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ZT-23-016

Staff Report Update

Meeting Date: 3/20/2024
Applicant: City
Re: Adoption of a Revised Sign Ordinance
Prepared By: Francis Xavier Lilly, AICP, Planning Director

Scope of Decision: **Discretionary.** This is a legislative matter, to be decided by the Millcreek City Council upon receiving a recommendation from the Community Council(s) and the Millcreek Planning Commission. Your recommendation can be broad in scope, but should consider prior adopted policies, especially the Millcreek General Plan.

CHANGES TO THE SIGN CODE

In response to comments made by the Planning Commission at the meeting on February 28, 2024, staff is recommending the following changes to the sign code, indicated in red underlined text in the attached sign code draft:

Section	Change	Rationale
18.68.020	Any increase in an existing sign square footage requires compliance with code.	Old standard allowed for expansions of up to 25%. A tighter standard could balance the incentives toward replacing a nonconforming sign with a conforming sign.
18.68.050, 18.68.150, Definitions	Added language that states that any interior sign placed within three feet of a window is considered a window sign.	Regulates an interior sign designed to be seen through a window from the street as a window sign.
18.68.100 (B)	Added design standards for pole covers.	There was a lack of definition and regulation in the prior version of the code for pole covers.
Table 18.68.112	Creates a maximum area for wall signs.	Planning Commission requested an upper limit on the wall area for signs. Staff explored options from Provo, Sandy, and Murray. Staff is proposing a 200 sf maximum for residential zones, 300 sf in the C-1 zone, and 600 feet in the C, M, MD, MD-3, and IF zones.
Table 18.68.113		

Section	Change	Rationale
18.68.120 (C)	Adjusted the light temperature requirements to the standard recommended by the ISA.	Planning Commissioners expressed support for such a change, to allow more flexibility for signage lighting.
Table 18.68.131	Eliminate EMC's as an option for pole signs.	While this is not a Planning Commission recommendation from the last meeting, staff suggests this measure as a potential incentive to replace pole signs with monument signs.
18.68.150	Clarified and proposed standards for window signs.	This approach borrows heavily from Sandy City, whose code address most likely window arrangement scenarios. Note the placeholder graphic.
Definitions	Added to the Mobile Sign definition to address signs on vehicles.	This would regulate mobile billboards in Millcreek.

DIGITAL DISTRICT SIGN CONSIDERATIONS

Precedents for a Static-to-Digital Billboard Exchange

Staff could not identify many precedents for other billboard exchange mechanisms nationwide, however two cities in the Kansas City metropolitan area, Lee's Summit and Kansas City, crafted exchange mechanisms, aimed at removing nonconforming billboards in their cities and replacing them with digital signs on limited access freeways. We spoke with staff at both cities; they both indicate that their exchange mechanisms were helpful in removing nonconforming billboards and reducing the number of billboards in their cities.

Lee's Summit, Missouri

In late 2006, Lee's Summit enacted an ordinance that allowed for the [conversion of nonconforming static billboards](#) into digital billboards at a ratio of 2 static sign [faces](#) to 1 digital billboard [face](#). Rather than addressing square footage ratio, the Lee's Summit ordinance limits the size of the digital face to 10 percent greater in area than the size of static faces that were removed.

This conversion mechanism was limited to billboards that were nonconforming, and the resultant digital billboards [could only be placed](#) in limited zones and within 660 feet of limited access freeways in the city. Prior to the ordinance adoption, Lee's Summit had 12 billboards in their city. Currently, they have 6 billboards.

Kansas City, Missouri

In 2019, Kansas City enacted an ordinance that also allowed for the [conversion of nonconforming static billboards](#) into digital billboards. The conversion rate is based on sign area and depends on the size of the sign, and is summarized below:

Sign Type	Sign Area	Conversion Ratio
Junior Poster (6' x 12')	72 sf	7 sf : 1 sf
Poster (10'6" x 22'9")	239 sf	7 sf : 1 sf
Bulletin Board (14' x 48')	672 sf	3 sf : 1 sf

In the Kansas City case, the city council determined that, all things being equal, a sign conversion mechanism should account for the size of the sign, and that larger bulletin board billboards could enjoy a more beneficial conversion rate. Kansas City imposed limitations on where digital conversions could take place, including 250 feet of any residential occupancy, and certain interstate highway sections. In general, the resultant signs could only be placed within 660 feet of limited access freeways. Kansas City Staff reports that, since 2019, 13 permits for digital billboard conversions were approved, resulting in a significant number of nonconforming signs removed from other areas of the city.

In Lee's Summit and Kansas City, the resultant billboards tend to be larger and taller freeway-oriented signs, reflecting a policy choice of theirs to transfer billboard rights from arterial streets and neighborhoods and place them along limited access freeways.

Similarities and Differences to the Millcreek Proposal

Conversion Ratio. Lee's Summit and Kansas City took different approaches to a conversion ratio, with Lee's Summit focusing on sign *faces* and Kansas City focusing on sign *area*. Kansas City also determined that, all things being equal, a larger bulletin sign is more impactful and deserves a more beneficial ratio than a smaller poster sign. Lee's Summit focused on sign faces, but limited the size of the resulting digital billboard based on the size of the faces being converted, which incentivized the outdoor advertising companies to remove larger nonconforming signs as part of a conversion.

In the previous exchange for the Millcreek Common sign, the ratio was approximately 3.2 sf of static sign rights (one sign totaling 478 sf in area, and 924 sf of banked billboard sign area) in exchange for time on one digital district sign with a sign area of 441 sf.

Staff inquired about how these cities established their conversion ratios: in both cases, they were decided by a negotiated process whereby both the cities and the outdoor advertising companies identified a ratio that the outdoor advertising companies found reasonable, and that the cities found effective. Neither city engaged in a lengthy analysis of advertising rates and profitability as part of their deliberations with the outdoor advertising companies.

Ownership. In Lee's Summit and Kansas City, the resulting digital billboards are owned by the sign companies, and the vested rights of the resultant signs are permanent. In Millcreek's case, the permanent rights of a billboard are converted into a 40 year lease, on a sign owned by the City. Considering the experience of Kansas City and Lee's Summit, and the fact that Millcreek would own and maintain the sign, and the sign company would exchange a permanent property right for a 40 year lease, the ratio established in the previous conversion is not out of character with the Kansas City area exchange mechanisms.

