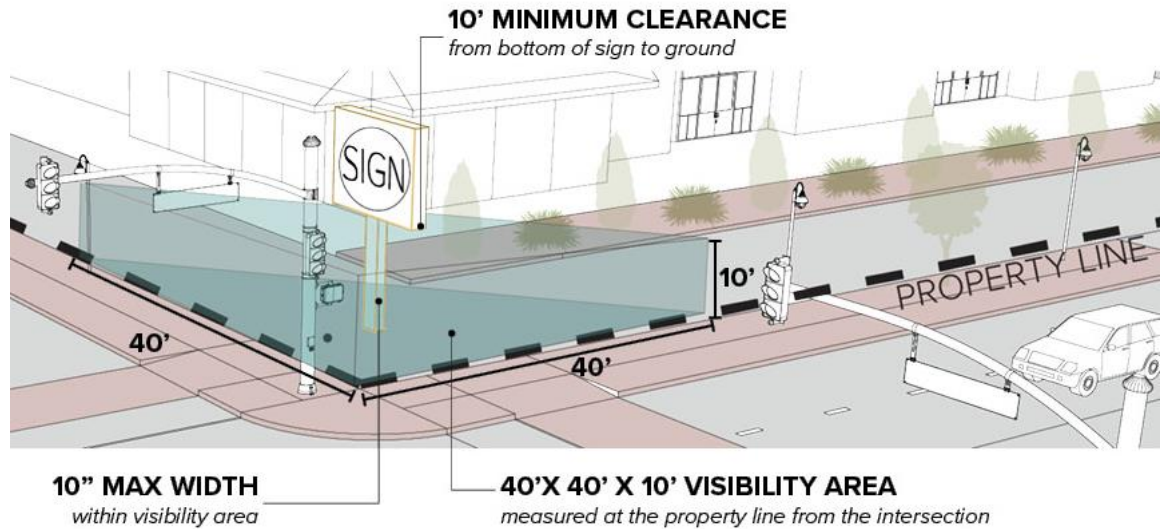
- A. The following shall be used when calculating sign sizes:
1. When more than one use occupies a property, the frontage may be used to calculate the sign size for one total pole or projecting sign, not for each use. The total may then be divided between the uses.
 2. There may be any number of flat or wall signs, provided the total of all flat or wall signs does not exceed the percentage of wall area coverage allowed.
 3. A property line which abuts an interstate highway may not be used in computing sign area.
- B. The height of pole and monument signs shall be measured from the grade at the property line of the yard in which the sign is located.

19.82.080 Imprint of Ownership Required

The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

19.82.090 Sign Location Standards

Figure 19.82.1 Visibility Diagram



A. Visibility at intersections:

1. For the purposes of this chapter, visibility at intersections is measured from the grade of the intersecting streets and located within the clear view of an intersection, which is a triangular area formed by the property lines and a line connecting them at points forty feet from the intersection or a driveway at a point formed by an extension of the two curb faces until they meet.
2. There shall be a minimum sign clearance of ten feet (10') between the ground and any part of a projecting sign or pole sign, except as provided below:
 - a. Any portion of a sign structure within the clear view of an intersection and nearer the ground than ten feet may not exceed ten inches in width, thickness, or diameter.
 - b. A service sign located within the clear view of an intersection shall not exceed 30 inches in height measured from grade.

- ### B. Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.

19.82.100 Design Standards

- A. All signs shall use materials that emulate the adjacent building.
- B. All single pole signs shall include pole covers and a sign base. Pole covers and sign bases shall be constructed of brick, stone, or architectural metal panels that extend at least 3 inches beyond the pole, and that fully conceals the entirety of the sign pole structure.
- C. All double pole signs over 10 feet (10') in height shall use pole covers and base.
- D. Monument signs shall include a base of 25 percent (25%) or more of the sign's height with materials and colors reflecting the adjacent building.
- E. Pan channel lettering for flat/wall signs is encouraged and shall be permitted to exceed the maximum allotted area for the zone an additional five percent (5%).

19.82.110 Signs Allowed in Zoning Districts

- A. The following tables describe which types of signs are permitted in each zoning district and provide size, location, height, and other relevant limitations which shall be applied in addition to the other standards of this Code.

| Table 19.82.1 Signs Allowed in All Zones | | | | | |
|--|--|----------------|---|-------------------------------------|--|
| Type | Maximum Size | Maximum Height | Location Requirement | Maximum Quantity | Other |
| General Construction/development sign | 32 square feet plus 1 square foot for each 10 feet of frontage over 30 feet not to exceed 64 square feet per development | 12 feet | <ul style="list-style-type: none"> • Minimum 5 feet from a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed |

Table 19.82.1 Signs Allowed in All Zones

| Type | Maximum Size | Maximum Height | Location Requirement | Maximum Quantity | Other |
|---|---|--------------------------|--|--------------------------------------|---|
| Construction/development Sign for Subdivisions of 5 lots or more | 32 square feet plus 1 square foot for each lot over 5 not to exceed 64 square feet. | 12 feet | <ul style="list-style-type: none"> • Must be on the development site. • Located on private property. • Minimum of 5 feet from a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed |
| Construction/development Sign for Multifamily developments of more than 20 units | 10 foot vertical and 20 foot horizontal | 12 feet | prohibited in a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> • All signs must be approved by the planning commission for a period not to exceed one year. • Approval may be renewed by the Planning Director. |
| Nameplate sign | 3 square feet per use | | Attached to main structure. | One per residential unit or business | Backlit only |
| Property sign | 6 square feet | 4 feet | <ul style="list-style-type: none"> • On private property and • a minimum of 5 feet from a public or private right-of-way. | Two per development, per frontage. | |
| Directional / Circulation sign | 6 square feet | 3 feet when freestanding | <ul style="list-style-type: none"> • On private property and • a minimum of 5 feet from a public or private right-of-way. | Two per development, per frontage. | <ul style="list-style-type: none"> • Only permitted for non-residential uses • No illumination permitted. |

Table 19.82.2 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

| Type | Maximum Size | Maximum Height | Location | Maximum Quantity | Other |
|-----------------------|---|----------------|--|-------------------------|--|
| Monument sign | 32 square feet plus 1 square foot for every 10 feet of frontage over 30 feet | 6 feet | <ul style="list-style-type: none"> • Prohibited in a right-of-way • Minimum of 5 feet from any property line | One per street frontage | <ul style="list-style-type: none"> • Only permitted for any of the following uses: <ul style="list-style-type: none"> ○ Nonresidential uses allowed in the zone. ○ Residential structures with 5 or more dwelling units ○ Subdivisions with more than 5 lots • May be illuminated if: <ul style="list-style-type: none"> ○ Located on major arterial street and ○ Not directly shining onto a property occupied by a residential use. |
| Flat/Wall sign | <ul style="list-style-type: none"> • Five percent (5%) of a wall area in FRE and R-1 zones and fifteen percent (15%) • of a wall area in all other residential zones, up to a maximum of 200 square feet. | | Must be attached to a building | One per street frontage | <ul style="list-style-type: none"> • Only permitted for: <ul style="list-style-type: none"> ○ Nonresidential uses allowed in the zone ○ Residential uses with 5 or more dwelling units • Downlit illumination permitted if the sign is not exposed to adjacent properties occupied by a residential use. |

Table 19.82.3 Signs in Nonresidential Zones: (C-1, C-2, C-3, M, MD, MD-3, IF and CCOZ)

| Type | Maximum Size | Maximum Height | Location Requirements | Maximum Quantity | Other |
|----------------------|---|--|--|--|--|
| District sign | 288 square feet | 26.5 feet | <ul style="list-style-type: none"> • Must be located on City Property | One in the City Center Overlay Zone. | <ul style="list-style-type: none"> • Only allowed in CCOZ. |
| Pole sign | 48 square feet plus 1 square foot for each 4 feet of street frontage over 30 feet, not to exceed 150 square feet. | 15 feet in C-1 zone, 20 feet in C-2, C-3, M, MD, IF, and CCOZ zones. | <ul style="list-style-type: none"> • 15 feet from any property line • At least 100 feet from any other pole or monument sign. | One per street frontage. | <ul style="list-style-type: none"> • Illumination may be built into or attached to signs. • No upward illumination is permitted. • If a pole sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 18.68.120(C). • Prohibited in CCOZ. |
| Monument sign | 32 square feet plus 1 square foot for every 4 feet of frontage over 30 feet, not to exceed 64 square feet. | 6 feet in C-2, C-3, M, MD and IF 4 feet in in C-1 and CCOZ | <ul style="list-style-type: none"> • On private property • Minimum of 5 feet from any property line. • At least 50 feet from any other pole or monument sign. | One per every 150 feet of street frontage or part thereof. | <ul style="list-style-type: none"> • If a monument sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 19.82.120(C). |

Table 19.82.3 Signs in Nonresidential Zones: (C-1, C-2, C-3, M, MD, MD-3, IF and CCOZ)

| Type | Maximum Size | Maximum Height | Location Requirements | Maximum Quantity | Other |
|--------------------------------|--|---|--|--------------------------------------|--|
| Flat/Wall sign | Twenty percent (20%) of a wall area, up to a maximum of 300 square feet in the C-1 zone, or up to a maximum 600 square feet in the C, M, and MD zones. | | <ul style="list-style-type: none"> Must be attached to a building. | | <ul style="list-style-type: none"> Only permitted if an awning sign is not used. Illumination permitted if the downlit or built into the letters. No upward illumination permitted. |
| Awning sign | <ul style="list-style-type: none"> Twenty five percent (25%) coverage of a first floor wall area Fifty percent (50%) of an awning may be covered with graphics | May not extend above the top of the wall it is attached to. | <ul style="list-style-type: none"> Must be attached to a building. 6 foot maximum projection from building. 8 foot minimum clearance from the ground to the bottom of the awning. | Up to 3 walls per building | <ul style="list-style-type: none"> An awning sign may only be used if a flat or wall sign is not used. Primary graphics must be on street side or primary face of structure No internal illumination permitted. |
| Projecting / Blade sign | <ul style="list-style-type: none"> 12 square feet Maximum 42-inch width | May not extend above the top of the wall it is attached to. | <ul style="list-style-type: none"> Must be attached to a building. 6 foot maximum projection from building. 8 foot minimum clearance from ground to bottom of sign | One per entrance along frontage | <ul style="list-style-type: none"> Primary graphics must be on street side or primary face of structure No illumination permitted |
| Window sign | 12 square feet per use. | | | One per business per street frontage | |

19.82.120 Illuminated Signs

- A. An illuminated sign shall not be installed which permits the light source to be seen by adjacent residential properties. All illuminated signs shall direct their light downward to prevent dark sky illumination.
- B. If an illuminated sign is alleged to violate the requirements of this Code, the Planning Director may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified lighting professional to the Planning Director. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.
- C. Lighting for signs shall meet the following standards:
 - 1. All illuminated signs:
 - a. A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties.
 - b. All lighted signs shall have stationary and constant lighting. Flashing, blinking, chasing or similarly changing lights are prohibited.
 - c. The use of uplighting on signs is prohibited. All lighted signs shall direct their light downward.
 - d. Except for internally illuminated logos and text, all light sources used to illuminate signage shall have color temperature equal to or less than 4,000 degrees Kelvin (4,000°K).
 - e. No sign shall have an illuminance level greater than 100 nits (100 candelas per square meter).
 - f. Sign illumination curfew:
 - (1) Where required by this code, sign illumination shall be turned off or dimmed to fifty percent (50%) of the original illumination at midnight, or the close of the business, whichever is later.
 - (2) Sign illumination shall remain off or dimmed until one hour prior to sunrise or opening of business, whichever is earlier.
 - 2. Externally illuminated signs:

- a. Lighting for externally illuminated signs shall be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
 - b. Lighting for externally illuminated signs shall be mounted at the top of the sign or within two feet of the top of a building mounted sign.
3. Internally illuminated signs:
- a. Lighting shall be limited to areas with text and logos areas.
 - b. Internally illuminated signs shall use semiopaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear, materials are not allowed for sign copy. Pure white materials are permitted for copy and logo portions of the sign, but are prohibited for any other portion of the sign. Sign backgrounds shall be made of completely opaque material.
4. Backlit signs:
- a. Backlit signs shall be designed such that the light source is not visible.
 - b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy and logos are allowed.
 - c. Backlit signs shall use low lumen light sources.

19.82.130 Electronic Message Center (EMC) Requirements

- A. An electronic message center is limited to the sign types and zones as set forth in Table 19.82.4.
- B. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images. Upward illumination in such displays is not allowed. Light source shall not be seen from adjacent residential properties.
- C. The minimum image display duration shall be eight seconds.
- D. The maximum image transition duration shall be three seconds. Transitions from one static image shall fade out and fade or dissolve into the next static image without the use

of flashing, animation, or movement.

- E. All electronic message centers shall be equipped with a sensor or other programmable device that automatically determines the ambient illumination and must be programmed to automatically adjust the illuminance according to ambient light conditions.
- F. Electronic Message Centers greater than one hundred square feet (100 sf) in area shall include physical light-blocking louvers to provide for vertical and horizontal light protected areas beyond 38 degrees of site broadcast.
- G. The nighttime illuminance of an electronic message center shall not increase ambient lighting by more than 0.2 foot candles when measured as follows:
 - 1. The measurement distance is determined by the following formula:
 - a. $(\sqrt{\text{Area of display} \times 10}) = \text{Measurement distance in feet.}$
 - b. For example, a display of 25 square feet would be measured at a distance of 50' since $(\sqrt{25 \times 10}) = 50.$
 - 2. Measurements shall be taken at the required distance perpendicular to the electronic message center face.
 - 3. An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign turned off to a black screen.
 - 4. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken from the same required distance with the sign turned on to a full white screen.
 - 5. Measurement shall take place at night, after the end of astronomical twilight as defined by the US National Weather Service.
- H. Upon receipt of an ambient light measurement and certification that the EMC meets all applicable requirements, the city shall record a Notice of Compliance and Acknowledgement of Sign Requirements with the Salt Lake County Recorder, on the property on which the EMC is located.

| Table 19.82.4 Electronic Message Center Allowances | | | |
|--|-----------|---|---|
| Zone | Sign Type | Allowable EMC size as a percentage of total allowable sign size per 18.68.100 | Other |
| MD | Monument | 50% | May not be located within 150' of a residential use or zone |
| C | Monument | 50% | May not be located within 150' of a residential use or zone |
| M | Monument | 70% | May not be located within 150' of a residential use or zone |
| | Pole | 50% | May not be located within 150' of a residential use or zone |
| CCOZ | District | 100% | |
| All other zones | None | NA | EMC Not Permitted |

19.82.140 Temporary Signs

- A. All temporary signs shall be located a minimum of five feet (5') from a property line or right-of-way line, or as noted for a particular temporary sign type, from the public right-of-way. Area, size, location, and quantity limits for temporary signs are set forth in Table 19.82.5.

- B. Each business may have a temporary banner sign(s) located on the building with a total maximum square footage of fifty (50) square feet unless the business encompasses a building face with over one hundred fifty (150) linear feet. Such businesses may use up to ten percent (10%) of the first-floor building face square footage, but at no time shall the combination of temporary signs equal more than thirty percent (30%) of the first-floor building face. Other banners located in the landscaping, at least five feet (5') from the property line, with temporary independent supports shall not exceed twenty (20) square feet and shall conform to the time period specified in MKZ 19.82.140 (C).

- C. Temporary and banner signs are subject to the following time limits:
 - 1. Temporary banner signs may be installed on a building face for up to six (6) months.
 - 2. Temporary grand opening signs may be installed on a building face for up to three (3) months. Grand-opening signs shall be allowed for any new business that obtains a

new business license for the opening of a new establishment. A facility renovation requiring a building permit qualifies for a grand-opening sign.

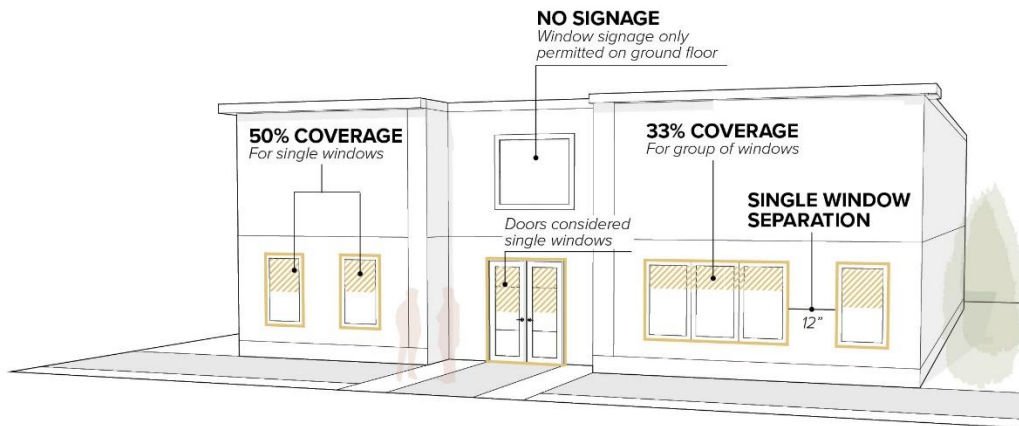
3. All other temporary signs, except A-frames, may be displayed for a total time period of 6 weeks during any calendar year.
- D. All A-frame signs shall be taken indoors at night or at the close of business. All A-frame signs shall be located at a minimum of at least one foot back from the public right of way. Only one A-frame sign is allowed per business, it shall include weights on the bottom, and be no larger than 6 square feet on one side.
 - E. All temporary signs shall be maintained in good condition, without any frayed, ripped, tattered, or faded appearance issues. Such signs are meant to be temporary with a permanent sign installed as soon as possible.
 - F. Construction/development Project signs shall not exceed thirty two (32) square feet. Shall not be internally lit but may include external down lighting. Such signs shall not exceed ten feet (10') in height. Such signs may be constructed of wood (including simulated wood products) or metal with painted advertising or other professional applications, excluding paper. Such signs shall be removed within thirty (30) days of the final inspection or completion of the project.
 - G. Temporary window signs shall be limited to a maximum of fifty percent (50%) coverage of window area. The fifty percent (50%) shall be calculated per façade or elevation. Where paint of marker is used on the window, the area shall be measured by creating the smallest rectilinear shape that completely contains the entire message. Where one window is completely covered in signage, another window of equal or greater size shall be left free of any window signs.
 - H. Temporary signs for temporary uses, shall be attached to a food truck, food cart, ice cream truck, or any temporary structure approved for the temporary use. In addition, one A-frame sign is allowed subject to the standards in subsection D above.
 - I. Yard signs are allowed on a temporary basis and may be displayed outdoors for up to five (5) months.

Table 18.68.141 Temporary Signs

| Type | Maximum Size | Location | Maximum Quantity | Other |
|-------------------------------|--|----------------------------|--|----------------------------|
| Temporary attached | <ul style="list-style-type: none"> • 50 square feet not to exceed thirty percent (30%) of the first-floor building façade or, • Ten percent (10%) of the first-floor building face square footage for facades longer than 150 feet | Attached to main structure | Cumulative area of all temporary attached signs not to exceed the square footage listed in the maximum size permitted. | |
| Temporary freestanding | 20 square feet | 5 feet from property line | The cumulative total of all temporary freestanding signs may not exceed 20 sq ft per business. | |
| A-frame | 12 square feet | One foot from right-of-way | One per business. | |
| Temporary Window | Up to 50 percent of window may be covered | | | No illumination permitted. |

19.82.150 Window Signs

Figure 19.82.2 Window Sign Allowances



- A. Permanent window signs shall be made from adhesive film and be used for privacy purposes or additional design for building facades.
- B. Window signs shall not cover more than fifty percent (50%) of any single window, nor more than thirty three percent (33%) of the entire surface area of a group of windows on each building face. A single window is any window, or section of windows, that is separated from another window by twelve inches (12") or more. Any door with windows is always considered a separate window.
- C. Any interior sign placed within three feet of a window is considered a window sign.
- D. Window signs are limited to the first story of a building.

19.82.160 Off-Premises Sign Requirements

Off-premises signs erected along the interstate as defined by the State of Utah shall conform with the provisions of the Utah Outdoor Advertising Act.

19.82.170 Off-Premises Signs; Billboards

- A. Purpose. In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.
- B. Cap on Area of Billboards. The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.
- C. Billboards are only allowed in the C and M zones as a permitted use, subject the additional restrictions established in this chapter.
- D. Location. Billboards shall not be allowed in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone.
- E. Size. Billboards shall not exceed three hundred (300) square feet, except as provided below:

1. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed six hundred seventy two (672) square feet.
 2. Signs oriented for viewing along State Street and located within twenty feet (20') feet of the State Street right-of-way shall not exceed six hundred seventy two (672') square feet.
- F. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within one hundred feet (100') of the Main Street right-of-way, east of Interstate 215, or within five hundred feet (500') of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:
1. 2000 East and 3300 South
 2. 1100 East and 3900 South
 3. 1300 East and 3900 South
 4. 2300 East and 3900 South
 5. 2300 East and Claybourne Avenue
 6. Murray-Holladay Road and Highland Drive
- G. Height. The maximum height of a billboard shall be thirty two feet (32') above the grade level of the road, except as provided below:
1. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of fifty feet (50') but in no event shall be greater than twenty five feet (25') above freeway grade level.
 2. In the event that a billboard cannot be viewed from any residential zone, it may exceed thirty two feet (32') in height, up to a maximum height of forty feet (40'). In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:
 - a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within one hundred fifty feet (150') of the residential zone boundary, and
 - b. The billboard must be situated on the same side of the street and within fifty feet (50') of an existing building or buildings and have no greater height than the immediately adjacent building(s).

- H. Separation. The minimum distance between all billboards on the same side of the street shall be five hundred (500) lineal feet as measured along the same side of the street including intersections. All billboards must be at least two hundred fifty (250) radial feet from any other billboard located on the opposite side of the street from where a new sign is to be located.
- I. Setbacks.
1. Setbacks from Rights-of-Way. The minimum setback shall be five feet (5') to the leading edge of a billboard, including all structural and service support elements. The billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Transportation Master Plan. The closest edge of a billboard shall not project into any required setback area.
 2. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
 3. Setbacks from on-premise pole signs. The minimum setback between a billboard and any on-premise pole sign shall be one hundred feet (100').
 4. Setbacks from A, R-1, R-2, R-4, and RM Zones. The minimum setback between a billboard and any residential zone boundary shall be one hundred fifty feet (150'). The minimum setback of a billboard may be reduced to one hundred feet (100') if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A, R-1, R-2, R-4, or RM zone that is within one hundred fifty feet (150') of the proposed sign, as measured from the zone boundary line.
- J. Lighting. The use of uplighting is prohibited. All lights shall direct their light downward and shall be shielded so that the lighting is confined to the sign face and the lighting source is not directly visible from any ground-level vantage point.
- K. Design. Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the sign face. The back of any single-faced billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Internally illuminated billboards, electronic display, digital display, LED display, video display billboards and electronic message centers are only allowed immediately adjacent to the Interstate 15 and shall be limited to no more than one change to the copy face in a twenty-four-hour period. Two-decked billboards are prohibited in all zones.

L. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.

M. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:

1. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections and may be reduced to one hundred fifty (150) radial feet from any other billboard.
2. The maximum height of a billboard may be increased to forty feet (40') in height, subject to the standards established above.

N. Credits for Removal.

1. Prior to the removal of any billboard, the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application to the City. After any billboard is removed, the City shall create a "billboard bank account" for the sign owner.
2. The account shall solely reflect credits for the billboard advertising space square footage as well as the date of removal, and the street address from which the billboard was removed. Any billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use.
3. A billboard owner may sell or otherwise transfer billboards and/or billboard bank account credits.
4. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Removal of a billboard that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face.
5. Credits may not be used to enlarge any non-conforming billboard or conforming billboard, other than those billboard located immediately adjacent to the Interstate 15 freeway, along State Street, or within twenty feet (20') of the State Street right-of-way.

