# 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:

Uipi, Mayor Pro Tempore

MA

No

ATTEST:

Alexander Wendt, Deputy Recorder

CORPORATE SEAL OF UTAH

Roll Call Vote:

Silvestrini Yes No
Catten Yes No
DeSirant Yes No
Jackson Yes No

recused

## CERTIFICATE OF POSTING

Uipi

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 8<sup>th</sup> 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 10 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

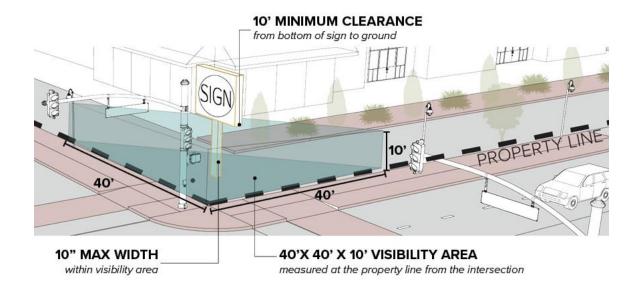
- A. The following shall be used when calculating sign sizes:
  - 1. When more than one use occupies a property, the frontage may be used to calculate the sign size for one total pole or projecting sign, not for each use. The total may then be divided between the uses.
  - 2. There may be any number 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	Minimum 5     feet from a     public or     private right-     of-way.	One per development or subdivision.	<ul> <li>Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit.</li> <li>No illumination allowed</li> </ul>	

# **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> <li>Must be on the development site.</li> <li>Located on private property.</li> <li>Minimum of 5 feet from a public or private right-of-way.</li> </ul>	One per development or subdivision.	<ul> <li>Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit.</li> <li>No illumination allowed</li> </ul>
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> <li>All signs must be approved by the planning commission for a period not to exceed one year.</li> <li>Approval may be renewed by the Planning Director.</li> </ul>
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> <li>On private property and</li> <li>a minimum of 5 feet from a public or private right-of-way.</li> </ul>	Two per development, per frontage.	
Directional / Circulation sign	6 square feet	3 feet when freestanding	<ul> <li>On private property and</li> <li>a minimum of 5 feet from a public or private right-of-way.</li> </ul>	Two per development, per frontage.	<ul> <li>Only permitted for non-residential uses</li> <li>No illumination permitted.</li> </ul>

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

Туре	Maximum Size	Maximum Height	Location	Maximum Quantity	Other
Monument	32 square feet plus 1 square foot for every 10 feet of frontage over 30 feet	6 feet	<ul> <li>Prohibited in a right-of-way</li> <li>Minimum of 5 feet from any property line</li> </ul>	One per street frontage	Only permitted for any of the following uses:     Nonresidential uses allowed in the zone.     Residential structures with 5 or more dwelling units     Subdivisions with more than 5 lots     May be illuminated if:     Located on major arterial street and     Not directly shining onto a property occupied by a residential use.
Flat/Wall sign	<ul> <li>Five percent (5%) of a wall area in FRE and R-1 zones and fifteen percent (15%)</li> <li>of a wall area in all other residential zones, up to a maximum of 200 square feet.</li> </ul>		Must be attached to a building	One per street frontage	<ul> <li>Only permitted for:         <ul> <li>Nonresidential uses allowed in the zone</li> <li>Residential uses with 5 or more dwelling units</li> </ul> </li> <li>Downlit illumination permitted if the sign is not exposed to adjacent properties occupied by a residential use.</li> </ul>