Operation and Design. In Lee's Summit and Kansas City, there were limited to no design controls on the resulting digital signs, other than height, setback, and image dwell times. In addition, neither city in the Kansas City area has an opportunity to communicate its own messaging on the resulting digital signs. In its previous exchange agreement, Millcreek imposed significant design standards on the sign itself, reduced the brightness of the sign below what was allowed in city ordinance for electronic message centers, and required light protecting louvers on the sign. In short, Millcreek would have significantly more control over

the operation and design of the resulting signs than Lee’s Summit and Kansas City has over their signs.

Resulting Signs. In the Kansas City area examples, the digital signs were placed along freeways and were larger and taller than the sign Millcreek is proposing, which is on an arterial, limited to 441 sf, and limited in height to 30 feet.

Nonconforming Status. In the Kansas City area, the exchanges were limited to nonconforming billboards – signs that were either too tall, too large, or placed in an area where the code would no longer allow one to be. While most billboards in Millcreek are nonconforming in some way, the previous exchange agreement did not explicitly limit the exchange to nonconforming signs.

State Law Considerations. Millcreek does not have any remaining limited access freeway frontage that could serve as a receiving zone for digital billboard rights and, moreover, state law allows for digital conversions of static billboards by right, regardless of a municipal prohibition on digital signage. Nonconforming rights for billboards in Utah are established by state statute, which limits the opportunity for Millcreek to establish an ordinance mechanism like the ones established by Lee’s Summit and Kansas City. However, state law does allow the Millcreek City Council to enter into a negotiated exchange agreement.

Determining Signs To Be Removed. In both Lee’s Summit and Kansas City, the outdoor advertising companies identified the billboards to be removed. The cities did not choose the billboards to be removed, beyond limiting billboards eligible for removal to nonconforming billboards.

Options for an Exchange Agreement for Digital District Signs in Millcreek

After hearing from city staff and community partners about the effectiveness of city messaging on the Millcreek Common digital district sign, the Millcreek City Council encouraged staff to explore options for an additional exchange agreement for digital district signs in Millcreek. Given the impact of digital signage, planning staff advocated for consideration of an exchange agreement that removed static billboards in exchange for time on additional digital district signs, as we believe this advances a stated policy in our zoning ordinance and goals in our general plan to reduce the number and square footage of billboards in Millcreek.

It is ultimately the prerogative of the City Council to negotiate the terms of an agreement by which an outdoor advertising company would surrender vested rights in exchange for a lease on a city owned sign, and to determine which billboards are removed in exchange for time on the signs.

The role of the Planning Commission is to consider the impacts of additional digital district signs, the opportunity to reduce the number and square footage of billboards in Millcreek, and to advise the City Council on a change to the ordinance that would allow for the addition of up to two new digital district signs that could be used in a future agreement that the City Council could negotiate.

To assist the Planning Commission in making a recommendation, staff has prepared four options:

Option 1: Allow for up to two additional district signs, subject to an exchange agreement that removes billboards in the Millcreek City Center.

This option would allow for two digital district signs on either end of Chambers Avenue, subject to the same operating standards and height restrictions of the Current Millcreek Common digital district signs. Rather than specifically identifying specific billboards that could be included in an exchange agreement, this recommendation would advise the City Council that the billboards to be removed ideally should be located in or near the City Center, to maximize the removal of development impediments and improve viewsheds in and near the City Center.

Model Motion 1: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of up to two additional digital district signs in the City Center Overlay Zone, at Chambers Avenue and 1300 East and Chambers Avenue and Highland Drive, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement would emphasize removal of billboards in or near Millcreek’s city center to maximize the removal of development impediments and improve viewsheds in and near the City Center.

Option 2: Allow for up to two additional district signs, subject to an exchange agreement that removes any nonconforming billboard in Millcreek, or a billboard that is located near a City Gateway.

This option would allow for two digital district signs on Chambers Avenue. In this case, the Planning Commission would be recommending that the City Council enter into an exchange agreement, with a preference to remove any nonconforming billboard, which would include any billboard that is:

- Taller than 32 feet in height.
- Larger than 300 sf in sign area.
- Located within 150 feet of a residential zone.
- A two-decked billboard.

In addition, the Planning Commission could recommend an exchange agreement that facilitates the removal of a billboard that is located within 500 feet of a municipal boundary. An exchange agreement based on this option would have the impact of removing nonconforming billboards anywhere in the City, not just in the City Center.

Model Motion 2: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of up to two additional digital district signs in the City Center Overlay Zone, at Chambers Avenue and 1300 East and Chambers Avenue and Highland Drive, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement should emphasize removal of nonconforming billboards, particularly billboards that are taller than 32 feet in height, or are larger than 300 sf in area, or are located within 150

of a residential zone, or are a two-decked billboard. In addition, the City Council should emphasize billboards located within 500 feet of a municipal boundary in an exchange agreement.

Option 3. Allow for One Additional Digital District Sign on 1300 East and Chambers Avenue.

This option would allow for one digital district sign at 1300 East and Chambers Avenue, subject to the same operating standards and height restrictions of the Current Millcreek Common digital district signs. The Planning Commission could recommend either signs in the City Center or nonconforming signs anywhere in Millcreek could be considered in an exchange agreement.

Model Motion 3: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of one additional digital district sign in the City Center Overlay Zone, at Chambers Avenue and 1300 East, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement should emphasize either:

3.1: Removal of billboards in or near Millcreek’s city center to maximize the removal of development impediments and improve viewsheds in and near the City Center.

– OR –

3.2: Removal of nonconforming billboards, particularly billboards that are taller than 32 feet in height, or are larger than 300 sf in area, or are located within 150 of a residential zone, or are a two-decked billboard. In addition, the City Council should emphasize billboards located within 500 feet of a municipal boundary in an exchange agreement.

Option 4: No Changes

This option, if adopted by the City Council, would not allow for any additional digital district signs in Millcreek. There would be no opportunity to remove billboards in Millcreek using an exchange agreement mechanism.

Model Motion 4: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Table 18.16.113 in the Draft Ordinance should be amended to state that only one digital district sign is allowed in the City Center Overlay Zone.