O. Relocation.

1. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter.
2. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease. Additionally, prior to approval of a permit for relocation, the City shall by letter inform the affected community council chair and planning commission chair that application for a billboard permit has been received.
3. If a sign is to be relocated within six hundred feet (600') of a community district boundary, the city shall inform the affected community council chairs of each community district.
4. Billboards moved to approved locations shall conform to all billboard requirements of the new location.
5. Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC).
6. A new billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed.
7. When the permit for construction of a new billboard is issued, the City shall deduct from the sign owner's billboard bank account the advertising face square footage used for the new billboard.
8. If the new billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

P. Notice Required for Billboards Relocated Subject to State Statute.

1. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within five hundred feet (500') of the property

to which the sign is to be relocated or erected.

2. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.

Q. Business Licenses Required for Billboards. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.

R. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail and govern.

19.82.180 Maintenance; Removal of Sign

A. All signs and advertising structures shall be maintained in good condition.

B. After a verbal notification, non-maintained signs or advertising copy, that are not removed or repaired within the required thirty days, the owner(s) shall be given written notice sent by certified mail. If not removed by the owner within ten (10) days, the sign or copy may be removed by the City at the expense of the owner.

C. Vacant signs.

1. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty days of such unavailability.
2. Empty signs frames shall either be replaced with new signs for an active business or removed within 6 months from the time the sign area becomes vacant.
3. If removal does not occur voluntarily, after appropriate notice is given, the entire sign and support structure shall be taken down by the owner or may be removed by the City and all costs incurred shall be the responsibility of the property owner.

19.82.190 Non-Conforming Signs

A. Alterations.

1. A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions

of this Code. All alterations shall require conformance to the provisions of this Code including any physical changes to the sign panel or the sign cabinet itself. Exclusions from this requirement are as follows:

- a. Face changes.
 - b. Normal maintenance and repair of existing sign structures, or of existing electronic message centers.
 - c. Copy changes in signs with a changeable copy feature.
 - d. Architectural enhancements to existing multi-tenant pole signs in conjunction with a building façade remodel. The building façade remodel must be at least twenty five percent (25%) of the front façade of the building. Overall height, size, and shape of the sign shall not be increased.
 - e. Any sign serving a property but that is located within or projects into the existing public right-of-way shall be made conforming when the sign is altered or when a conditional use permit, subdivision approval, rezone, or site plan approval for a new building is issued.
- B. Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of nature, or act of a public enemy, or damaged by any other cause, to the extent of more than fifty percent (50%) of their assessed value shall, if repaired or rebuilt be repaired or rebuilt in conformity with the regulations of this Code.

19.82.200 Iconic Signs

- A. The City has recognized the following iconic signs:
1. Tres Hombres non-rectilinear sign at 3298 S Highland Drive
 2. Bowling Sign at 1376 E 3300 S
 3. Artesian Springs sign 4197 Main Street
 4. Villa Theatre Sign 3092 S Highland Drive
 5. Dr. England Plumbing 1009 E 3300 S
- B. An iconic sign may not be removed unless updated or rebuilt with the exact specifications of the original sign.

- C. Iconic sign shapes may not be altered.
- D. Electronic message centers may not be incorporated into an iconic sign.
- E. A property with an iconic sign may also be allowed a monument sign or a pole sign, subject to the standards of this chapter. Iconic signs shall not be included in the minimum distance requirements established by this chapter for pole signs and monument signs.

19.82.210 Action to Remove or Abate Violation

- A. The City Attorney shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any City ordinance, to accomplish the following purposes:
 - 1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
 - 2. To restrain, to correct or abate such violation;
 - 3. To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within ten working days after giving notice as provided in subsection B of this section, the building inspector or Zoning Administrator may at once abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the City costs incurred in such removal within thirty calendar days after written notice of the costs is mailed to such person.
 - 4. Fines may also be imposed as per section MKZ 19.94.040.
- B. Notice by the City shall mean written notice sent by certified mail to persons having charge or control or benefit of any sign found by the Building Inspector or Zoning Administrator to be unsafe.

19.82.220 Definitions And Interpretation of Language

For the purpose of this chapter, certain words and terms are defined as set out in this section. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; and words included herein but defined in the building code shall be construed as defined therein.

"A-frame sign" means a sign constructed of wood, plastic, or metal, have a solid surface for written advertising with two sides not exceeding 6 square feet on a side attached at the top to allow the sign to stand in an upright position weighted or anchored sufficiently at the bottom to prevent blow overs and to be movable at will.

"Alterations" means a change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

"Animated sign" means a sign which induces motion or rotation of any part by mechanical, or artificial means, or subdued color changes. An animated sign is not an EMC sign.

"Animation" means simulated movement created by the display of a series of pictures or images, creating the illusion of movement.

"Awning sign" means a sign designed in awning form that is an illuminated or nonilluminated space frame structure attached to a building or other permanent structure.

"Billboard bank" means an accounting system established by the City to keep track of the number of billboard signs and the square footage of each billboard sign removed pursuant to MKZ Section 19.82.185 of this chapter.

"Billboard credit" means an entry into a billboard owner's billboard bank account that indicates the number of billboard sign locations and the square footage of each billboard sign.

"Billboard owner" means the owner of a billboard in Millcreek.

"Billboard" means a free-standing ground sign with a sign face of at least 128 square feet in area and with a height of at least 30 feet, or a ground sign regulated under the Utah Outdoor Advertising Act or the Municipal Land Use, Development, and Management Act. Billboards are supported by a substantial permanent monopole or bipole support structure. Billboards are typically owned by nongovernmental entities or leased separately from the principal buildings or uses on the property upon which they are located and are larger and/or taller than any sign expressly permitted by this title.

"Blower machine" machine means a mechanical device for creating a current of air used to inflate an inflatable sign.

"Construction/development sign" means a sign located on a lot where construction or proposed development activities are being actively conducted and which is not permanently attached to a structure of the ground. A construction/development sign does not include a snipe sign, a feather sign, blower machines, streamers/pennants, mobile sign, a sign on a vehicle, or objects used to convey services or products.

"Dissolve" means an image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent image.

"Directional / Circulation Sign" means a means any sign which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign.

"District sign" means a ground sign located on City-owned property that is owned and operated by the City, or by a third party entity under an agreement with the City.

"Electronic message center" or "EMC" means a mechanism or device which uses a combination of lights, or lighted or unlighted panels which are controlled electrically with software and electronically to produce words, symbols, pictures or messages which may change within a given panel area.

"Embellishment, cut-out or extension" means an extension of the billboard resulting in increased square footage as part of an artistic design to convey a specific message or advertisement.

"Existing billboard" means a billboard that is either constructed, or for which an application for a land use permit was received and approved by the planning department and state authorities where necessary, prior to May 18, 2004.

"Fade" means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increases intensity to the point of legibility.

"Flag" means an item made of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution.

"Feather" sign means a temporary sign independently standing or attached to a structure with a vertical banner.

"Flashing sign" means a sign which has or appears to have motion or rotation of the lighting elements or displays flashing or intermittent light for less than two seconds.

"Flat/wall sign" means a sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches from such wall with messages or copy on the face side only.

"Footcandle" means the English unit of measurement for illuminance, which is equal to one lumen, incident upon an area of one foot.

"Handbill" means any written or printed notice distributed by hand for the purpose of communication, including but not limited to any pamphlet, booklet or leaflet.

"Iconic sign" means a sign having significant historical character and that has acted as a landmark in the City and specifically included in the iconic sign section of this chapter.

"Illuminance" means the photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.

"Illuminated sign" means a sign which has characters, letters, figures, designs or outlines illuminated by internal electric lights or luminous tubes.

"Image" means the display of text, numbers or the likeness of an object or living thing of any type on an EMC.

"Image display duration" means the period of time that an image remains static.

"Image transition duration" means the period of time in which one image changes to another on an electronic message center.

"Inflatable" is an object or sign that is filled with air before use.

"Interior sign" means a sign located within a building so as to be primarily visible only from within the building in which the sign is located.

"Mobile sign" means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground, or a sign that is greater than sixteen square feet in area and that is mounted on a vehicle.

"Monument sign" means a low-profile sign which is incorporated into the landscape or architectural design scheme where the sign is located.

"Nameplate sign" means a sign indicating the name and/or occupation of a person legally occupying the premises or indicating a legal home occupation thereon.

"Nonconforming billboard" means an existing billboard that is located in a zoning district or otherwise situated in a way that is not permitted by the provisions of this chapter.

"Nonconforming sign or sign structure" means a sign or sign structure or portion thereof lawfully existing at the effective date of this chapter or any amendment hereto has been maintained continuously, and because of one or more subsequent changes to this chapter does not conform to regulations that now govern the sign.

"Pan Channel letters" are custom-made metal or plastic letters commonly used in exterior, and often internally illuminated.

"Pedestal sign" means a temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

"Pole sign" means a sign supported by a fixed permanent frame/pole support in the ground.

"Poster" means any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed.

"Projecting/blade sign" means a sign attached to a building or canopy and extending in whole or part more than twenty-four inches beyond any wall of the building or canopy.

"Roof sign" means an on premises sign which is erected and attached partly or wholly on the roof of the building.

"Scintillate" or "scintillating" means light flashes, light sparkling, light starbursts, light twinkling, light pulsating or any other image transition effect or animation in which an image instantly and repeatedly changes for the purpose of attracting attention.

"Searchlight" a powerful outdoor electric light with a concentrated beam that can be turned in the required direction.

"Service sign" means a sign that is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc.

"Sign" means and includes every advertising message, announcement, declaration, demonstration, display, illustration, light display, insignia surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. "Sign" also includes the sign structure supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

"Sign area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectilinear line with a maximum of eight sides, triangle or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shapes shall be computed as one-half of the total surface area.

"Sign clearance" means the vertical distance from finished grade directly below the sign to the bottom of the lowest attached component of the sign, exclusive of any supporting structure.

"Sign maintenance" means that signs shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, repainting, rust removal, replacement or removal of empty frames, cleaning and other acts required for the maintenance of the sign. Good condition means signs shall not display rust, peeling paint, broken parts, discoloration, bent metal including frames, and empty or broken panels.

"Sign setback" means the minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line.

"Sign structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having location on or below the ground.

"Snipe sign" means a sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

"Static" means no motion of any type or form.

"Streamers/Pennants" Decorations made from paper, cloth, canvas, light fabric, plastic, or other light materials used for decoration on a property or building.

"Temporary sign," means a sign constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames and is restricted to section 19.82.140 of this title.

"Temporary window sign" means a temporary sign located on or within the window of a building and is restricted to MKZ section 19.82.140 of this title.

"Time and temperature device" means any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.

"Video" means simulated movement created by the display of a series of images creating the illusion of continuous movement.

"Window sign" means a sign attached and located on a window so as to be visible from outside the building through a window or door. Any interior signs placed within three feet (3') of window is considered a window sign.

"Yard sign" means a temporary sign located in a residential area placed upon or supported by the ground independently of any other sign on the property.

EXHIBIT “B” (STAFF ALTERNATIVE)

19.82 SIGNS

19.82.010 Purpose

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, to improve appearance and views within the major transportation corridors by setting requirements for the location, design, number of, size, height and lighting of signs and to preserve and improve the aesthetic values, economic prosperity, and visual qualities of Millcreek.

19.82.020 Applicability

- A. Except as provided in this Title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with the regulations specified in this chapter.
- B. Except for signs not regulated by this chapter, sign alterations that increase sign face square footage shall require conformance to this title.
- C. Sign copy may be changed at any time without any additional approvals or permitting, providing the sign is not prohibited, no structural or electrical alterations are made to the sign, and the sign complies with applicable requirements of this chapter.
- D. Any sign allowed under this chapter may contain ~~lawful~~ sign copy that occupies the entire sign area or any portion hereof, and may be suitable for, or be combined with a logo.

~~E. Other chapters of the zoning ordinance may have a reduced list of applicable signs. Notwithstanding signs located on public property, other chapter sign types shall be utilized over the listed types found in this chapter.~~

19.82.030 Prohibited Signs

- A. Signs not specifically allowed by this chapter are prohibited. Prohibited shall include, but not be limited to the following:
 - 1. Snipe, feather, blower machines, streamers/pennants, inflatable signs, and mobile signs located anywhere on a property that is visible from a public right-of-way.
 - 2. Signs on vehicles parked within 20 feet (20') of a public right-of-way.
 - 3. Pedestal signs and objects used to convey services or products sold on the premises that are located on a lot or parcel within 20 feet (20') of a public right-of-way.

4. Searchlights located anywhere on private property.

- B. ~~Signs in Public Right of Way.~~ No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. Prohibited Signs located on publicly owned lands or inside street rights-of-way include, but are not limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any object or structure located on publicly owned land or inside street rights-of-way.

19.82.040 Interpretation

- A. For the purposes of this chapter, properties that are separated by streets are not adjacent.
- B. The sign requirements contained in this chapter are declared to be the maximum allowable.
- C. Notwithstanding ordinances for signs located on public property, where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.
- D. In matters of interpretation, the provisions of this ordinance shall be interpreted by the Planning Director.

19.82.050 Conformity Required

- A. No person shall erect, alter, relocate, or modify any sign regulated by this chapter without first obtaining a sign permit and a building permit, if required. Signs that do not require a permit and are not regulated by this chapter are as follows:
1. Yard signs that do not exceed six feet (6') in height or thirty two (32) square feet in area.
 2. Interior signs, not including window signs. Interior signs placed within three feet (3') of window are considered window signs.
 3. A sign, excluding the prohibited signs listed in MKZ 19.82.030, that is ~~set back a minimum of twenty feet (20')~~ not visible from the public right of way and not exceeding the maximum height of the tallest pole or monument sign allowed in the zone.
- B. Signs for churches, schools, and private educational institutions having an academic curriculum similar to that ordinarily given in public schools shall be subject to the requirements for signs located in the ~~commercial~~ C-1 zone, and shall be regulated pursuant to state and federal law.

19.82.060 Approval of Sign Plans

- A. When a land use application on a property is submitted to the City for a conditional use permit, a rezone where a development agreement is considered, or a site plan review for a new permitted use, it shall be accompanied by a complete comprehensive sign plan showing the following on the subject property:
1. The location of all existing or proposed signs on the property parcel of ground.
 2. The sign type, height, area, and setback of each existing and proposed signs on the property.
 3. A conceptual rendering of each proposed sign on the property.
 4. Renderings or photos of existing signs on the property.
- B. When a separate sign application is submitted at a later date than the original land use application, the sign application shall include:
1. The sign type, height, area, and setback of each existing and proposed sign on the property.
 2. A conceptual rendering of each proposed sign on the property.
 3. A site plan showing the location of existing and proposed signs on the property.
 4. Building elevations showing any wall signs.

19.82.070 Size and Height Computation

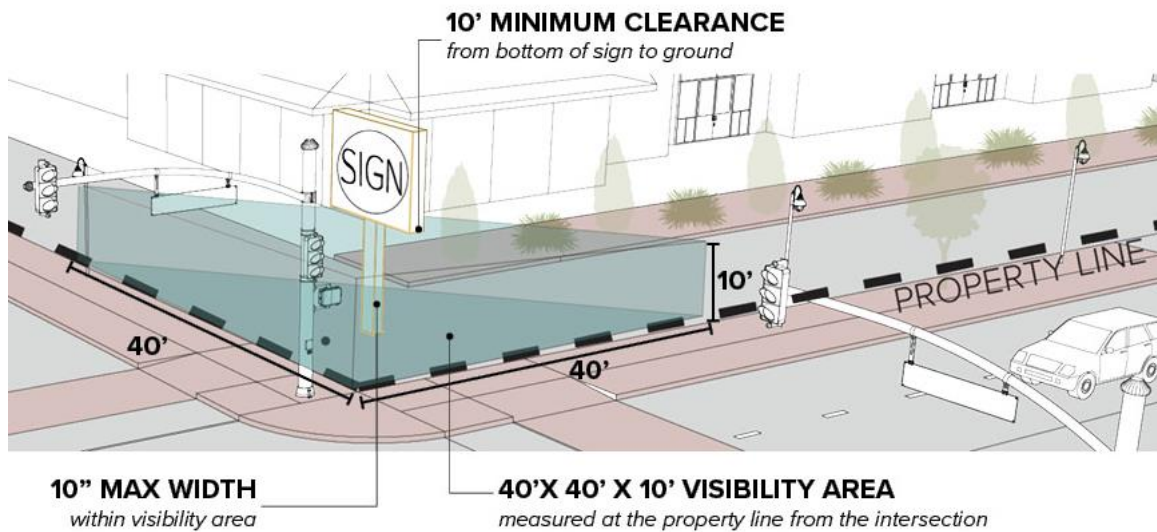
- A. The following shall be used when calculating sign sizes:
1. When more than one use occupies a property, the frontage may be used to calculate the sign size for one total pole or projecting sign, not for each use. The total may then be divided between the uses.
 2. There may be any number of flat or wall signs, provided the total of all flat or wall signs does not exceed the percentage of wall area coverage allowed.
 3. A property line which abuts an interstate highway may not be used in computing sign area.
- B. The height of pole and monument signs shall be measured from the grade at the property line of the yard in which the sign is located.

19.82.080 Imprint of Ownership Required

The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

19.82.090 Sign Location Standards

Figure 19.82.1 Visibility Diagram



- A. Visibility at intersections: Visibility at intersections shall be as depicted in Figure 19.82.1 and more particularly as described herein:
1. For the purposes of this chapter, visibility at intersections is measured from the grade of the intersecting streets and located within the clear view of an intersection, which is a triangular area formed by the property lines and a line connecting them at points forty feet from the intersection or a driveway at a point formed by an extension of the two curb faces until they meet. In instances where property lines are not readily visible or established, the triangular area shall be formed by following the edge of pavement and a line connecting them at points fifty (50) feet from the point of intersection.
 2. There shall be a minimum sign clearance of ten feet (10') between the ground and any part of a projecting sign or pole sign, except as provided below:
 - a. Any portion of a sign structure within the clear view of an intersection and nearer the ground than ten feet may not exceed ten inches in width, thickness, or diameter.

b. A service sign located within the clear view of an intersection shall not exceed ~~30 inches~~ three feet (3') in height measured from grade.

B. Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision, or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.

19.82.100 Design Standards

- A. All signs shall use materials that emulate the adjacent building.
- B. All single pole signs shall include pole covers and a sign base. Pole covers and sign bases shall be constructed of brick, stone, or architectural metal panels that extend at least 3 inches beyond the pole, and that fully conceals the entirety of the sign pole structure.
- C. All double pole signs over 10 feet (10') in height shall use pole covers and base.
- D. Monument signs shall include a base of 25 percent (25%) or more of the sign's height with materials and colors reflecting the adjacent building.
- E. Pan channel lettering for flat/wall signs is encouraged and shall be permitted to exceed the maximum allotted area for the zone an additional five percent (5%).

19.82.110 Signs Allowed in Zoning Districts

- A. The following tables describe which types of signs are permitted in each zoning district and provide size, location, height, and other relevant limitations which shall be applied in addition to the other standards of this Code.

Table 19.82.1 Signs Allowed in All Zones

| Type | Maximum Size | Maximum Height | Location Requirement | Maximum Quantity | Other |
|---|--|----------------|--|--------------------------------------|---|
| General Construction/development sign in general | 32 square feet plus 1 square foot for each 10 feet of frontage over 30 feet not to exceed 64 square feet per development | 12 feet | <ul style="list-style-type: none"> Minimum 5 feet from a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. No illumination allowed |
| Construction/development Sign for Subdivisions of 5 lots or more | 32 square feet plus 1 square foot for each lot over 5 not to exceed 64 square feet. | 12 feet | <ul style="list-style-type: none"> Must be on the development site. Located on private property. Minimum of 5 feet from a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. No illumination allowed |
| Construction/development Sign for Multifamily developments of more than 20 units | 10 foot vertical and 20 foot horizontal | 12 feet | prohibited in a public or private right-of-way. | One per development or subdivision. | <ul style="list-style-type: none"> All signs must be approved by the planning commission Planning Director for a period not to exceed one year. Approval may be renewed by the Planning Director. |
| Nameplate sign | 3 square feet per use | | Attached to main structure. | One per residential unit or business | Backlit only |

Table 19.82.1 Signs Allowed in All Zones

| Type | Maximum Size | Maximum Height | Location Requirement | Maximum Quantity | Other |
|---------------------------------------|---------------|--|---|---|---|
| Property sign | 6 square feet | 4 feet-3 feet <u>when freestanding</u> | <ul style="list-style-type: none"> On private property and a minimum of 5 feet from a public or private right-of-way. | Two per development, per frontage. One sign for each access, and one sign for every 50 feet of frontage. | |
| Directional / Circulation sign | 6 square feet | 3 feet when freestanding | <ul style="list-style-type: none"> On private property and a minimum of 5 feet from a public or private right-of-way. | Two per development, per frontage. | <ul style="list-style-type: none"> Only permitted for non-residential uses No illumination permitted. |

Table 19.82.2 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

| Type | Maximum Size | Maximum Height | Location | Maximum Quantity | Other |
|----------------------|--|----------------|--|-------------------------|---|
| Monument sign | 32 square feet plus 1 square foot for every 10 feet of frontage over 30 feet | 6 feet | <ul style="list-style-type: none"> Prohibited in a right-of-way Minimum of 5 feet from any property line | One per street frontage | <ul style="list-style-type: none"> Only permitted for any of the following uses: <ul style="list-style-type: none"> Nonresidential uses allowed in the zone. Residential structures with 5 or more dwelling units Subdivisions with more than 5 lots May be illuminated if: <ul style="list-style-type: none"> Located on major arterial street and Not directly shining onto a property occupied by a |

Table 19.82.2 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

| Type | Maximum Size | Maximum Height | Location | Maximum Quantity | Other |
|-----------------------|--|----------------|--------------------------------|-------------------------|---|
| | | | | | residential use. |
| Flat/Wall sign | <ul style="list-style-type: none"> • Five percent (5%) of a wall area in FRE and R-1 zones and fifteen percent (15%) of a wall area in all other residential zones, up to a maximum of 200 square feet. | | Must be attached to a building | One per street frontage | <ul style="list-style-type: none"> • Only permitted for: <ul style="list-style-type: none"> ○ Nonresidential uses allowed in the zone ○ Residential uses with 5 or more dwelling units • Downlit illumination permitted if the sign is not exposed to adjacent properties occupied by a residential use. |

Table 19.82.3 Signs in Nonresidential Zones: (C-1, C-2, C-3, M, MD, MD-3, IF and CCOZ)

| Type | Maximum Size | Maximum Height | Location Requirements | Maximum Quantity | Other |
|----------------------|-----------------|--|--|--|---|
| District sign | 288 square feet | <ul style="list-style-type: none"> • 26.5 feet <u>for signs located on 3300 South or Highland Drive.</u> • <u>30 feet for a sign located on 1300 East.</u> | <ul style="list-style-type: none"> • Must be located on City Property | One <u>Three</u> in the City Center Overlay Zone. | <ul style="list-style-type: none"> • Only allowed in CCOZ. |