# 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	Must be located on City Property	One in the City Center Overlay Zone.	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.	15 feet from any property line     At least 100 feet from any other pole or monument sign.	One per street frontage.	<ul> <li>Illumination may be built into or attached to signs.</li> <li>No upward illumination is permitted.</li> <li>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).</li> <li>Prohibited in CCOZ.</li> </ul>
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> <li>On private property</li> <li>Minimum of 5 feet from any property line.</li> <li>At least 50 feet from any other pole or monument sign.</li> </ul>	One per every 150 feet of street frontage or part thereof.	• 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.		Must be attached to a building.		<ul> <li>Only permitted if an awning sign is not used.</li> <li>Illumination permitted if the downlit or built into the letters.</li> <li>No upward illumination permitted.</li> </ul>
Awning sign	<ul> <li>Twenty five percent (25%) coverage of a first floor wall area</li> <li>Fifty percent (50%) of an awning may be covered with graphics</li> </ul>	May not extend above the top of the wall it is attached to.	<ul> <li>Must be attached to a building.</li> <li>6 foot maximum projection from building.</li> <li>8 foot minimum clearance from the ground to the bottom of the awning.</li> </ul>	Up to 3 walls per building	<ul> <li>An awning sign may only be used if a flat or wall sign is not used.</li> <li>Primary graphics must be on street side or primary face of structure</li> <li>No internal illumination permitted.</li> </ul>
Projecting / Blade sign	<ul> <li>12 square feet</li> <li>Maximum 42-inch width</li> </ul>	May not extend above the top of the wall it is attached to.	<ul> <li>Must be attached to a building.</li> <li>6 foot maximum projection from building.</li> <li>8 foot minimum clearance from ground to bottom of sign</li> </ul>	One per entrance along frontage	<ul> <li>Primary graphics must be on street side or primary face of structure</li> <li>No illumination permitted</li> </ul>
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 though 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 pemitted 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.  $(\sqrt{\text{Area of display x }}10) = \text{Measurement distance in feet.}$
    - 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.

<b>Table 19.82.4</b>	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			
С	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

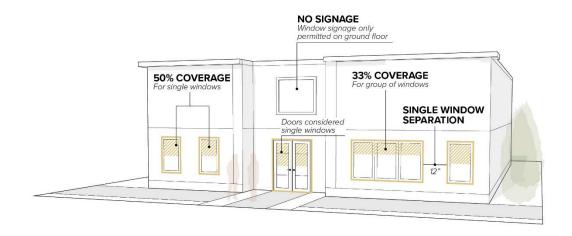
- A. All temporary signs shall be located a minimum of five feet (5') from a property line or right-of-way line, or as noted for a particular temporary sign type, from the public right-of-way. Area, size, location, and quantity limits for temporary signs are set forth in Table 19.82.5.
- B. Each business 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						
Туре	Maximum Size	Location	Maximum Quantity	Other		
Temporary attached	<ul> <li>50 square feet not to exceed thirty percent (30%) of the first-floor building façade or,</li> <li>Ten percent (10%) of the first-floor building face square footage for facades longer than 150 feet</li> </ul>	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-ofway.

#### 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.

- 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 twenty 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 twenty 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

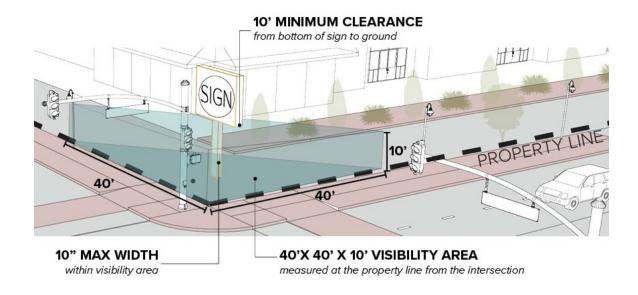
- A. The following shall be used when calculating sign sizes:
  - 1. When more than one use occupies a property, the frontage may be used to calculate the sign size for one total pole or projecting sign, not for each use. The total may then be divided between the uses.
  - 2. There may be any number 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. 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.
- 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.

<b>Table 19.82.1</b>	Table 19.82.1 Signs Allowed in All Zones					
Туре	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	Minimum 5     feet from a     public or     private right-     of-way.	One per development or subdivision.	<ul> <li>Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit.</li> <li>No illumination allowed.</li> </ul>	
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> <li>Must be on the development site.</li> <li>Located on private property.</li> <li>Minimum of 5 feet from a public or private right-of-way.</li> </ul>	One per development or subdivision.	<ul> <li>Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit.</li> <li>No illumination allowed.</li> </ul>	
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> <li>All signs must be approved by the Planning Director for a period not to exceed one year.</li> <li>Approval may be renewed by the Planning Director.</li> </ul>	
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.	On private property	One sign for each access, and one sign for every 50 feet of frontage.		