UPDATED COMMUNITY COUNCIL RECOMMENDATION

The Mount Olympus Community Council moved to table their recommendation regarding digital district signs until their March meeting. At their March meeting, the MOCC unanimously recommended denial of the proposal for additional district signs, among the members present at the meeting. Their recommendation is attached to this document. The remaining recommendations can be read in the [original staff report](#).

18.68 Signs

18.68.010 Purpose and Intent

- A. 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.

18.68.020 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 ~~are in excess of 25% of the total~~ 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.

18.68.030 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.

18.68.040 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.

18.68.050 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 is considered a window sign.
 - 3. A sign that is set back a minimum of 20 feet 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.

18.68.060 Approval of Sign Plans

- A. Comprehensive Sign Plan Required for New Development. 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. Approval of Signs within an Existing Development. 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.

18.68.070 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.

18.68.080 Imprint Of Ownership Required

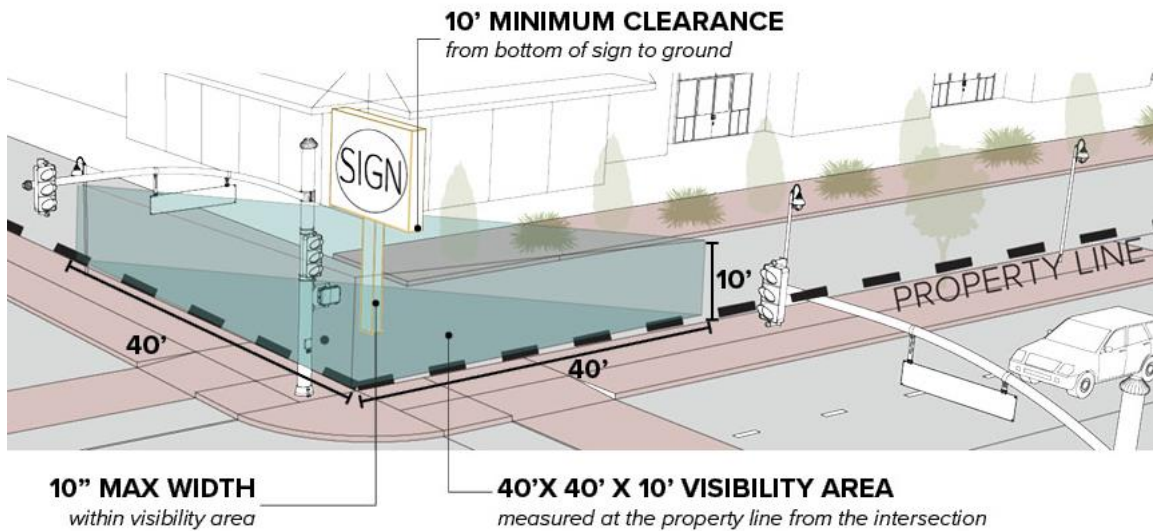
- A. The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

18.68.090 Sign Location Standards:

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.

Figure 18.68.1 Visibility diagram



- B. Traffic Hazard Prohibited. 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.

18.68.100 Design Standards:

- A. All signs shall use materials that emulate the adjacent building.

- B. All single pole signs ~~where the pole is over 15 feet (15') in height~~ 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%).

18.68.110 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 18.68.111 Signs Allowed in All Zones					
Type	Maximum Size	Maximum Height	Location Requirement	Maximum Quantity	Other
General Construction/development sign	32 sq. ft. plus 1 sq. ft. for each 10 ft. of frontage over 30' not to exceed 64 sq. ft. per development	12'	<ul style="list-style-type: none"> • Minimum 5' from the public ROW. 	One per development or subdivision.	<ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed
Construction/development Sign for Subdivisions of 5 lots or more	32 sq. ft. plus 1 sq. ft. for each lot over 5 not to exceed 64 sq. ft.	12'	<ul style="list-style-type: none"> • Must be on the development site • Located on private property • Minimum of 5' from the public ROW. 	One per development or subdivision.	<ul style="list-style-type: none"> • Sign must be removed 6 months from issuance of a certificate of occupancy or final approval of a building permit. • No illumination allowed
Construction/development Sign for Multifamily	10' vertical and 20' horizontal	12'	prohibited in a right-of-way.	One per development or subdivision.	<ul style="list-style-type: none"> • All signs must be approved by the planning commission for

Table 18.68.111 Signs Allowed in All Zones

Type	Maximum Size	Maximum Height	Location Requirement	Maximum Quantity	Other
developments of more than 20 units					a period not to exceed one year. <ul style="list-style-type: none"> Approval may be renewed by the Planning Director.
Nameplate sign	3 sq. ft. per use		Attached to main structure.	One per residential unit or business	Backlit only
Property sign	6 sq ft.	4'	<ul style="list-style-type: none"> On private property and a minimum of 5' from the public ROW. 	Two per development, per frontage.	
Directional / Circulation sign	6 sq ft.	3' when freestanding	<ul style="list-style-type: none"> On private property and a minimum of 5' from the public ROW. 	Two per development, per frontage.	<ul style="list-style-type: none"> Only permitted for non-residential uses No illumination permitted.

Table 18.68.112 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

Type	Maximum Size	Maximum Height	Location	Maximum Quantity	Other
Monument sign	32 sq. ft. plus 1 sq. ft. for every 10' of frontage over 30'	6'	<ul style="list-style-type: none"> Prohibited in a right-of-way Minimum of 5' from any property line 	One per street frontage	<ul style="list-style-type: none"> Only permitted for any of the following uses: <ul style="list-style-type: none"> Nonresidential uses allowed in the zone Residential structures with 5 or more dwelling units Subdivisions with more than 5 lots May be illuminated if:

Table 18.68.112 Signs in Residential Zones (A, FRE, R-1, R-2, R-4, RM, and MH/TH Zones)

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

Table 18.68.113 Signs in Nonresidential Zones: (C, C-1, M, MD, MD-3, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
District sign	288 sq. ft.	26.5'	<ul style="list-style-type: none"> ● Must be located on City Property 	Three within CCOZ	<ul style="list-style-type: none"> ● Only allowed in CCOZ.