Table 19.82.3 Signs in Nonresidential Zones: (C-1, C-2, C-3, M, MD, MD-3, IF and CCOZ)

| Type | Maximum Size | Maximum Height | Location Requirements | Maximum Quantity | Other |
|-----------------------|--|--|--|--|--|
| Pole sign | 48 square feet plus 1 square foot for each 4 feet of street frontage over 30 feet, not to exceed 150 square feet. | 15 feet in C-1 zone, 20 feet in C-2, C-3, M, MD, IF, and CCOZ zones. | <ul style="list-style-type: none"> • 15 feet from any property line • At least 100 feet from any other pole or monument sign. | One per street frontage. | <ul style="list-style-type: none"> • Illumination may be built into or attached to signs. • No upward illumination is permitted. • If a pole sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 19.82.120(C). • Prohibited in CCOZ. |
| Monument sign | 32 square feet plus 1 square foot for every 4 feet of frontage over 30 feet, not to exceed 64 square feet. | 6 feet in C-2, C-3, M, MD and IF 4 feet in in C-1 and CCOZ | <ul style="list-style-type: none"> • On private property • Minimum of 5 feet from any property line. • At least 50 feet from any other pole or monument sign. | One per every 150 feet of street frontage or part thereof. | <ul style="list-style-type: none"> • If a monument sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 19.82.120(C). |
| Flat/Wall sign | Twenty percent (20%) of a wall area, up to a maximum of 300 square feet in the C-1 zone, or up to a maximum 600 square feet in the C, M, and MD zones. | | <ul style="list-style-type: none"> • Must be attached to a building. | | <ul style="list-style-type: none"> • Only permitted if an awning sign is not used. • Illumination permitted if the downlit or built into the letters. • No upward illumination permitted. |

Table 19.82.3 Signs in Nonresidential Zones: (C-1, C-2, C-3, M, MD, MD-3, IF and CCOZ)

| Type | Maximum Size | Maximum Height | Location Requirements | Maximum Quantity | Other |
|--------------------------------|--|---|--|--------------------------------------|--|
| Awning sign | <ul style="list-style-type: none"> • Twenty five percent (25%) coverage of a first floor wall area • Fifty percent (50%) of an awning may be covered with graphics | May not extend above the top of the wall it is attached to. | <ul style="list-style-type: none"> • Must be attached to a building. • 6 foot maximum projection from building. • 8 foot minimum clearance from the ground to the bottom of the awning. | Up to 3 walls per building | <ul style="list-style-type: none"> • An awning sign may only be used if a flat or wall sign is not used. • Primary graphics must be on street side or primary face of structure • No internal illumination permitted. |
| Projecting / Blade sign | <ul style="list-style-type: none"> • 12 square feet • Maximum 42-inch width | May not extend above the top of the wall it is attached to. | <ul style="list-style-type: none"> • Must be attached to a building. • 6 foot maximum projection from building. • 8 foot minimum clearance from ground to bottom of sign | One per entrance along frontage | <ul style="list-style-type: none"> • Primary graphics must be on street side or primary face of structure • No illumination permitted |
| Window sign | 12 square feet per use. | | | One per business per street frontage | |

19.82.120 Illuminated Signs

- A. ~~Any sign that is illuminated shall not permit~~ ~~An illuminated sign shall not be installed~~ ~~which permits~~ the light source to be directly visible from any ground-level vantage point on a residential property seen by adjacent residential properties. All illuminated signs shall direct their light downward to prevent dark sky illumination.
- B. If an illuminated sign is alleged to violate the requirements of this Code, the Planning Director may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified lighting professional to the Planning Director. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.
- C. Lighting for signs shall meet the following standards:
1. All illuminated signs:
 - a. ~~A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties.~~ Any sign that is illuminated shall not permit the light source to be directly visible from any ground-level vantage point on a residential property.
 - b. All lighted signs shall have stationary and constant lighting. Flashing, blinking, chasing or similarly changing lights are prohibited.
 - c. The use of uplighting on signs is prohibited. All lighted signs shall direct their light downward.
 - d. Except for internally illuminated logos and text, all light sources used to illuminate signage shall have color temperature equal to or less than 4,000 degrees Kelvin (4,000°K).
 - e. ~~No sign shall have an illuminance level greater than 100 nits (100 candelas per square meter).~~ The nighttime illuminance of an electronic message center shall not increase ambient lighting by more than 0.2 footcandles when measured as follows:
 - (1) The measurement distance is determined by the following formula:
$$(A)(\sqrt{\text{Area of display} \times 10}) = \text{Measurement distance in feet.}$$

(B) For example, a display of 25 square feet would be measured at a distance of 50' since $(\sqrt{25 \times 10}) = 50$.

- (2) Measurements shall be taken at the required distance perpendicular to the sign face.
- (3) An ambient light measurement shall be taken using a footcandle meter at the required distance with the sign turned off.
- (4) Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken from the same required distance with the sign turned on.
- (5) Measurement shall take place at night, after the end of astronomical twilight as defined by the US National Weather Service.

f. Sign illumination curfew:

(1) Where required by this code, sign illumination shall be turned off or dimmed to fifty percent (50%) of the original illumination at midnight, or the close of the business, whichever is later.

(2) Sign illumination shall remain off or dimmed until one hour prior to sunrise or opening of business, whichever is earlier.

2. Externally illuminated signs:

- a. Lighting for externally illuminated signs shall be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
- b. Lighting for externally illuminated signs shall be mounted at the top of the sign or within two feet of the top of a building mounted sign.

3. Internally illuminated signs:

- a. Lighting shall be limited to areas with text and logos areas.
- b. Internally illuminated signs shall use semiopaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear, materials are not allowed for sign copy. Pure white materials are permitted for copy and logo portions of the sign, but are prohibited for any other portion of the sign. Sign backgrounds shall be made of completely opaque material.

4. Backlit signs:

- a. Backlit signs shall be designed such that the light source is not visible.
- b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy and logos are allowed.
- c. Backlit signs shall use low lumen light sources.

19.82.130 Electronic Message Center (EMC) Requirements

- A. An electronic message center is limited to the sign types and zones as set forth in Table 19.82.4.
- B. An electronic message center shall only display static images. An electronic message center shall not display scrolling text, video images, or scintillating images. Upward illumination in such displays is not allowed. Light source shall not be seen from adjacent residential properties.
- C. The minimum image display duration shall be eight seconds.
- D. The maximum image transition duration shall be three seconds. Transitions from one static image shall fade out and fade or dissolve into the next static image without the use of flashing, animation, or movement.
- E. All electronic message centers shall be equipped with a sensor or other programmable device that automatically determines the ambient illumination and must be programmed to automatically adjust the illuminance according to ambient light conditions.
- F. Electronic Message Centers greater than one hundred square feet (100 sf) in area shall include physical light-blocking louvers to provide for vertical and horizontal light protected areas beyond 38 degrees of site broadcast.
- G. The nighttime illuminance of an electronic message center shall not increase ambient lighting by more than 0.2 footcandles when measured as follows:
 1. The measurement distance is determined by the following formula:
 - a. $(\sqrt{\text{Area of display} \times 10}) = \text{Measurement distance in feet.}$

- b. For example, a display of 25 square feet would be measured at a distance of 50' since $(\sqrt{25 \times 10}) = 50$.
 2. Measurements shall be taken at the required distance perpendicular to the electronic message center face.
 3. An ambient light measurement shall be taken using a footcandle meter at the required distance with the sign turned off to a black screen.
 4. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken from the same required distance with the sign turned on to a full white screen.
 5. Measurement shall take place at night, after the end of astronomical twilight as defined by the US National Weather Service.
- H. Upon receipt of an ambient light measurement and certification that the EMC meets all applicable requirements, the city shall record a Notice of Compliance and Acknowledgement of Sign Requirements with the Salt Lake County Recorder, on the property on which the EMC is located.

| Table 19.82.4 Electronic Message Center Allowances | | | |
|--|-----------|---|---|
| Zone | Sign Type | Allowable EMC size as a percentage of total allowable sign size per 18.68.100 | Other |
| MD | Monument | 50% | May not be located within 150' of a residential use or zone |
| C | Monument | 50% | May not be located within 150' of a residential use or zone |
| M | Monument | 70% | May not be located within 150' of a residential use or zone |
| | Pole | 50% | May not be located within 150' of a residential use or zone |
| CCOZ | District | 100% | |
| All other zones | None | NA | EMC Not Permitted |

19.82.140 Temporary Signs

- A. All temporary signs shall be located a minimum of five feet (5') from a property line or right-of-way line, or as noted for a particular temporary sign type, from the public right-of-way. Area, size, location, and quantity limits for temporary signs are set forth in Table 19.82.5.

- B. Each business may have a temporary banner sign(s) located on the building with a total maximum square footage of fifty (50) square feet unless the business encompasses a building face with over one hundred fifty (150) linear feet. Such businesses may use up to ten percent (10%) of the first-floor building face square footage, but at no time shall the combination of temporary signs equal more than thirty percent (30%) of the first-floor building face. Other banners located in the landscaping, at least five feet (5') from the property line, with temporary independent supports shall not exceed twenty (20) square feet and shall conform to the time ~~limits period~~ specified in MKZ 19.82.140 (C).

- C. Temporary and banner signs are subject to the following time limits:
 - 1. Temporary banner signs may be installed on a building face for up to six (6) months during any calendar year.

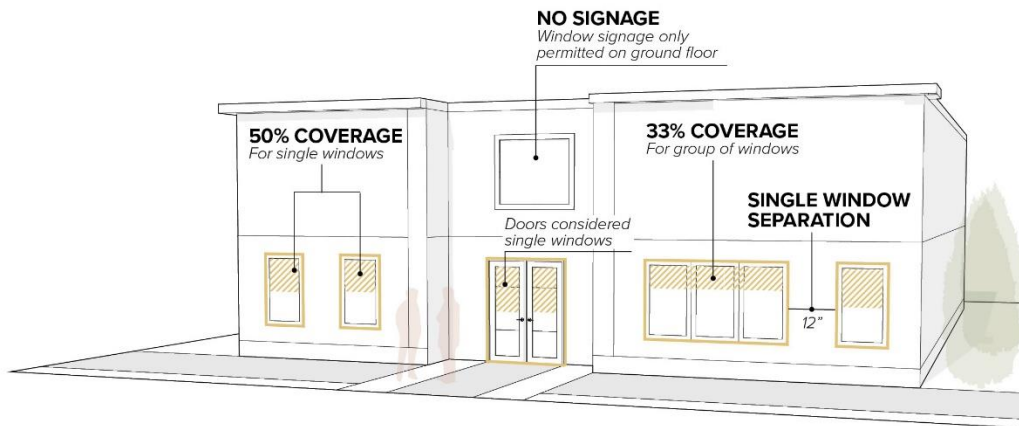
2. Temporary grand opening signs may be installed on a building face for up to three (3) months during any calendar year. Grand-opening signs shall be allowed for any new business that obtains a new business license for the opening of a new establishment. A facility renovation requiring a building permit qualifies for a grand-opening sign.
 3. All other temporary signs, except A-frames, may be displayed for a total time period of 6 weeks during any calendar year.
- D. All A-frame signs shall be taken indoors at night or at the close of business. All A-frame signs shall be located at a minimum of at least one foot back from the public right of way. Only one A-frame sign is allowed per business, it shall include weights on the bottom, and be no larger than 6 square feet on one side.
- E. All temporary signs shall be maintained in good condition, without any frayed, ripped, tattered, or faded appearance issues. Such signs are meant to be temporary with a permanent sign installed as soon as possible.
- F. Construction/development Project signs shall not exceed thirty two (32) square feet. Shall not be internally lit but may include external down lighting. Such signs shall not exceed ten feet (10') in height. Such signs may be constructed of wood (including simulated wood products) or metal with painted advertising or other professional applications, excluding paper. Such signs shall be removed within thirty (30) days of the final inspection or completion of the project.
- G. Temporary window signs shall be limited to a maximum of fifty percent (50%) coverage of window area. The fifty percent (50%) shall be calculated per façade or elevation. Where paint of marker is used on the window, the area shall be measured by creating the smallest rectilinear shape that completely contains the entire message. Where one window is completely covered in signage, another window of equal or greater size shall be left free of any window signs.
- H. Temporary signs for temporary uses, shall be attached to a food truck, food cart, ice cream truck, or any temporary structure approved for the temporary use. In addition, one A-frame sign is allowed subject to the standards in subsection D above.
- ~~I. Yard signs are allowed on a temporary basis and may be displayed outdoors for up to five (5) months.~~

Table 19.82.5 Temporary Signs

| Type | Maximum Size | Location | Maximum Quantity | Other |
|-------------------------------|--|----------------------------|--|----------------------------|
| Temporary attached | <ul style="list-style-type: none"> 50 square feet not to exceed thirty percent (30%) of the first-floor building façade or, Ten percent (10%) of the first-floor building face square footage for facades longer than 150 feet | Attached to main structure | Cumulative area of all temporary attached signs not to exceed the square footage listed in the maximum size permitted. | |
| Temporary freestanding | 20 square feet | 5 feet from property line | The cumulative total of all temporary freestanding signs may not exceed 20 sq ft per business. | |
| A-frame | 12 square feet | One foot from right-of-way | One per business. | |
| Temporary Window | Up to 50 percent of window may be covered | | | No illumination permitted. |

19.82.150 Window Signs

Figure 19.82.2 Window Sign Allowances



- A. Permanent window signs shall be made from adhesive film and be used for privacy purposes or additional design for building facades.
- B. Window signs shall not cover more than fifty percent (50%) of any single window, nor more than thirty three percent (33%) of the entire surface area of a group of windows on each building face. A single window is any window, or section of windows, that is separated from another window by twelve inches (12") or more. Any door with windows is always considered a separate window.
- C. Any interior sign placed within three feet of a window is considered a window sign.
- D. Window signs are limited to the first story of a building.

19.82.160 Off-Premises Sign Requirements

Off-premises signs erected along the interstate as defined by the State of Utah shall conform with the provisions of the Utah Outdoor Advertising Act.

19.82.170 Off-Premises Signs; Billboards

- A. Purpose. In keeping with the goals of the Millcreek General Plan to promote signs that are responsive to neighborhood character, and to improve the aesthetics of major streetscapes, the purpose of the billboard ordinance is to provide reasonable regulation of billboards in order reduce the heights and area of future billboards, mitigate negative impacts, promote safety, protect property values, and reduce impediments for economic development and redevelopment. It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.
- B. Cap on Area of Billboards. The combined square footage of all billboards allowed in the City shall be limited to the combined square footage of billboards that are existing as defined herein as of December 27, 2013, within the boundaries of the city as it was incorporated on December 28, 2016. This cap shall automatically decrease as billboards are annexed into a municipal jurisdiction or removed and not relocated.
- C. Billboards are only allowed in the C and M zones as a permitted use, subject the additional restrictions established in this chapter.
- D. Location. Billboards shall not be allowed in those locations listed in Subsection 6 of this chapter, below, notwithstanding the underlying zone.
- E. Size. Billboards shall not exceed three hundred (300) square feet, except as provided below:

1. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed six hundred seventy two (672) square feet.
 2. Signs oriented for viewing along State Street and located within twenty feet (20') feet of the State Street right-of-way shall not exceed six hundred seventy two (672') square feet.
- F. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within one hundred feet (100') of the Main Street right-of-way, east of Interstate 215, or within five hundred feet (500') of the following intersections, as measured as a radius from the nearest property line to the intersection right-of-way line:
1. 2000 East and 3300 South
 2. 1100 East and 3900 South
 3. 1300 East and 3900 South
 4. 2300 East and 3900 South
 5. 2300 East and Claybourne Avenue
 6. Murray-Holladay Road and Highland Drive
- G. Height. The maximum height of a billboard shall be thirty two feet (32') above the grade level of the road, except as provided below:
1. Signs that are oriented for viewing on an Interstate freeway travel lane may have a maximum height of fifty feet (50') but in no event shall be greater than twenty five feet (25') above freeway grade level.
 2. In the event that a billboard cannot be viewed from any residential zone, it may exceed thirty two feet (32') in height, up to a maximum height of forty feet (40'). In order to achieve the additional height, the billboard owner must certify as part of a building permit that the billboard meets the following requirements:
 - a. The billboard is not visible from a ground-level vantage point on any property in a residential zone within one hundred fifty feet (150') of the residential zone boundary, and
 - b. The billboard must be situated on the same side of the street and within fifty feet (50') of an existing building or buildings and have no greater height than the immediately adjacent building(s).

- H. Separation. The minimum distance between all billboards on the same side of the street shall be five hundred (500) lineal feet as measured along the same side of the street including intersections. All billboards must be at least two hundred fifty (250) radial feet from any other billboard located on the opposite side of the street from where a new sign is to be located.
- I. Setbacks.
1. Setbacks from Rights-of-Way. The minimum setback shall be five feet (5') to the leading edge of a billboard, including all structural and service support elements. The billboard's front-yard setback shall be measured from the future right-of-way line as indicated on the Transportation Master Plan. The closest edge of a billboard shall not project into any required setback area.
 2. Setbacks from property line. The minimum setback from any property line shall be five feet to the leading edge of the billboard, including all structural and service support elements.
 3. Setbacks from on-premise pole signs. The minimum setback between a billboard and any on-premise pole sign shall be one hundred feet (100').
 4. Setbacks from A, R-1, R-2, R-4, and RM Zones. The minimum setback between a billboard and any residential zone boundary shall be one hundred fifty feet (150'). The minimum setback of a billboard may be reduced to one hundred feet (100') if the billboard owner certifies as part of a building permit that no portion of the proposed billboard is visible from any ground level vantage point on a property in an A, R-1, R-2, R-4, or RM zone that is within one hundred fifty feet (150') of the proposed sign, as measured from the zone boundary line.
- J. Lighting. The use of uplighting is prohibited. All lights shall direct their light downward and shall be shielded so that the lighting is confined to the sign face and the lighting source is not directly visible from any ground-level vantage point.
- K. Design. Billboards shall utilize either the "mono-pole" or the "bi-pole" design and shall be continually maintained structurally and on the sign face. The back of any single-faced billboard and the structure behind the sign shall be painted a dark color. The billboard owner shall make a good faith effort to design the billboard so as to reduce and minimize the visual bulk and mass of the pole and other structural elements of the billboard. Internally illuminated billboards, electronic display, digital display, LED display, video display billboards and electronic message centers are only allowed immediately adjacent to the Interstate 15 and shall be limited to no more than one change to the copy face in a twenty-four-hour period. Two-decked billboards are prohibited in all zones.

L. Maintenance. All billboards, including the entirety of the sign area and all structural supports, shall be continuously maintained by the billboard company. Any area under the sign and all structural supports shall be continuously maintained and kept free of all animal droppings or other environmental and safety hazards by the billboard owner or the lessor of the land.

M. Relocation of Billboards to Accommodate Redevelopment. In order to accommodate the redevelopment of sites within a community reinvestment area, or any site in the city that is at least one acre in size, the City may allow the following deviations from the standards in this chapter:

1. The minimum separation distance between billboards may be reduced to 400 lineal feet as measured along the same side of the street including intersections and may be reduced to one hundred fifty (150) radial feet from any other billboard.
2. The maximum height of a billboard may be increased to forty feet (40') in height, subject to the standards established above.

N. Credits for Removal.

1. Prior to the removal of any billboard, the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application to the City. After any billboard is removed, the City shall create a "billboard bank account" for the sign owner.
2. The account shall solely reflect credits for the billboard advertising space square footage as well as the date of removal, and the street address from which the billboard was removed. Any billboard credits not used within thirty-six months of their creation shall expire and be of no further value or use.
3. A billboard owner may sell or otherwise transfer billboards and/or billboard bank account credits.
4. The transfer of any billboard bank account credits does not extend their thirty-six-month life as provided in this section. Removal of a billboard that has two in-use advertising faces shall receive billboard bank account credits for the square footage of each sign face.
5. Credits may not be used to enlarge any non-conforming billboard or conforming billboard, other than those billboard located immediately adjacent to the Interstate 15 freeway, along State Street, or within twenty feet (20') of the State Street right-of-way.

O. Relocation.

1. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter.
2. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease. Additionally, prior to approval of a permit for relocation, the City shall by letter inform the affected community council chair and planning commission chair that application for a billboard permit has been received.
3. If a sign is to be relocated within six hundred feet (600') of a community district boundary, the city shall inform the affected community council chairs of each community district.
4. Billboards moved to approved locations shall conform to all billboard requirements of the new location.
5. Billboards moved from one location to another must be installed in the new approved location within the period allotted by the International Building Code (IBC).
6. A new billboard permit shall only be issued if the applicant has billboard bank account credits of a sufficient number of advertising face square feet for the billboard to be constructed.
7. When the permit for construction of a new billboard is issued, the City shall deduct from the sign owner's billboard bank account the advertising face square footage used for the new billboard.
8. If the new billboard uses less than the entire available square footage credits, any remaining square footage credits shall remain in the sign owner's billboard bank account.

P. Notice Required for Billboards Relocated Subject to State Statute.

1. If the City receives written notice, electronic or otherwise, from a billboard owner to invoke intent, rights or benefits of any kind under Section 2(a) of UCA 10-9a-513 or under any other or future State Statute that applies in any manner to billboards or outdoor advertising, the City shall provide written notice of such request or intent to all property owners of record located within five hundred feet (500') of the property

to which the sign is to be relocated or erected.

2. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.

Q. Business Licenses Required for Billboards. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.

R. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail and govern.

19.82.180 Maintenance; Removal of Sign

A. All signs and advertising structures shall be maintained in good condition.

B. ~~After a verbal notification~~ Upon receipt of a courtesy notice pursuant to MKC 1.18.165 that a sign or advertising copy is not maintained in good condition, non-maintained signs or advertising copy, the sign owner shall remove or repair the sign that are not removed or repaired within ~~the required~~ thirty days.; If the sign is not removed or repaired within thirty days, the owner(s) shall be given a notice of violation pursuant to MKC 1.18.170. ~~written notice sent by certified mail.~~ In addition to the civil penalties listed in the notice of violation, the city may state that ~~If not removed by the owner within ten (10) days,~~ unless the owner removes the sign or copy within ten (10) days.

C. Vacant signs.

1. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within thirty days of such unavailability.
2. Empty signs frames shall either be replaced with new signs for an active business or removed within 6 months from the time the sign area becomes vacant.
3. If removal does not occur voluntarily, after appropriate notice is given, the entire sign and support structure shall be taken down by the owner or may be removed by the City and all costs incurred shall be the responsibility of the property owner.

19.82.190 Non-Conforming Signs

A. Alterations.

1. A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions of this Code. All alterations shall require conformance to the provisions of this Code including any physical changes to the sign panel or the sign cabinet itself. Exclusions from this requirement are as follows:
 - a. Face changes.
 - b. Normal maintenance and repair of existing sign structures, or of existing electronic message centers.
 - c. Copy changes in signs with a changeable copy feature.
 - d. Architectural enhancements to existing multi-tenant pole signs in conjunction with a building façade remodel. The building façade remodel must be at least twenty five percent (25%) of the front façade of the building. Overall height, size, and shape of the sign shall not be increased.
 - e. Any sign serving a property but that is located within or projects into the existing public right-of-way shall be made conforming when the sign is altered or when a conditional use permit, subdivision approval, rezone, or site plan approval for a new building is issued.

- B. Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of nature, or act of a public enemy, or damaged by any other cause, to the extent of more than fifty percent (50%) of their assessed value shall, if repaired or rebuilt be repaired or rebuilt in conformity with the regulations of this Code.

19.82.200 Iconic Signs

A. The City has recognized the following iconic signs:

1. Tres Hombres non-rectilinear sign at 3298 S Highland Drive
2. Bowling sign at 1376 E 3300 S
3. Artesian Springs sign 4197 Main Street
4. Villa Theatre sign 3092 S Highland Drive

5. Dr. England Plumbing sign 1009 E 3300 S

- B. An iconic sign may not be removed unless updated or rebuilt with the exact specifications of the original sign.
- C. Iconic sign shapes may not be altered.
- D. Electronic message centers may not be incorporated into an iconic sign.
- E. A property with an iconic sign may also be allowed a monument sign or a pole sign, subject to the standards of this chapter. Iconic signs shall not be included in the minimum distance requirements established by this chapter for pole signs and monument signs.