Table 19.82.1 Signs Allowed in All Zones						
Type	Maximum Size	Maximum Height	Location Requirement	Maximum Quantity	Other	
Directional / Circulation sign	6 square feet	3 feet when freestanding	On private property and a minimum of 5 feet from a public or private right-of-way.	Two per development, per frontage.	<ul> <li>Only permitted for non-residential uses</li> <li>No illumination permitted.</li> </ul>	

Table 19.82.2 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)						
Туре	Maximum Size	Maximum Height	Location	Maximum Quantity	Other	
Monument	32 square feet plus 1 square foot for every 10 feet of frontage over 30 feet	6 feet	Prohibited in a right-of-way     Minimum of 5 feet from any property line	One per street frontage	Only permitted for any of the following uses:     Nonresidential uses allowed in the zone.     Residential structures with 5 or more dwelling units     Subdivisions with more than 5 lots     May be illuminated if:     Located on major arterial street and     Not directly shining onto a property occupied by a residential use.	

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 Location Maximum Other							
- J P •	2.2.V	Height		Quantity			
Flat/Wall sign	<ul> <li>Five percent (5%) of a wall area in FRE and R-1 zones and fifteen percent (15%)</li> <li>of a wall area in all other residential zones, up to a maximum of 200 square feet.</li> </ul>		Must be attached to a building	One per street frontage	Only permitted for:     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)						
Туре	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other	
District sign	288 square feet	<ul> <li>26.5 feet for signs located on 3300 South or Highland Drive.</li> <li>30 feet for a sign located on 1300 East.</li> </ul>	Must be located on City Property.	Two in the City Center Overlay Zone.	Only allowed in 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, MD-3, and IF zones.	<ul> <li>15 feet from any property line</li> <li>At least 100 feet from any other pole or monument sign.</li> </ul>	One per street frontage.	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> <li>On private property</li> <li>Minimum of 5 feet from any property line.</li> <li>At least 50 feet from any other pole or monument sign.</li> </ul>	One per every 150 feet of street frontage or part thereof.	• If a monument sign is located within 100 feet of an existing residential use of 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.		Must be attached to a building.		Only permitted if an awning sign is not used     Illumination permitted if the downlit or built into the letters.

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) **Maximum Size** Other Type Location Height Requirements Quantity Awning sign May not Must be Up to 3 walls Twenty five percent An awning sign extend (25%) coverage of a per building. attached to a may only be first floor wall area. above the used if a flat or building. Fifty percent (50%) of top of the wall sign is not 6 foot wall it is an awning may be maximum used. attached to. covered with graphics. projection Primary from building. graphics must 8 foot be on street side or primary face minimum of structure. clearance from the No internal ground to the illumination bottom of the permitted. awning. **Projecting** / May not 12 square feet. Must be One per Primary Blade sign extend entrance graphics must Maximum 42-inch attached to a above the width. building. along be on street side top of the frontage. or primary face 6 foot wall it is of structure maximum attached to. projection No illumination from building. permitted 8 foot minimum clearance from ground to bottom of sign.

One per business per street frontage.

Window sign

12 square feet per use.

# 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 though 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)( $\sqrt{\text{Area of display x 10}}$ ) = 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 pemitted 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.  $(\sqrt{\text{Area of display x }}10) = \text{Measurement distance in feet.}$
    - 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 Me	ssage 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.
С	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-frame signs, 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 six (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 MKZ 19.82.140 (D).

<b>Table 19.82.5</b>	Table 19.82.5 Temporary Signs						
Type	Maximum Size	Location	Maximum Quantity	Other			
Temporary attached	<ul> <li>50 square feet not to exceed thirty percent (30%) of the first-floor building façade or,</li> <li>Ten percent (10%) of the first-floor building face square footage for facades longer than 150 feet.</li> </ul>	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') 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-ofway.

#### 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.

- 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) calendar 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 six (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 Nonconforming 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 MKZ 19.82.210 (B), the Building Official or Planning Director 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 Official or Planning Director 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 19.82.780 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" or "Off-Premises Sign" means a free-standing sign with a sign face of at least one hundred twenty eight (128) square feet in area and with a height of at least thirty (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 19.82.14-.

"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.