Table 18.68.113 Signs in Nonresidential Zones: (C, C-1, M, MD, MD-3, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
Pole sign	48 sq. ft. plus 1 sq. ft. for each 4' of street frontage over 30', not to exceed 150 sq. ft.	15' in C-1 zone, 20' in C, M, MD, IF, and CCOZ zones.	<ul style="list-style-type: none"> 15' from any property line At least 100' from any other pole or monument sign. 	One per street frontage.	<ul style="list-style-type: none"> Illumination may be built into or attached to signs. No upward illumination is permitted. If a pole sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 18.68.120(C). Prohibited in CCOZ
Monument sign	32 sq. ft. plus 1 sq. ft. for every 4' of frontage over 30', not to exceed 64 sq. ft.	6' in C,M, MD and IF 4' in in C-1 and CCOZ	<ul style="list-style-type: none"> On private property Minimum of 5' from any property line. At least 50' from any other pole or monument sign. 	One per every 150' of street frontage or part thereof.	<ul style="list-style-type: none"> If a monument sign is located within 100 feet of an existing residential use or a residential zone, the pole sign will be subject to a sign illumination curfew as set forth in MKZ 18.68.120(C).
Flat/Wall sign	20% of a wall area, <u>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.</u>		<ul style="list-style-type: none"> Must be attached to a building. 		<ul style="list-style-type: none"> Only permitted if an awning sign is not used. Illumination permitted if the downlit or built into the letters. No upward illumination permitted.
Awning sign	<ul style="list-style-type: none"> 25% coverage of a first floor wall area 	May not extend above the top of the	<ul style="list-style-type: none"> Must be attached to a building. 6' maximum projection from building. 	Up to 3 walls per building	<ul style="list-style-type: none"> An awning sign may only be used if a flat or wall sign is not used.

Table 18.68.113 Signs in Nonresidential Zones: (C, C-1, M, MD, MD-3, IF and CCOZ)

Type	Maximum Size	Maximum Height	Location Requirements	Maximum Quantity	Other
	<ul style="list-style-type: none"> 50% of an awning may be covered with graphics 	wall it is attached to.	<ul style="list-style-type: none"> 8' minimum clearance from the ground to the bottom of the awning. 		<ul style="list-style-type: none"> Primary graphics must be on street side or primary face of structure No internal illumination permitted.
Projecting / Blade sign	<ul style="list-style-type: none"> 12 sq. ft. Maximum 42" width 	May not extend above the top of the wall it is attached to.	<ul style="list-style-type: none"> Must be attached to a building. 6' maximum projection from building. 8' minimum clearance from ground to bottom of sign 	One per entrance along frontage	<ul style="list-style-type: none"> Primary graphics must be on street side or primary face of structure No illumination permitted
Window sign	12 sq. ft. per use			One per business per street frontage	<ul style="list-style-type: none"> 9

18.68.120 Illuminated Signs

- A. A lighted sign shall not be installed which permits the light source to be seen by adjacent residential properties. All lighted signs shall direct their light downward to prevent dark sky illumination (see section MKZ 19.82.135 (D)).
- B. Such lights alleged to violate subsection A of this section by the adjacent property owners or the Zoning Administrator or designee may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified professional to the Zoning Administrator. 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. Light color temperature standard. Except for internally illuminated logos and text, all light sources used to illuminate signage shall have color temperature equal to or less than ~~3,000~~ 4,000 degrees Kelvin (~~3,000~~ 4,000°K).
 - e. Illuminance level standard. 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. Standards for 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 prohibited for noncopy or logo portions of the sign (e.g., background and graphics), and sign backgrounds shall be made of completely opaque material.
4. Standards for 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.
5. Violations. If an illuminated sign is alleged to violate the requirement of this Code, the Planning Director may request a photometric assessment to measure the amount of light and to ascertain the validity of the alleged violation. If such measuring devices are available through the City, the City shall perform the assessment. If the City has no measuring devices, the complainant may provide an independent assessment through a qualified 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.

18.68.130 On- Premise Electronic Message Center (EMC) Requirements

- A. 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 (see section MKZ 19.82.135 D.)
- B. The minimum image display duration shall be eight seconds.
- C. 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.
- D. 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.
- E. 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.
- F. The nighttime illuminance of an electronic message center shall not increase ambient lighting by more than 0.2 foot candles when measured as follows:
 1. The measurement distance is determined by the following formula:
 - a. $(\sqrt{\text{Area of display} \times 10}) = \text{Measurement distance in feet.}$
 - b. For example, a display of 25 square feet would be measured at a distance of 50' since $(\sqrt{25 \times 10}) = 50$.
 2. Measurements shall be taken at the required distance perpendicular to the electronic message center face.
 3. An ambient light measurement shall be taken using a foot candle meter at the required distance with the sign turned off to a black screen.
 4. Immediately following the ambient light measurement taken in the manner required by this subsection, an operating light measurement shall be taken from the same required distance with the sign turned on to a full white screen.
 5. Measurement shall take place at night, after the end of astronomical twilight as defined by the US National Weather Service.
- G. 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 18.68.131 Electronic Message Center Allowances

Zone	Sign Type	Allowable EMC size as a percentage of total allowable sign size per 18.68.100	Other
MD	Monument	50%	May not be located within 150' of a residential use or zone
C	Monument	50%	May not be located within 150' of a residential use or zone
	Pole	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

18.68.140 Temporary signs
Table 18.68.141 Temporary Signs Table

Type	Maximum Size	Location	Maximum Quantity	Other
Temporary attached	<ul style="list-style-type: none"> 50 sq. ft. not to exceed 30% of the first-floor building façade or, 10% of the first-floor building face square footage for facades longer than 150' 	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 sq. ft.	5' from property line	The cumulative total of all temporary freestanding signs may not exceed 20 sq ft per business.	