19.82.210 Action to Remove or Abate Violation

- A. The City Attorney shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of any City ordinance, to accomplish the following purposes:
 - 1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
 - 2. To restrain, to correct or abate such violation;
 - 3. To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within ten working days after giving notice as provided in subsection B of this section, the building inspector or Zoning Administrator may at once abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the City costs incurred in such removal within thirty calendar days after written notice of the costs is mailed to such person.
 - 4. Fines may also be imposed as per section MKZ 19.94.040.
- B. Notice by the City shall mean written notice sent by certified mail to persons having charge or control or benefit of any sign found by the Building Inspector or Zoning Administrator to be unsafe.

19.82.220 Definitions And Interpretation of Language

For the purpose of this chapter, certain words and terms are defined as set out in this section. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; and words included herein but defined in the building code shall be construed as defined therein.

"A-frame sign" means a sign constructed of wood, plastic, or metal, have a solid surface for written advertising with two sides not exceeding 6 square feet on a side attached at the top to allow the sign to stand in an upright position weighted or anchored sufficiently at the bottom to prevent blow overs and to be movable at will.

"Alterations" means a change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.

"Animated sign" means a sign which induces motion or rotation of any part by mechanical, or artificial means, or subdued color changes. An animated sign is not an EMC sign.

"Animation" means simulated movement created by the display of a series of pictures or images, creating the illusion of movement.

"Awning sign" means a sign designed in awning form that is an illuminated or nonilluminated space frame structure attached to a building or other permanent structure.

"Billboard bank" means an accounting system established by the City to keep track of the number of billboard signs and the square footage of each billboard sign removed pursuant to MKZ Section 19.82.185 of this chapter.

"Billboard credit" means an entry into a billboard owner's billboard bank account that indicates the number of billboard sign locations and the square footage of each billboard sign.

"Billboard owner" means the owner of a billboard in Millcreek.

"Billboard" means a free-standing ground sign with a sign face of at least 128 square feet in area and with a height of at least 30 feet, or a ~~ground-sign billboard as defined by and~~ regulated under the Utah Outdoor Advertising Act or the Municipal Land Use, Development, and Management Act. Billboards are supported by a substantial permanent monopole or bipole support structure. Billboards are typically owned by nongovernmental entities or leased separately from the principal buildings or uses on the property upon which they are located and are larger and/or taller than any sign expressly permitted by this title.

"Blower machine" machine means a mechanical device for creating a current of air used to inflate an inflatable sign.

"Construction/development sign" means a sign located on a ~~lot~~ property where construction or proposed development activities are being actively conducted and which is not permanently attached to a structure of the ground. A construction/development sign does not include a snipe sign, a feather sign, blower machines, streamers/pennants, mobile sign, a sign on a vehicle, or objects used to convey services or products.

"Dissolve" means an image transition effect accomplished by varying the image intensity or pattern, where the first image gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the subsequent image.

"Directional / Circulation Sign" means a means any sign which gives directions or instructions for the control of vehicular or pedestrian traffic and shall include an entry and exit sign.

“District sign” means a ground sign located on City-owned property that is owned and operated by the City, or by a third party entity under an agreement with the City.

"Electronic message center" or "EMC" means a mechanism or device which uses a combination of lights, or lighted or unlighted panels which are controlled electrically with software and electronically to produce words, symbols, pictures or messages which may change within a given panel area.

"Embellishment, cut-out or extension" means an extension of the billboard resulting in increased square footage as part of an artistic design to convey a specific message or advertisement.

"Existing billboard" means a billboard that is either constructed, or for which an application for a land use permit was received and approved by the planning department and state authorities where necessary, prior to May 18, 2004.

"Fade" means an image transition effect accomplished by varying the intensity of the image, where the first image gradually reduces intensity to the point of not being legible and the subsequent image gradually increases intensity to the point of legibility.

~~“Flag” means an item made of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country or institution.~~

“Feather” sign means a temporary sign independently standing or attached to a structure with a vertical banner.

"Flashing sign" means ~~a sign which has or appears to have motion~~ movement or rotation of ~~the a~~ sign's lighting elements or displays that produce flashing or intermittent light for less than two seconds.

"Flat/wall sign" means a sign erected parallel to and attached to the outside wall of a building and extending not more than twenty-four inches from such wall with messages or copy on the face side only.

"Footcandle" means the English unit of measurement for illuminance, which is equal to one lumen, incident upon an area of one foot.

“Handbill” means any written or printed notice distributed by hand for the purpose of communication, including but not limited to any pamphlet, booklet or leaflet.

“Iconic sign” means a sign having significant historical character and that has acted as a landmark in the City and specifically included in the iconic sign section of this chapter.

"Illuminance" means the photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.

"Illuminated sign" means a sign which has characters, letters, figures, designs or outlines illuminated by internal electric lights or luminous tubes.

"Image" means the display of text, numbers or the likeness of an object or living thing of any type on an EMC.

"Image display duration" means the period of time that an image remains static.

"Image transition duration" means the period of time in which one image changes to another on an electronic message center.

"Inflatable" is an object or sign that is filled with air before use.

"Interior sign" means a sign located within a building so as to be primarily visible only from within the building in which the sign is located.

"Mobile sign" means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground, or a sign that is greater than sixteen square feet in area and that is mounted on a vehicle.

"Monument sign" means a low-profile sign which is incorporated into the landscape or architectural design scheme where the sign is located.

"Nameplate sign" means a sign indicating the name and/or occupation of a person legally occupying the premises or indicating a legal home occupation thereon.

"Nonconforming billboard" means an existing billboard that is located in a zoning district or otherwise situated in a way that is not permitted by the provisions of this chapter.

"Nonconforming sign or sign structure" means a sign or sign structure or portion thereof lawfully existing at the effective date of this chapter or any amendment hereto has been maintained continuously, and because of one or more subsequent changes to this chapter does not conform to regulations that now govern the sign.

"Pan Channel letters" are custom-made metal or plastic letters commonly used in exterior, and often internally illuminated.

"Pedestal sign" means a temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

"Pole sign" means a sign supported by a fixed permanent frame/pole support in the ground.

"Poster" means any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed.

"Projecting/blade sign" means a sign attached to a building or canopy and extending in whole or part more than twenty-four inches beyond any wall of the building or canopy.

"Property sign" means a sign that is affixed to a fence or building wall or located in a yard that typically communicates the rights the owner of a property wishes to enforce regarding parking, use, or access.

"Roof sign" means an on premises sign which is erected and attached partly or wholly on the roof of the building.

"Scintillate" or "scintillating" means light flashes, light sparkling, light starbursts, light twinkling, light pulsating or any other image transition effect or animation in which an image instantly and repeatedly changes for the purpose of attracting attention.

"Searchlight" a powerful outdoor electric light with a concentrated beam that can be turned in the required direction.

"Service sign" means a sign that is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of restrooms, entrance and exits, etc.

"Sign" means and includes every advertising message, announcement, declaration, demonstration, display, illustration, light display, insignia surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. "Sign" also includes the sign structure supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

"Sign area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectilinear line with a maximum of eight sides, triangle or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shapes shall be computed as one-half of the total surface area.

"Sign clearance" means the vertical distance from finished grade directly below the sign to the bottom of the lowest attached component of the sign, exclusive of any supporting structure.

"Sign maintenance" means that signs shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, repainting, rust removal, replacement or removal of empty frames, cleaning and other acts required for the maintenance of the sign. Good condition means signs shall not display rust, peeling paint, broken parts, discoloration, bent metal including frames, and empty or broken panels.

"Sign setback" means the minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line.

"Sign structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having location on or below the ground.

"Snipe sign" means a sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

"Static" means no motion of any type or form.

“Streamers/Pennants” Decorations made from paper, cloth, canvas, light fabric, plastic, or other light materials used for decoration on a property or building.

"Temporary sign," means a sign constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames and is restricted to section 19.82.140 of this title.

“Temporary window sign” means a temporary sign located on or within the window of a building and is restricted to MKZ section 19.82.140 of this title.

~~"Time and temperature device" means any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.~~

"Video" means simulated movement created by the display of a series of images creating the illusion of continuous movement.

"Window sign" means a sign attached and located on a window so as to be visible from outside the building through a window or door. Any interior signs placed within three feet (3') of window is considered a window sign.

“Yard sign” means a ~~temporary~~ sign located in a residential area placed upon or supported by the ground independently of any other sign on the property.

MILLCREEK, UTAH
ORDINANCE NO. 24-12

**AN ORDINANCE APPROVING THE DISPOSAL OF COMPUTER LAPTOPS
CONTRIBUTED BY COMCAST CORPORATION WITH A VALUE OF \$25,000 TO
STUDENTS COMPLETING THE MILLCREEK SIX-WEEK DIGITAL LITERACY
PROGRAM**

WHEREAS, the Millcreek Council (“Council”) met in a regular session on April 8, 2024, to consider, among other things approving the disposal of computer laptops contributed by Comcast Corporation with a value of \$25,000 to students completing the Millcreek Six-Week Digital Literacy Course (the "Disposal"); and

WHEREAS, Utah Code Ann. § 10-8-2 requires, among other things, a study to support disposal of property; and

WHEREAS, on or about March 12, 2024, a study ("Study") was completed by Bonneville Research, setting forth an analysis and demonstrating the purpose for the disposal of computer laptops with a value of \$25,000 contributed by Comcast Corporation to Millcreek and donated to students completing the Millcreek six-week Digital Literacy Program. A copy of the Study is attached to this Ordinance; and

WHEREAS, on March 20, 2024, the Study was made available in Millcreek for review by interested parties; and

WHEREAS, on April 8, 2024, the Council held the requisite public hearing to receive public comments concerning the acquisition and disposal; and

WHEREAS, all interested persons in attendance at the public hearing were given the opportunity to be heard, and written comments were solicited; and

WHEREAS, the Council finds that based on the Study and comments at the public hearing, the Disposal will be used to enhance the safety, health, prosperity, moral wellbeing, peace, order, comfort, and convenience of the inhabitants of Millcreek; and

WHEREAS, the Council finds that the Disposal is necessary and appropriate to accomplish the reasonable goals and objectives of Millcreek. Such goals and objectives include, but are not limited to, economic development, job creation, and job preservation; and

WHEREAS, the Council finds that the net value received for the Disposal is equivalent and includes certain intangible benefits to Millcreek, including, but not limited to, prosperity, moral well-being, comfort, and convenience to the inhabitants of Millcreek and economic development, job creation, and job preservation in Millcreek; and

WHEREAS, the Council finds that it has satisfied all the requirements of Utah Code Ann. § 10-8-2 to make the Disposal.

NOW, THEREFORE, BE IT ORDAINED that the Council hereby approves the Disposal as set forth herein.

This Ordinance assigned Ordinance No. 24-12, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 8th day of April, 2024.

MILLCREEK

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Alexander Wendt, Deputy Recorder

| | | |
|-----------------|-----|----|
| Roll Call Vote: | | |
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 24-12: AN ORDINANCE APPROVING ACQUISITION AND DISPOSAL OF COMPUTER LAPTOPS WITH A VALUE OF \$25,000 CONTRIBUTED BY COMCAST CORPORATION AND DONATED TO STUDENTS COMPLETING THE MILLCREEK SIX-WEEK DIGITAL LITERACY PROGRAM was passed and adopted this 8th day of April, 2024, and certifies that a copy of the foregoing Ordinance 24-12 was posted in accordance with Utah Code 10-3-711 this ____ day of April, 2024.

Elyse Sullivan, City Recorder



Bonneville Research

March 12, 2024

Introduction:

This analysis intends to provide Millcreek, a Utah Municipality, and the Millcreek City Council with the information required by the Utah Code Section 10-8-2. Appropriations -- Acquisition and disposal of property -- Corporate purpose -- Procedure.

Reason for the Study:

Utah Code § 10-8-2 and case law require a more rigorous review and approval process before the City can provide grants to nonprofit organizations. The process requires that the City complete a Study before awarding the grants. The section also covers appropriations, acquisition, and disposal of property, municipal authority, corporate purpose, procedure, and notice of intent to acquire real property.

Critical Elements of the Study:

The Study shall consider the following factors:

1. Completion of a study that addresses the following:
 - a. The benefit the City will receive—tangible or intangible—in return for appropriated funds.
 - b. An analysis of how the appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of Millcreek residents.
 - c. Whether the appropriation is necessary and appropriate to accomplish the goals and objectives of the City, such as:
 - i. Removing blight or underdeveloped properties;
 - ii. Increasing the City's tax base;
 - iii. Creating jobs;
 - iv. Retaining jobs, and
 - v. Any other identified public purpose the appropriation might serve.
 - d. Completing a financial analysis showing projected financial returns to the City, if any, and the period over which the City will recoup the appropriation amount.
2. A finding by the Council that the development will promote safety, health, prosperity, moral well-being, peace, order, comfort, or the convenience of the Millcreek residents shall be adopted by Resolution citing the Study as evidence to support that finding.

3. The processes outlined in Utah Code Ann. § 10-8-2h will complete the final appropriation:
4. If the appropriation is made as an amendment to the current year's fiscal budget, it shall be approved according to the process outlined in Utah Code Ann. § 10-8-2(3)(d).
 - a. If the appropriation is made as part of a future fiscal year budget, then the appropriation shall be approved during the regular annual budget process.

Millcreek Agreement – Millcreek proposes to make the following monetary and acquisition and disposal of property, municipal authority, corporate purpose, and procedure appropriation for the Fiscal Year 2023/2024:

“Digital Literacy Program” Proposal:

- Millcreek City has received a donation of 100 laptop computers valued at \$25,000 from Comcast Corporation, an American multinational telecommunications and media conglomerate.
- Millcreek Promise and Comcast will use laptop computers to provide 6-week digital literacy courses at apartment complexes in Millcreek City.
- The Millcreek Promise literacy course will be offered at no cost to participants.
- The Comcast computers donated to Millcreek City will be used in the Digital Literacy Courses and then given to the students upon completion.
- The Digital literacy program is designed to help people overcome barriers to participate actively in a digital society and improve literacy in Millcreek City.
- The laptops will support adults and schoolchildren enrolled in the digital literacy program, which focuses on improving computer skills and literacy, equity, and overall access to technology.

ANALYSIS:

- A. Millcreek City is seeking to partner with Comcast Corporation to create a program to use donated laptop computers to provide a 6-week Digital Literacy Course, which will be offered to residents of apartment complexes in Millcreek City.
- B. The Millcreek Promise literacy course will be offered at no cost to participants.
- C. The computers from Comcast donated to Millcreek City will be used in the Digital Literacy Courses and then given to the students upon completion.
- D. The Digital literacy program is designed to help people overcome barriers to participate actively in a digital society and improve literacy in Millcreek City.
- E. The laptops will support adults and schoolchildren enrolled in the digital literacy program, which focuses on improving computer skills and literacy, equity, and overall access to technology.

CONCLUSION AND REQUIRED FINDING:

The municipality of Millcreek's purpose for the above-listed appropriations acquisitions, and disposal of property, municipal authority, corporate purpose, procedure, and notice of intent to acquire municipal property to Millcreek Promise is to seek to achieve the following Community Objectives by accomplishing the following public purposes and thereby supporting Millcreek City's efforts to enhance the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality:

1. **EDUCATION:** All Millcreek residents have the support to maximize success in improving computer skills, literacy, equity, and overall access to technology.
2. **HEALTH AND SAFETY:** All Millcreek residents can access health and safety services and resources.
3. **ECONOMIC WELL-BEING:** All Millcreek residents have opportunities to provide a high quality of life for themselves and their families.

FINDING:

The appropriation is necessary and appropriate to accomplish Millcreek, a Utah Municipal Corporation's reasonable goals and objectives in economic development, job creation, affordable housing, blight elimination, job preservation, and preservation of historic structures and property, and any other public purpose.

GENERAL LIMITING CONDITIONS:

Every reasonable effort has been made to ensure that this Study's data reflects accurate and timely information and is believed to be reliable.

- *The Study is based on estimates, assumptions, and other information developed by Bonneville Research from its independent research effort, general knowledge of the region, primary data sources including Millcreek, the Utah State Tax Commission, and the Utah State Auditor's Office, and consultations with the Client's representatives.*
- *No responsibility is assumed for inaccuracies in reporting by the Client, its agents, or any other data sources used in preparing or presenting this Study. This report is based on information collected during March of 2024, and Bonneville Research has yet to undertake any update of its research since that date. Bonneville Research makes no warranty that any of the values or results contained in this Study will be achieved. This report is not to be used with any public or private offering of securities or other similar purposes. This Study is qualified and should be considered based on these limitations, conditions, and considerations.*

Robert Springmeyer

Robert Springmeyer, the Chairman of Bonneville Research, performed this 10-8-2 Appropriations Study.

Mr. Springmeyer is actively involved in the redevelopment and other economic impact projects. He has supplied independent financial and redevelopment analysis for numerous urban renewal agencies within the State and completed "Fair Value Analyses" for Holladay and South Salt Lake Cities. Mr. Springmeyer is the Chairman of Bonneville Research. He has directed the Economic Analysis/Tax Studies completed for the Downtown Alliance, the Utah State Tax Review Commission, Salt Lake County, Brigham City, Salt Lake, Sandy, Bountiful, and South Jordan Cities, including the Urban Renewal Agencies of Salt Lake, Taylorsville, Holladay, South Salt Lake, Draper, West Jordan, Ogden, South Jordan, Sandy, and Murray. He is educated in Political Science, Economics, and Business Management and has consulted with local governments for over 40 years. He has been listed in Who's Who in Finance and Who's Who in the West.

MILLCREEK, UTAH
ORDINANCE NO. 24-13

**AN ORDINANCE APPROVING NONMONETARY ASSISTANCE TO THE
MILLCREEK COMMUNITY FOUNDATION**

WHEREAS, the Millcreek Council (“Council”) met in regular session on April 8, 2024, to consider among other things, approving nonmonetary assistance to the Millcreek Community Foundation (“Foundation”); and

WHEREAS, on or about November 2022 Millcreek formed the Foundation as a nonprofit entity; and

WHEREAS, the Foundation does not have any employees or contractors to provide needed services such as accounting, record keeping, reporting, and other miscellaneous functions; and

WHEREAS, Millcreek anticipates providing this nonmonetary assistance (“Assistance”) to the Foundation; and

WHEREAS, Utah Code 10-8-2(1)(a)(v) and (2)(b) provides after first holding a public hearing, authorize municipal services or other nonmonetary assistance to be provided a nonprofit entity, whether or not the municipality receives consideration in return provided the total amount of services or other nonmonetary assistance any given fiscal year may not exceed 1% of the municipality's budget for that fiscal year; and

WHEREAS, on April 8, 2024, the Council held the requisite public hearing to receive public comments concerning the Assistance; and

WHEREAS, all interested persons in attendance at the public hearing were given the opportunity to be heard, and written comments were solicited; and

WHEREAS, after careful consideration the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of the City to authorize the Assistance; and

WHEREAS, the Council finds that it has satisfied all the requirements of Utah Code 10-8-2 to make the Assistance as described above.

NOW THEREFORE, BE IT ORDAINED by the Council that the Council approves the Assistance provided the Assistance in any given fiscal year does not exceed 1% of the municipality's budget for that fiscal year.

This Ordinance assigned no. 24-13, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s recorder.

PASSED AND APPROVED this 8th day of April, 2024.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Alexander Wendt, Deputy Recorder

| | | |
|-----------------|-----|----|
| Roll Call Vote: | | |
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 24-13: APPROVING NONMONETARY ASSISTANCE TO THE MILLCREEK
COMMUNITY FOUNDATION was passed and adopted this 8th day of April, 2024, and certifies
that a copy of the foregoing Ordinance 24-13 was posted in accordance with Utah Code 10-3-
711 this ____ day of April, 2024.

Elyse Sullivan, City Recorder

MILLCREEK, UTAH
ORDINANCE NO. 24-17

AN ORDINANCE AMENDING THE 2023-24 FISCAL YEAR BUDGET

WHEREAS, the Millcreek Council (“*Council*”) met in a regular session on April 8, 2024, to consider, among other things, amending the budget for the 2023-24 fiscal year; and

WHEREAS, the City Administration has presented a proposed amendment to the 2023-24 fiscal year budget (see attached exhibit); and

WHEREAS, on April 1, 2024, notice of a public hearing to consider the recommended amendment to the 2023-24 budget was published on the Utah Public Notice website and the Millcreek website; and

WHEREAS, on April 8, 2024, a public hearing to receive public comment to consider the amendments to the 2023-24 fiscal year budget was held at the Millcreek City Hall located at 1330 E Chambers Avenue, Millcreek, Utah; and

WHEREAS, all interested persons in attendance at the public hearing were given an opportunity to be heard, for or against, amending the budget for the 2023-24 fiscal year; and

WHEREAS, it is the intent and desire of the city to comply with all applicable State and local laws regarding the adoption of and the amendment to the 2023-24 fiscal year budget; and

WHEREAS, the Council finds that it has satisfied all legal requirements required to amend a budget.

NOW, THEREFORE, BE IT ORDAINED by the Council that the budget for the 2023-24 fiscal year is hereby amended as set forth in the attached exhibit. This ordinance shall take effect upon passage and posting as required by law.

PASSED AND APPROVED this 8th day of April, 2024.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Alexander Wendt, Deputy Recorder

Roll Call Vote:

| | | |
|-------------|-----|----|
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 24-17: AN ORDINANCE AMENDING THE 2023-24 FISCAL YEAR BUDGET was adopted on the 8th day of April, 2024 and that a copy of the foregoing Ordinance 24-17 was posted in accordance with Utah Code 10-3-711 this ____ day of April 2024.

Elyse Sullivan, City Recorder

Fund: 100 - General Fund
4/8/2024

| Account Number | Account Description | Original Budget | Current Budget | Requested Amendment | Amended Budget (if approved) | Comments regarding YTD and/or Description of Budget Amendment Requests |
|---|--|-----------------|----------------|---------------------|------------------------------|---|
| <i>General Fund Expenditures</i> | | | | | | |
| Communications | | | | | | |
| 100-4510-1100 | Salaries | 180,000 | 210,000 | 20,000 | 230,000 | Addition to staffing - FT Public Information Officer (PIO) for Public Works projects 6 payroll periods remaining in FY2024 |
| 100-4510-1400 | Benefits | | | 10,000 | | |
| | Department Total | | | 30,000 | | |
| Public Works | | | | | | |
| 100-5110-3100 | Professional Services | 200,000 | 197,000 | (30,000) | 167,000 | Addition to staffing - FT Public Information Officer (PIO) for Public Works projects |
| | Department Total | | | (30,000) | | |
| | Net Budget Amendment - General Fund | | | - | | |



MILLCREEK

FY 2023-24 FEE SCHEDULE

| ITEM | DESCRIPTION | CODE | FEE | ADOPTION/ AMENDED DATE |
|---|--|----------|-------------------------------------|---------------------------|
| Business Council Event Fees | | | | |
| 224 | Booth Rental | 3-12-030 | \$50.00 | 4/8/2024 |
| 225 | Canopy | 3-12-030 | \$100.00 | 4/8/2024 |
| 226 | Table and 2 Chairs | 3-12-030 | \$25.00 | 4/8/2024 |
| 227 | Booth Equipment Package (includes booth rental, canopy, table, and 2 chairs) | 3-12-030 | \$175.00 | 4/8/2024 |
| RECREATION FEES | | | | |
| Millcreek Common Rentals | | | | |
| 234 | Chalk Bag | 3-54-010 | \$2.00 | 4/8/2024 |
| Millcreek Common Admission | | | | |
| 239 | Climbing Wall (admission only) | 3-54-010 | \$7.00/session (sessions vary) | 4/8/2024 |
| 240 | Ice Skating Punch Pass (admission only) | 3-54-010 | \$50.00 (10 sessions) | 4/8/2024 |
| 241 | Ice Skating Punch Pass (admission + equipment rental) | 3-54-010 | \$100.00 (10 sessions) | 4/8/2024 |
| 242 | Roller Skating Punch Pass (admission only) | 3-54-010 | \$50.00 (10 sessions) | 4/8/2024 |
| 243 | Roller Skating Punch Pass (admission + equipment rental) | 3-54-010 | \$100.00 (10 sessions) | 4/8/2024 |
| 244 | Climbing Wall Punch Pass (admission only) | 3-54-010 | \$50.00 (10 sessions) | 4/8/2024 |
| 245 | Climbing Wall Punch Pass (admission + equipment rental) | 3-54-010 | \$100.00 (10 sessions) | 4/8/2024 |
| 248 | Season Climbing Wall Access Pass (admission only) | 3-54-010 | \$150.00 | 4/8/2024 |
| 251 | Season Climbing Wall Pass (includes admission, climbing equipment rental, excludes blackout dates) | 3-54-010 | \$250.00 | 4/8/2024 |
| Millcreek Common Event - Tickets | | | | |
| 252 | Holiday Event Ticket | 3-54-010 | \$3.00 - \$5.00/person | 4/8/2024 |
| 253 | Full Experience Holiday Event Ticket (includes 6th floor) | 3-54-010 | \$20.00/person | 4/8/2024 |
| 254 | Special Event Skate Discount #1 | 3-54-010 | \$2.00 off regular admission price | 4/8/2024 |
| 255 | Special Event Skate Discount #2 | 3-54-010 | Free admission, \$5.00/skate rental | 4/8/2024 |
| Millcreek Common Event - Venue Rental | | | | |
| 264 | Cultural Community Partner Event Plaza Rental | 3-54-010 | \$1,500.00 | 4/8/2024 |
| Recreation Fees - Venture Out Programs | | | | |
| 312 | Camp Tracy: | | | |
| 313 | Cabin Rental | 3-54-010 | \$200.00 - \$300.00 | 4/8/2024 |
| 314 | Campsite Rental | 3-54-010 | \$100.00 - \$150.00 | 4/8/2024 |
| 315 | Day Passes | 3-54-010 | \$10.00/pass | 4/8/2024 |
| 316 | Crafts and Classes | 3-54-010 | \$1.00 - \$10.00 | 4/8/2024 |
| 317 | Activity Fees | 3-54-010 | \$5.00 - \$10.00 | 4/8/2024 |

MILLCREEK, UTAH
ORDINANCE NO. 24-16

AN ORDINANCE AMENDING CHAPTER 5.19 OF THE MILLCREEK CODE OF ORDINANCES REGARDING CONTENT OF THE LICENSE APPLICATION AND RENEWALS

WHEREAS, on April 8, 2024, the Millcreek Council (the “Council”) met in regular session to consider, among other things, an ordinance amending Section 5.19 of the Millcreek Code of Ordinances Regarding the Content of the License Application and Renewals; and

WHEREAS, the Council finds that the affidavit requirements of the short-term rentals license application and renewals needs to be amended; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the residents of the City to amend the affidavit requirements of the short-term rentals license application and renewals as provided below.

NOW, THEREFORE, BE IT ORDAINED by the Council that Section 5.19.040 of the Millcreek Code of Ordinances be amended as follows (interlineating the words to be deleted and underlining the words to be added):

5.19.0040 – License; Application; Contents

A. Applications shall contain the following information:

1. The location of the short-term rental,
2. The name of property owner who uses this dwelling unit as their primary residence,
3. A signed declaration affidavit on a form ~~to be~~ provided by the City identifying the requirement of a short term rental license and sworn before a notary public stating that the applicant i-s currently in compliance with all legal requirements regarding short-term rentals, has paid all applicable taxes, fees and other charges regarding short-term rentals, and agrees to continually comply with all requirements regarding short-term, ~~proposed property is the primary residence of the owner,~~
4. Proof of primary residency in the form of a document from at least two of the following categories that show the applicant’s name and the address of the property for which a STR license is being applied for:
 1. Utility bill, dated within the last sixty (60) days;
 2. Correspondence from any government agency that shows the home address, dated within the last sixty (60) days;

3. A voter registration card dated within the last calendar year;
 4. A social security statement, dated within the last sixty (60) days;
 5. A bank statement dated within the last sixty (60) days;
 6. Automobile registration documentation dated within the last calendar year;
 7. Income tax forms dated from the most recent tax filing period;
 8. Insurance documentation or insurance bill dated within the last calendar year that shows home address;
 9. Current active business license or permit issued by Millcreek or a state or federal agency that shows home address;
 10. College or school correspondence that shows home address, dated within the last sixty (60) days;
 11. W-2 from the most recent tax filing period;
 12. Official payroll documentation that includes home address issued by an employer within the last sixty (60) days, such as a pay stub with home address, a form submitted for tax withholding purposes, or a payroll receipt;
5. A site plan/drawing of the proposed short-term rental showing the location of required off-street parking spaces,
 6. The number of rooms available for rent,
 7. The number of persons the short-term rental will accommodate,
 8. A sales tax collection and accounting number,
 9. The name and telephone number of the property owner or owner's agent who is available by telephone twenty-four hours per day, and
 10. Such other information as the license official as may be needed to assist the license official in issuing the permit or license.

5.19.070 Inspections For Compliance And Business License Renewals

1. After a STR license has been granted, the license official may make periodic inspections of a short-term rental to ensure compliance with this chapter and all other applicable law.
2. As part of an annual renewal of a business license for a short term rental, the applicant shall resubmit the required declaration as set forth in MKC 5.19.040(A) (3).

10.

~~B. The application shall include a statement on a form to be provided by the city and signed by the applicant:~~

- ~~1. Is currently in compliance with all legal requirements and has paid all applicable taxes, fees and other charges; and~~
- ~~2. Agrees to continually comply with all requirements regarding short term rentals.~~

PASSED AND APPROVED this 8th day of April, 2024.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Alexander Wendt, Deputy Recorder

| | | |
|-----------------|-----|----|
| Roll Call Vote: | | |
| Silvestrini | Yes | No |
| Catten | Yes | No |
| DeSirant | Yes | No |
| Jackson | Yes | No |
| Uipi | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:
ORDINANCE 24-16: AN ORDINANCE AMENDING CHAPTER 5.19 OF THE MILLCREEK
CODE OF ORDINANCES REGARDING CONTENT OF THE LICENSE APPLICATION
AND RENEWALS was adopted the 8th day of April, 2024 and that a copy of the foregoing
Ordinance 24-16 was posted in accordance with Utah Code 10-3-711 this ____ day of April,
2024.

Elyse Sullivan, City Recorder



**Minutes of the
Millcreek City Council
February 12, 2024
5:00 p.m.
Work Meeting
7:00 p.m.
Special Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on February 12, 2024, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor (excused)
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4

City Staff

Mike Winder, City Manager
Francis Lilly, Assistant City Manager
Alex Wendt, Deputy City Recorder
Kurt Hansen, Facilities Director
John Brems, City Attorney
Rita Lund, Communications Director
Sean Murray, Planner
Katie Larsen, Planner
John Miller, Public Works Director

Attendees: Chief Zach Robinson, Rick Hansen, Scott Adams, Rebecca Adams, Clara Rickey, Ann Franke

Minutes by Alex Wendt, Deputy City Recorder

WORK MEETING – 5:00 p.m.

TIME COMMENCED – 5:04 p.m.

Mayor Pro Tempore Bev Uipi called the work meeting to order. She introduced Rita Lund Communications Director, who then introduced the new Millcreek Emergency Manager, Chris Catalano. He expressed that he would work with the staff and Council to help Millcreek be ready for emergencies. Previously he worked for the city of New York, and Salt Lake City.

1. Chief Zach Robinson, Unified Fire Authority Report

Chief Robinson gave the report on 4th quarter numbers for Unified Fire. There were 1,400 incidents in Millcreek in quarter 4 and 468 calls were emergent calls, these are calls where full lights and sirens are used. Top fire dispatches are for structure fires, sick people, falls, breathing problems, public service assistance, a person unconscious, or detector malfunctions. Ninety percent of fire calls UFA responds in 7 minutes and 22 seconds, 50 percent of calls are answered in 4 minutes and 35 seconds. This is from dispatch until arrival. The west side of Millcreek is far

busier than the east side of the city for fire calls. Apartments and care facilities make up a great deal of the calls. Certain areas are also more prone to traffic accidents.

All UFA divisions are working on their proposed budgets for the next fiscal year. Some priorities are wages and benefits, reducing vacancies, employee health and wellness programs, ensuring value for the communities they serve. UFA just completed their strategic plan for 2021-2023. The 2024-2026 plan will be presented to the UFA Board for adoption in February. UFA finished a new fire station in Magna. Crews moved in on January 4th. Fire Station 112 in Millcreek is still under construction. Permits have been approved for the seismic retrofit. Additional requirements are necessary due to the station's location in the alluvial floodplain. The project is focused on a "collapse prevention" approach to retrofit vs "immediate occupancy" to ensure that UFA gains the greatest value from the limited budget available. Mayor Pro Tempore asked if UFA purchased a home to have a temporary station. Chief Robinson said that UFA did buy the home. Chief Robinson shared a winter safety message. Residential home fires occur more in winter than in any other time. Test your smoke detectors, have a carbon monoxide detector, plan two ways to get out of your home. If you use a portable heater keep it 3 feet away from combustibles.

2. Consideration of ZM-23-008/SDA 23-006, Application for a rezone at 1190 E Bonner Way from A-1 to R-1-5 zoning designation to allow for uniform zoning. Applicant Scott Adams, Planner: Katie Larsen

Katie Larsen reported that applicant Scott Adams filed a rezone application for the property at 1190 E Bonner Way. The property is currently zoned A-1. Each lot must be contained entirely in a single zoning district. The northern property on Bonner Way must be rezoned to R-1-5 for lot lines to be adjusted. Rezoning the property will help the Bonner property with less restrictive zoning. There are no agricultural uses in the area. The future land use map designates this area as neighborhood 1. Property owners within 600 feet of the project were notified and no feedback was received. The Millcreek Community Council and Planning Commission gave unanimous votes of approval. Each lot must be contained in one zoning district. Granting a rezone does not go against the goals in the general plan or the future land use map. No further development will be allowed. Staff asked that this rezone be approved. Applicant Scott Adams said he appreciated the assistance from Ms. Larsen.

3. Electric Vehicle Grant and Hybrid Replacement Vehicles, Public Works Director: John Miller

John Miller, Public Works Director, explained how the city has received grants to obtain plug-in hybrid vehicles or electric vehicles. This will help replace three fleet vehicles with three plug-in hybrid vehicles. The sale of two or three vehicles will help offset the costs. Two temporary charging stations would be in the east parking lot, and two charging stations next to city hall.

4. Update on 900 E, 2000 E, and Pickleball Projects, Public Works Director: John Miller

Mr. Miller explained that an open ditch is being filled in on 2000 E. The road on 2000 E looks bad but the city will be resurfacing the road concurrently with the ditch project. Canyon Rim Park tennis courts will be converted to Pickle Ball courts by August. Council Member Jackson asked Mr. Miller to add the pickle ball project to the Capitol Improvements page on the city website. A few trees will have to be removed to build the pickle ball courts. Several other plantings have been made in Canyon Rim Park; they will take time to grow. All trees taken out of the park will be replaced. Seventeen new trees will go in and six have been or will be taken out. Gravel and low water shrubs will be added. Mr. Miller said that they always avoid taking out

trees. Arborists have been to the park to help current trees. Council Member Jackson said that Tree Utah was a great partner to help plant more trees in Canyon Rim Park. Many trees in the park are very old. Rita Lund said she is working on conducting another tree planting project. The 900 East project has been on winter hold. Curb, gutter, and sidewalk will be added, bike lanes will be added. 900 East will be repaved after the project is finished. 1300 E between 4500 S to 4220 S is missing sections of curb, and sidewalk. The project will include pavement, bike lanes, curb, gutter, and sidewalk. The road will be re-paved. Mr. Miller has been working on the design concept for the 3900 S transportation trail. The state of Utah has ranked the 3900 S project from West Valley to Millcreek as their highest ranked project to complete. The total project will cost \$30 million.

5. Staff Reports

Assistant City Manager Francis Lilly explained that the city signed a contract with EPG to begin design of Millcreek Common Phase 2. This is part of a \$7.25 million project. EPG has begun work on the design of the project. They will bring a concept to review with the Council.

City Manager Mike Winder said that April 17-19 is the mid-year Utah League of Cities and Towns Conference. The City will be issuing a request for proposals for a hotel site in the east parking lot next to city hall. Next step is to put out an RFP and see what bids roll in. The City owns the land and can be picky about what goes on the property. Millcreek is the largest city in Utah without a hotel. Council Member DeSirant asked Mr. Winder to explain why the city would want a hotel. St. Marks Hospital has asked for Millcreek to have a hotel, it helps bring in sales tax, and transient room tax money to Millcreek. A hotel would help bring higher end restaurants to the area, it can help with tourism, and business travelers, there could be mini conferences held there and at the Grandview room on the 6th floor of city hall. Even a small hotel can be helpful. Council Member DeSirant asked about the size of a hotel. Mr. Winder said that the size of the hotel is up in the air and the RFP will help determine this. There is a 55-foot height limit.

Elise Summers has been hired to fill the open position as Economic Development Assistant. She has worked on the Business Council. She starts March 4, 2024. Community Champion awards are coming up on February 26th. Negotiations are ongoing with Check City for Millcreek to buy the property. The closing date is May 1st. Lisa Dudley Finance Director is working on fiscal new year prep. There is a list of needs for city communication. A new job posting will be created for a marketing manager. Public Works needs a public information officer to work in house on communication for construction projects. This will work with many city departments.

Mr. Winder gave a legislative update. HB 290 is ranked choice voting amendments. Millcreek opposes this bill that would kill ranked choice voting in Utah. Senate Bill 172, this would allow the Parleys Mine to expand. Work is being done to kill this bill. HB 502 is also about mining. Millcreek has come out as very opposed to this bill. Mr. Lilly said the legislature is working on the issue of affordable housing. HB 168 would adopt a statewide building code for modular building units. The Utah League of Cities and Towns is supportive of this. Council Member Jackson explained that SB 214 would modify the Community Renewable Energy Program where municipalities would be allowed to enter the program without adopting the program. This would hurt the Community Renewable Energy Agency.

Mr. Lilly gave an update on community councils. Community Council training took place on Saturday. Over 50% of the community council members attended the training. Council Member

Catten asked if Salt Lake City Community Councils are subject to the Open and Public Meetings Act. Salt Lake City Community Councils are registered community organizations, they must post minutes and post bylaws. Mr. Lilly said that he believes strongly in the role of community councils.

6. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

Council Member DeSirant moved to adjourn the work meeting at 6:19 p.m. Council Jackson seconded. Mayor Pro Tempore Uipi called for the vote. Council Member Catten voted yes, Council Member DeSirant voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:05 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Pro Tempore Bev Uipi called the meeting to order and led the pledge of allegiance.

Mayor Pro Tempore asked if the Council would entertain a motion to move item 3.3 to the beginning of the agenda right after public comment.

Council Member DeSirant made the motion to move item 3.3, Consideration of Resolution 24-07, to the beginning of the agenda, right after public comment, but before planning matters. Council Member Catten seconded the motion. Mayor Pro Tempore Uipi asked for the vote. Council Member DeSirant voted yes, Council Member Catten voted yes, Council Member Jackson voted yes, Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

1.2 Public Comment

Dan Jackson thanked the Council for treating him so fairly with his land use issues. Staff has been very nice.

Mayor Pro Tempore asked if the Deputy Recorder had received any public comments online. The Deputy Recorder said he had received public comments online. Mayor Pro Tempore Uipi asked the Deputy Recorder to summarize the comment. The Deputy Recorder said that the city had received public comment from Martine Feltinski who said that the resolution the City Council is considering is a political hit job on Natalie Cline and that there is not a fair investigation or a fair hearing, this is equivalent to a lynching and a hoax.

Millcreek Resident Anne explained that her children are in high school and middle school. She has dealt with people bullying her children and does not like the idea of an

elected official bullying a child.

3.3 Discussion and Consideration of Resolution 24-07, A Resolution of The Millcreek City Council Adding Millcreek's Voice to The Many Others Demanding State School Board Member Natalie Cline Own Up To Her Actions By Immediately Resigning Her Elected Post.

Mayor Pro Tempore Uipi read resolution 24-07.

***WHEREAS**, the Millcreek Council ("Council") met in regular session on February 12, 2024 to consider, among other things, approving a resolution adding Millcreek's voice to the many others demanding State School Board Member Natalie Cline own up to her actions by immediately resigning her elected post; and*

***WHEREAS**, the Millcreek community deplores bullying of our children in any form, especially when done by an adult, and especially when that adult is an elected official who must be held to a higher standard; and*

***WHEREAS**, State School Board Member Natalie Cline posted a photo of a girls high school basketball player on Tuesday, February 6, 2024, falsely implying that she is transgender, and through her reckless and cruel post encouraged online vitriol and threats in the comments that put that student, her team, her school, and her community in danger; and*

***WHEREAS**, this is not the first time Board Member Cline has made false, inflammatory, divisive, and unfair social media posts about our public schools, students, and teachers; for which she has been formally reprimanded by the State School Board multiple times; and*

***WHEREAS**, Millcreek students attend high schools in the Granite School District where this bullying was targeted and is damaging to our community; and*

***WHEREAS**, on February 9, 2024, the Granite School District Board overwhelming voted calling on "colleagues from school boards throughout the state and other elected officials to join us in demanding Board member Cline's immediate resignation from the State Board of Education"; and*

***WHEREAS**, Millcreek desires to send a formal message of love and support to the targeted young woman athlete, her family, her team, her school, our school district, and any others who may feel hurt and shame from Board Member Cline's online actions.*

***NOW THEREFORE, BE IT RESOLVED** by the Council that Millcreek adds its voice to the many others demanding State School Board Member Natalie Cline own up to her actions by immediately resigning her elected post.*

This Resolution assigned No. 24-07, shall take effect immediately on passage.

Mayor Pro Tempore Uipi opened this item up for discussion. Council Member DeSirant said that the actions of Ms. Cline were reprehensible and expressed concern due to legislation passed at the state level and that transgender people will be targeted unfairly. The Legislator and Executive Branch bear responsibility for bills that have been signed into law. Council Member Catten said that most people who represent their constituents do care about their constituents and represent them well, but it is clear that Ms. Cline

does not. Council Member Jackson said that for any adult to target a child on social media is reprehensible. For any adult to do this is disappointing and sends the wrong message. Ms. Cline should take responsibility for her actions and resign from the state school board. Mayor Pro Tempore Uipi said that it is challenging to be a teenager and to be a student athlete is even harder. She feels so much pain for the student athlete. It is the job of adults to support children in their endeavors. She is honored to join the Granite School District in their call to action with this resolution and hopes this does not happen again.

Council Member Jackson moved to adopt Resolution 24-07, A Resolution of The Millcreek City Council Adding Millcreek's Voice to The Many Others Demanding State School Board Member Natalie Cline Own Up To Her Actions By Immediately Resigning Her Elected Post. Council Member DeSirant seconded the motion. The Deputy Recorder called for the vote. Council Member Jackson voted yes, Council Member DeSirant voted yes, Council Member Catten voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 24-01, Amending Title 19 Of The Millcreek Code Of Ordinances By Amending Chapter 19.04 Definitions, Repealing Chapters 19.08, 19.10, And 19.12 And Enacting A Revised Chapter 19.12 Forestry Recreation Estate (FRE) Zone

Planner, Sean Murray, explained this item is the enactment of the Forestry Recreation Estate Zone and repealing old code. About a month ago a resident filed an application with the city, and he will keep his property rights to subdivide his property. The goal of this ordinance is to keep the mountains free of development. The applicant has finished his application in full and has a vested right to that application.

Council Member DeSirant moved to approve Ordinance 24-01, Amending Title 19 Of The Millcreek Code Of Ordinances By Amending Chapter 19.04 Definitions, Repealing Chapters 19.08, 19.10, And 19.12 And Enacting A Revised Chapter 19.12 Forestry Recreation Estate (FRE) Zone. Council Member Catten seconded the motion. The Deputy Recorder called for the vote. Council Member DeSirant voted yes, Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 24-02, Rezoning Certain Property from The FR-1, FR-2.5, FR-5, FR-10, And FR-20 Zone To The Forestry Recreations Estate (FRE) Zone.

Planner Sean Murray, explained the ordinance takes the FR Zones and turns them into the FRE Zone. There had to be two ordinances. One to amend code title 19 and then this ordinance changing the zones.

Council Member Jackson moved to adopt Ordinance 24-02, Rezoning Certain Property from The FR-1, FR-2.5, FR-5, FR-10, And FR-20 Zone To The Forestry Recreations Estate (FRE) Zone. Council Member DeSirant seconded the motion. The Deputy Recorder called for the vote. Council Member Jackson voted yes, Council Member DeSirant voted yes, Council Member Catten voted yes, Mayor Pro Tempore Uipi voted yes.

2.3 Discussion and Consideration of Ordinance 24-05, Amending The Millcreek Together General Plan By Changing The Future Land Use Map In The Area Of 3743 South 900 East From Retail/Office To Neighbourhood 3

Planning Director Francis Lilly asked the Council to not consider items 2.3, 2.4, and 2.5 at this time because the developer needs to do more work regarding parking and signatures.

Council Member Jackson moved to table items 2.3, 2.4, 2.5, for a future meeting. Council Member Catten seconded the motion. The Deputy Recorder called for the vote. Council Member Jackson voted yes, Council Member Catten voted yes, Council Member DeSirant voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

2.4 Discussion and Consideration of Ordinance 24-06, Rezoning Certain Property Located At Approximately 3739 South 900 East From The Commercial (C-3) Zone To The Residential Multifamily (R-M) Zone

This item was tabled for a future meeting.

2.5 Discussion and Consideration of Ordinance 24-07, Approving A Development Agreement For BV Lotus Calla PH 2, A 3.05 Acre Commercial And Residential Mixed Use Development Pertaining To Property Generally Located At 3743 South 900 East

This item was tabled for a future meeting.

3. Business Matters

3.1 Discussion and Consideration of Resolution 24-05, Approving an Interlocal Cooperation Agreement with Salt Lake County Relating to the Conduct of the Community Development Block Grant Urban County Program for the Program Year Beginning July 2024

Mr. Winder explained to the Council that Salt Lake County has been managing the Millcreek CDBG and Millcreek would still like Salt Lake County to manage this for the city. They do a great job working with Millcreek.

Council Member Jackson moved to adopt Resolution 24-05, Approving an Interlocal Cooperation Agreement with Salt Lake County Relating to the Conduct of the Community Development Block Grant Urban County Program for the Program Year Beginning July 2024. Council Member DeSirant seconded the motion. The Deputy Recorder called for the vote. Council Member Jackson voted yes, Council Member DeSirant voted yes, Council Member Catten voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Resolution 24-06, Adopting the Millcreek Historic Preservation Commission Scope of Collection Policy

Planning Director Francis Lilly said this document will govern staff and the Historic Preservation Commission and help them determine what documents to keep and display on the city Historic Preservation Commission website. Sean Murray said this resolution will protect documents, protect staff, and residents. It creates a clear chain of custody.

Council Member Catten moved to adopt Resolution 24-06, Adopting the Millcreek Historic Preservation Commission Scope of Collection Policy. Council Member Jackson seconded the motion. The Deputy Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member DeSirant voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

4. Reports

4.1 Mayors Report

Mayor Pro Tempore Uipi said Mayor Silvestrini is excused from the meeting. Mayor Pro Tempore Uipi thanked Mr. Lilly for conducting the community council training over the weekend. Council Member DeSirant thanked Mr. Lilly for all the work he does with the community councils.