Table 18.68.141 Temporary Signs Table

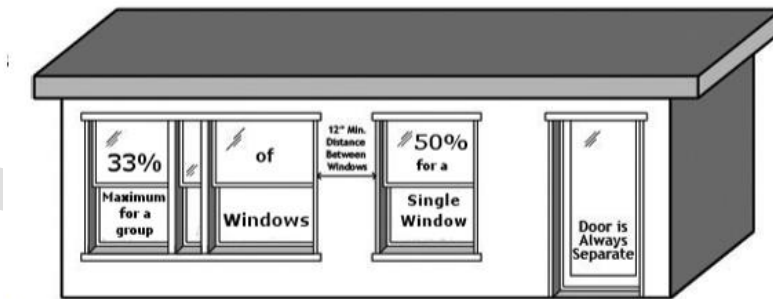
Type	Maximum Size	Location	Maximum Quantity	Other
A-frame	12 sq. ft.	1' from ROW	1 per business	
Temporary Window	Up to 50% of window may be covered			No illumination permitted.

- A. All temporary signs shall be located a minimum of 5' back, or as noted for a particular temporary sign type, from the public ROW.
- B. Each business may have a temporary banner sign(s) located on the building with a total maximum square footage of 50 square feet unless the business encompasses a building face with over 150 linear feet. Such businesses may use up to 10% of the first-floor building face square footage, but at no time shall the combination of temporary signs equal more than 30% of the first-floor building face. Other banners located in the landscaping, at least 5' from the property line, with temporary independent supports shall not exceed 20 square feet and shall conform to the time period specified in "D" below.
- C. Any temporary, banner sign installed on a building face may continue for up to 6 months, except temporary grand opening signs installed on a building face may continue for up to 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.
- D. All other temporary signs, except A-frames, may be displayed for a total time period of 6 weeks during any calendar year.
- E. 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.
- F. 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.
- G. Construction/development Project signs shall not exceed 32 square feet. Shall not be internally lit but may include external down lighting. Such signs shall not exceed 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 30 days of the final inspection or completion of the project.

- H. Temporary window signs shall be limited to a maximum of 50 percent coverage of window area. The 50 percent 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.
- I. 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 E above.
- J. Yard signs are allowed on a temporary basis and may be displayed outdoors for up to 5 months.

18.68.150 Window Signs

- A. Permanent window signs shall be made from adhesive film and be used for privacy purposes or additional design for building facades. ~~Permanent window signs may cover up to 100 percent of the window area.~~
- B. Window signs shall not cover more than 50 percent of any single window, nor more than 33 percent 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.

18.68.160 Off-Premises Sign Requirements

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

18.68.170 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 300 square feet, except as provided below:
 - 1. Signs that are intended to be viewed from an Interstate freeway travel lane shall not exceed 672 square feet.
 - 2. Signs oriented for viewing along State Street and located within 20 feet of the State Street right-of-way shall not exceed 672 square feet.
- F. Prohibited Locations. Billboards, notwithstanding the underlying zone, shall not be permitted anywhere within 100 feet of the Main Street right-of-way, east of Interstate 215, or within 500 feet 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 32 feet 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 50 feet, but in no event shall be greater than 25 feet above freeway grade level.
 - 2. In the event that a billboard cannot be viewed from any residential zone, it may exceed 32 feet in height, up to a maximum height of 40 feet. 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 150 feet of the residential zone boundary, and
 - b. The billboard must be situated on the same side of the street and within 50 feet 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 500 lineal feet as measured along the same side of the street including intersections. All billboards must be at least 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 5 feet 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 100 feet.**
 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. The minimum setback of a billboard may be reduced to 100 feet 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 150 feet 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 150 radial feet from any other billboard.
 - 2. The maximum height of a billboard may be increased to 40 feet 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 20 feet of the State Street right-of-way.
- O. Relocation.
 - 1. The owner of an existing billboard may remove an existing billboard from any site to an approved location only after a permit for relocation is obtained upon substantiation of compliance with this chapter.
 - 2. Prior to approval of a permit for relocation, the billboard owner (applicant) shall submit to the City a complete copy of the completed and signed lease agreement or other document to be signed by the property owner, indicating at a minimum the duration of the lease. Additionally, prior to approval of a permit for relocation, the City shall by letter inform the affected community council chair and planning commission chair that application for a billboard permit has been received.



3. If a sign is to be relocated within 600 feet 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 500 feet of the property to which the sign is to be relocated or erected.
 2. Property owner notices shall be sent via first class mail within one week of receipt of notice from the billboard owner, and a copy of the notice shall be sent to the billboard owner.
- Q. Business Licenses Required for Billboards. Each billboard operator shall obtain a business license and paying the required fee as established in the Millcreek fee schedule.
- R. Severability and Conflict. This section and its various parts are hereby declared to be severable if a court of competent jurisdiction declares any subsection, clause, provision or portion of this section invalid or unconstitutional. No court decision will affect the validity of either this section as a whole or any parts not declared invalid or unconstitutional by that decision. If any part of this section is found to be in conflict with any other provision of the City, the most restrictive or highest standard will apply, prevail and govern.

18.68.180 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.

18.68.190 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 25 percent of the front façade of the building. Overall height, size, and shape of the sign shall not be increased.
2. 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. Restoration.** 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 50 percent of their assessed value shall, if repaired or rebuilt be repaired or rebuilt in conformity with the regulations of this Code.

18.68.200 Iconic Signs

A. The City has recognized the following iconic signs:

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

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18.68.210 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.

18.68.220 Definitions

- A. As used in this chapter:

"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.

Francis Lilly

From: R Williamson <williamson_richard@hotmail.com>
Sent: Monday, March 11, 2024 7:48 PM
To: Jeff Silvestrini; Bev Uipi; Cheri Jackson; Silvia Catten; Francis Lilly; Rita Lund; Thom Desirant
Cc: tstephen@xmission.com; brittmcpartland66@gmail.com; bjorgens@hotmail.com; cabot.jennings@gmail.com; charles.w.pruitt@comcast.net; kstaft@comcast.net; johnhknoblock@yahoo.com; williamson_richard@hotmail.com
Subject: [Ext] Mt. Olympus Community Council recommendations from March 4, 2024

To: Millcreek City Council, Millcreek Planning Commission
From: Mt. Olympus Community Council
Date: March 11, 2024
Subj: Draft Sign Ordinance ZT-23-016

During the Mt. Olympus Community Council meeting on March 4th, the MOCC made the following motion:

Motion: *"Mount Olympus Community Council makes a negative recommendation on 2T-23-016 as regards the embedding of the installation of two digital district signs based on concerns around impacts on traffic safety and aesthetics."*

Outcome: Motion passed with a unanimous "yes" vote of all six members present.