4.2 City Council Member Reports

Council Member Jackson said the Valentine Hearts Afire event will be held at the Ice Ribbon and swing dancing lessons will be held on the 6th floor.

4.3 Staff Reports

There were no staff reports.

4.4 Unified Police Department Report

There was not a report from the Unified Police Department.

5. Consent Agenda

5.1 Approval of the January 9, 2024, Work Meeting and Regular Meeting Minutes

Council Member DeSirant moved to approve the January 9, 2024, Work Meeting and Regular Meeting Minutes. Council Member Jackson seconded the motion. Mayor Pro Tempore Uipi called for the vote. Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Catten voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg., 3/4/24, 6:00 p.m.
- Millcreek Community Council Mtg., 3/5/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg, 3/6/24, 6:30 p.m.
- East Mill Creek Community Council Mtg., 3/7/24, 7:00 p.m.
- City Council Mtg. 3/11/24 7:00 p.m.

8. Closed Session (If Needed)

The Council may convene in a closed session to discuss items as provided by Utah Code Ann. §52-4-205.

9. Adjournment

ADJOURNED: Council Member Jackson moved to adjourn the meeting at 7:35 p.m. Council Member DeSirant seconded. Mayor Pro Tempore Uipi called for the vote. Council Member Jackson voted yes, Council Member DeSirant voted yes, Council Member Catten voted yes, and Mayor Pro Tempore Uipi voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder



**Minutes of the
Millcreek City Council
February 26, 2024
5:00 p.m.
Work Meeting
7:00 p.m.
Special Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on February 26, 2024, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2
Cheri Jackson, District 3
Bev Uipi, District 4 (Virtual, left at 8pm)

City Staff

Mike Winder, City Manager
Francis Lilly, Assistant City Manager
Alex Wendt, Deputy City Recorder
Kurt Hansen, Facilities Director
John Brems, City Attorney
Kayla Mayers, Promise Program Manager
Lisa Dudley, Finance Director
Rita Lund, Communications Director
Aimee McConkie, Community Life Director

Attendees: Chief Petty-Brown, Chief Mazuran, Saira Enriquez, Rich Hansen, Leslie Silvestrini, Carmina Gray, Lowell Sanger, Pam Roberts, Rance Roberts

WORK MEETING – 5:00 p.m.

TIME COMMENCED – 5:05 p.m.

1. Chief Mazuran – Update from the Unified Police Department (UPD)

Chief Jason Mazuran gave the update. He explained his role to help reform UPD after the split from the Sheriff's Department. Chief Mazuran shared a draft of the updated countywide work chart. This will help reconstruct the budget. If Emigration Canyon stays with UPD they will be supervised through the Millcreek Precinct. Mayor Silvestrini said that to keep the budget reasonable, the Chief will build the department using the model shown. Mayor Silvestrini said they are trying to build a department that is more efficient by sharing some services with Midvale. Chief Mazuran said UPD is giving presentations to the unincorporated townships. So far, the townships have passed resolutions of intent to stay with UPD. Chief Mazuran shared a very preliminary budget. The formula for paying into UPD is based 70% on calls for service, and then based on city size and property taxes. Council Member Jackson asked how changing the formula for UPD payment changes the budget. Chief Mazuran said the township and their membership in UPD is the biggest question and that influences everything. Debbie Sanchez,

UPD Chief Financial Officer, said the budget draft is complete other than placeholders. Wages are constantly updated. Estimated increases for health insurance and URS rates do not have final numbers. Chief Mazuran said the interlocal agreement between UPD and Millcreek will be presented to the UPD Board on March 13, 2024. UPD is a wonderful law enforcement organization. Millcreek is a strong partner.

Mayor Silvestrini said that Chief Mazuran has been doing a great job. Some people question what it would cost to go with the Sheriff. Mayor Silvestrini explained the only way to save money is to cut back on cops on the street or cut services to the public. Millcreek has hired extra school resource officers to make sure a UPD officer is in every junior high and high school. The model that UPD has allows Millcreek to have a voice in the budget.

2. Discussion on UPD Interlocal Agreement

Mayor Silvestrini explained that it is important for UPD to know that Millcreek is invested in UPD. The interlocal agreement is an important part of this. This new document takes into account amended past agreements. State law changed in 2023 that repealed the statutory duties of the Salt Lake County Sheriff to be the CEO of UPD. The target date to separate from the Sheriff's Office is July 1, 2024. Currently UPD buys IT services from the county. A study was done, and showed this is an economical agreement. Some services will stay the same and some will change. UPD is not dissolving. It will be the same interlocal entity. There have been 9 amendments in the past, the new interlocal agreement will restate the agreement with all the changes in one place. The UPD Interlocal Committee has met six times. Currently there is a merit system in place and that will be kept. The departure formula has been changed. If a municipality leaves UPD then the municipality will keep the assets they currently have. The formula for withdrawal of members was more complicated in the past. The new formula is easier and cleaner, said Mayor Silvestrini. The beauty of UPD is that if Millcreek wants more service, then Millcreek can pay for that.

Council Member Uipi asked Mayor Silvestrini to speak on a study done on IT services that Salt Lake County provides. Mayor Silvestrini said the study showed the service is economical and if Millcreek went with a different service, it would potentially cost more. Precinct services include patrol officers, traffic enforcement, Community-Oriented policing, and property crimes investigation. Shared services are administrative services, crime prevention services, investigative services, training services, logistics services and special operation services. This is paid for by member fees. Each member pays for their own precinct costs plus a portion of shared services. If officers are not paid a competitive salary they will go to other departments. To lose those officers to higher paying jurisdictions is more expensive than simply retaining the officers. Under the new proposed governance agreement, the UPD board will hire the UPD Chief.

Council Member Uipi asked if the UPD Board has term limits. Mayor Silvestrini said that each jurisdiction picks their UPD Board representative, and they serve on the Board until the municipality decides otherwise. Existing fund balances will be carried over. The members may use their fund balance to pay for their member fee or request that it may be returned. Currently a 2/3 vote of the board is required to consider an amendment. Attracting new member municipalities to the organization is important. This will be updated in the new interlocal agreement. Council Member Uipi asked if municipalities have 60 days to agree to the changes. The new interlocal will be considered at the next UPD Board Meeting. Council Member DeSirant says this situation with the dissolution of UPD is frustrating. Mayor Silvestrini said that

he is really proud of how UPD is handling the changes. Council Member Catten asked if new municipalities wanted to join. Mayor Silvestrini said not at this time. However, the new Chief of South Salt Lake said they would like to collaborate more often with UPD. South Salt Lake City already does collaborate but more cross pollination there could be fruitful.

3. Promise Program Quarterly Report, Kayla Mayers, Promise Program Manager

Ms. Mayers introduced Saira Enriquez from Promise Partnership Utah and Carolina Otero from Promise Partnership Utah. Ms. Enriquez spoke about collective impact; problems are too big to be solved by an organization. Working together is important. Result focus is important. Ms. Otero spoke about 4-year graduation rates from 2013-2023, Olympus Highschool greatly outperforms many other high schools. Fifty-five percent of Cottonwood High Students could be categorized as economically disadvantaged. This affects Cottonwood High graduation rates and educational outcomes. Millcreek Promise is working to volunteer child supervision at Bud Bailey Apartments so parents can go to classes. Millcreek Promise visited every apartment at Holladay Hills to help people get the support they needed. A housing fair was part of this help.

A new program that Millcreek Promise is working on is a digital skills class. Internet and devices can be provided but if people do not have digital literacy, they struggle. Sixty families at Holladay Hills were connected to housing resources. Eight families received applications, and deposit fee help from an emergency grant. Thirty-five hundred items were collected as part of the warm winter clothing drive. These were delivered to 10 organizations. Mayor Silvestrini thanked Ms. Mayers and said that Millcreek Promise did a commendable job during the Holladay Hills closure. Nineteen families from Holladay Hills were provided with Sub for Santa gifts. Seven individuals have been attending the digital skills class. A Bud Bailey resource fair will be held on April 18th. Earth Day Field Trips are scheduled for March 29th, April 12th, and April 19th. Council Member Catten asked if Holladay Hills residents found places to live. Ms. Mayers said that her calls are dwindling, and people have found new homes.

4. Community Life Proposed 2024-2025 Event Schedule, Aimee McConkie, City Events Director

Ms. McConkie said Community Life is experimenting with what events work and do not work. She wants to make sure these are events that the Council would like to happen. Ms. McConkie would like input from the Council to help determine which events should be held. Council Member Catten said she would like to see high school nights advertised for Millcreek Common.

5. Discussion of ZT-23-012; Commercial Zone Update

Mr. Lilly, Planning Director, spoke about the code update. Staff wish to make the new code user-friendly, include language that is defined and uniform, and make development easy among other goals. They propose that duplexes, triplexes, and 4-plexes become permitted uses in the RM Zone. This could help work to solve the middle housing crisis. The code change would allow homes to be 30 feet tall. Some commercial uses are allowed but must be part of a mixed-use development. The RM zone is very large in Millcreek. The Planning Department intends to update design standards. They have added standards to create more street facing orientation of buildings. They will require ground floor living space for residential uses to activate ground levels. The Planning Commission recommended allowing permitted multifamily uses for dwellings under 25 units. The Planning Commission also recommended that changes be made to the landscaping chapter to require compatibility with the current landscaping ordinance. This includes fencing standards. The Planning Commission also asked for incentives for 2, 3, and 4-

plexes, allowing them to be platted. Mr. Lilly proposes to remove the existing PUD ordinance which currently prohibits property with 2-7 units from being subdivided. Mayor Silvestrini asked if the city would implement design guidelines to shape the development of multifamily residential homes. Mr. Lilly said these will not necessarily result in a management style development. Mayor Silvestrini said that Salt Lake City is allowing more density all over but is not sure if they have design guidelines that regulate the mansion style home. Mr. Lilly said they want to see mixed use development in the existing RM areas that are near major intersections. He is nervous about losing commercial sales tax generating use in those corridors even when the property is zoned RM. The general plan supports that.

The code update seeks to consolidate the commercial zones C-2 and C-3 zones into one zone but leaving the C-1 zone as is. The C-1 zone would only have formatting changes. The C-1 zone is already close to single family neighborhoods. In the future the city may want to explore a way to do something like the 9th and 9th style development (in Salt Lake City) in Millcreek neighborhoods but that is going to require more work. It is beyond the scope of the current contract for the rewrite. The code update would create proximity buffers for certain higher impact uses like gas stations, drive throughs, carwashes, auto sales and services. Some uses will be changed from conditional uses to permitted. Affordable housing incentives are being introduced as permitted uses. Council Member Jackson asked if there are incentives for a developer to put in low-income housing where there was a low performing grocery store. Mr. Lilly said that there are proximity requirements. If you are within 500 feet of a commercial intersection a developer would still have to do a mixed-use even if it is affordable. This could harm the sales tax base of the city. Mr. Lilly said he can continue this discussion in the next meeting because the meeting is almost out of time.

6. Discussion of ZT-23-015; Adopting a new Residential Mixed-Use (RM) Zone

Mr. Lilly spoke about the Commercial Zone update and RM Zone update in the same report.

7. Staff Reports

There were no staff reports in the work meeting.

8. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

Council Member Jackson moved to adjourn the work meeting at 6:34 p.m. Council Member Catten seconded the motion. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member DeSirant voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:00 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

1.2 State of the City Address; Mayor Jeff Silvestrini

Mayor Silvestrini said the Millcreek Council does a great job, they do their homework and can have respectful debate. Mayor Silvestrini thanked the Millcreek Department Heads and staff for their hard work. He welcomed Salt Lake County Council Members Lauri Stringham and Ann Granato, Chief Mazuran and Chief Petty-Brown from UPD, Andrew Gruber from the Wasatch Regional Council. The cities' internal motto is "Play To Win." This has been an eventful year. This coming year is the year of Millcreek Promise. The state of the city is sound, in fact terrific. The city team has worked hard to prevent a gravel mine in Parleys Canyon. Mayor Silvestrini thanked the Mayor of Draper for their help with the gravel mine.

Mayor Silvestrini said, "This has been an eventful year for our city and the coming year is full of promise- might I say Millcreek Promise! I am pleased to report that the state of our city is sound, in fact it's awesome. We are healthy fiscally, socially, and physically; and we are working hard for you, to make Millcreek even better.

Last year, with a great deal of help from mother nature in the form of a slow melt, we weathered the largest accumulated snowfall and flood risk in memory, greater even than the catastrophic year of 1983 when in spite of many of us filling and lugging sandbags, Mill Creek still flooded causing great damage to our homes and property. This past year, Millcreek volunteers by the thousand helped us prepare a spectacular demonstration of the resiliency of this community. We filled tens of thousands of sandbags. Our emergency management and public works team worked with residents to strategically place sandbags to control anticipated flooding. Our EM and public works folks monitored stream flows, culverts, and other high-risk areas daily, even hourly, to keep watch for problems and to address them where necessary. Our EM team provided thousands of our volunteer-filled sandbags and volunteer coordination to our neighbors in Salt Lake City when they experienced flooding along 1700 South, paying it forward in the event we needed help as the melt proceeded to the higher elevations of Neffs and Mill Creek Canyons. We fortunately never needed that, but I am still so very impressed with what our Millcreek city team and our community volunteers did to protect this community we love and avoid catastrophe.

This past year also we completed and celebrated the opening of our new City Hall in the heart of Millcreek's new civic center, anchored by Millcreek Common. I am so proud to deliver the city hall Millcreek residents asked us for when we surveyed them a few years before our former thrift store lease expired. As I mentioned, Millcreek residents told us they wanted a community building, not just a government building. Our city employees are so grateful to have windows and heat in the workspace where they serve our residents. Our Millcreek Precinct UPD officers are similarly pleased to move from sharing space in a dental office to having a fully functional headquarters with modern technology and room to be able to serve and protect us even better, with a presence in the very heart of our community.

There were a number of other capital improvement projects we delivered to our city. A new roundabout to improve traffic flows getting onto I-215 by our soon to be newly

rebuilt Skyline High School; new sidewalks on 3300 South and along Neffs Lane and in other areas; new multi-use path on western 3900 South, to make it easier for our Meadowbrook and Sunnyvale neighborhoods to walk to TRAX; storm water improvements and pavement preservation-particularly in the heart of the old Millcreek community area between 900 and 1100 East.

We will see even more substantial capital projects constructed this year. The reconstruction of 900 East between 3900 and 4500 South is underway, and we will see new pavement, sidewalks, streetlights and bike lanes there. The same will be true for 20th East from Siggurd to 3300 South. Don't worry Canyon Rim--20th East north of 3300 South to the SLC border is coming next. We are building 10 new pickleball courts in Canyon Rim Park which should be completed this summer. New trailhead improvements on our Jordan River Trail project will be worked on. We are planning and have funding for a bike lane along Wasatch Blvd. throughout Millcreek and Holladay. We will build a new sidewalk and a signaled crossing across 1300 East to provide better pedestrian access to Big Cottonwood Park. We will continue storm water improvement projects like we did on Hale Dr. in the Mount Olympus neighborhood, including projects slated for Scott Avenue, Upland Dr. and Neffs Lane. Some of these are your storm water utility payments at work to improve Millcreek's infrastructure. Due to the mild snow year in the valley this winter, we have saved compared to what we had to pay last year for salt and overtime for snow removal, so we should be able to more aggressively address pavement preservation on neighborhood streets with slurry and chip seals and overlays where appropriate.

While our infrastructure is always a priority, we did not forget our social responsibilities and efforts to lift up all Millcreek residents and include them in our community. Our Promise Program continued its after-school efforts relocating the program from Millcreek Elementary when it closed, to William Penn Elementary where many kids who were in the program transferred. We also began an after-school program to serve students at Evergreen Jr. High and we continue to partner with the Asian Association and the International Rescue Committee to support efforts at the Sunnyvale Neighborhood Center. In partnership with the Millcreek Business Council, Millcreek Promise collected 3500 warm coats and other clothing items to distribute to 10 agencies to help those with less stay warm. We continued to support food pantries and instituted a creative food share program for residents' excess home-grown produce. Significantly, Promise assisted 60 families who were required to move from affordable housing at Holiday Hills to find new affordable housing options, and with a grant program, assisted families with new deposit requirements for new housing.

Millcreek also led out among Salt Lake County communities in hosting a temporary winter overflow for our unsheltered community. Working with other partners, Salt Lake County, Switchpoint, the state and UPD, we were able to host 1200 shelter nights during cold winter months. The immediate neighborhood saw a reduction in crime and calls for service outside of the facility during its operation and many of the residents returned night after night because the facility was so well managed, and they felt safe there. I am proud that our city has been willing to participate in solutions to homelessness, both because it's the right thing to do, but also because working to solve this intractable

problem will pay so many benefits to us as taxpayers, to reduce petty property crime and improve the quality of life for everyone, unsheltered or not.

Our Community Life Department keeps hitting it out of the park with our new Millcreek Common facilities. I have to admit being scared when I saw the size of the crowd for our Independence Day festivities and drone show on the Common, but the thousands in attendance loved the drone show and other entertainment. It has been great to see this space unite our community and celebrate Millcreek's rich diversity: Pacific Islander skate night, Juneteenth celebrations, Hispanic/Latinx skate night LGBTQI skate night, our Menorah Lighting celebrating Channukah. We've had a "Utah's Own" Market, an "old school" pinball arcade, the Art Market with live music and dancing in the Public Marker and New Years Eve partying on the 6th floor Grandview Room, community forums discussing civil engagement- all manner of things which build and unite our community and enable us to learn about all of the richness our community members offer each other when we gather.

These things actually barely scratch the surface of what we have done the past year and what we will be up to in the coming year. But I am proud to say that we are doing all of these things, acting boldly and much faster than what we see other places doing, on a sound fiscal footing. Our tax revenues in Millcreek have remained steady or even increased slightly in the case of sales taxes and permit fees. Of course, as from the beginning of our city, all the property tax the city collects goes to pay for public safety in our UPD contract. Due to prudent financial planning, we did not need or enact a tax increase last year. With the changes to UPD mandated by the state, we are probably going to need an increase this year. However, our city fund balance (or rainy-day fund) remains strong and near the state-limited maximum of 35%. Our budget is balanced and relatively lean. Our terrific city employees' multi-task and work hard to do more with fewer employees than other cities our size. Our debt load also compares favorably to our peer cities, and we are not highly leveraged. In short, due to a disciplined council and an extremely capable finance staff, our finances are sound.

We will have some challenges in the coming year. I have been working hard with the other members of the Unified Police Department to ensure our police department remains robust and one of the best departments in the state, following the mandate for the exit of the County Sheriff and Salt Lake County coming July 1. We selected a new Precinct Chief in Christine Petty-Brown, following Steve DeBry's retirement, and she is doing a terrific job. She is a great resource as we navigate the coming transition. The City Council and I remain committed to UPD and the UPD shared services model to provide us with a robust police force with capabilities we would not be able to afford on our own. I am confident we will navigate this challenge without a diminishment in the service Millcreek residents want and expect from their police force. In other news, our creative police had the idea to use Millcreek's beer tax funds to purchase and outfit an ice cream van. You can see it parked across the Common. They use it to travel to Millcreek schools and apartment complexes, to educate kids about the importance of avoiding underage drinking and drug use and to be good citizens. Our police force is doing much to advance community-oriented policing, getting to know members of our community and being effective cops on the beat. You can join them some morning at City Hall for

“coffee with a cop.” Now that they are here on Millcreek Common, you will see more of them. Say hi to them.

As I conclude, I reflect upon the reasons our city is making such strides and is a great place to live and raise a family. I think it’s because in Millcreek, we are intentional about building community and caring about and including everyone. We have a wonderful staff and energetic volunteers, people who care and who love this place. Because of them, we have a great future ahead. And I am pleased that we are going to be honoring some of these contributors in a few minutes. Go Millcreek! Play to Win!”

1.3 Community Champion Awards; Quentin Wells, Coach Robert Brough, Jim and Traci Nelson, Kumar Shah, Dr. Hamid Adib

Mayor Silvestrini explained that the Millcreek Community Champions are a great part of why Millcreek is a great city.

Council Member Catten nominated Quentin Wells and read her nomination. “Quentin Thomas Wells is a 50 plus years resident of Millcreek, a civically active and involved community member. He has been serving the greater Millcreek community since long before Millcreek became a city. He was the first chairman of the Mill Creek Community Council in the 1970s. And after a successful professional career, he rejoined the Community Council in 2016. His personal and professional accolades are many. He is the published author of several novels, textbooks, and biographies and is a seasoned geological researcher. He has worked as a business owner and consultant and previously served as president of the Sandy Area Chamber of Commerce. He is a film and video producer and expert and was the former director of the student media center for Salt Lake Community College, where he retired in 2008. Quentin is also a skilled professional investigator and a former CIA officer. Beyond his impressive resume Quentin is also a compassionately astute neighbor and friend of all. And before I finish, I want to candidly say that I very distinctly remember the first time I met Quentin, and it's very relevant to me giving him this award because in 2015, in the summer, it was before when we became a city. I ran for office, and I knocked on his door. And he answered that, and he looked at me and I said, hi, I'm Silvia, I'm running for office. I'd love to earn your vote; I can answer questions. And he said, he looked at me, he said, I've been waiting for you to knock on my door. And I was I was like, Oh, well, here I am, you know, and he said, I've he said, I've actually been very well involved in my community over the years and my neighbors have asked me what I thought about all the candidates who are running and so I've just wanted to see who would come to my door like who would knock doors and so I you know, and we engaged in a conversation for several minutes about the area and he lives on my block, but not super close, so I don't pass by his house too much, but every time I've had an interaction with him, it's been pleasant and he's extremely sharp and knows a lot about the community. So, with that after more than 50 years of his civic engagement, Quentin is hanging up his community council hat, and will forever be a stalwart of our city, as evidenced by his longtime dedication and commitment to serving his fellow community members. In his time serving Millcreek Quentin has been a highly respected and well-reasoned voice on the Community Council. He's a thoughtful communicator, a forward thinker and never ceases to approach any issue with a critical but constructive eye toward building a community of which we can all be proud. And with that, I'm pleased to award Quentin Wells with Millcreek 2024 Community

Champion Award.”

Council Member DeSirant nominated and spoke about Coach Robert Brough. Coach Brough built a dynasty of wrestlers and wrestling champions at Olympus High. He has inspired multiple generations of young wrestlers with the motto, “I am my team, my team is me.” He has helped Olympus High win more than 20 championships. Hundreds of young people learned from him, and this has resulted in numerous successful careers. He has retired from the Granite School District, but his impact will not be forgotten.

Council Member Jackson nominated Jim and Traci Nelson. Council Member Jackson said, “The Nelsons have a passion for their community, whether through their real estate business connecting people with their dream homes or with their side gig as the founders, directors and creative minds behind the Mill Creek community theater. Tracy has a Bachelor of Fine Arts in theater with an emphasis in education from the University of Utah. She taught high school and middle school drama for a decade and has directed shows for over 25 years. Jim is a performer and writer. And eight years ago, after recognizing that there were no options for community theater on the east side of Salt Lake, they decided to start the Millcreek community theater. Nelson’s goal was to create an inclusive community theater group that welcomed anyone who wanted to participate without fees or charges. Jim and Tracy work to make each production enjoyable and affordable so that everyone can have the opportunity to see live theater. Their productions have featured seasoned performers, and first-time thespians, the Millcreek community theater allows everyone to participate in theater and experience the joy of performance art. Tracy and Jim believe that success is not just about achieving their own goals but also about making a difference in the lives of others. We are fortunate that through the talents and work of both Tracy and Jim Millcreek residents can participate as actors or patrons of a live theater production and have the pleasure of sharing this experience every Christmas season. The Nelsons have also been great supporters of our events, festivals, many of you have enjoyed those festivals throughout the years. And while the city does give a subsidy to start those festivals, we rely heavily on business partners to help make all those fun events a reality. The Nelsons have been great supporters over the years, and we really appreciate not only their commitment to the community, to the community in their time with the Millcreek theater, but also recognizing that these festivals and community events are another great way for our many residents and those in the valley to get together and enjoy being outdoors and having fun. So, I give this community Champion Award to Tracy and Jim Nelson and just thank you for all that you do and continue to do within your Millcreek.”