Respectfully,
Richard Williamson
Chair, Mt. Olympus Community Council



**Minutes of the
Millcreek Planning Commission
January 17, 2024
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, January 17, 2024, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, Utah 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

PRESENT:

Commissioners

Shawn LaMar, Chair
Victoria Reid, Vice Chair
Steven Anderson
David Hulsberg
Christian Larsen (excused)
Nils Per Lofgren (excused)
Diane Soule
Dwayne Vance
Ian Wright

City Staff

Alexander Wendt, Deputy Recorder
Francis Lilly, Planning & Zoning Director
Brad Sanderson, Current Planning Manager
Katie Larsen, Planner
Kurt Hansen, Facilities Director
Robert May, Long Range Planning Manager

Attendees: None

**REGULAR MEETING – 5:00 p.m.
TIME COMMENCED – 5:06 p.m.**

Chair LaMar called the meeting to order and read a statement describing the duties of the Planning Commission.

1. Public Hearings

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

Applicant Scott Adams has filed a rezone and subdivision amendment application for 1190 E Bonner Way from A-1 to R-1-5. By rezoning this property, it will help properties to have more backyard area and to have R-1-5 zoning, which is less restrictive. The designation is more reflective of the neighborhood near the Bonner Way property. No new development will happen with this rezone. Property owners within the subdivisions were notified and no feedback was received by staff. The item received a unanimous vote of approval from the Millcreek Community Council. Public utility easements will not be affected. The property lot lines to be adjusted must be in the same zone and recorded subdivision. Granting a rezone does not go against the goals of the General Plan or the future land use map. Based

on these findings Ms. Larsen recommended that the Planning Commission approve the rezone and lot line adjustment. Commissioner Soule clarified that the applicant owns both properties. Ms. Larsen said the applicant owns one and his mother owns the other.

Chair LaMar opened the public hearing.

There were no comments.

Chair Lamar closed the public hearing.

Commissioner Soule moved to approve SDA-23-006 based on the findings and conclusions of the staff report. Commissioner Vance seconded the motion. Chair LaMar asked for the vote. Commissioner Soule voted yes, Commissioner Vance voted yes, Commissioner Reid voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, Commissioner Wright voted yes, and Chair LaMar voted yes. The motion passed unanimously.

Commissioner Soule moved to approve ZM-23-008 based on the findings and conclusions of the staff report. Commissioner Vance seconded the motion. Chair LaMar asked for the vote. Commissioner Soule voted yes, Commissioner Vance voted yes, Commissioner Reid voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, Commissioner Wright voted yes, and Chair LaMar voted yes. The motion passed unanimously.

1.2 Consideration of ZT-23-013, Updates to the Light Manufacturing ‘M’ Zone. Planner: Robert May

The light manufacturing zone is 274 parcels, 285 acres, and about 1 acre per parcel. The MD Zone is 25 parcels and 47.55 acres. The average parcel size is 1.9 acres. Few changes are proposed to the light manufacturing zone. Staff are calling this a legacy district meaning no future rezones will be entertained. That zone designation will end someday. Residential use has been removed, added community garden and greenhouse uses, decreased elevation from 100 feet to 45 feet. The MD-3 zone, mixed development zone is only found on 900 East and includes Millcreek Gardens business and two adjacent lots. Staff are suggesting this zone become a legacy zone.

The MD Zone (mixed development) zone was created to encourage mixed uses and higher density. It is new and does not require extensive changes. More permitted uses have been added to it. Affordable housing and ownership incentives were added, mixed income housing incentives are added, design standards remain intact, an increase in max building height was added, from 72 feet to 85 feet. Strategies for implementation include waiving commercial use requirements for qualifying projects in the MD and C zones.

The Canyon Rim Citizens Association commented on how grateful they were for accommodation for Millcreek Gardens in the MD-3 zone. They expressed satisfaction with all the affordable housing incentives. Some members of the association asked why there is a building height increase above 70 feet. Staff replied that there have been times that additional height has been requested. East Mill Creek Community Council voted

unanimously to approve each proposed zone. Mount Olympus Community Council supported higher density housing near transit. Members support incentives for affordable housing. Some questions were raised about where the line between light industrial and commercial uses would be. One member commented that they hated building setbacks. One Millcreek Community Council member asked if tiny home villages would be included in the M-Zone. A member asked if a grocery store would be allowed in the M-Zone. There were no comments on the MD-3 Zone. Two members expressed their support for affordable housing incentives in the MD Zone. One member expressed their concern about permitted uses in the MD Zone removing their ability to review. Another member asked clarifying questions about allowing additional building height. The Millcreek Community Council voted to continue the discussion until the next meeting.

Staff recommends for the Light Manufacturing Zone that most uses remain the same. Based on the staff summary, staff recommended that the Planning Commission take public comments at the public meeting and forward a recommendation to the City Council.

Chair LaMar opened the public hearing.

There were no comments.

Chair LaMar closed the public hearing.

Chair LaMar clarified that changes to the MD-3 Zone are minimal, and changes in the MD Zone are in Meadowbrook. Commissioner Soule asked how many buildings are at 72 feet in the MD zone. Mr. May said there is one, and some developers, depending on the economy, have wanted to build to 85 feet. Commissioner Reid said she is concerned about extra tall buildings and asked about a height bonus for affordable housing. Mr. May said they would potentially be able to go up to 100 feet with affordable housing. He does not think it is likely. Commissioner Reid said this is taller than anything in the city. Mr. May said that if there was an increase in elevation anywhere in Millcreek it would make sense near transit. Commissioner Soule asked staff if the MD Zone is confusing because people cannot apply to be in that zone. Mr. May explained that he did not believe it to be confusing because it is only one area, and changes were made to that code to allow more uses like community gardens. Commissioner Soule asked if the Millcreek Community Council wanted to delay their decision. Mr. May said they tabled the discussion. It would go before the community council again before it goes to the City Council for codification. Commissioner Soule asked, clarifying, that the M-Zone and MD-Zone are not changing. Mr. May said they are not changing. Commissioner Wright asked how tall the Front Climbing Gym is, Mr. May said it is between 75-80 feet. Commissioner Hulsberg said that having an 85-foot height ceiling can bring in developers, but the lot size will limit this.