Council Member Uipi nominated Kumar Shah posthumously. Council Member Catten spoke on Council Member Uipi’s behalf due to technical difficulties. Kumar Shah, who passed away on October 23, 2023 was born in Agra, India on July 21, 1941. He received his education from Agra Elementary and Bombay High School before earning a master’s degree in electrical engineering from the University of Surrey, England. Kumar immigrated to the United States with his wife, Marjorie, and worked in Buffalo, New York, before settling in Salt Lake City. He was a senior staff engineer at L3 Communications and Acme Electric, where he mentored younger engineers. Kumar was dedicated to his family, including daughters Anita and Geeta, and his grandsons Ronan and Robbie Noyon. He was actively involved in various community organizations,

including the Mount Olympus Community Council, Unified Police Citizens Advisory Committee, and Salt Lake County CDBG Citizens Review Board. Kumar's positive outlook and contributions were highly valued by the Mill Creek community, and his legacy of hard work and dedication will continue to inspire future generations. His family, present virtually, accepted the award on his behalf.

Mayor Silvestrini nominated and presented his Millcreek Champion award to Dr. Hamid Adib for his significant contributions to the community. Dr. Adib is recognized as a generous and influential figure within the business community. He transformed the Villa Theatre into Utah's premier rug gallery, attracting visitors from around the world. By preserving the historical landmark of the Villa Theatre, Dr. Adib has contributed to the preservation of local history and the enhancement of the city's streetscape. Additionally, he has actively participated in civic dialogue to improve the neighborhood and the city at large. Dr. Adib's generosity is evident through his donation of a stunning rug, which now adorns the public market of City Hall, symbolizing the unity of the community. Despite facing challenges such as construction, Dr. Adib has remained dedicated to his business and the betterment of the city. He is commended for his patience, philanthropy, and unwavering commitment to the community. The award was presented with gratitude and appreciation for Dr. Adib's outstanding contributions as a community champion.

1.4 Unified Police Department Millcreek Precinct Officer of the Month for January 2024

Chief Petty Brown presented Millcreek Precinct Officer of the Month to Detective Stephanie Warden. Detective Warden worked on a difficult stalking case and brought it to a successful conclusion in a short amount of time.

1.5 Public Comment

Laura Renshaw, Manager of the Millcreek Library, spoke about events at the Millcreek Library. The library will again have a seed library for the 3rd year. Ms. Renshaw suggested having collaborative events between the library and Millcreek.

Council Member Uipi left the virtual meeting at 8pm.

2. Planning Matters

2.1 Discussion and Consideration of Ordinance 24-05, Rezoning Property at 1190 E Bonner Way to the R-1-5 Zone

Planner, Katie Larsen, spoke about rezone application ZM-23-008 for properties at 4728 S Redtail Hawk Way and 1190 Bonner Way. The Millcreek Code says that each lot must be contained within a single zoning district. The property was approved for a subdivision amendment contingent upon rezoning being approved. No feedback has been received from residents. Public utility easements will not be affected by the proposed adjustment.

Council Member DeSirant moved to approve Ordinance 24-05, Rezoning Property at 1190 E Bonner Way to the R-1-5 Zone. Council Member Jackson seconded the motion. The Deputy Recorder asked for the vote. Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Catten voted yes, Mayor Silvestrini voted yes. The motion passed unanimously.

Mr. Lilly finished giving his report from the work meeting where he spoke about changes to the C zone code. The Planning Commission suggested adding vaping to tobacco sales. Drive-throughs can have very detrimental effects on traffic. The ordinances do contemplate drive through limitations but makes allowances for drive throughs without speaker boxes from limits. They recommend keeping the C-1 zone separate. The Planning Commission suggested flexibility for entrances. They also asked to consider separate enhanced incentives for low and very low AMI housing. Furthermore, the Planning Commission asked for a 100-foot right-of-way minimum for automobile sales. The mixed-use development that a developer may propose for a commercial zone needs to be meaningful. Formal action can be taken on this when codification happens.

Mayor Silvestrini asked about the rationale for a 300-foot separation between commercial entertainment and residential areas. There are many commercial areas in Millcreek where a commercial entertainment business would not be allowed yet they do not have an impact on their neighborhood outside of the four walls of the business. Mr. Lilly gave the definition of commercial entertainment. Commercial entertainment means one or more recreational activities or uses either indoor or outdoor, offering it as a business and open to the public for a fee. Commercial entertainment facilities include but are not limited to arcades, billiard halls, bowling alleys, theaters, skating rinks, sport courts, facilities, trampolines, parks, miniature golf courses, go kart tracks and performance venues. This definition does not include gun ranges either outdoor or indoor. The community councils were concerned with spillover parking, and noise. Mayor Silvestrini does not see that nexus between the use and the separation. Mr. Lilly said they could use the size of a business as a determinant. Mayor Silvestrini said that parking requirements can solve many of the problems. Noise regulations are regulated by the health code. A restaurant with an active patio could be more intrusive than an indoor bowling alley, said Council Member Catten.

3. Financial Matters

3.1 Public Hearing to Consider Opening and Amending the 2023-2024 Budget

Finance Director Lisa Dudley spoke about the budget changes. Ms. Dudley spoke about changes to the Communication Department budget. These changes take into account for the additional newsletters and the new full-time employee who will be the marketing manager. The Finance Department will be hiring a senior, full-time accountant. An offer has been made to a new full-time Grants Manager. Mid-year adjustments are often made to different job positions in the city when responsibilities change, and salaries need to be adjusted as needed. The alcohol tax that Millcreek receives goes to UPD. Business licensing had changes to their salaries. The donation from Dr. Adib is noted in the facilities budget. Fleet management received a grant for three electric vehicles. The budget for Millcreek Common and community life is not fully finished. There have been some reductions and offsets. Mayor Silvestrini explained that Ms. Dudley is doing a great job working on the budget.

Council Member DeSirant moved to open the public hearing. Council Member Jackson seconded the motion. Mayor Silvestrini asked for the vote. Council Member DeSirant voted yes, Council Member Jackson voted yes, Council Member Catten voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

There were no comments.

Council Member DeSirant moved to open the public hearing. Council Member Catten seconded the motion. Mayor Silvestrini asked for the vote. Council Member DeSirant voted yes, Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Ordinance 24-06, Amending the 2023-2024 Fiscal Year Budget

Council Member Jackson moved to adopt Ordinance 24-06, Amending the 2023-2024 Fiscal Year Budget, with attached exhibit A and the changes included in the presentation. Council Member Catten seconded the motion. The Deputy Recorder asked for the vote. Council Member Jackson voted yes, Council Member Catten voted yes, Council Member DeSirant voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4. Business Matters

4.1 Discussion and Consideration of Ordinance 24-07, Amending Title 17 Chapter 22 of the Millcreek Code of Ordinances with Respect to Illicit Discharges

Mr. Brems explained this change is required by the state audit of the storm drain fund.

Council Member Jackson moved to adopt Ordinance 24-07, Amending Title 17 Chapter 22 of the Millcreek Code of Ordinances with Respect to Illicit Discharges. Council Member DeSirant seconded the motion. The Deputy Recorder asked for the vote. Council Member Jackson voted yes, Council Member DeSirant voted yes, Council Member Catten voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4.2 Discussion and Consideration of Ordinance 24-08, Notifying the Public of an Ordinance That Would Extend the Ban on the Issuance of New Short-Term Rental Licenses Until April 1, 2024, and an Amendment to Millcreek Code of Ordinances Chapter 5.19 Short-Term Rentals

Mayor Silvestrini said this ordinance notifies the public of an extension on the moratorium on short term rentals until April 1, 2024. This gives the city staff more time to evaluate the ordinance. Mr. Lilly said that the staff is waiting for potential changes from the state legislature. Mr. Lilly spoke with a government affairs representative from Airbnb who represents hosts this week and had a productive conversation. Mayor Silvestrini asked if there has been any opposition with respect to the moratorium extension. Alex Wendt, Business License Administrator, said that he had a call a few weeks ago where the resident was unhappy that the city was not issuing short term rental licenses at this time, and he would continue to rent illegally.

Council Member Jackson moved to adopt Ordinance 24-08, Notifying the Public of an Ordinance That Would Extend the Ban on the Issuance of New Short-Term Rental Licenses Until April 1, 2024, and an Amendment to Millcreek Code of Ordinances Chapter 5.19 Short-Term Rentals. Council Member Catten seconded the motion. The Deputy Recorder asked for the vote. Council Member Jackson voted yes, Council Member Catten voted yes, Council Member DeSirant voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

5. Reports

5.1 Mayors Report

Mayor Silvestrini described his work at the state legislature in opposing the gravel mine bill and supporting other bills that are helpful to Millcreek. One proposed bill would enable contractors to use their own inspectors to do building inspections. This would be a conflict of interest for contractors. This would not be consistent with public safety or good buildings. A number of budget items addressing homelessness will not be receiving money. One legislator said they want more competition in the field of building inspection. This is in stark contrast to the needs of public safety.

5.2 City Council Member Reports

Council Member DeSirant thanked the Mayor and City Manager for working on the hill during the legislative session.

5.3 Treasurer's Report

Council Member Jackson gave the treasurers report. The operating account has \$47,000,523.56 and total shared cash is \$48,000,405.41. Current property tax received is \$11,180,685 which is 95% of estimated revenue. General sales tax, which is five months of revenue is \$7,696,688 which is 52% of estimated revenue. Energy sales and use tax from Rocky Mountain Power is \$1,777,586. Class C Road Funds which are from gas tax is \$1,233,212. General fund disbursements for January were \$3,171,485. Direct payroll deposits were \$297,038.

5.4 Staff Reports

City Manager Mike Winder spoke about the business council day on the hill. They had a great visit. The new economic development assistant starts on Monday. Millcreek Pizza House opens on Friday, March 1st. Noodlehead, the restaurant on the ground floor of city hall will have a soft opening around March 5th. The RFP for a hotel next to Millcreek Common will be sent out soon. Mr. Lilly told the Council how he received an updated application from Switchpoint for the mental health facility on 3300 S. It will be a facility for 20 women and if after 90 days it is warranted to expand then it will expand to 43 women. Council Member Catten asked when the facility will open. Mr. Lilly said they plan to open in mid-March.

5.5 Unified Police Department Report

Chief Petty Brown introduced Lt. Lovato. He is joining the Millcreek Precinct after leaving Midvale. Chief Petty-Brown gave the report from January 2024. The violent crimes unit had 136 cases in January. There was one SWAT call out in Millcreek and Millcreek assisted Salt Lake City SWAT once in January. Community Crime Suppression had seven arrests and 122 traffic stops in January. The traffic unit investigated 17 hit and runs and 101 other accidents. Millcreek police officers participated in National Read to Your Child Day. Millcreek officers responded to fifty-four mental health related calls for service. Detectives were assigned 105 cases. Forty-seven cases were submitted for charges. Millcreek officers responded to a shots fired call. The suspect fled and evaded capture. Millcreek Detectives attempted to locate the suspect using a GPS warrant. Detectives looked at his historical movements and arrested the suspect. In January there were 12 calls related to transient activity.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg., 3/4/24, 6:00 p.m.
- Millcreek Community Council Mtg., 3/5/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg, 3/6/24, 6:30 p.m.
- East Mill Creek Community Council Mtg., 3/7/24, 7:00 p.m.
- City Council Mtg. 3/11/24 7:00 p.m.

8. Closed Session (If Needed)

The Council may convene in a closed session to discuss items as provided by Utah Code Ann. §52-4-205.

9. Adjournment

ADJOURNED: Council Member DeSirant moved to adjourn the meeting at 9:28 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member DeSirant voted yes, Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

APPROVED: _____ **Date**
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder



**Minutes of the
Millcreek City Council
March 25, 2024
5:30 p.m.
Work Meeting
7:00 p.m.
Regular Meeting**

The City Council of Millcreek, Utah, met in a public work meeting and regular meeting on March 25, 2024, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, UT 84106. The meeting was recorded for the City's website and had an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1
Thom DeSirant, District 2 (electronic, left at 6pm)
Cheri Jackson, District 3
Bev Uipi, District 4
(electronic, left at 6:48pm, arrived at 8:07pm, left at 8:55pm)

City Staff

Francis Lilly, Assistant City Manager
Elyse Sullivan, City Recorder
John Miller, Public Works Director
John Brems, City Attorney
Kurt Hansen, Facilities Director
Rita Lund, Communications Director
Mike Winder, City Manager
Lisa Dudley, HR-Finance Director
Jim Hardy, Building Official

Attendees: Tom Stephens, Sylvia McMillan, Rick Hansen, Kathy Blake, Jackie T., Rogelis Franco, Aliza Freedman, Howard Lemcke, Tara Heiden, Officer Danny Hampton, Chief Petty-Brown, Chief Mazuran

WORK MEETING – 5:30 p.m.

TIME COMMENCED – 5:31 p.m.

Mayor Silvestrini called the work meeting to order. He said per procurement code, when emergencies arise and there is not time to pursue the regular procurement process of issuing a request for proposals or bids for a project, the mayor can step outside of the policy authorizing a contract with a contractor to complete an emergency repair. Per Millcreek Code Section 2.22.070, the mayor advised the council of the circumstances in an email sent prior to the meeting. He briefly described a storm water pipe collapsing under 3300 South near 2000 East. UDOT has plans to resurface the state road and the pipe may imminently fail, but in any event, should be replaced before the repaving to preserve the pavement. Stormwater engineer, Dan Drumiler, estimated the total cost of the project to be \$80-\$120,000. UDOT has agreed to pay 25% of the repair cost. It is proposed Millcreek pay its portion from the stormwater utility fund. Council Member Catten asked if the city would be paying more for the project since it was an emergency repair. The mayor did not think so.

John Miller said he had a good contractor lined up for the project. There would be water going in the pipe in 3 weeks, hence the emergency. The independent cost estimate was reasonable. The pipe runs north-south across 3300 S. There will be a UDOT permit. Mayor Silvestrini noted he had had a meeting that day with UDOT Director Carlos Braceras. Council Member DeSirant and Council Member Uipi supported the project.

1. Open and Public Meetings Act Training; John Brems, City Attorney

John Brems administered the required annual training which included information about public body quorums, meeting noticing, open and closed meetings, minutes/recordings of meetings, and case studies.

2. Discussion on Firework Restriction Boundaries for 2024

Mayor Silvestrini said state law requires the council, in collaboration with the fire marshal, to set boundaries for firework restrictions to protect sensitive areas including areas covered by natural vegetation or grassland. The council is not allowed to designate areas that do not have those characteristics. He conversed with the fire marshal about keeping the same restrictions as the prior two years, no fireworks east of 900 East due to Big Cottonwood Regional Park. It is hard to make the designation this time of year because the temperature and dryness conditions are unknown for July. The fire marshal recommended keeping the boundary the same from year to year and leaving it at 900 East. Council Member Jackson noted that residents could not use fireworks on the east side of the city. She felt the boundary was arbitrary and did not want government to overreach without supporting data. She wondered about pushing the state to set the boundary deadline to later in the year. Council Member DeSirant recommended moving the boundary to 700 East to include Scott Avenue Park. Council Member Jackson asked if the firework stands would do anything different based on the map since fireworks were sold in the restricted areas. The mayor said the sales could not be restricted.

Council Member Catten recommended carving out certain sections of the city for prohibition. Mayor Silvestrini said areas near the creeks are off limits. Council Member Jackson asked about having a firework zone. Mayor Silvestrini said some cities do that, but he could not think of a good area for that in Millcreek. Council Member Catten asked if Holladay would continue its ban on fireworks. Mayor Silvestrini said Holladay did not want to allow any personal fireworks, but they provide a city display. Council Member Jackson asked about Salt Lake City's boundaries. Lilly said he thought 900 East was the boundary. The council discussed the pros and cons of restrictive boundaries. Mayor Silvestrini recommended the fire marshal visit during the next council meeting to discuss the matter.

3. Planning Matter First Reading: ZT-23-016, Adoption of a Revised Sign Ordinance

Mayor Silvestrini recused himself on this item and read from an email he previously sent to the city council:

“On the agenda tonight is a first read of a proposed ordinance amendment to the city’s sign code, ZT-23-16. I intend to recuse myself from discussion and consideration of this proposed ordinance. I will continue to conduct our work session this evening, as well as the council’s regular meeting at 7:00 pm, where public comment concerning this matter may be given. No decision will be taken this evening and the presentation we will hear is informational only. However, I will not ask questions tonight, nor participate in the

presentation, deliberations or decision respecting this matter at our subsequent meeting when the matter will come on for discussion and consideration.

I am going to take these actions to avoid any appearance of impropriety. I do not have a conflict of interest, financial or otherwise, to the extent that the proposed ordinance amendments would merely change the city's sign code, without reference to or in respect of any particular sign company. However, because my wife represents Reagan Outdoor Advertising on a contract basis in some of its legal matters which do not in any respect involve Millcreek (and never have), and because this ordinance amendment, if adopted, could authorize the city council to enter into a business relationship with Reagan Outdoor, which would not directly benefit me or my wife, but could be perceived to do so, I will be recusing myself."

Francis Lilly said as part of Millcreek's comprehensive zoning and subdivision code update, staff was recommending the following key changes regarding Millcreek's sign ordinance:

- New internal illumination standards that control light temperature as well as brightness.
- Revised standards for all electronic message centers (EMCs), including a lower maximum illuminance requirement than currently required, and the installation of light protecting louvers for larger electronic message centers, such as the digital district sign on Millcreek Common.
- Reduced height for monument signs.
- Prohibitions on EMCs for pole signs – to incentivize more monument signs.
- Updated tables for readability.
- Updated definitions to reflect content neutrality caselaw and accepted industry standards.
- Appropriate regulation of school and church signs.
- A light curfew for signs located within 100 feet of a residential use or zone.
- Reduction in maximum illuminance of electronic message centers.
- Light temperature requirements. Logos are exempt.
- A table outlining temporary signage requirements.
- Updates to iconic sign requirements.

The Planning Commission recommended: 1. A compliance threshold (currently 25%), any increase in square footage requires compliance. 2. An interior sign within 3 feet of a window counts as a window sign. 3. Design standards are required for pole covers. 4. A maximum wall sign area of 200 square feet in residential zones, 300 square feet in C-1 zones, and 600 square feet in C, M, MD, MD3 and IF zones. 5. Adjusted light temperature maximum. 6. Electronic message centers (EMCs) prohibited on pole signs in C zones. 7. Clarified and proposed standards for window signs. 8. Added signs on vehicles to the "mobile sign" definition.

The window signs language would read, "Window signs shall not cover more than 50 percent of any single window, nor more than 33 percent of the entire surface area of window on each building face. A single window is any window, or section of windows, that is separated from another window by twelve inches (12") or more. Any door with windows is always

considered a separate window. Any interior sign placed within three feet of a window is considered a window sign.”

Council Member Jackson asked if wall signs were considered temporary. Lilly said no. Council Member Catten asked if murals counted as a sign. Lilly said it depended if it was advertising. He noted the wall sign maximums were in line with other cities. Council Member Jackson asked about covering white blank spaces on illuminated commercial pole signs. Lilly said for new pole signs, he could look at having the sign companies black out blank spaces.

Lilly said the General Plan considers signs in Goal GP-2, ensure that sign location and design is responsive to site context and compatible with the surrounding character, and strategies 2.1-2.5 consider how it may be implemented. The Millcreek Community Council unanimously recommended the sign ordinance in general. The Canyon Rim Citizens Association combined consideration of an additional digital district sign (2 in favor, 2 abstain, 1 against) to encourage the city to pursue digital signs with a preference for a more advantageous exchange ratio. The East Mill Creek Community Council combined their motion with the consideration of additional digital district signs (5 in favor, 3 against) to the adoption of the sign ordinance including a provision for digital signs subject to an exchange agreement. The Mount Olympus Community Council was unanimously in favor of the sign ordinance in general. The Planning Commission recommended that the City Council approve the sign ordinance revision ZT-23-016 as presented by staff, not including the provision regarding digital district signs, and with the following recommended changes:

- Window signs should be limited to the ground story of a building.
- Amend 18.68.140 (C) to clarify durations of temporary signs.
- Pure white materials should be allowed for logos and wording in a sign.

Lilly said he tried to address concerns from the Utah Sign Association. He thanked everyone involved in crafting the ordinance.

Council Member Jackson asked about school and church sign regulations, particularly with business hours. Lilly said cities can regulate them with reasonable, non-content related restrictions. Council Member Jackson asked about the brightness and color changes. Lilly said the Planning Commission recommended a maximum luminance of 200 nits, which is fairly dim, but the sign companies would rather use the standard for electronic message centers, how bright it is compared to ambient light. They preferred a consistent standard between electronic and static signage. An alternative is an illuminance standard of 0.2-foot candles above ambient light for all signs. Council Member Catten pointed out that too dim and too bright signs were hard to see. She asked about optimal luminance. Lilly said the illuminance could be reduced without sacrificing the integrity of the messaging on the sign. Council Member Catten asked about the recommended maximum height for monument signs. Lilly said the old code was 8 feet and the new was 6 feet depending on the zone.

Lilly noted everyone’s thoughts on digital district signs came from different perspectives. He described when he worked for South Salt Lake City when it needed to move a billboard at 2100 S and Main Street. The city wanted to redevelop the site it was located on, so it was moved to another location, cost the city \$170,000, and was taller than the original one. The transaction was a net loss for South Salt Lake. The city paid money to replace an old billboard, with a much taller, more expensive billboard. A development impediment was

moved from one location to another. The condemnation value increased. There was no reduction in the number or square footage of billboards. State law incentivizes this type of land use decision. He then described two billboard exchanges that took place in Lee's Summit and Kansas City, Missouri. In Lee's Summit, conversion was allowed on a 2 face : 1 face basis. Digital signs could be 10% larger than the face(s) replaced. Digital billboards are placed along certain highways. The exchange was limited to nonconforming signs. They reduced billboards there from 12 to 6. In Kansas City, the conversion rate depends on sign size. Bigger signs have a lower conversion ratio. The exchange is limited to nonconforming signs. Digital billboards are placed along certain highways.

Lilly said the exchange ratios were determined through a negotiated process, the billboard companies were not compelled toward an exchange, and the cities did not select the billboards eligible for the exchange; instead, they created categories of signs eligible for exchange. The differences between Missouri and Millcreek were that unlike the Missouri examples, Millcreek would own the resulting sign and would limit the advertising time on the sign. The Missouri examples created permanent vesting for the resulting signs. Millcreek's proposal is a 40-year lease. Millcreek's digital district sign is smaller and shorter than the Missouri digital billboards. Millcreek has more control over the design and operation of the sign, due to ownership. State law makes a Missouri-style conversion scheme unworkable, unless the city were to get the billboard companies to voluntarily agree to an exchange agreement.

Lilly said condemnation is limited to areas where cities are planning a public improvement, or where it denies a billboard company's permit to relocate an existing billboard pursuant to state code. Thus, opportunities to remove billboards this way are limited. Condemnation is expensive. Local examples range from \$150,000 to approximately \$500,000. Neither Lee's Summit nor Kansas City based their ratios on a market analysis. Instead, they looked for an optimal ratio that was amenable to both the city and the sign companies. Absent knowing the value of each sign, cities can rely on visual impact (height and sign area) and nonconforming status of billboards to prioritize their removal first.