Chair LaMar asked about the allowance for community gardens and greenhouses in the M Zone. Mr. May said that if a developer would like to create a mushroom growing business in the M Zone, it would be totally indoors. Their intent is to conduct a wholesale business, they have no intent to do retail sales. Mr. May wrote the code change to encourage people to do retail sales and have enough parking. He wanted to discourage people from saying they would conduct wholesales but then turn around and do retail sales where parking becomes a problem. The city would like to encourage community gardens. Commissioner Soule said

hydroponics would be similar. Chair LaMar said that reception halls have a 300-foot distance from residential areas and asked if entertainment businesses should be similar. He wondered if it would be beneficial to make entertainment businesses a conditional use. Maybe the entertainment business does not need to be 300 feet from a residential area and maybe it does. The conditional use process could help with this. Commissioner Soule asked about simplifying the MD-3 Zone explanation in code because it is only Millcreek Gardens, there could be many changes made, tables taken out that make the code more confusing. Mr. May said staff could take it out or leave it. Mr. May said they do not want to make major changes at this time, these code changes are meant to simplify the uses in various M-Zones. Further changes will require more thought and work. Commissioner Soule said it seems to her that the legacy zones should have verbiage that they will go away. Mr. May said there will be wording to that extent. Chair LaMar asked Commissioner Hulsberg if he was okay with building heights at 85 feet. Commissioner Soule asked if the 85 feet includes things on the top of the roof. Mr. May said the city code allows for elevator equipment to be taller than the 85 feet. Mr. May briefly summarized changes, commercial entertainment would be a Conditional Use Permit if outdoors, change tobacco to tobacco and vape, change bicycle shop and music to permitted uses.

Chair LaMar moved to approve ZT-23-013, as presented by staff with the following clarifications and edits, that a conditional use permit be required for commercial outdoor entertainment and to increase the separation to 300 feet to be consistent with the separation that already exists for reception centers, and for the prohibited use of tobacco sales include vape and vaping products. Commissioner Wright seconded the motion. Chair LaMar asked for the vote. Commissioner Soule voted yes, Commissioner Vance voted yes, Commissioner Reid voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, Commissioner Wright voted yes, and Chair LaMar voted yes. The motion passed unanimously.

1.3 Consideration of ZT-23-020, to the Mixed Development 3 ‘MD-3’ Zone. Planner: Robert May

Commissioner Soule moved to recommend approval of ZT-23-020 to the City Council based on the staff’s summary and recommendation, along with the following changes, that bicycle shops, music shops and tanning studios be permitted uses. Commissioner Reid seconded the motion. Chair LaMar asked for the vote. Commissioner Soule voted yes, Commissioner Reid voted yes, Commissioner Wright voted yes, Commissioner Vance voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, and Chair LaMar voted yes. The motion passed unanimously.

1.4 Consideration of ZT-23-021, Updates to the Mixed Development ‘MD’ Zone. Planner: Robert May

Commissioner Hulsberg moved to recommend approval of ZT-23-021 to the City Council based on the staff’s summary and recommendation. Commissioner Soule seconded the motion. Chair LaMar asked for the vote. Commissioner Hulsberg voted yes, Commissioner Soule voted yes, Commissioner Reid voted yes, Commissioner Wright voted yes, Commissioner Vance voted yes, Commissioner Anderson voted yes,

Commissioner Reid voted yes, Chair LaMar voted yes. The motion passed unanimously.

Commissioner Soule said she wanted to publicly express that Mr. May did a very good job on the Millcreek Affordable Housing Report.

The Commission took at break from 6:17-6:28 pm

The Deputy Recorder received an email with public comment and asked the Commission to read that item to enter it into the record.

Lynda B. said, *“The M Zone always allowed what was in the Commercial Zone. Now to lower the height to 45' while raising the height for apartment buildings in the area doesn't make sense. Seeing as it is already 100' it should stay that way. Also, to get rid of the residential while still having disability & elderly housing still available doesn't make sense. Seeing as they aren't allowing any more properties allowed to change to this, these changes shouldn't be allowed.”* Chair LaMar said that in a case like that you would just rezone to a compatible zone. Mr. Lilly said that if you allow housing in any zone then housing for people with a disability must be allowed in that zone as well.

2. Continuing Business

2.1 Consideration of ZT-23-012, Updates to the Commercial ‘C’ Zones. Planner: Brad Sanderson

Mr. Lilly gave the report. The bulk of the commercial zones in Millcreek is the C-2 Zone. C-3 Zones are very small and are most noteworthy in the City Center. Functionally most of the commercial allowances in the city center are covered by the City Center Overlay Zone. At this point staff will still be combining the C-1, C-2, and C-3 into a unified commercial district. Some of the community councils have suggested leaving the C-1 zone out of these changes. On the other hand, pulling the zones together does give a commercial user one zone to look at, not three. Key changes since the previous draft are new graphics to illustrate the separation of uses, additional language to clarify where separation of uses is measured, revised distance from residential for automobile sales and animal services and eliminated separation requirements for ghost kitchens and commercial kitchens. Currently, as the code is written there is an 80-foot right-of-way for a car dealership to be allowed. Perhaps it would be a good idea to increase that distance to 100 feet.

Commissioner Soule said she likes the idea of four-sided design in this area. Commissioner Soule likes front facing facades on street corners but some shops in Sugarhouse have blocked off their street corner entrance and it looks terrible. Millcreek should be careful that this does not happen here. Mr. Lilly explained that the code already says that the business entrance must front a street. Mr. May said that Millcreek wants curb appeal and pedestrian traffic to go to businesses. Businesses are not prohibited from having a second entrance. Commissioner Reid said she agreed with Mr. May on front door entrances. Commissioner Soule brought up the concept of commercial building setbacks. Mr. Lilly said that setbacks are not a settled topic in Millcreek. The Cottonwood Building has a nice stepback that pushes the bulk of the

building away from Highland Drive. Commissioner Reid asked if it is more economical to have a setback or not. Commissioner Hulsberg said that using a setback is more economical.