Millcreek adopted a general plan strategy to "reduce the number, size, and height of billboards along city streets." Millcreek adopted an ordinance stating: "It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible." Staff will advise on opportunities to do this where feasible. The previous exchange removed a sign and 924 square feet of sign rights. A legalistic and reactive approach to negotiating with billboard companies is sometimes necessary, but it is most effective at keeping billboards where they are. It is not effective at actually removing billboards. Reducing the number and square footage of billboards is impossible without some tradeoff. It requires a purchase, condemnation, gift, or exchange. This proposed exchange would result in up to two additional digital signs that would be owned by the City. A permanent property right that would be amortized through a 40-year operating lease. Amortization is also expressly contemplated in the General Plan, "Discourage billboards in designated or developed commercial and residential areas and in locations that block views of the Wasatch Mountains or in conflict with the goals of the General Plan. Consider techniques to remove or alter billboards such as purchase, amortization or other techniques." Staff also uphold the city's interest in other ways, by rigorously enforcing standards, applying deed restrictions to city-owned land that is for sale, working with sign companies to relocate signs in a least impactful way, retiring billboard bank credits. He noted his recommendation is based in part on his professional experience.

Perspectives differ on strategy, but felt everyone could agree that fewer billboards are better for the city.

Council Member Jackson asked if 40 years was negotiable. Lilly said he had not been involved with negotiations. He described the following characteristics of the digital district sign.

- 26.5 feet in height.
- Light protecting louvers block light trespass beyond 38 degrees of the sign.
- 8-second dwell time.
- No animated images.
- Screen size allows for a complete message on one rotation.
- Advertising is limited to 60% of the time on the sign.
- Nighttime illuminance limited to 0.2 footcandles above ambient light conditions.
- City messaging is dynamic and flexible.

Lilly showed examples of city messaging on the existing digital district sign. Considerations for digital district signs at Highland Drive and 1300 East would include a proposed 26.5-foot-tall sign approximately 280 feet from the nearest residence. The existing 48-foot-tall billboard is approximately 125 feet from the nearest residence. The controls on the existing digital district sign are designed to address some of the more offensive aspects of a digital sign. The controls are better than the controls on most digital signage in the region, including those operated by other municipalities.

Lilly showed videos of Millcreek Common's digital sign compared to the Sandy Amphitheater sign. The Millcreek sign was larger, but the rotations were less frequent. So, he felt it was less impactful. Lilly spoke to the trade-off of static versus digital signs. He said this is the only exchange concept where the square footage of billboards gets reduced. This is a policy of the city. Digital signs have an impact. At a minimum, the same controls applied to the Millcreek Common digital district sign should apply to these additional signs. Aesthetically, he believes a smaller, lower digital sign is better than a taller, bigger billboard – all things being equal. Size matters more than how often the sign changes. Aesthetic considerations prompt divergent and deeply held attitudes. He could not identify a correlation between the presence of a digital billboard and an increase in traffic accidents. He did not say that digital signs were not distracting. There were 31 traffic accidents in 2023 at the 3300 S/1300 E intersection, 3300 S/Highland Drive intersection, and the run of road between, with no fatalities. Scenic Utah provided the following data. Two vehicle accidents attributed to "signs, billboards, etc." from 2010 to 2022 in Millcreek. The accident on El Serrito Drive (2013) is in a location that is not in view of a billboard. The accident at 3175 E 3300 S (2018) is about 670 feet away from a Reagan Billboard. There are multiple other signs in the area. From 2010 to 2022, 79 accidents occurred in Millcreek where a "visual contributing circumstance" was at play, 2 of which involved "signs, billboards, etc." In that same period, other accident attributes included: older drivers: 2,697, teen drivers: 2,427, holiday related: 1,862, speed related: 1,278, and distraction related: 1,167.

In his professional recommendation, Lilly could not speak to political or financial considerations. He said the city should pursue as advantageous an agreement as possible, and more square footage in the exchange would be better. He noted that ownership and control of the sign matters. An exchange where a sign company maintains private ownership of the

resulting digital sign should be much higher than 3:1. This is merely a proposal to reduce the number and area of billboards in Millcreek. There is no perfect solution to reducing the number and square footage of billboards in Millcreek. However, his recommendation is to be proactive rather than reactive with billboard companies in this circumstance, and an exchange of owned billboards to leased time on city-owned signs is the most effective method he could think of at achieving an adopted policy goal.

Lilly described the recommendations from the community councils. Millcreek Community Council: 9 in favor, 2 against, 1 abstain to approve the city's plan to add digital district signs while removing traditional billboards. Preference for a more advantageous ratio. Canyon Rim Citizens Association: 2 in favor, 2 abstain, 1 against to 'encourage the City of Millcreek to pursue the digital signs.' Preference for a more advantageous ratio. East Mill Creek Community Council: 5 in favor, 3 against to the adoption of the sign ordinance, including a provision for digital signs subject to an exchange agreement. Mount Olympus Community Council: unanimous recommendation of denial on the basis of aesthetic and safety concerns.

The Planning Commission voted 6 in favor to 1 opposed to recommend that the City Council approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Table 18.16.113 in the draft ordinance should be amended to state that no additional digital district signs are allowed in the City Center Overlay Zone. After making their motion at the March 20, 2024 meeting, the Planning Commission discussed that, if the City Council were to pursue an exchange, the City Council should emphasize the removal of billboards that have the greatest nonconformities, including billboards that are:

- Taller than 32 feet in height.
- Larger than 300 sf in sign area.
- Located within 150 feet of a residential zone.
- A two-decked billboard.
- Any billboard within 500 feet of a municipal boundary.

4. Staff Reports

There were none.

5. Discussion of Agenda Items, Correspondence, and/or Future Agenda Items

There was none.

Council Member Jackson moved to adjourn the work meeting at 6:42 p.m. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

REGULAR MEETING – 7:00 p.m.

TIME COMMENCED: 7:06 p.m.

1. Welcome, Introduction and Preliminary Matters

1.1 Pledge of Allegiance

Mayor Silvestrini called the meeting to order and led the pledge of allegiance.

1.2 Unified Police Department Millcreek Precinct Officer of the Month for February 2024

Chief Petty-Brown announced Officer Danny Hampton as the Officer of the Month for February 2024. Officer Hampton investigated a hit-and-run on Melbourne Street and was able to issue a citation to the driver and provide insurance information to the victim.

Mayor Silvestrini commended Officer Hampton for his work.

Mayor Silvestrini said public comments on short term rentals would be taken with that item and comments on digital district signs would be taken during the public comment period.

Council Member Jackson moved to reorder the agenda to move 4.4 to the position ahead of 1.3. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4.4 Staff Reports

In continuation of the discussion from work meeting item 3, Council Member Catten asked about murals on windows. Lilly said it would be subject to window sign standards. Council Member Catten asked about recourse for making existing signs non-conforming. Lilly said non-conforming signs can be repaired and updated, it just cannot be made larger.

Mike Winder presented six reasons why the mayor and council should revise the sign ordinance as proposed. 1. Revising the sign ordinance gives the council flexibility. He said the council wisely allowed just one sign to start with, to wait and see how it worked out. It worked out very well, and they should revise the sign ordinance to give themselves the opportunity to allow two more signs in the future if they are ever presented with a new sign agreement that they support. He said public organizations are increasingly using digital signage for their effectiveness and clean look and showed picture examples of some. 2. The City Center needs advertising. He said experts on event districts, retail centers, and more agree that significant district signs are needed for success. Communities around the country are incorporating digital billboards to facilitate their district signs. He quoted the Millcreek City Events Director/Millcreek Common Executive Director on how additional signs would help people know about city events. He showed examples of city advertising that had been used on the existing digital district sign. 3. Effective way to share important city information. He quoted the Millcreek Communications Director on how the signs are helping get the word out about certain events and notices. 4. Local businesses need affordable ways to advertise. He quoted Millcreek Business Council Chair and a Millcreek retail specialist on the effectiveness of advertising on the digital district sign. 5. Only realistic way to remove old billboards. He showed the council pictures of existing static billboards on Highland Drive and 3300 South that staff were considering removing in exchange for a digital sign. 6. Reduces light pollution compared to static billboards. Winder quoted the International Dark Sky Association, "When installed and operated in accordance with IDA's Guidance for Electronic Messaging Centers, EMCs replacing traditional bulb-lit billboards may

actually create a net reduction in sky brightness.” He said Millcreek Common district signs would produce less light pollution than status quo signs. Winder presented data from Spectrum Engineers showing that the nearby The Home Depot (203.6 cd/m²) and Crown Burgers (193.8 cd/m²) signs were brighter than the Millcreek Common digital district sign (142.2 cd/m²) in candelas per meter squared.

Council Member Jackson agreed the digital sign was effective to share city information but wondered what else was used to achieve that. Winder said the city was working on adding more subscriptions to the weekly e-newsletter (had about 8,500), and the printed newsletter that gets mailed to every residence. Council Member Jackson asked if there was sufficient parking at Millcreek Common to handle more people at city events. Winder said the north parking lot was restriped which has more spots than it originally did, as well as parking east of Millcreek Common. The climbing wall on city hall just opened as did three restaurants in city hall that need business.

Council Member Catten asked about installing only one new digital sign now and one later. Winder said the proposed sign code allowed the council flexibility with installing them but if it was not adopted, the council could not approve any. Council Member Catten asked what could go on the 1300 E and Highland Drive entrances to Millcreek Common if not digital district signs. Winder said staff could look at other options. Council Member Jackson asked about how the digital sign would compare to the Crown Burger sign. Winder said it would be larger, but not as bright. There was a value of consistency in sign size. Council Member Jackson asked how many turns were used for Millcreek businesses. Winder said about 3/4s were of Millcreek businesses. Winder said there was a measurable difference for some businesses when using and not using the sign for advertising. Council Member Catten asked about the opposition to the digital district signs from the community councils and planning commission. Lilly said the planning commission said the aesthetics and an exchange agreement may not be sufficient. They wondered about the impact of different signs. They wanted the council to consider the most impactful signs for an exchange if one was used.

1.3 Public Comment

Sylvia McMillan, Scenic Utah, said people hate billboards though billboards were being proposed. She said zero seconds was acceptable in taking eyes off the road when driving. Billboards are designed to distract drivers. She said billboards never go down; they only go up. She said she had studies that demonstrated how dangerous it is to take eyes off of the road.

Cohen, a 4th grader at Canyon Rim Academy, presented a map of the intersection of the I-215 onramp for exit 3. He said there is a lot of back up on the left turn lane on 3300 S waiting to enter the highway. He highlighted the bike route, which is in the middle of the road. He felt it was dangerous for bikers. He recommended a roundabout at the intersection. If he walks to the junior high school, he is concerned about traffic, speeding, and safety.

Kathy Blake, Woodland Avenue, said the proposed digital sign locations would be non-conforming if the term “billboard” was used, due to proximity to other signs on the same side of the street. Three digital billboards on one city block would be excessive. She felt

the wording of the sign was called was trickery. She said traffic would be distracted on Highland Drive and the distraction was not needed. She recommended a low monument sign with orange lettering similar to the existing signage. She did not want more digital district signs.

Elyse Sullivan read an online comment received from Shawn LaMar. *“There’s no need to enter into an agreement with an outdoor advertiser that takes 60% of the rotations. Another ideal option is to have a district sign, but exclusively for Millcreek. We could have a smaller EMC--like East High and other businesses—but with 100% of the turns for Millcreek. That would ensure the signs are really a welcoming sign for the Millcreek City Center. If an exchange agreement was pursued (which was not our recommendation), the Planning Commission strongly recommended a much more aggressive exchange than a 3:1. It should be far greater. And meaningful existing billboards should be targeted for removal, not insignificant less significant signs, eg, the small sign near Spedellis.”*

Council Member Jackson moved to discuss item 3.3 at this point. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3.3 Discussion and Consideration of Ordinance 24-10, Amending Chapter 5.19 of the Millcreek Code of Ordinances with Respect to Short-Term Rentals

Francis Lilly said in 2020 the city updated the code to limit the number of licenses for short-term rentals (STRs), required owner occupancy of them, set occupancy limits, and eliminated the most egregious examples of STRs. However, the owner-occupancy language is vague, multiple STRs can cluster in one neighborhood, and staff continues to receive complaints about parking and noise associated with STRS. Lilly said, “Academic research indicates a relationship with increasing STR supply leading to a decrease in affordability and housing options as supply is occupied by visitors rather than full-time residents” (Dejan Eskic). Lilly highlighted a map of the licensed STRs in the city, most are east of Highland Drive, though many STRs were unlicensed. He highlighted code from other municipalities on how they regulate STRs, including from, New York, New York, Washington County, Utah, North Las Vegas, Nevada, and Hurricane, Utah. He reported community sentiment that he had received on the matter, most of which requested heightened STR standards. Lilly highlighted state code which has restricted how the city can enforce short term rental codes; they cannot solely do so through online listings. This creates enforcement on a complaint basis.

Council Member Catten asked about using the tax commission records to determine STRs. Lilly said it depends; the tax commission will not indicate amounts but may provide entities with a list of those paying transient room tax. Mayor Silvestrini said there was discussion about it within the state since it negatively impacted housing affordability. He did not expect cooperation from the tax commission without force from the legislature. Lilly said the proposed code would create a 400-foot limit between short term rentals, that proof of residency would be provided annually with a compliance affidavit and two other documents, a conspicuous notice on the exterior of the rental would be

required, a maximum number of guests would reduce from 10 to 6, and a good neighborhood guide would be provided/used.

Mayor Silvestrini asked for public comment.

Howard Lemcke, Wasatch Oaks Circle, said in code, there was a concept known as fruit from the poisonous tree. This was not a parallel situation since looking at the online listings was not illegal. He supported the proposed codes in response to the concerns his neighbors had raised about STRs.

Tara Heiden, Wasatch Oaks Circle, expressed concern with creating an adversarial relationship with neighbors in having to police STRs. They would like something to help residents and the city navigate where the STRs are. She wondered what would happen with STRs when the state hosted the Olympics in 2030.

Aliza Freedman owns STRs. She expressed concern from moving from 10 to 6 adults allowed not aligning with average Utah sized families. She tries to ensure her rentals comply with the code.

Rogelis Franco said he was documenting his actions with his STR on Wasatch Oaks Circle and sending it to the city to be in compliance. He noted he snow plowed the circle.

Elyse Sullivan read in online comments received via the city's website:

AndreaShort Malouf, Wasatch Oaks Circle, *"1) Is the 400 ft limitation of STRS count for easements or property lines or is it just structures 2) with the new ordinance, how are #s of people enforced 3) with the new ordinance, how will be construction, liability and property issues be enforced (including trespassing)"*

Cynthia Lund, Wasatch Oaks Circle, *"I support the changes to the STR rules and ordinances"*.

Mayor Silvestrini appreciated not wanting adversarial relationships with neighbors. There was not going to be a perfect system given the city's resources. If there are no complaints, the assumption is that they are handled properly. Complaints help enforce code on problem ones. Mayor Silvestrini asked about the shift from 10 to 6 adults. Council Member Catten said the distinction could be by people count or car count. She said if there was appropriate parking for the cars, what did the people count matter. The number was arbitrary when it came to noise levels. Council Member Jackson said the city was not trying to target particular STR owners, but help with problem rentals. The number was for adults, not children. Lilly said for long term rentals, family is defined, and it included 4 unrelated adults. The impact of an STR allowed in a single-family home zone should feel the same as a single-family home. Mayor Silvestrini felt 6 adults was too few and did not want code enforcement trying to determine familial relationships. Council Member Catten wondered about the size of the house impacting it. Lilly noted that Washington County prohibited STRs in dwellings greater than 3,500 square feet. The mayor did not like limiting STRs based on square footage. The council compromised

with 8 adults. Council Member Catten worried about the enforcement of regulating the number of adults.

Lilly acknowledged the written public comment on boundaries. The boundary is determined from the nearest property line. He said he spoke with representatives from Airbnb, and they would be willing to advertise city codes to hosts.

Council Member Jackson moved to adopt Ordinance 24-10, with the amendment that we change the maximum number of adults to 8, amending Chapter 5.19 of the Millcreek Code of Ordinances with respect to short-term rentals. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2. Financial Matters

2.1 Public Hearing to Consider Opening and Amending the Fiscal Year 2023-24 Budget

Lisa Dudley said the proposed amendments only dealt with the General Fund. The proposed amendments included increases to property taxes and charges for services, totaling \$147,000 in revenue. The Community Life Events and Public Market accounts needed more analysis from the February 26, 2024 budget amendment. The analysis used year-to-date expenditures annualized, estimated costs for remaining events/programs, and additional staffing needed. There were no historical costs to consider. There would be a decrease in the Non-Departmental budget (\$431,500), increase in Community Life Events budget (\$315,000), and increase in Public Markets budget (\$263,500). Dudley broke down each of those budget changes.

Mike Winder commended Dudley for her work.

Council Member Jackson moved to open the public hearing. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

There were no comments.

Council Member Catten moved to close the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2.2 Discussion and Consideration of Ordinance 24-11, Amending the 2023-24 Fiscal Year Budget

Council Member Jackson moved to approve Ordinance 24-11, Amending the 2023-24 Fiscal Year Budget. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2.3 Public Hearing to Consider a Monetary Appropriation of up to \$1,500 to Purchase Discounted Human Services UTA Passes for Millcreek Residents in Need
Mayor Silvestrini said this would be used for the Promise Program. Council Member Catten said the Health Coalition had been exploring ways to get junior high and high school kids to after school programs and using UTA could be a way to accomplish that. Council Member Jackson asked how they would be distributed. Council Member Catten did not know. John Brems noted the funding came from a grant, not the city.

Council Member Catten moved to open the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

There were no comments.

Council Member Catten moved to close the public hearing. Council Member Jackson seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

2.4 Discussion and Consideration of Ordinance 24-09, Approving a Monetary Contribution of up to \$1,500 to Purchase Discounted Human Services UTA Passes for Millcreek Residents in Need

Council Member Catten moved to approve Ordinance 24-09, Approving a Monetary Contribution of up to \$1,500 to Purchase Discounted Human Services UTA Passes for Millcreek Residents in Need. Council Member Jackson seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3. Business Matters

3.1 Discussion and Consideration of Resolution 24-08, Approving the Revised and Restated Interlocal Cooperation Agreement between Public Entities to Create and Govern the Unified Police Department of Greater Salt Lake “UPD”
UPD Chief Mazuran noted the other participating cities that were approving the agreement.

Council Member Jackson moved to adopt Resolution 24-08, Approving the Revised and Restated Interlocal Cooperation Agreement between Public Entities to Create and Govern the Unified Police Department of Greater Salt Lake “UPD”. Council Member Catten seconded. Mayor Silvestrini was proud Millcreek was remaining with UPD. Millcreek would be sharing additional city hall space with UPD shared services to save money on rent through its contract. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

3.2 Discussion and Consideration of Resolution 24-09, Approving Appointments to the Historic Preservation Commission

Mayor Silvestrini said there were four members who were appointed at the onset of the commission whose term had expired, so he would like to renew their terms for four years.

Council Member Jackson moved to adopt Resolution 24-09, Approving Appointments to the Historic Preservation Commission. Council Member Catten seconded. The Recorder called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, Council Member Uipi voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

4. Reports

4.1 Mayor's Report

Mayor Silvestrini reported that a property tax increase would be necessary for the next fiscal year. He noted the Unified Fire Authority would be making an increase as well. He announced the city hall climbing wall opened on March 23rd and it was well received. The county emergency manager reported that creeks were already running high and expressed caution to children and pets near the streams until the flows go down. The city is in a better position with seasonal runoff at this point than it was last year. Some sandbags were available for residents if they were needed. Millcreek will receive \$2.4 million in federal funding for the engineering of the Neff's Canyon debris basin. The city has been preliminarily approved for a grant of \$10 million to begin the first phase of a multi-use path on 3900 S. The Utah Legislature appropriated \$1.2 million to Millcreek for transportation funding. This would help finish the 2000 E project north of 3300 S in 2026.

4.2 City Council Member Reports

Council Member Catten said the Utah Lake Gates, that control flow into the Jordan River, were opened. Millcreek will not be affected by flooding since there is a short riverbank, but there may be flooding elsewhere along the river.

4.3 Treasurer's Report

Council Member Jackson reported that as of March 25, 2024, the total shared cash was \$36,309,644, which includes PTIF of \$35,213,041 and Operating Account of \$1,096,603. The city was on track to meet or exceed general revenue projections. The current property taxes received was \$11,248,870. The general sales tax (6 months received) was \$7,696,688. The building permit fees totaled \$1,455,203. The total General Fund revenue was \$30,115,205. There have been 148 checks written, 14 bank drafts, and 2 payroll periods. Total disbursements since February 2024 was \$4,500,539.

4.4 Staff Reports

John Miller briefly highlighted progress on a project on 1300 E. He then showed images of pipes and culverts along 3300 South that were in need of repair. He showed the council the map link on the city website to see the current, upcoming, and completed capital improvement projects. Council Member Catten asked about putting something on the website about Big Cottonwood Park playground though it was a county park. Miller agreed.

4.5 Unified Police Department Report

Chief Petty-Brown reported the crime statistics for February 2024. There were 2,139 total calls, 754 total cases, 356 citations, and 20 booking arrests. She reported statistics from the Violent Crimes Unit, Special Victims Unit, Crash Accident Reconstruction Unit, SWAT, and K9 Unit. There were 24 assaults, 11 burglaries, 16 drug offenses, 45 family offenses, 68 larcenies, 1 robbery, 3 sex offenses, and 22 stolen vehicles in Millcreek. The Community Crime Suppression Unit had 8 arrests, 105 traffic stops, 8 stole vehicles investigated, 4 recovered stolen vehicles, 4 narcotics investigations, 7 fleeing vehicles, 25 assisted patrols with calls, 1 firearm seized, and multiple drug seizures. The Millcreek Traffic Enforcement Unit responded to 81 traffic accidents and investigated 14 hit and runs. Millcreek officers responded to 51 mental health related calls and 9 calls related to transient activity. The Community Oriented Policing Unit (COP) brought out the Ice Cream Van to the Sunnyside Neighborhood Center, to meet with students involved in the after-school program. The detectives spoke to the students about how positive actions and attitudes can affect them in positive ways. Afterwards, the students were given Creamies Ice Cream. The Millcreek C.O.P. Unit assisted Salt Lake County Public Works along with jail inmates to clean up multiple abandoned campsites along the railroad tracks at 200 West Central Avenue. Three large dumpsters were needed, and 15,000 pounds of garbage and waste was collected. The chief highlighted the UPD cadet annual service project which was collecting items for The Rescue Mission Women's Center.

5. Consent Agenda

- 5.1 Approval of January 18, 2024 Special Meeting Minutes
- 5.2 Approval of January 22, 2024 Regular Meeting Minutes
- 5.3 Approval of January 31, 2024 Special Meeting Minutes

Council Member Jackson moved to approve items 5.1, 5.2, and 5.3. Council Member Catten seconded. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

6. New Items for Subsequent Consideration

There were none.

7. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg., 4/1/24, 6:00 p.m.
- Millcreek Community Council Mtg., 4/2/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg, 4/3/24, 6:30 p.m.
- East Mill Creek Community Council Mtg., 4/4/24, 7:00 p.m.
- City Council Mtg. 4/8/24 7:00 p.m.

ADJOURNED: Council Member Catten moved to adjourn the meeting at 9:37 p.m. Council Member Jackson. Mayor Silvestrini called for the vote. Council Member Catten voted yes, Council Member Jackson voted yes, and Mayor Silvestrini voted yes. The motion passed unanimously.

APPROVED: _____ **Date**

Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder

DRAFT