Commissioner Soule asked to clarify language on drive through windows in residential areas. Mr. Lilly said that defining a drive through window specifically can help with this. Commissioner Soule said the problem with these is the voice box because it creates noise, the window itself is not necessarily the problem. Mr. Lilly spoke about how drive-throughs can snarl traffic and perhaps adding separation between these uses is important. Commissioner Soule said that a bad parking lot design affects traffic flow.

Commissioner Reid added that walkability is most important to her. Commissioner Soule spoke about incentives for affordable housing. She wondered if there should be incentives for builders for low-income housing, bigger incentives for low income as opposed to moderate income housing. There are a lot of ways to incentivize builders to include walkability. There should be consistent incentives across all zones, said Commissioner Soule. Mr. Lilly spoke about levels of incentives.

Chair LaMar asked about buffers for reception centers. Mr. Lilly said that code 18.45.060(7c) talks about fencing along the public right-of-way. Commissioner Vance said he likes the idea of keeping the C-1 Zone separate to turn it into a true neighborhood commercial zone. Commissioner Reid asked about clarifying the terms “stories” or “height” in the C zone update. Mr. Lilly said that the definition of story in the code clarifies this. Commissioner Reid asked about the definition of stone used in a building façade. Mr. Lilly said some of the fake stone can be as bad as stucco. Commissioner Hulsberg said that if you put too many restrictions on exterior materials it will turn away development. Commissioner Reid asked if there needs to be more language to protect village centers.

Chair LaMar summarized the ideas that had been expressed. Increase the residential separation to 300 feet for commercial entertainment, add vaping to tobacco sales, revise 18.45.060(7c) regarding perimeter fencing to make consistent with landscape buffer. Exempt drive throughs without voice boxes from limits, keep C-1 separate, consider flexibility for entrances, and consider options, consider enhanced incentives for low and very low AMI housing, 100-foot right-of-way minimum for automobile sales. Commissioner Hulsberg said that using a CVS pharmacy to talk about poor building entrances is not ideal. Mr. Lilly added that there could be a minimum distance for restaurant drive-throughs from a corner.

Commissioner Reid moved to recommend ZT-23-012, to the City Council, subject to the findings and recommendations in the staff report, and conditions as indicated in the staff presentation. Commissioner Vance seconded the motion. Chair LaMar asked for the vote. Commissioner Reid voted yes, Commissioner Vance voted yes, Commissioner Wright voted yes, Commissioner Soule voted yes, Commissioner Hulsberg voted yes, Commissioner Anderson voted yes, and Chair LaMar voted yes. The motion passed unanimously.

**2.2 Consideration of ZT-23-015, Updates to the Residential Multi ‘RM’ Zone.
Planner: Brad Sanderson**

Mr. Lilly gave the report. This is continuing business from December 20, 2023. The RM Zone in Millcreek is large. Most of the RM Zone is in the Millcreek Community Council area. Changes since the last draft include, revised permitted height from 32 feet to 30 feet to align with what is permitted in most R-1 Zones, clarified opaque railing requirements for balconies apply to a 50% coverage, removed utility placement requirement, revised façade articulation to include an option for pitched roofs and remove option for trellises, new graphic to illustrate rooftop patio requirements, revised building materials graphic, and prohibit carports between the building and street. Chair LaMar talked about setting the unit size to smaller than 25 and making it 12 units for requirements for low-income housing. The new Planning Commission recommendations include conditional use permits for multifamily required for developments above 25 units. Mr. Lilly said that in some cases Conditional Use Projects do not have a lot for the Planning Commission to do. Mr. May agreed and said 25 units is a good amount. Commissioner Vance and Commissioner Hulsberg agreed with the 25-unit decision. Commissioner Hulsberg said that if there is going to be development in Millcreek it will be through density.

Commissioner Reid asked about setting a standard in dog parks for picking up dog waste. Mr. Lilly said the city can control dog parks by not allowing them near stormwater drainage, but the city cannot enforce how often dog waste is picked up. 18.41.050(8c) – should be revised to be compatible with the landscaping chapter. Commissioner Soule asked the commission and staff consider incentives for 2, 3, and 4-plexes. Commissioner Vance said these units would have to be platted as individual parcels for individual ownership. Mr. Lilly said that planners are getting downward pressure from the state on this issue. The Commission spoke about how duplexes could be a good way to add multifamily housing. Mr. Lilly said that Millcreek is not seeing as many accessory dwelling units (ADUs) as they expected because they are expensive to build. Commissioner Hulsberg said the cost of construction is so great in Utah and the value of land is high as well. Mr. Lilly said that external ADUs are fiendishly expensive. There are home builders building new homes that are adding an ADU from the beginning.

Commissioner Vance moved to recommend approval of ZT-23-015 to the City Council, based on staff findings and conclusions in the staff report. Commissioner Wright seconded the motion. Chair LaMar called for the vote. Commissioner Vance voted yes, Commissioner Wright voted yes, Commissioner Reid voted yes, Commissioner Soule voted yes, Commissioner Hulsberg voted yes, Commissioner Anderson voted yes, Chair LaMar voted yes. The motion passed unanimously.

3. Commission Business

3.1 Updates from the Planning and Zoning Director

Mr. Lilly invited the commission to a planning event on Thursday the 8th of February. On the 30th of January and on the 10th of February there will be an optional training course for community councils. For the meeting in February, there will be a couple zone text amendments, these will be technical discussions and it may be a good idea to have a second planning commission meeting. Chair LaMar was doing research on Roberts Rules of Order

and spoke about how Roberts Rules of Order does for a substitute motion that would take precedence over the original motion.

4. Calendar of Upcoming Meetings

- City Council Special Mtg. 1/18/24 8:00 a.m.
- City Council Mtg. 1/22/24 5:00 p.m.
- Historic Preservation Commission Mtg., 2/8/24, 6:00 p.m.
- Planning Commission Mtg., 2/21/24, 5:00 p.m.

ADJOURNED: Commissioner LaMar moved to adjourn the meeting at 8:16 p.m. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, Commissioner Soule voted yes, Commissioner Vance voted yes, and Commissioner Wright voted yes. The motion passed unanimously.

APPROVED: _____ **Date**

Shawn LaMar, Chair

Attest:

Elyse Sullivan, City Recorder